



Agenda and Business Paper

Ordinary Meeting of Council

To be held on
Monday 12 February 2024
at 6.00pm

Civic Centre cnr Baylis and Morrow Streets,
Wagga Wagga NSW 2650 (PO Box 20)
P 1300 292 442

P council@wagga.nsw.gov.au

wagga.nsw.gov.au

NOTICE OF 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.



Peter Thompson
General Manager

WAGGA WAGGA CITY COUNCILLORS



**Councillor Dallas Tout
(Mayor)**

Councillor Dallas Tout was elected to Council in 2012 and was elected Mayor in 2022.



**Councillor Amelia Parkins
(Deputy Mayor)**

Councillor Amelia Parkins was elected to Council in 2021 and was elected Deputy Mayor in 2023.



Councillor Georgie Davies

Councillor Georgie Davies was elected to Council in 2021.



Councillor Richard Foley

Councillor Richard Foley was elected to Council in 2021.



Councillor Michael Henderson

Councillor Michael Henderson was elected to Council in 2021.



Councillor Rod Kendall

Councillor Rod Kendall was elected to Council in 2004 and was elected Mayor in 2012 – 2015.



Councillor Tim Koschel

Councillor Tim Koschel was elected to Council in 2016.



Councillor Jenny McKinnon

Councillor Jenny McKinnon was elected to Council in 2021 and was elected Deputy Mayor in 2022 – 2023.

STATEMENT OF ETHICAL OBLIGATIONS

Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act 1993 and their obligation under Council's Code of Conduct to disclose and appropriately manage Conflicts of Interest.

QUORUM

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being who are eligible to vote at the meeting.

ORDINARY MEETING OF COUNCIL AGENDA AND BUSINESS PAPER

MONDAY 12 FEBRUARY 2024

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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

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING MINUTES - 29 JANUARY 2024

Recommendation

That the Minutes of the proceedings of the Ordinary Council Meeting held on 29 January 2024 be confirmed as a true and accurate record.

Attachments

1   Minutes - Ordinary Council Meeting - 29 January 2024 36

DECLARATIONS OF INTEREST

REPORTS FROM STAFF

RP-1 RESPONSE TO NOTICE OF MOTION – ENDOMETRIOSIS AWARENESS – ENDO ENLIGHTEN PROGRAM

Author: Madeleine Scully

Executive: Janice Summerhayes

Summary: This report provides information in response to part a) Notice of Motion (NoM) from Council requesting staff to identify opportunities for Council to participate in Endometriosis Australia’s Endo Enlightened campaign, including suitable locations for a display of yellow lights across the month of March 2024.

Recommendation

That Council:

- a note the information provided in the report
- b approve Option 1 listed within the report

Report

At the Ordinary Meeting on 11 December 2023 Council resolved the following in response to a Notice of Motion relating to Endometriosis Australia’s Endo Enlightened campaign:

On the Motion of Councillors A Parkins and T Koschel

That Council:

- a *receive a report to the first meeting in February 2024 identifying opportunities for Council to participate in Endometriosis Australia’s Endo Enlightened campaign, including suitable locations for a display of yellow lights across the month of March 2024*
- b *provide a workshop for Councillors identifying:*
 - i *options for upgrades or installation of base infrastructure to facilitate future support of organisations seeking to raise awareness by lighting up a building, tree or space a particular colour*
 - ii *the potential for the development of an annual schedule/calendar to promote various campaigns*
 - iii *the financial implications for each opportunity identified*

March is Endometriosis Awareness Month. The Endo Enlightened campaign encourages landmarks and businesses to dress themselves in a bright yellow light as a demonstration of hope and support to raise awareness of the disease that affects 1 in 9 women, girls, and those assigned female at birth.

According to the Endometriosis Australia factsheet (2021) “*Endometriosis is a common condition that affects about one in 9 women and those who identify as gender diverse.*”

It is a condition where tissue similar to the lining of endometrium, which normally lines the uterus, is found in abnormal sites around the body. Most often through, endometriosis is found in the pelvis. These deposits can cause a number of symptoms such as pelvic pain and infertility.”

Staff have reviewed suitable locations, available infrastructure and resources to address a) of the above resolution and in meeting this immediate request to support the Endo Enlightened campaign from 1 – 31 March 2024. Two options are presented for Councils consideration with staff recommending Option 1. However, if Councillors wish to proceed with Option 2, then a funding source is identified in the financial implications section of this report.

Option 1

- arrange for the existing 38 ground lights installed in the 19 trees located in Fitzmaurice Street to be changed to yellow
- an Endometriosis themed display of books and other resources be developed at the Wagga Wagga City Library for the month of March 2024; and
- a Council News article and social media be developed to support the Endo Enlightened 2024 campaign, raising awareness of this health issue in our local community

This option would cost \$159 (gst excl) for an electrical contractor to change the 38 ground lights beneath the 19 trees to yellow along with staff resources to action the library and communications items listed above for Option 1.

Option 2

- arrange for the existing 38 ground lights installed in the 19 trees located in Fitzmaurice Street to be changed to yellow
- install temporary yellow lighting on the top of the Civic Theatre building on the north, east and western sides which face Baylis and Tarcutta Streets for maximum public engagement along with the forecourt of the Civic Centre, illuminating the City’s crest and the Museum’s Historic Council Chambers site, facing Baylis Street in yellow light
- an Endometriosis themed display of books and other resources be developed at the Wagga Wagga City Library for the month of March 2024; and
- a Council News article and social media be developed to support the Endo Enlightened 2024 campaign, raising awareness of this health issue in our local community

This option would cost \$159 (gst excl) for an electrical contractor to change the 38 ground lights beneath the 19 trees to yellow in Fitzmaurice Street, \$11,977 (gst excl) to temporarily install yellow lighting on the Civic Theatre and Civic Centre forecourt area totalling \$12,136 (gst excl) along with staff resources to action the library and communications items listed above for Option 2.

A Councillor workshop will be held addressing b) of the NoM in May this year once a range of permanent lighting options have been researched and priced, along with information on the appropriate way to manage a calendar year of requests.

Financial Implications

Option 1 will cost a total of \$159 (GST exclusive) for an electrical contractor along with staff resources and be funded through approved 2023/24 operational budgets.

Option 2 will cost a total of \$11,977 (GST exclusive) for an electrical contractor, along with staff resources to be funded by approved 2023/24 operational budgets with an additional \$11,977 (GST excl) to be funded from the Parks & Recreation Reserve.

Policy and Legislation

NA

Link to Strategic Plan

Safe and Healthy Community

Objective: Our community has access to health and support services that cater for all of our needs

Support and continue to develop services to improve and promote community health and wellbeing

Risk Management Issues for Council

Risks involved in the installation of temporary lighting will be addressed as part of Council's project management and contractor performance management systems.

