

PRESENT

The Mayor, Councillor Greg Conkey OAM
Councillor Yvonne Braid OAM
Councillor Paul Funnell
Councillor Dan Hayes
Councillor Vanessa Keenan arrived 6.11pm
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 Corporate Strategy & Communications	(Mr S Gray)
Manager Development Assessment & Building Certification	(Mr P O'Brien)
Corporate Governance Coordinator	(Mrs N Johnson)
Strategic Asset Planner (Parks & Recreation)	(Mr B Creighton)
Communications & Engagement Officer	(Mr S Shaw)
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 ORDINARY COUNCIL MEETING - 24 AUGUST 2020

20/336 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That the Minutes of the proceedings of the Ordinary Council Meeting held on 24 August 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 R Kendall declared a Significant Non-Pecuniary Interest in RP-1 - DA20/0294 - CHANGE OF USE TO COMMUNITY FACILITY AT NUMBER 71, ALTERATIONS AND ADDITIONS TO PREMISES AND CONSOLIDATION OF LOTS AT 69, 71 AND 73 PETER STREET, WAGGA WAGGA, NSW 2650 the reason being that he is the Chair of a community organisation that has made the application and vacated the Chamber during its consideration.

Councillor R Kendall declared a Significant Non-Pecuniary Interest in RP-3 - RESPONSE TO NOTICE OF MOTION - ENFORCEMENT ACTION FOR DA09/0872 the reason being that he is a business associate of one of the owners and vacated the Chamber during its consideration.

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-1 - DA20/0294 - CHANGE OF USE TO COMMUNITY FACILITY AT NUMBER 71, ALTERATIONS AND ADDITIONS TO PREMISES AND CONSOLIDATION OF LOTS AT 69, 71 AND 73 PETER STREET, WAGGA WAGGA, NSW 2650 the reason being the development backs onto a premises that is a branch he looks after for his work and remained in the Chamber during its consideration.

Councillor P Funnell declared a Non-Significant Non-Pecuniary Interest in NOM-1 NOTICE OF MOTION - BURRINJUCK DAM the reason being that he is an irrigator and sits on the Board of the Local Land Services as a Director and lives downstream from Wagga and remained in the Chamber during its consideration.

Councillor D Tout declared a Significant Non-Pecuniary Interest in RP-2 - COMMUNITY SUPPORT PROGRAM the reason being he holds an office bearer position on a committee of an organisation named in the report and vacated the Chamber during its consideration.

Mayor G Conkey (OAM) declared a Non-Significant Non-Pecuniary Interest in RP-2 - COMMUNITY SUPPORT PROGRAM the reason being that his wife is a volunteer for an organisation named in the report and vacated the Chamber during its consideration.

PROCEDURAL MOTION - ENGLOBO

20/337 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That the standing orders be varied for the meeting as set out hereunder:

- **Items where councillors wish to speak**
- **Items where no councillors wish to speak**
- **Confidential**
- **Matter of urgency**
- **Closure of Meeting**

That RP-4, RP-6, RP-7, RP-9, RP-11, M-1, CONF-2 and CONF-3, be adopted as recommended in the business papers.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

Councillor V Keenan entered the meeting the time being 6:11pm.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - BURRINJUCK DAM

20/338 RESOLVED:

On the Motion of Councillors P Funnell and D Hayes

That Council:

- a acknowledge the requirement for commencement of the process for the replacement of Burrinjuck Dam
- b write to the following representatives and their opposition counterparts requesting that discussions and actions begin in relation to the looming need for replacement of Burrinjuck Dam and the upgrading of the downstream infrastructure:
 - i The Hon. Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, Member for the Riverina
 - ii The Hon. Keith Pitt MP, Minister for Resources, Water and Northern Australia
 - iii The Hon. David Littleproud MP, Minister for Agriculture, Drought and Emergency Management
 - iv The Hon. Susan Ley MP, Minister of the Environment
 - v The Hon. Angus Taylor MP, Minister for Energy and Emissions Reduction
 - vi The Hon. Gladys Berejiklian MP, Premier of NSW
 - vii The Hon. John Barilaro MP, Deputy Premier of NSW, and Minister for Regional New South Wales, Industry and Trade
 - viii The Hon. Melinda Pavey, Minister for Water, Property and Housing

