

PRESENT

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

IN ATTENDANCE

General Manager	(Mr P Thompson)
Director Corporate Services	(Mrs N Te Pohe)
Director Community	(Mrs J Summerhayes)
Director Operations	(Mr W Faulkner)
Director Projects & Strategy	(Mr D Raeck)
Director Regional Activation	(Mr M Keys)
Manager Audit, Risk & Governance	(Ms I Hensley)
Manager Finance	(Mrs C Rodney)
Manager City Strategy	(Mr T Kell)
Manager Corporate Strategy & Communications	(Mr S Gray)
Senior Strategic Planner	(Mrs C Atkinson)
Corporate Governance Coordinator	(Mrs N Johnson)
Governance Officer	(Ms K West)

PRAYER

Almighty God,

Help protect our Mayor, elected Councillors and staff.

Help Councillors to govern with justice, integrity, and respect for equality, to preserve rights and liberties, to be guided by wisdom when making decisions and settling priorities, and not least of all to preserve harmony.

Amen.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

APOLOGIES

No apologies were received.

CONFIRMATION OF MINUTES

CM-1 EXTRAORDINARY COUNCIL MEETING – 3 AUGUST 2020

20/279 RESOLVED:

On the Motion of Councillors K Pascoe and D Tout

That the Minutes of the proceedings of the Ordinary Council Meeting held on 27 July 2020 be confirmed as a true and accurate record.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

CM-2 ORDINARY COUNCIL MEETING - 27 JULY 2020

20/280 RESOLVED:

On the Motion of Councillors K Pascoe and Y Braid OAM

That the Minutes of the proceedings of the Ordinary Council Meeting held on 27 July 2020 be confirmed as a true and accurate record.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

DECLARATIONS OF INTEREST

Councillor D Hayes declared a Non-Significant, Non-Pecuniary Interest in RP-1 LEP19/0002 - MORGAN, MURRAY AND FORSYTH STREETS - AMENDMENT TO WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AND WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 the reason being that his workplace is located on the site of the proposed development and remained in the chamber during its consideration.

Councillor K Pascoe declared a Pecuniary Interest in RP-1 LEP19/0002 - MORGAN, MURRAY AND FORSYTH STREETS - AMENDMENT TO WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AND WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 the reason being that his company is developing a similar project in the CBD and vacated the chamber during its consideration.

Councillor K Pascoe declared Non-Significant Non-Pecuniary Interest in RP-3 LEP19/0010 - SILVERWOOD, BIRCH, MITCHELL AND BRUNSKILL ROADS, LAKE ALBERT - AMENDMENT TO MINIMUM LOT SIZE PROVISIONS OF THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 the reason being that he knows a number of people living in the area and remained in the chamber during its consideration.

Councillor K Pascoe declared a Pecuniary Interest in CONF-3 PROPOSED ACQUISITION OF LAND the reason being that a relative owns a property adjoining to this property and vacated the chamber during its consideration.

Councillor P Funnell declared a Non-Significant Non-Pecuniary Interest in RP-3 LEP19/0010 - SILVERWOOD, BIRCH, MITCHELL AND BRUNSKILL ROADS, LAKE ALBERT - AMENDMENT TO MINIMUM LOT SIZE PROVISIONS OF THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 the reason being that knows people in the area and remained in the chamber during its consideration.

Councillor P Funnell declared a Non-Significant Non-Pecuniary Interest in RP-5 PROPOSED ACQUISITION OF BAGLEY DRIVE LAND the reason being that he is a Board Member of Local Land Services (LLS) that is mentioned in the report and remained in the chamber during its consideration.

Councillor V Keenan declared a Non-Significant Non-Pecuniary Interest in RP-1 MORGAN, MURRAY AND FORSYTH STREETS - AMENDMENT TO WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AND WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 the reason being that she lives in the area as a tenant and remained in the chamber during its consideration.

Councillor D Tout declared a Non-Significant Non-Pecuniary Interest in RP-1 LEP19/0002 - MORGAN, MURRAY AND FORSYTH STREETS - AMENDMENT TO WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AND WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010 the reason being that a relative of his works in a business within the vicinity and remained in the chamber during its consideration.

PROCEDURAL MOTION - ENGLOBO

20/281 RESOLVED:

On the Motion of Councillors K Pascoe 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 RP-2 to RP-4, RP-6 to RP-9, M-1, CONF-1 and CONF-2, be adopted as recommended in the business papers.