Internal / External Consultation

Internal consultation has occurred with staff including the Communication & Engagement, Facilities Management, Parks and Recreation, Civic Theatre, Library and Finance teams along with external consultation with contractors and suppliers.

RP-2 RIVERINA REGIONAL LIBRARY ARBITRATION OUTCOME**Author:** Peter Thompson

Summary: The purpose of this report is to advise Council that agreement has been reached with the other Councils who were part of the 2018-2022 regional library agreement in relation to the distribution of assets.

Recommendation

That Council:

- a receive and note this report
- b approve the Reserve budget transfer as noted in the financial implications section of this report

Report

By way of background, Wagga Wagga City Council (WWCC) joined with other Councils to collaborate on library services more than 40 years ago. This model operates under the NSW State Libraries legislation. The legislation enables Councils to work together to provide library services pursuant to a written agreement which must be for a fixed term. In our case the most recent term was for four years beginning 2018 and ending 2022.

Over the 40 years that WWCC was a party to the regional library service model collaboration it was always nominated as the Executive Council which had a range of roles overseeing the regional library service model including employment of staff, managing the finances and holding the assets.

In 2019 WWCC engaged external experts to undertake a review of our library services and how they might be improved for our community. One of the recommendations to come out of that review was to provide more frequent and more diverse mobile and outreach library services.

We approached the regional library service through the executive and ultimately the advisory committee which consisted of all the participating Councils and requested a change to our services. Initially our request was on the basis that WWCC would pay extra for the additional services sought. This request was rejected by the advisory committee on the basis that the other Councils did not want to provide the more frequent and diverse services requested by WWCC and so refused to price such a service. WWCC then costed "going it alone" and found that it was achievable. WWCC offered to join in the next regional library collaboration but on the basis it paid \$830,000 for services like purchasing and cataloguing which we would be duplicating in our stand alone model. This too was rejected.

And so WWCC resolved in 2021 that it would not be a party to the 2022-2026 regional library collaboration, ending a 40 year partnership. WWCC has a lot be proud of in relation to the success of that collaboration and the strong financial position of the regional library service at the end of our stewardship after many years as executive council under various agreements.

With WWCC choosing not to be a member of the regional library after the agreement ended in 2022 there was a need to distribute the substantial assets accumulated from the payment of fees by members – in the case of WWCC the fee paid was in the order of 48% of all the fees every year with a lesser amount for the mobile library service itself. There was disagreement about how this should be approached and this ultimately led to an arbitration. The arbitration made a definitive decision which resolved the key issue in the dispute. With this issue resolved, both parties have been able to come to agreement on the asset distribution by way of a settlement which will resolve all the issues.

The library service which WWCC has implemented since 2022 has been a great success. WWCC has been able to increase the mobile and outreach services it provides by up to 400% with more than 10 new locations (both village communities and Wagga suburbs) and the service frequency has also been increased. In addition to the expansion in services the library now offers programs remotely in addition to a lending service. These benefits have all been achieved at a cost saving of around \$300,000 which is what was predicted when the stand alone service was modelled. We continue to look for new ways of improving our service to the community in line with library services generally. This has always been a fundamental service to our community and it is important that we continue to adopt new methods and new offerings particularly when these innovations achieve cost savings.

Library staff are to be congratulated for pursuing the new service model and delivering much better outcomes to our community with a cost saving.

Part of the settlement is an agreement by WWCC to vary the lease to remove WWCC as a tenant. The rent is unchanged and we will still pay the outgoings as specifically identified in the lease. We will stop paying for cleaning of 2 Galing Place on 30 June 2024.

Financial Implications

The asset distribution will repay some of the costs WWCC incurred in setting up the new library service. The legal costs incurred by WWCC in the arbitration will also be paid from the assets, with the surplus funds proposed to be transferred to the Grant Co-Funding Reserve, for consideration during future Councillor budget discussions.

Policy and Legislation

N/A

Link to Strategic Plan

Community leadership and collaboration

Objective: Wagga Wagga has strong community leadership and a shared vision for the future

Our leaders represent our community

Risk Management Issues for Council

N/A

RP-3 DEACCESSIONING OF TWO ARTWORKS FROM THE PUBLIC ART COLLECTION

Author: Lauren Reynolds

Executive: Janice Summerhayes

Summary:

On the recommendation of the Public Art Advisory Panel (PAAP) and staff, this report seeks Council's support to deaccession two public artworks from Council's Public Art Collection register in accordance with POL 109 Public Art Policy.

Recommendation

That Council:

- a authorise the deaccessioning of two artworks named *Bald Archy Murals* and *Forest Seat* listed in Council's Public Art Collection register
- b authorise Council officers to dispose of the artworks as outlined in this report, and in accordance with POL 109 Public Art Policy

Report

Deaccessioning is the administrative process whereby an item is removed from the Public Art Collection register. An official record of the deaccessioning and disposal of artworks from the Public Art Collection will be kept on Council's Public Art Collection Register maintained by staff.

As part of Council's public art collection management, it is necessary to manage the existing collection in a sustainable manner that considers the maintenance and repair costs, public safety and overall wear and tear of the artwork during its lifespan.

In May 2023 the annual condition assessment audit was undertaken on Council's Public Art Collection. This annual audit assesses the individual 66 artworks listed on the register and assists staff in consultation with the Public Art Advisory Panel (PAAP) to prioritise any repairs and maintenance required to improve the overall condition of the collection, including any recommendations to deaccession artworks from the collection due to several factors that could include vandalism, artwork reaching the end of its lifespan or cost of repairs.

At the PAAP meeting held 7 December 2023 two public artworks were reviewed and of which are currently listed on the Public Art Collection Register. The PAAP resolved to make a recommendation to Council to support the deaccessioning of the two artworks from the register as detailed below.

The artworks are:

1. Baldy Archy Murals

Name/Artist/Date	Public Art Collection Register number	Location
Bald Archy Murals Tony Sowersby 2008	#12	Underneath the Wollundry Lagoon bridge

The Bald Archy Murals project was a community arts project that occurred in 2008 which saw the development of eight life-sized portraits of public identities with a connection to Wagga Wagga. Artist Tony Sowersby worked with young local artists to prepare sketches and complete the portraits.

This artwork is made up of 8 large format acrylic paintings on composite wood panels. The panels are framed and mounted on the southern wall underneath the Wollundry Lagoon bridge in black powder coated tubular metal frames. There is a fluorescent light above each panel.

The 8 portraits are of:

1. Mark Taylor & Michael Slater
2. Dame Edna Everage
3. Henry Baylis
4. Towards Beijing – Brad Kahlefeldt and Melanie Twitt
5. Bill Kerr
6. Dame Mary Gilmore
7. Paul Kelly (AFL star)
8. Tichborne Claimant

The condition report completed on this artwork noted that the surface of the artwork is damaged by the impacts of graffiti both drawn, painted, gouged, and etched into the artwork along with the expected wear and tear of this outdoor artwork that has been on display for 16 years. Significant damage including cracks and deeply etched scratches are across all panels, most notably in panel 8. Water damage was also noted on all 8 panels, most notably in panels 2 and 8, resulting in swelling and bubbling of the surface.