- ix The Hon. Matt Kean MP, Minister for Energy and Environment
- x The Hon. Adam Marshall MP, Minister for Agriculture and Western Australia
- c write to Riverina JO (RIVJO), Riverina and Murray JO (RAMJO), Murray Darling Association (MDA), all Councils impacted by operations of Burrinjuck Dam and the Southern basin seeking feedback and support of this recommendation
- d receive a report back to Council when all responses are received

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

NOM-2 NOTICE OF MOTION - TRUCK INTERCHANGE FACILITIES

20/339 RESOLVED:

On the Motion of Councillors D Hayes and T Koschel

That Council receive a report reviewing and identifying other possible solutions for FT3: Freight Interchange of the Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040.

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

REPORTS FROM STAFF

RP-1 DA20/0294 - CHANGE OF USE TO COMMUNITY FACILITY AT NUMBER 71, ALTERATIONS AND ADDITIONS TO PREMISES AND CONSOLIDATION OF LOTS AT 69, 71 AND 73 PETER STREET, WAGGA WAGGA, NSW 2650

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the Chamber, the time being 6:28pm.

20/340 RESOLVED:

On the Motion of Councillors D Hayes and T Koschel

That Council approve DA20/0294 for Change of use to Community Facility at number 71, alterations and additions to premises and consolidation of lots (69, 71 and 73 Peter Street) subject to the conditions outlined in the attached Section 4.15 Assessment Report.

CARRIED

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

For the Motion

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

Against the Motion

Councillor R Kendall re-entered the Chamber, the time being 6:34pm.

ELECTION OF CHAIRPERSON

At this stage of the meeting the Mayor, Councillor G Conkey OAM conducted an election for Chairperson, as a result of The Mayor and Deputy Mayor, D Tout, having an interest in RP-2 - COMMUNITY SUPPORT PROGRAM that required both Councillors to vacate the Chamber.

Councillor T Koschel nominated Councillor D Hayes.

Councillor D Hayes accepted the nomination.

Councillor D Hayes was appointed Chair for RP-2 - COMMUNITY SUPPORT PROGRAM.

RP-2 COMMUNITY SUPPORT PROGRAM

The Mayor, Councillor G Conkey OAM declared a Significant Non-Pecuniary Interest and vacated the Chair and the Chamber, the time being 6:34pm.

Councillor D Tout declared a Significant Non-Pecuniary Interest and vacated the Chamber, the time being 6:34pm.

Councillor D Hayes assumed the Chair, the time being 6.34pm.

20/341 RESOLVED:

On the Motion of Councillors R Kendall and P Funnell

That Council defer consideration of this report pending a Confidential Councillor workshop.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid OAM

P Funnell

D Hayes

V Keenan

R Kendall

T Koschel

K Pascoe

Against the Motion

Councillor D Hayes vacated the Chair the time being 6:40pm.

The Mayor, Councillor G Conkey OAM re-entered the Chamber and assumed the Chair, the time being 6:40pm.

Councillor D Tout re-entered the Chamber, the time being 6:40pm.

RP-3 RESPONSE TO NOTICE OF MOTION - ENFORCEMENT ACTION FOR DA09/0872

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the Chamber, the time being 6:40pm.

20/342 RESOLVED:

On the Motion of Councillors P Funnell and K Pascoe

That Council:

- a note the report and the steps moving forward**
- b receive a further report in November 2020 confirming the outcome of the enforcement action detailed in the report**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

Councillor R Kendall re-entered the Chamber, the time being 6:55pm.

RP-4 ELECTION PROCESS - MAYOR AND DEPUTY MAYOR 2020 - 2021

20/343 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council note the process for the election of Mayor and Deputy Mayor for the 2020 – 2021 term.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

**RP-5 2020 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE -
ELECTION OF DELEGATES AND MOTIONS**

20/344 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council:

- a endorse that the Mayor and three Councillors attend the Local Government NSW Annual Conference to be on-line on 23 November 2020**
- 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

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

Against the Motion

Councillors D Hayes, D Tout and V Keenan accepted nomination by the Mayor, Councillor G Conkey OAM.

Councillors D Hayes, D Tout and V Keenan were duly appointed to represent Council at the Local Government NSW Annual Conference on 23 November 2020.