CARRIED

PUBLIC DISCUSSION FORUM

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 6:07pm.

RP-1 LEP19/0002 - MORGAN, MURRAY AND FORSYTH STREETS - AMENDMENT TO WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AND WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010

- Jim Doig – speaking against the report
- Chris Roche – speaking against the report
- Manuel Donebus - speaking in favour of the report
- Daniel Donebus - speaking in favour of the report

REPORTS FROM STAFF

RP-1 LEP19/0002 - MORGAN, MURRAY AND FORSYTH STREETS - AMENDMENT TO WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AND WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 6:07pm.

20/282 RESOLVED:

On the Motion of Councillors D Tout and D Hayes

That Council:

- a note the submissions received during the exhibition period from 18 April 2020 and 18 July 2020 for the draft site-specific development controls proposed to be included in the Wagga Wagga Development Control Plan 2010**
- b adopt the amendments to the Wagga Wagga Development Control Plan 2010, with minor adjustments as identified in the report**
- c note the submissions received during the public exhibition period from 10 August 2019 to 4 October 2019 and reported to Council on 16 December 2019 for the draft amendments to the Wagga Wagga Local Environmental Plan 2010 in relation to the proposed changes to height of building and floor space ratio provisions**
- d use delegation to approve the legal instrument and notify NSW Department of Planning, Industry and Environment to gazette the proposed height of building and floor space ratio amendments previously exhibited**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

G Conkey OAM
D Hayes
V Keenan
R Kendall
T Koschel
D Tout

Against the Motion

P Funnell
Y Braid

Councillor Y Braid was present at the meeting, however failed to vote on the matter. In accordance with Council's Code of Meeting Practice (Section 11.4) her vote is recorded against the Motion.

Councillor K Pascoe re-entered the chamber, the time being 7:14pm.

**RP-2 LEP20/0002 - RIVER ROAD / OLD NARRANDERA ROAD -
AMENDMENT TO LAND ZONING, MINIMUM LOT SIZE AND URBAN
RELEASE AREA OF THE WAGGA WAGGA LOCAL
ENVIRONMENTAL PLAN 2010**

20/283 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council:

- a support planning proposal LEP20/0002 to amend the Wagga Wagga Local Environmental Plan 2010 land zoning, minimum lot size and urban release area**
- b submit the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination**
- c note an amendment to the Wagga Wagga Development Control Plan 2010 is required and subject to (a) above:**
 - i. request the applicant submit an application to amend the Wagga Wagga Development Control Plan 2010**
 - ii. prepare the amendment to the Wagga Wagga Development Control Plan 2010 to be exhibited alongside the planning proposal**
- d receive a further report after the public exhibition period addressing any submissions made in respect of the planning proposal**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

**RP-3 LEP19/0010 - SILVERWOOD, BIRCH, MITCHELL AND BRUNSKILL
ROADS, LAKE ALBERT - AMENDMENT TO MINIMUM LOT SIZE
PROVISIONS OF THE WAGGA WAGGA LOCAL ENVIRONMENTAL
PLAN 2010**

20/284 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council:

- a support planning proposal LEP19/0010 to amend the Wagga Wagga Local
Environmental Plan 2010**
- b prepare an addendum and submit the planning proposal to the NSW
Department of Planning, Industry and Environment for Gateway
Determination**
- c note an amendment to the Wagga Wagga Development Control Plan 2010
is required and subject to (a) above:**
 - i. request the applicant submit an application to amend the Wagga
Wagga Development Control Plan 2010**
 - ii. prepare the amendment to the Wagga Wagga Development Control
Plan 2010 to be exhibited alongside the planning proposal**
- d receive a further report after the public exhibition period addressing any
submissions made in respect of the planning proposal**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

**RP-4 DA18/0388.01 - REQUEST TO WAIVE SECTION 7.12
INFRASTRUCUTRE CONTRIBUTIONS - 1103 OURA ROAD
EUANOREENYA NSW 2650**

20/285 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council does not waive Section 7.12 infrastructure contributions associated with DA18/0388.01 at Lot2DP625977, 1103 Oura Road, Euanoreenya.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-5 PROPOSED ACQUISITION OF BAGLEY DRIVE LAND

20/286 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council:

- a proceed with the compulsory acquisition of the land described as Lots 1 & 3 DP1260671 and Lot 5 DP 248694 for public road in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991**
- b make application to the Minister and the Governor for approval to acquire Lots 1 & 3 DP1260671 and Lot 5 DP 248694 by compulsory process for public road under section 177 of the Roads Act 1993**
- c pay compensation to all interest holders entitled to compensation by virtue of the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991**