Due to the artworks age and condition Council staff have deemed the artwork has exceeded its intended lifespan. The current condition of this artwork is commensurate with the following deaccessioning criteria in POL109 Public Art Policy:

- Damage or serious deterioration in condition

As stipulated in POL109 Public Art Policy, contact has been made with the artist Tony Sowersby to ensure the artist is fully aware of the condition of the artwork and Council's intention to deaccession this artwork from the public collection. Staff confirmed with the artist that any salvageable materials would be recycled where possible or disposed of appropriately.

The fluorescent lighting that was installed above the artworks will remain in place as they provide security lighting for the public walking through the southern side pathway under the bridge.

2. Forest Seat

Name/Artist/Date	Public Art Collection Register number	Location
Forest Seat Simon Lloyd 2000	#20	South-East corner of Baylis and Morgan St intersection (outside Westpac Bank)

The Forest Seat was inspired by walks through the Cyprus Pine forests at Coolamon, where the artist Simon Lloyd was living at the time of the commission in 2001. The artwork features a public seat surrounded by a semi-circle of five-meter-high tree-like wooden poles. The concrete under the seat is coloured ochre red to represent the Riverina region's soil.

The bench seat featured is by artist Zane Separovich and is not the original seat installed for this artwork as it was removed due to safety concerns.

The condition report completed on this artwork identified rot at the base of the poles, significant loss of wood at the base of two poles and continuous cracks extending up all the poles. The rot and loss of wood at the bases indicates loss of structural integrity and poses a safety hazard to pedestrians and vehicles.

The concrete pavement around the base of the poles and the seat remains in good condition with ingrained dirt able to be cleaned with regular pressure washing.

The artwork has achieved a significant age after remaining in place for 23 years, although it has always been a partial representation after the removal of the original sculptural seat. The current condition of this artwork is commensurate with the following deaccessioning criteria in POL109 Public Art Policy:

- Damage or serious deterioration in condition
- The artwork is assessed as a risk or hazard

Contact with the artist Simon Lloyd has been attempted several times by Council staff however, this has been unsuccessful. Staff have reached out to other contacts to try and locate this artist with again no success of knowledge or means to locate the artist. As per POL109 Public Art Policy, the artwork will be removed and disposed of as it has deteriorated beyond repair. Materials will be recycled appropriately where possible.

After consultation with Council's Civil Works team, the concrete pavement and bench can remain in place as they are in good condition and still have a useful life. Upon removal of the poles colour matched mortar will be used to fill the holes in the pavement surface to create a level walking surface.

Financial Implications

Cost of removal and disposal of the artworks have been estimated to be the following:

Artwork	Task	Cost
Bald Archy Murals	Remove artworks and metal frames, recycle/dispose of materials	\$2,300.00 (excl GST)
Forest Seat	Remove timber poles and recycle/dispose of materials, fill pole bases	\$1,753.61 (excl GST)
Total		\$4,053.61

The cost of removal of these artworks will be funded from the Public Art Maintenance budget which currently has \$21,403 available for the remainder of this financial year.

Job number: 21565 – Public Art Project Maintenance

Policy and Legislation

POL 109 Public Art Policy

Link to Strategic Plan

Community Place and Identity

Objective: Our community are proud of where we live and our identity

Provide services and facilities that make Wagga Wagga a centre for arts and culture

Risk Management Issues for Council

In their current condition the *Bald Archy Murals* are in a poor condition and will continue to deteriorate and this is risk of poor public perception of amenity in this high pedestrian location. This artwork has been assessed as beyond its useful lifespan and is not feasible to be maintained any longer.

Forest Seat has been identified as being beyond its useful lifespan and is a potential safety concern to pedestrians, vehicles, and properties as there is a loss of structural integrity to the poles which are recommended for removal.





Internal / External Consultation

Council staff have consulted with relevant Council departments including Parks and Civil Works teams. As detailed in POL109 Public Art Policy, consultation and a recommendation from the Public Art Advisory Panel has been received to deaccession these two artworks from Council’s Public Art Collection.

Contact was attempted with the artists of both artworks, with one artist unable to be contacted, to advise them of Council’s intention to remove the artworks. Neighbouring properties will be notified of any disruption to the locations ahead of the works being carried out.

	Mail			Traditional Media				Community Engagement				Digital				
	Rates notices insert	Direct mail	Letterbox drop	Council news	Media release	Media opportunity	TV/radio advertising	One-on-one meeting(s)	Community meeting(s)	Stakeholder workshop(s)	Drop-in session(s)	Survey/feedback form(s)	Have your Say	Email newsletter	Social media	Website
Inform		<input checked="" type="checkbox"/>													<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Consult																
Involve																
Collaborate																
Other methods (please list specific details below)																

Attachments

- 1   Public Art Policy (POL 109)
- 2   Photos of artworks current condition

Public Art Policy

Reference number:	POL 109
Approval date:	November 2007
Policy owner:	Manager Community Services
Next review:	September 2024

Council adopted the Policy Outdoor Art in Public Spaces in 1997, in order to help establish and manage the City's diverse collection of public art. In 2008 the Public Art Policy was developed to respond to the cultural needs of the community as identified in Council's Cultural Plan (2006-2015) and to further extend the vision of the Outdoor Art in Public Spaces Policy.

Through significant engagement with the community with the various public art projects resulting in the Public Art Collection, there is a need to maintain a strategic focus for the development of public art across the Wagga Wagga Local Government Area (LGA). It is also necessary to manage the existing collection in a sustainable manner as well as accounting for 'whole of life' costs to enable adequate funding.

Purpose

This policy defines Wagga Wagga City Council's (Council's) integrated approach to public art planning, with an emphasis on enhancing Wagga Wagga's public spaces. This policy outlines how the City's public art is to be professionally managed and conserved.

Scope

This policy responds to Wagga Wagga's Community Strategic Plan 2040, Wagga View, adopted by Council, and Council's commitment to the New South Wales State Plan 'NSW 2021', in particular goal 27 – enhance Cultural, Creative, Sporting and Recreation Opportunities.

This policy is to be applied to all public art in the Wagga Wagga Local Government Area that has been commissioned by Council. This policy does not apply to public art not commissioned by Council, such as community murals on private buildings.

POL 109 – Public Art Policy

Policy Provisions

Responsibilities

It is the responsibility of all Council staff members and members of the Wagga Wagga City Council Public Art Advisory Panel to abide by the provisions of this policy.

Reporting Requirements

Service and program levels will be reported through annual reporting processes in alignment with Council's Delivery Program and Operational Plan.

Implementation of commissions will be reported to the Public Art Advisory Panel through a schedule of regular monthly meetings.

Approval Arrangements

Approval arrangements for the commission and management of artworks in the Public Art Collection will be undertaken through Council's organisational structural approval processes.