RP-6 RISK MANAGEMENT POLICY REVIEW - POL 079

20/345 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council:

- a endorse the draft Risk Management Policy (POL 079), that is to be placed on public exhibition for a period of 28 days from 15 September 2020 to 12 October 2020 and invite public submissions until the 26 October 2020 on the draft Policy**
- b receive a further report following the public exhibition and submission period:**
 - i addressing any submissions made in respect of the proposed Risk Management Policy (POL 079)**
 - ii proposing adopting of the Policy unless there are any recommended amendments deemed to be substantial and requiring 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
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

RP-7 FEES AND CHARGES AMENDMENT - WASTE CHARGES ON PROPERTIES WITH A SECONDARY DWELLING

20/346 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council:

- a place the following new fees and charges wavier on public exhibition for a period of 28 days from 15 September 2020 to 13 October 2020:**
 - Family Secondary Dwelling:**
 - Additional Domestic Waste Management Service Charge:**

Waive on application and Council Officer approval – the second Domestic Waste Management Service Charge – Urban Residential - where the waste requirements deem the 2nd service unnecessary.

Supporting documentation: Statutory Declaration signed by all owners, stating relationship to occupant of second dwelling and request to remove service and associated charges.

Annual validation of the application is required by the submission of current documentation as detailed above. This will include review of any complaints (contamination, back yard burning, etc). Upon approval, property is no longer eligible for any other subsidised waste service (large family, medical waste).

- b invite public submissions on the proposed new fees and charges waiver until 13 October 2020**
- c receives a further report following the public exhibition period:**
 - i addressing any submission made in respect of the proposed new fees and charges waiver**
 - ii proposing retrospective adoption of the new fees and charges waiver for the 2020/21 financial year if the service has not been provided, 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
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

RP-8 COVID-19 RELIEF PACKAGE - PUBLIC EXHIBITION REPORT

20/347 RESOLVED:

On the Motion of Councillors T Koschel and D Hayes

That Council adopt all other addendums related to the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, the Wagga Wagga City Council Development Servicing Plan Sewerage Services 2013, and the Wagga Wagga City Council Development Servicing Plan Stormwater 2007.

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-9 SEWER CONNECTION FOR WAGGA WAGGA CHRISTIAN COLLEGE - PRIVATE WORKS

20/348 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council:

- a approve the installation of private pipework for connecting Wagga Wagga Christian College to the new sewer rising main between Hammond Avenue and Koorinal Sewer Pump Stations**
- b approve the work to be fully funded by Council at no charge to the College**
- c approve an allocation of \$17,000 from the Sewer Reserve to fund the works.**
- d receive a further report once the works are completed in accordance with Clause 4 of Section 67 of the Local Government Act 1993, and**
- e authorise the General Manager or their delegate to enter into agreement with the College with regards to ownership of the completed works**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-10 REGIONAL ROAD TRANSFER & ROAD CLASSIFICATION REVIEW

20/349 RESOLVED:

On the Motion of Councillors V Keenan and R Kendall

That Council authorise the General Manager or their delegate to make a submission to the Independent Panel for the NSW Government Road Classification Review project, requesting the following changes:

- a transfer to a State Road**
 - i MR384 Tumbarumba Road from the north bound access to the Hume Highway to the boundary with the Greater Hume Shire Council.**
- b reclassification to a Regional Road**
 - i Holbrook Road from Bourke Street to Red Hill Road**
 - ii Glenfield Road from Red Hill Road to Urana Street**
 - iii Pearson Street from Urana Street to the Sturt Highway**
 - iv Byrnes Road from Merino Road to the boundary with Junee Shire Council**
- c reclassification to a Local Road**
 - i Bourke Street from Holbrook Road to the railway crossing**
 - ii Docker Street from the railway crossing to the Sturt Highway**
- d reclassification to a Regional Road and transfer to a State Road**
 - i Eunony Bridge Road from the Sturt Highway to Oura Road**
 - ii Byrnes Road from Oura Road to Merino Road**
 - iii Merino Road from Byrnes Road to the Olympic Highway**

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-11 RESPONSE TO QUESTIONS/BUSINESS WITH NOTICE

20/350 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

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
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

COMMITTEE MINUTES

M-1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 13 AUGUST 2020

20/351 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council endorses the recommendations contained in the Minutes of the Audit, Risk and Improvement Committee Meeting held on 13 August 2020.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

QUESTIONS/BUSINESS WITH NOTICE

Councillor K Pascoe requested that Council clean up and maintain the road verges on the Sturt Highway east city entrance from Forest Hill into the CBD.