- d agree that all minerals are exempt from the acquisition of Lots as Lots 1 & 3 DP1260671 and Lot 5 DP 248694
- e delegate authority to the General Manager or their delegate to take each further step necessary to obtain approval from the Minister, the Governor or any public authority as may be necessary, and take all actions as may be necessary, to give notices and otherwise carry out the acquisition by means of compulsory acquisition
- f following receipt of the Governors approval, give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law
- g approve the budget variation as detailed in the Financial Implications section of the report

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-6 PROPOSED NEW FEES AND CHARGES FOR 2020/21

20/287 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council:

- a note that there were no public submissions received during the exhibition period
- b adopt the following new fees and charges for inclusion in the 2020/21 Fees and Charges document:

Item Number	Fee and Charge Description	Pricing Policy ID	2020/21 Fee (excl GST)	GST	2020/21 Fee (Inc GST)	Basis
NEW	Equex Netball – Station 1	C	\$10.18	\$1.02	\$11.20	Hour
NEW	Equex Netball – Station 2	C	\$11.00	\$0.00	\$12.10	Hour

NEW	Equex Netball – Station 3	C	\$8.55	\$0.85	\$9.40	Hour
NEW	Equex Netball – Station 4	C	\$15.27	\$1.53	\$16.80	Hour
NEW	French Fields - Diamond 1 - 75 lux	C	\$6.91	\$0.69	\$7.60	Hour
NEW	French Fields - Diamond 1 - 300 Lux	C	\$14.82	\$1.48	\$16.30	Hour
NEW	Harris Park - 30 Lux	C	\$6.82	\$0.68	\$7.50	Hour
NEW	Harris Park - 200 Lux	C	\$17.00	\$1.70	\$18.70	Hour
NEW	Rawlings Park 2 - 100 Lux	C	\$9.09	\$0.91	\$10.00	Hour
NEW	Rawlings Park 2 - 200 Lux	C	\$12.91	\$1.29	\$14.20	Hour
NEW	Rawlings Park 3 - 100 Lux	C	\$9.09	\$0.91	\$10.00	Hour
NEW	Rawlings Park 3 - 200 Lux	C	\$12.91	\$1.29	\$14.20	Hour
NEW	Rawlings Park 4 - 100 Lux	C	\$9.09	\$0.91	\$10.00	Hour
NEW	Rawlings Park 4 - 200 Lux	C	\$12.91	\$1.29	\$14.20	Hour

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-7 LIVESTOCK MARKETING CENTRE 2020/21 FEE AMENDMENT

20/288 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council:

- a place the following amended fee on public exhibition for a period of 28 days from 11 August 2020 to 9 September 2020:**

Item Number	Fee and Charge Description	Pricing Policy ID	2020/21 Fee (Ex GST)	GST	2020/21 Fee (Incl GST)	Basis
0172	Cattle buyer delivery fee	C	\$2.23	\$0.22	\$2.45	Each

- b invite public submissions on the proposed amended fee until 9 September 2020**
- c receives a further report following the public exhibition period:**
- i addressing any submission made in respect of the proposed amended fee**
 - ii proposing adoption of the amended fee unless there are any recommended amendments that will require a further public exhibition period**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-8 RESPONSE TO NOTICE OF MOTION - POPULARLY ELECTED MAYOR

20/289 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council receive and note the report.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

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

RP-9 COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

20/290 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council:

- a note that there were no public submissions received during the exhibition period of the draft Councillor Induction and Professional Development Policy (POL 113)**
- b adopt the draft Councillor Induction and Professional Development Policy (POL 113)**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

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

RP-10 RESPONSE TO QUESTIONS/BUSINESS WITH NOTICE

20/291 RESOLVED:

On the Motion of Councillors P Funnell and T Koschel

That Council receive and note the report.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

COMMITTEE MINUTES

M-1 CRIME PREVENTION WORKING GROUP

20/292 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council

- a receive the minutes of the Crime Prevention Working Group Meeting held on 20 July 2020**
- b endorse the recommendations outlined in the Crime Prevention Working Group minutes and as detailed in the Wagga Wagga Pedestrian Walkway Review Report numbered one (1) to six (6)**
- c endorse the recommendation of item 2 for the establishment of a sub-committee listed in Business with Notice of the Crime Prevention Working Group minutes**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

QUESTIONS/BUSINESS WITH NOTICE

Councillor D Tout acknowledged and congratulated staff and all involved in the *Re-ignite event* he attended at the Civic Theatre on Saturday night. It was great to see people socially distanced and enjoying themselves at this event.