Review Procedures

This policy will be reviewed every four years by the Manager Community Services in consultation with the Public Art Advisory Panel and reported to Council for final adoption in line with the four year election term.

CONTENT

Public Art Advisory Panel

Council has established a Public Art Advisory Panel (PAAP) composed of stakeholder representatives to guide the commissioning of public art and management of the Public Art Collection in line with the Public Art Plan.

The PAAP's role is to provide expert advice and contribute to public art project management from commissioning to the completion and public launch of artworks within the commissioning guidelines. The PAAP has the following tasks:

- Provide expert cultural, artistic and design advice.
- Make recommendations for the selection of appropriate artists and proposals.
- Oversee the commissioning and procurement processes for artworks.

POL 109 – Public Art Policy

- Report back to Council for endorsement of the recommendations prior to the commissioning of the artwork over \$10,000.

The PAAP should include the following representatives:

- 1 x Councillor
- 1 x Cultural Officer
- 1 x Project Management Office representative
- 1 x Manager, Wagga Wagga Art Gallery
- 1 x Industry representative
- 2 x Community representatives (with relevant arts background)

All representative position terms shall run for the duration of the Council term. Where appropriate, advisors (internal/external) with specialist expertise will be temporarily co-opted to the panel to assist decision making.

Acquisition

Commissioning Principles

The PAAP will call for an Expression of Interest (EOI) when commissioning new public art works through public and targeted processes. The assessment of EOIs will be guided by the following principles:

- Artistic quality and innovation
- Uniqueness, identity and respect for heritage
- Commitment to diversity
- Access and participation
- Collaboration and partnerships
- Environmental sustainability
- Transparency of process
- Industry best practice
- Investigation into development consent requirements
- Robust, with minimal maintenance requirements
- Knowledge exchange
- The artwork should not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief

Donations

All donations to the Public Art Collection must be assessed by the PAAP in line with the principles outlined in the Public Art Plan.

POL 109 – Public Art Policy

Management

Maintenance

Council acknowledges the need to monitor the existing public art collection in order to identify maintenance needs and ensure the works maintain their original integrity.

An annual budget has been allocated to undertake necessary maintenance and conservation works, funded through General Purpose Revenue. *Refer 2.5 Funding*

Promotion

The Public Art Collection will be promoted as a civic asset through print media, online and social media

Deaccessioning

Principles

Council understands that artworks may, due to a variety of circumstances such as age, damage, or location, be deemed no longer appropriate to the community's needs. In such cases, Council will follow industry standards and undertake a process of deaccessioning.

Deaccessioning criteria

Artworks recommended for deaccessioning must be assessed against one or more of the following criteria:

- Theft or loss
- Damage or serious deterioration in condition
- Cost of repair, renovation or replacement
- The artwork is assessed as a risk or hazard
- Nominated life span has expired

Deaccessioning process

- Each item recommended for deaccessioning requires written documentation stating why the object be formally removed from the collection (using above deaccessioning criteria as a guide).
- These recommendations will be forwarded to the Public Art Advisory Panel for consideration.
- The Committee's recommendation will be forwarded by staff to the elected Council for approval.

Disposal of deaccessioned artwork

POL 109 – Public Art Policy

Once the deaccessioning of a work of art has been formally ratified by Council, it will be disposed of by one of the following processes:

- Offered to the artist, or family representative if the artist is deceased;
- Returned to the donor;
- Donation to another institution; or
- Destruction

Destruction of a work of art will be considered only if the work is dangerous, diseased or has deteriorated beyond repair. Wherever possible the artist and/or donor will be informed beforehand of WWCC's intention to destroy the work.

Council staff, members of the PAAP, Councillors and their families are prohibited from acquiring any deaccessioned item.

An official record of the deaccessioning and disposal of artworks from the Public Art Collection will be kept on the Public Art Register maintained by Council.

Funding

The Public Art Reserve will receive the first \$50, 000 raised annually from the 1% levy on the budget of all capital works projects funded by General Purpose Revenue.

This budget allocation will be incorporated into Council's project management documentation. This provision will not apply to any capital works projects funded in part or in whole through grants from State or Federal government sources; or through the Sewer Reserve, Solid Waste Reserve, Stormwater Levy Reserve or Council's Development Contribution Plans.

To maintain a sustainable public art program, Council recognises the need to allocate funds for maintenance, of the public art collection.

The cost of maintaining Council's Public Art Infrastructure is funded from General Purpose Revenue up to an annual allocation of \$20, 000. Any required maintenance above this annual allocation will be funded from the Public Art Reserve and will require a Council resolution.

It is also recognised that alternative funding may be required, and Council will actively seek to identify grants and funding from State and Federal government sources or other external partners.

At the 26 June 2017 Ordinary Council Meeting, Council resolved to establish a Community Works Reserve Fund process. Art Projects and Practitioners seeking funding outside the parameters and budget allocation of the Public Art Policy POL 109 will be able to apply for funding through the Community Works Reserve Fund application process.

POL 109 – Public Art Policy

Legislative Context

NSW Local Government Act 1993

Related Documents

- Enliven Public Art Plan (2017 – 2021)
- Wagga View – Community Strategic Plan 2040
- Wagga Wagga City Council Cultural Plan 2020-2030
- Integrated Planning and Policy Framework
- Effective Procurement Guidelines
- Public Art Collection
- POL 117 – Appointment of Organisation, Community and Individual Citizen Members to Council Committees
- New South Wales State Plan, New South Wales 2021
- National Cultural Policy
- Community Works Reserve

Definitions

Term	Definition
Public Art	Public art is a permanent or temporary artwork or design project installed as part of a public space or public event. Public art seeks to create and inspire relationships and communication, a form of collective community expression that enhances the built or natural environment. Public art connects people and places while adding value, in aesthetic, cultural and economic terms, to places and communities.
Commission	A commission is a direct request by Council to produce a piece of art specifically for Council's Public Art Collection. A public art commission by Council is a contracted transaction.
Acquisition	This term refers to obtaining artwork through commission or donation.
Deaccessioning	Deaccessioning is the administrative process whereby an item is removed from the Public Art Collection. It is distinct from disposal which is the physical act of disposing of an item.