Councillor T Koschel thanked the General Manager for his quick response and following up with a member of the public following an recent incident.

Councillor T Koschel requested Council to investigate trees at the back of Adjin Street, Mount Austin, following concerns raised by from residents of the area.

Councillor D Hayes requested advice on the process for bin collection where the bins are knocked over prior to collection and therefore not collected on scheduled day.

Councillor R Kendall requested clarification in regards to Complying Development SEP Applications within Central Wagga and the reason for the flood and zoning restrictions.

Councillor P Funnell thanked staff for removing the white lines along Kincaid Street.

Councillor P Funnell raised concern regarding confidentiality and Council's mail process.

CLOSED COUNCIL

20/352 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That the Council now resolve itself into a Closed Council, the time being 7.26pm.

CARRIED

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

CONFIDENTIAL REPORTS

CONF-1 RIVERSIDE STAGE 2 D&C TENDER ASSESSMENT OUTCOME

20/353 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council:

- a in accordance with Clause 178 of the Local Government (General Regulation) 2005, decline all tenders for the RFT2020-04 Riverside Stage 2**
- b pursuant to clause 178(3)(e) authorise the General Manager or their delegate to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the design and construction of the Riverside Stage 2**
- c note the reasons for entering into negotiations is that the all bids received are over Council's available budget for this Project with element inclusions, exclusions, assumptions and Contract departures to be resolved**
- d receive a further report and recommendation following negotiations**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

P Funnell

CONF-2 RFT2020/031 SUPPLY ONE TAR PATCHING TRUCK

20/354 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council:

- a accept the offer of Ausroad Systems Pty Ltd for the supply of one (1) Tar Patching Truck for the amount of \$330,900.00 excluding GST**
- b authorise the General Manager or their delegate to enter into a contract with Ausroad Systems Pty Ltd for the supply of one (1) Tar Patching Truck for the amount of \$330,900.00 excluding GST**
- c authorise the affixing of Council's Common seal to all relevant documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

CONF-3 RFQ 2020/554 SUPPLY ONE (1) 6X4 WATER TRUCK TANK UNIT

20/355 RESOLVED:

On the Motion of Councillors T Koschel and K Pascoe

That Council:

- a accept the offer of Volvo for the supply of one (1) FM11 330 HP Water Truck for \$289,698.00 excluding GST**
- b authorise the General Manager or their delegate to enter into a contract with Volvo Trucks and Dealer Wagga Trucks - Volvo for the supply of one (1) FM11 330 HP Water Truck for \$289,698.00 excluding GST**
- c authorise the affixing of Council's Common seal to all relevant documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

CONF-4 CODE OF CONDUCT MATTER

The Mayor, Councillor G Conkey OAM vacated the Chamber and the Chair, the time being 7:38pm.

Councillor R Kendall left the meeting at 7.38pm to attend to a personal matter and change devices and then attempted to join the meeting at 7.57pm when he was able to be in location that afforded confidentiality.

Deputy Mayor, Councillor D Tout assumed the Chair, the time being 7.38pm.

Councillor P Funnell vacated the Chamber, the time being 7:55pm and did not return to the Chamber.

Councillor K Pascoe vacated the Chamber, the time being 7:59pm.

20/356 RESOLVED:

On the Motion of Councillors V Keenan and T Koschel

That Council defer consideration of this matter to the next Ordinary Council Meeting on 28 September 2020.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid OAM
D Hayes
V Keenan
T Koschel
D Tout

Against the Motion

Councillor R Kendall re-entered the Chamber, the time being 7:57pm.

The Mayor, Councillor G Conkey OAM re-entered the Chamber and assumed the Chair, the time being 8:03pm.

Councillor K Pascoe re-entered the Chamber, the time being 8:04pm.

REVERSION TO OPEN COUNCIL

20/357 RESOLVED:

On the Motion of Councillors T Koschel and Y Braid OAM

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8.04pm

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8.05pm.

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MAYOR