Councillor P Funnell requested advice confirming the correct speed zone on Kapooka Road, San Isidore, including adjoining areas and signage.

Councillor P Funnell requested feedback and a site visit if required, following a complaint he received from a member of the public regarding safety issues to pedestrians near the corner of Kincaid and Fitzmaurice Street, Wagga (outside Elders).

Councillor P Funnell requested a copy of the acquittal for the Lake Albert clean-up.

Councillor P Funnell requested advice and a site visit if required, following complaints regarding work health and safety of customers as a result of the upgrade of the Collingullie Waste Transfer Station.

Councillor P Funnell requested a copy of the Local Traffic Committee and Council's public consultation submission to Transport NSW regarding Old Narrandera Road.

Councillor P Funnell requested an urgent response and copies of the submissions from Council's Floodplain Risk Management Committee and/or Council regarding the Murray Darling Basin Authority's Sustainable Diversion Limit.

Councillor V Keenan acknowledged the 2020 Local Government Awards and congratulated staff for their outstanding achievement in winning The Leo Kelly OAM Arts and Culture Award for Council's Cultural Plan 2020-2030 and the R.H. Dougherty Award for the 2019 Lost Lanes Event.

Councillor R Kendall and Councillor T Koschel encouraged the General Manger to continue to lobby the State Government for a special water licence for Lake Albert and provide an update to Councillors.

Councillor T Koschel requested that Council provide the community with communication and an update on the Lake Albert clean-up project recently undertaken including the status of the project.

Councillor T Koschel requested that more communication be provided to the community regarding restricted opening hours at the Botanic Gardens Zoo and advice on reasoning for these restricted hours.

Councillor T Koschel acknowledged and congratulated the efforts and great work by the staff at Gregadoo Waste Management Centre following advice from the public recognising staffs efforts at this location.

Councillor D Hayes acknowledged and congratulated community members for planting 4500 seedlings along the Riverside and bike trails over the weekend, particularly given the weather conditions.

CLOSED COUNCIL

20/293 RESOLVED:

On the Motion of Councillors D Tout and Y Braid OAM

That the Council now resolve itself into a Closed Council, the time being 7.36pm

CARRIED

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

CONFIDENTIAL REPORTS

CONF-1 PROPOSED ACQUISITION OF EASEMENT FOR DRAINAGE WITHIN LOT 1 DP 748916 AT PLUMPTON ROAD, LAKE ALBERT

20/294 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council;

- a acquire an easement for drainage within Lot 1 DP 748916 at Plumpton Road upon the terms outlined in the body of this report**
- b pay compensation in the sum identified to the registered land owner**
- c delegate authority to the General Manager or their delegate to execute any necessary documents on behalf of Council**
- d authorise the affixing of Council's common seal to all relevant documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

CONF-2 PROPOSED ACQUISITION OF AIRPORT ANCILLARY LAND

20/295 RESOLVED:

On the Motion of Councillors K Pascoe and T Koschel

That Council:

- a delegate authority to the General Manager or their delegate to enter into a contract for the purchase of the land identified in the body of this report upon the terms outlined in the body of this report**
- b upon acquisition classify the land as operational land in accordance with s31(2) of the Local Government Act 1993**
- c delegate authority to the General Manager or their delegate to complete and execute any necessary documents on behalf of the Council**
- d authorise the affixing of Council's common seal to all relevant documents as required**
- e approve the budget variations as detailed in the Financial Implications section of the report**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

CONF-3 PROPOSED ACQUISITION OF LAND

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 7:37pm.

20/296 RESOLVED:

On the Motion of Councillors D Tout and D Hayes

That Council:

- a note the offer to purchase the property at 15-17 Trail Street, Wagga Wagga has been withdrawn by the vendor at Council's request
- b approve the budget variation as detailed in the Financial Implications section of the report

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid OAM
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
D Tout

Against the Motion

Councillor K Pascoe re-entered the chamber, the time being 7:38pm.

REVERSION TO OPEN COUNCIL

20/297 RESOLVED:

On the Motion of Councillors D Tout and K Pascoe

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7.39pm.

CARRIED

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7.41pm

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MAYOR