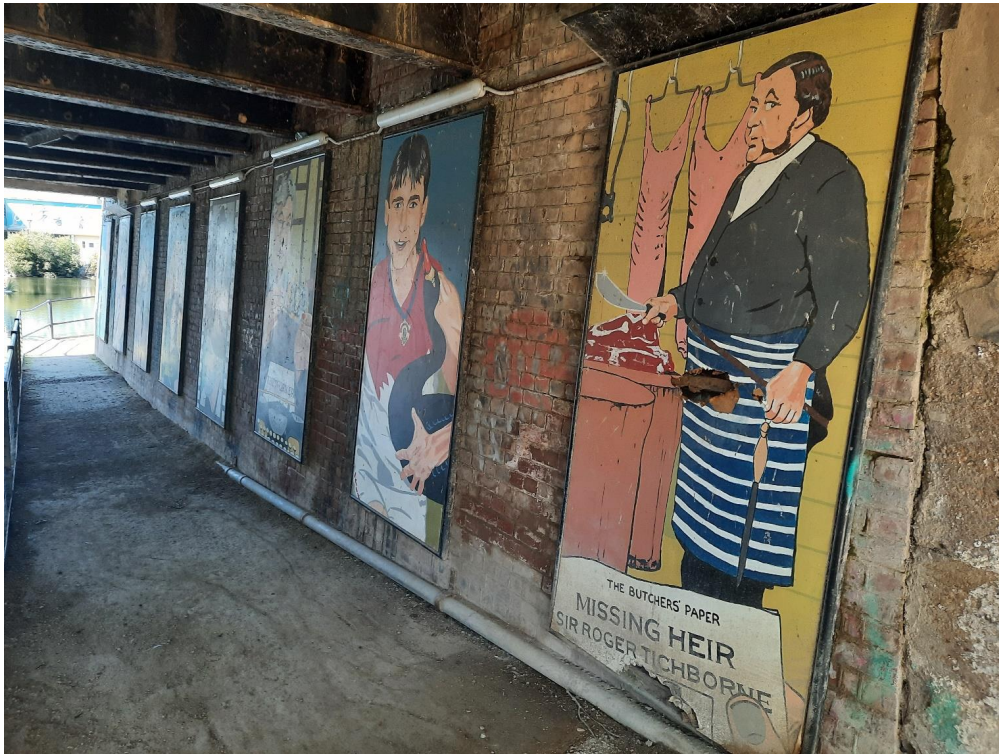
POL 109 – Public Art Policy

Revision History

Revision number	Council resolution	Council meeting date
1	08/288	25 August 2008
2	09/077	27 July 2009
3	11/249.2	17 October 2011
4	E-Team	14 May 2013
5	Res No: 13/224.1	26 August 2013
6	Res No: 17/284	28 August 2017
7	Res No: 17/348	27 November 2017

#12 – Bald Archy Murals

Photos of water damage and mould, vandalism, graffiti, and general deterioration of materials



1

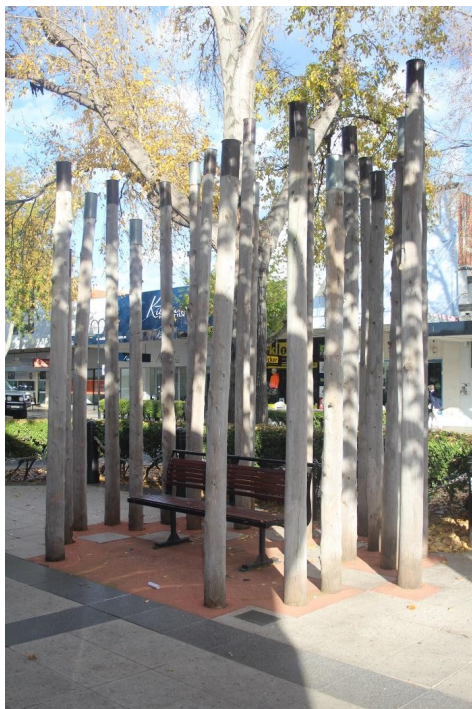






#20 – Forest Seat

Photos of rot at bases, loss of wood at bases and cracks leading up poles



RP-4 LICENCE OF OFFICE SPACE AT OASIS - 2 MORGAN ST, WAGGA WAGGA - UPDATE TO LICENSEE DETAILS**Author:** Matthew Dombrovski**Executive:** John Sidgwick**Summary:**

Council resolved on 6 November 2023 to negotiate entry into a licence agreement with Wagga Wagga Swimming & Lifesaving Club Inc for occupation of Office Space at the Oasis for a period of five years (Resolution 23/277).

As part of those negotiations, Council staff have been advised that the actual legal entity is Wagga Wagga Swimming Club Incorporated. An updated Council resolution is being sought to accurately reflect the entity that Council is entering into a licence agreement with.

Recommendation

That Council:

- a authorise the General Manager or their delegate to enter into a licence with Wagga Wagga Swimming Club Incorporated for occupation of office space at the Oasis for a period of five years
- b authorise the General Manager or their 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

Report

Council resolved on 6 November 2023 (Resolution 23/277) for the General Manager or delegate to enter into a licence agreement with Wagga Wagga Swimming & Lifesaving Club Inc for occupation of Office Space at the Oasis for a period of five years.

During negotiations with the club, Council staff have been advised that the actual legal name of the licensing entity has been amended and is now Wagga Wagga Swimming Club Incorporated. It is important that Council's licence documentation is entered into with the correct party, to ensure that should issues arise in relation to the licence, Council can enforce the obligations pursuant to the licence.

It is therefore recommended that Council resolve to authorise the General Manager or delegate to enter into a licence with Wagga Wagga Swimming Club Incorporated for occupation of office space at the Oasis for a period of five years.

Financial Implications

As this recommendation relates to adjustment of the entity referred to in a previous resolution only, there are no additional financial implications if resolved as recommended.

Policy and Legislation

Local Government Act 1993
Crown Land Management Act 2016
Acquisition, Disposal and Management of Land Policy POL 038

Link to Strategic Plan

Safe and Healthy Community

Objective: We promote a healthy lifestyle

Outcome: Recreation is a part of everyday life

Risk Management Issues for Council

Council needs to ensure that agreements are entered into with the correct legal entity(s). There is a risk that should issues arise within the tenancy and the tenant is not correctly identified in the licence documentation, Council may have difficulty in enforcing obligations pursuant to the licence.

Internal / External Consultation

External consultation has been ongoing with representatives of Wagga Wagga Swimming Club Incorporated in relation to the finalisation of the Licence Agreement.

RP-5 QUESTIONS WITH NOTICE**Author:** Scott Gray**Summary:** | This report is to list questions with notice raised by Councillors in accordance with Council's Code of Meeting Practice.**Recommendation**

That Council receive and note the report.

Report

The following questions with notice were received prior to the meeting, in accordance with the Code of Meeting Practice.

Councillor R Foley requested an update to the Pot Hole Pro trial.

Council will be wet-hiring Roadworx Industries Pot Hole Pro machine. Roadworx Industries have nominated Monday 4 March 2024 for a 1 week trial of the machine. All adjoining Councils were contacted with regards to participating in and sharing costs for the trial. No adjoining Councils will share costs. Lockhart Shire Council indicated that they would be happy to come and have a look at the machine.

Councillor R Foley requested information on how Council can assist to ensure people are not displaced during the Tolland renewal project. What can Council do to relay the concerns of the residence of the area and how to we keep the Department of Community Justice Housing NSW accountable to keep Council informed.

Relocation of residents and tenants in Tolland and as part of the Tolland Renewal Project is the responsibility of Homes NSW (Land & Housing Corporation LAHC and Department of Community Services DCJ). Council staff are meeting regularly with Housing NSW for progress updates on the Tolland Renewal Project.

Council staff have discussed these concerns with the relevant contacts at Homes NSW, where the following response is provided. Housing staff are working closely with specialist relocation officers from DCJ and/or community housing providers to broker solutions with a tailored approach for each and every tenant. They also encourage community members wishing to obtain more information on the Tolland Renewal project or related matters to either phone [1800 738 718](tel:1800738718) or email: communityengagement@dcj.nsw.gov.au. Homes NSW through DCJ are also running resident and tenant contact sessions every Thursday in Tolland and will be holding advertised drop in sessions. Further updates and information will be distributed to households via letters, brochures and FAQ's and be available on their Tolland webpage.

Councillor R Foley requested advice on if there is anything Council can do, to work with police, to assist them in the community, in regard to ongoing crime in the community particularly the home invasions targeting the elderly.

Council's adopted Community Safety Action Plan (CSAP) 2025 provides a framework for Council, in partnership with police and community partners, to work towards increasing community safety and preventing crime, where possible.

As part of this plan, Council collaborates with the Local Area Command and first Responders to facilitate regular Family Community Safety Days to provide a safe opportunity for community to engage with Police and first responders to discuss their concerns and ideas. In 2024 two Family Community Safety Days are being planned for March and September. Recently at Council's Back to School community event in Tolland, local Police took the opportunity to engage with young people in a positive way. Staff run similar opportunities for example the library is currently working with Police to facilitate talks and workshops on crime prevention during the Seniors Festival in March 2024.

Council's Community Development team actively participates in a number of forums such as the Wagga Domestic Violence Liaison Committee, Wagga Community Drug Action Team, Tolland and Koorinal Community Meetings, the Triple H Forum and coordinates the Wagga Youth Interagency Group bimonthly meetings. Staff also work in partnership with the Wagga Police Local Area Commands Youth and Engagement Lead Coordinator and the Short Term Remand Program Coordinator (Riverina) to implement crime prevention and early intervention initiatives in our community for example the recent 'No more Silence' Domestic and Family Violence community campaign and the above mentioned events.

Councillor T Koschel requested an update on the Edmondson Street Bridge project and the status of the \$100K grant funding.

Edmondson Street Bridge and its approaches will be raised as part of the Inland Rail project. A principal contractor (Martinus Rail) has been appointed. The latest update from the Inland Rail Project Team is that major construction works are expected to commence March 2025 that will involve closing the bridge for approximately 12 months. In September 2023, Council applied for the NSW Government Local Communities Small Allocation Grant of \$100,000 for temporary repairs to reinstate the road pavement of Edmondson Street Bridge. We are awaiting a State Government announcement on whether the application is successful or not.

Councillor T Koschel requested an update on the Marveloo to include information such as its location and frequency of its use.

In September 2022 staff consulted with members of the Wagga Access Reference Group (WARG) and identified the Botanic Gardens Precinct site as the preferred location to be the Marveloo's regular homebase. Staff identified an appropriate location for the Marveloo next to the other public toilet facilities at this location and completed the site preparation required. This included the installation of a cement slab for the unit to be craned onto, along with relevant electrical, pathway and plumbing works. The facility is available for use 7 days per week for community and visitors to the park throughout the year and for events presented at this location, such as Spring Jam Children's Festival and FUSION Botanical multicultural festival. Parks staff have reported that the unit is utilised regularly by visitors at this location.

On occasion the Marveloo unit has been relocated temporarily to various sites across the city to support the delivery of major sporting events and is again scheduled for such in February this year.

This includes:

- Bolton Park to Conolly Park for Touch Carnival – February 2020
- Bolton Park to McDonalds Park for NRL – May 2021
- Bolton Park to Jubilee Park for Touch Carnival – February 2022
- Jubilee Park to McDonalds Park for NRL – March 2022
- Botanic Gardens to McDonalds Park for NRL – February 2023
- Botanic Gardens to McDonalds Park and then to Jubilee Park for NRL - April 2023
- Botanic Gardens to Connolly Park for Rugby Union – June 2023
- Botanic Gardens to Conolly Park for Touch Carnival – February 2024

Councillor J McKinnon raised concern regarding the condition of the carpark at the Botanic Gardens. Does the proposed Botanic Gardens Masterplan consider the carpark and namely ensuring this is suitable for people with mobility issues.

The proposed masterplan will identify the need to upgrade carparks to improve accessibility across the site.

Councillor A Parkins requested a timeframe on when Council may expect the draft Botanic Gardens Masterplan.

Internal and external stakeholder consultations with 12 separate groups have been undertaken. Staff are currently collating these responses prior to completing a workshop inclusive of a site visit with Councillors to identify priorities.

Councillor G Davies requested an update on the Waterzyme's treatment of Lake Albert including results in responding to the recent Blue Green Algae outbreak and if there has been positive effects.

Boating stakeholders and Waterzyme have provided feedback that they believe that the treatment is positively impacting the water quality in Lake Albert. Staff are continuing to monitor the water quality weekly as a part of the trial to measure the impact over time.

Councillor A Parkins requested advice on if the Pedestrian Access Management Plan will be updated and if Council is applying for grant funding.

Council is updating the Pedestrian Access Management Plan (PAMP) and has received a draft of the updated plan. Council has an annual allocation of \$45,000 for the PAMP actions and will make application for grant funding to match these funds as required. Council recently allocated \$1m of Local Road & Community infrastructure funding towards new footpaths around Wagga Wagga.

Councillor A Parkins requested information on the timeframe of results and the business case following the recent cultural precinct community consultation.

The General Manager provided a response that a Councillor workshop will be scheduled addressing these matters in the short term.

Financial Implications

N/A

Policy and Legislation

Code of Meeting Practice

Link to Strategic Plan

Community leadership and collaboration

Objective: Our community is informed and actively engaged in decision making and problem-solving to shape the future of Wagga Wagga

Ensure our community feels heard and understood

Risk Management Issues for Council

N/A

Internal / External Consultation

N/A

CONFIDENTIAL REPORTS

CONF-1 PETITION RELATING TO DOGS

Author: Mark Gardiner

Executive: Janice Summerhayes

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals.

**CONF-2 PROPOSED GRANT OF EASEMENT OVER COUNCIL LAND - 22
BLAKE STREET, WAGGA WAGGA**

Author: Matthew Dombrowski

Executive: John Sidgwick

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

**CONF-3 PROPOSED LEASE OF AIRSPACE OVER PUBLIC ROAD
ADJACENT TO 187 FITZMAURICE STREET, WAGGA WAGGA**

Author: Matthew Dombrowski

Executive: John Sidgwick

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and
- (d) (ii) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

CONF-4 RFQ2024-538 SUPPLY & LAY DENSELY GRADED ASPHALT AND ASSOCIATED ROAD WORKS

Author: Jamie Harwood

Executive: Warren Faulkner

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CONF-5 RFQ2024-514 BULK FUEL SUPPLY

Author: Travis Weir

Executive: Warren Faulkner

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) (i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

PRESENT

The Mayor, Councillor Dallas Tout
Councillor Georgie Davies
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 and Projects	(Mr P McMurray)
Acting Director Regional Activation	(Mr D Woods)
Chief Financial Officer	(Mrs C Rodney)
Chief Operating Officer	(Mr S Gray)
Executive Director - People & Culture	(Mrs F Piltz)
Manager Development Assessment & Building Certification	(Mr P O'Brien)
Acting Manager Governance & Risk	(Mrs N Johnson)
Communications & Engagement Officer	(Ms L Magrath)
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.

Council Meetings are also subject to filming and photographing by media agencies which may form part of news and media broadcasts. Members of the gallery are also advised that recording the proceedings of the meeting of the council is prohibited without the prior authorisation of the council.

This is page 1 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the ORDINARY MEETING OF COUNCIL held on Monday 29 January 2024.

WELCOME TO COUNTRY

Aunty Gail Manderson, Senior Wiradjuri Elder, performed the Welcome to Country.

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.

PROCEDURAL MOTION - SUSPEND STANDING ORDERS

24/001 RESOLVED:
On the Motion of Councillors T Koschel and R Kendall

That Council suspend Standing Orders for the Australian Army Band to perform the National Anthem the time being 6.04pm.

CARRIED

RECORD OF VOTING ON THE MOTION

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

This is page 2 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024**.

.....**MAYOR****GENERAL MANAGER**

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

PROCEDURAL MOTION - REINSTATE STANDING ORDERS

24/002 RESOLVED:
On the Motion of Councillors J McKinnon and T Koschel
That Council reinstate Standing Orders the time being 6:07pm.

CARRIED

RECORD OF VOTING ON THE MOTION

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

APOLOGIES

An apology for non-attendance was received and accepted for Director Regional Activation, Mr J Sidgwick on the Motion of Councillor R Kendall and Councillor G Davies.

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 11 DECEMBER 2023

24/003 RESOLVED:
On the Motion of Councillors G Davies and T Koschel
That the Minutes of the proceedings of the Ordinary Council Meeting held on 11 December 2023 be confirmed as a true and accurate record.

CARRIED

RECORD OF VOTING ON THE MOTION

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

This is page 3 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

DECLARATIONS OF INTEREST

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-3 FINANCIAL PERFORMANCE REPORT AS AT 31 DECEMBER 2023 the reason being that his workplace is listed in the report and remained in the chamber during its consideration.

Councillor A Parkins declared a Significant Non-Pecuniary Interest in RP-4 REGIONAL DROUGHT RESILIENCE PLANNING PROGRAM - ROUND 2 GRANT OFFER the reason being that her employer is the Department administering the grant funding and vacated the chamber during its consideration.

Councillor R Kendall declared a Significant Non-Pecuniary Interest in RP-2 PLANNING PROPOSAL LEP23/0001 - PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 FOR REZONING AND RECLASSIFICATION OF LAND LOCATED ON BOWEN PLACE AND BOYD PLACE, TOLLAND, WAGGA WAGGA the reason being that the Interested party is a fellow Director on a Board of Management and vacated the chamber during its consideration.

Councillor R Foley declared a Non-Significant Non-Pecuniary Interest in RP-1 DA23/0516 - CHANGE OF USE TO A CENTRE BASED CHILDCARE FACILITY (72 CHILDREN) WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND REVISED CAR-PARK LAYOUT AT 25-27 HARDY AVENUE, WAGGA WAGGA, NSW 2650 the reason being that his partner works in child care and remained in the chamber during its consideration.

Councillor G Davies declared a Non-Significant Non-Pecuniary Interest in RP-1 DA23/0516 - CHANGE OF USE TO A CENTRE BASED CHILDCARE FACILITY (72 CHILDREN) WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND REVISED CAR-PARK LAYOUT AT 25-27 HARDY AVENUE, WAGGA WAGGA, NSW 2650 the reason being that her father-in-law co-owns a building in Peter Street which is currently leased to the applicant of this development application and remained in the chamber during its consideration.

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-1 DA23/0516 - CHANGE OF USE TO A CENTRE BASED CHILDCARE FACILITY (72 CHILDREN) WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND REVISED CAR-PARK LAYOUT AT 25-27 HARDY AVENUE, WAGGA WAGGA, NSW 2650 the reason being that he is the Deputy Chair of Ronald McDonald House Wagga which is located in the vicinity of the development and remained in the chamber during its consideration.

This is page 4 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

PROCEDURAL MOTION - ENGLOBO

24/004 RESOLVED:
On the Motion of Councillors R Kendall and T Koschel

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 CR-1, RP-3, M-1 and CONF-1 be adopted as recommended in the business papers.

CARRIED

RECORD OF VOTING ON THE MOTION

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

PUBLIC DISCUSSION FORUM

NOM-1 - NOTICE OF MOTION – ARTIFICIAL INTELLIGENCE TRIAL FOR PROCESSING DEVELOPMENT APPLICATIONS & TOWN PLANNING

- Paul Funnell - Speaking in favour of the Recommendation

RP-1 DA23/0516 - CHANGE OF USE TO A CENTRE BASED CHILDCARE FACILITY (72 CHILDREN) WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND REVISED CAR-PARK LAYOUT AT 25-27 HARDY AVENUE, WAGGA WAGGA, NSW 2650

- Steve Bent – Speaking Against the Recommendation
- Sarah Bruckner – Speaking Against the Recommendation
- Vivian Latimer - Speaking in favour of the Recommendation
- Cameron Jones - Speaking in favour of the Recommendation

This is page 5 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the ORDINARY MEETING OF COUNCIL held on Monday 29 January 2024.

PROCEDURAL MOTION - CHANGE STANDING ORDERS

24/005 RESOLVED:
On the Motion of Councillors R Kendall and R Foley

That Council move forward consideration of the following items to follow the Public Discussion Forum:

- **NOM-1 - NOTICE OF MOTION – ARTIFICIAL INTELLIGENCE TRIAL FOR PROCESSING DEVELOPMENT APPLICATIONS & TOWN PLANNING=**
- **RP-1 - DA23/0516 - CHANGE OF USE TO A CENTRE BASED CHILDCARE FACILITY (72 CHILDREN) WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND REVISED CAR-PARK LAYOUT AT 25-27 HARDY AVENUE, WAGGA WAGGA, NSW 2650**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION – ARTIFICIAL INTELLIGENCE TRIAL FOR PROCESSING DEVELOPMENT APPLICATIONS & TOWN PLANNING

24/006 RESOLVED:
On the Motion of Councillors R Foley and R Kendall

That Council writes to the New South Wales Minister for Planning and Public Spaces The Hon. Paul Scully MP expressing Council’s interest in participating in the upcoming proposed Artificial Intelligence in NSW Planning pilot project for planning matters.

CARRIED

This is page 6 of the MINUTES of the ORDINARY MEETING OF COUNCIL of the Council of the CITY OF WAGGA WAGGA held on 29 JANUARY 2024.

.....MAYORGENERAL MANAGER

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

RECORD OF VOTING ON THE MOTION

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

REPORTS FROM STAFF

RP-1 DA23/0516 - CHANGE OF USE TO A CENTRE BASED CHILDCARE FACILITY (72 CHILDREN) WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND REVISED CAR-PARK LAYOUT AT 25-27 HARDY AVENUE, WAGGA WAGGA, NSW 2650

24/007 RESOLVED:
On the Motion of Councillors R Kendall and J McKinnon

That Council approve DA23/0516 for a Change of use to a centre based childcare facility (72 children) with associated alterations and additions and revised car-park layout at 25-27 Hardy Avenue, Wagga Wagga, NSW 2650 (Lot 42 DP619677) subject to the conditions outlined in the s4.15 Assessment Report.

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

This is page 7 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the ORDINARY MEETING OF COUNCIL held on Monday 29 January 2024.

COUNCILLOR REPORT

CR-1 LGNSW CONFERENCE DELEGATE REPORT - 12-14 NOVEMBER 2023

24/008 RESOLVED:
On the Motion of Councillors R Kendall 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	
M Henderson	
R Foley	
R Kendall	
T Koschel	
J McKinnon	
A Parkins	

REPORTS FROM STAFF

RP-2 PLANNING PROPOSAL LEP23/0001 - PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 FOR REZONING AND RECLASSIFICATION OF LAND LOCATED ON BOWEN PLACE AND BOYD PLACE, TOLLAND, WAGGA WAGGA

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:35pm.

24/009 RESOLVED:
On the Motion of Councillors G Davies and T Koschel

That Council:

- a note Council Resolution 23/258 adopted at the Ordinary Meeting of Council held 23 October 2023**
- b support Planning Proposal LEP23/0001 to amend the Wagga Wagga Local Environmental Plan 2010**
- c submit the Planning Proposal LEP23/0001 to the Department of Planning and Environment for Gateway Determination**
- d subject to endorsement of the Planning Proposal, undertake public exhibition and consultation with a further report to be prepared after the public exhibition period addressing any submissions made in respect of the Planning Proposal**

This is page 8 of the MINUTES of the ORDINARY MEETING OF COUNCIL of the Council of the CITY OF WAGGA WAGGA held on 29 JANUARY 2024.

.....MAYORGENERAL MANAGER

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

- e note that any decision on the use or sale of Council owned land will be subject to a separate Council report**
- f note that staff will prepare a report on a Plan of Management for cul-de-sac laneways at a future date**

CARRIED

RECORD OF VOTING ON THE MOTION

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

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

RP-3 FINANCIAL PERFORMANCE REPORT AS AT 31 DECEMBER 2023

24/010 RESOLVED:
On the Motion of Councillors R Kendall and T Koschel

That Council:

- a approve the proposed 2023/24 budget variations for the month ended 31 December 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 future year timing adjustments**
- c note the contract variation to Gardiner Street Path (University Link) as part of the Active Travel Plan Stage 1 Project as presented in this report**
- d 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**
- e note the details of the external investments as of 31 December 2023 in accordance with section 625 of the Local Government Act 1993**

CARRIED

This is page 9 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

RECORD OF VOTING ON THE MOTION

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

RP-4 2023/24 REGIONAL DROUGHT RESILIENCE PLANNING PROGRAM – ROUND 2 – GRANT OFFER

Councillor A Parkins declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:43pm.

24/011 RESOLVED:
On the Motion of Councillors T Koschel and R Kendall

That Council:

- a accept the funding offer of \$200,000 for development of a Regional Drought Resilience Plan**
- b accept the funding offer of \$250,000 for the implementation of the Regional Drought Resilience Plan (conditional on the development of the plan)**
- c authorise the General Manager or delegate to enter into a funding agreement with the Department of Regional NSW**
- d authorise the affixing of Council’s common seal to any relevant documents as required.**
- e approve the budget variations as detailed in the financial implication section of the report**

CARRIED

RECORD OF VOTING ON THE MOTION

<u>For the Motion</u>	<u>Against the Motion</u>
D Tout	
G Davies	
M Henderson	
R Foley	
R Kendall	
T Koschel	
J McKinnon	

Councillor A Parkins re-entered the chamber, the time being 7:48pm.

This is page 10 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the **ORDINARY MEETING OF COUNCIL** held on **Monday 29 January 2024.**

RP-5 QUESTIONS WITH NOTICE

24/012 RESOLVED:
On the Motion of Councillors T Koschel and A Parkins

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	
M Henderson	
R Foley	
R Kendall	
T Koschel	
J McKinnon	
A Parkins	

COMMITTEE MINUTES

M-1 CONFIRMATION OF MINUTES AUDIT, RISK AND IMPROVEMENT COMMITTEE - 23 AND 30 NOVEMBER 2023

24/013 RESOLVED:
On the Motion of Councillors R Kendall and T Koschel

That Council endorse the recommendations contained in the minutes of the Audit, Risk and Improvement Committee Meeting held on 23 and 30 November 2023.

CARRIED

RECORD OF VOTING ON THE MOTION

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

This is page 11 of the **MINUTES** of the **ORDINARY MEETING OF COUNCIL** of the Council of the **CITY OF WAGGA WAGGA** held on **29 JANUARY 2024.**

.....**MAYOR****GENERAL MANAGER**

MINUTES of the ORDINARY MEETING OF COUNCIL held on Monday 29 January 2024.

CONFIDENTIAL REPORTS

CONF-1 RFT2024-04 FORMER WIRADJURI LANDFILL REMEDIATION

24/014 RESOLVED:
On the Motion of Councillors R Kendall and T Koschel

That Council:

- a accept the tender of The Civil Experts Pty Ltd (ABN: 42 612 801 340) in the lump sum amount of \$572,066.83 excluding GST for the remediation of the former landfill site in the Wiradjuri subdivision**
- b authorise the General Manager or their delegate to enter a contract with The Civil Experts Pty Ltd (ABN: 42 612 801 340) for the remediation of the former landfill site in the Wiradjuri subdivision**
- c 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> D Tout G Davies M Henderson R Foley R Kendall T Koschel J McKinnon A Parkins	<u>Against the Motion</u>
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THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7.55pm.

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MAYOR

This is page 12 of the MINUTES of the ORDINARY MEETING OF COUNCIL of the Council of the CITY OF WAGGA WAGGA held on 29 JANUARY 2024.

.....MAYORGENERAL MANAGER