

PRESENT

Councillor Dallas Tout (Mayor from the time of adjournment for the balance of the meeting)
Delegate Mr Greg Conkey OAM (start of the meeting until the election of the Mayor)
Councillor Georgie Davies
Councillor Richard Foley
Councillor Dan Hayes
Councillor Michael Henderson
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 Projects – by remote video-link	(Mr S Barber)
Director Regional Activation	(Mr M Keys)
Chief Financial Officer	(Mrs C Rodney)
Chief Operating Officer – by remote video-link	(Mr S Gray)
Manager Corporate Governance & Risk	(Ms I Hensley)
Corporate Governance Coordinator	(Mrs N Johnson)
Communications & Engagement Officer	(Mr S Shaw)
Aboriginal Community Development Officer	(Mr B Higgins)

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.

WELCOME TO COUNTRY OF COUNTRY

Uncle James Ingram, Senior Wiradjuri Elder performed the Welcome to Country.

APOLOGIES

No apologies were received.

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 29 NOVEMBER 2021

22/001 RESOLVED:

On the Motion of Councillors R Kendall and T Koschel

That the Minutes of the proceedings of the Ordinary Council Meeting held on 29 November 2021 be confirmed as a true and accurate record.

CARRIED

DECLARATIONS OF INTEREST

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-7 30 NOVEMBER 2021 INVESTMENT REPORT the reason being that his employer is named in the report and remained the chamber during its consideration.

PROCEEDUAL MOTIONS

PM-1 OATHS AND AFFIRMATIONS OF OFFICE

COUNCILLORS' OATH OF OFFICE

Councillor R Kendall and Councillor D Tallas took the Oath of Office in accordance with the provisions of Section 233A of the *Local Government Act 1993* (NSW), individually reading out aloud the prescribed wording below in presence of the General Manager, fellow Councillors, staff and the gallery.

I, Councillor.... swear that I will undertake the duties of the office of councillor in the best interests of the people of the Wagga Wagga Local Government area and the Wagga Wagga City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

COUNCILLORS' AFFIRMATION OF OFFICE

Councillor G Davies, Councillor D Hayes, Councillor M Henderson, Councillor R Foley, Councillor T Koschel, Councillor J McKinnon and Councillor A Parkins took the Affirmation of Office in accordance with the provisions of Section 233A of the *Local Government Act 1993* (NSW), individually reading out aloud the prescribed wording below in presence of the General Manager, fellow Councillors, staff and the gallery.

I, Councillor..... solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Wagga Wagga Local Government area and the Wagga Wagga City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions

vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

PM-2 ELECTION OF MAYOR AND DEPUTY MAYOR

22/002 RESOLVED:

On the Motion of Councillors D Tout and R Kendall

That Council conduct the election of the Mayor and Deputy Mayor by open voting for the period January 2022 to September 2023.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

The Delegate, Mr G Conkey OAM vacated the Chair the time being 6:18pm, handing over to the General Manager, Mr P Thompson to conduct the elections of the Mayor and Deputy Mayor. Mr P Thompson advised the meeting that he was the Returning Officer and would conduct each election.

Election of the Mayor

Two nominations were received for the Office of Mayor:

- Councillor D Hayes
- Councillor D Tout

The Returning Officer then conducted the election the Mayor.

Following the conclusion of the vote, the Returning Officer declared Councillor D Tout elected to the position of Mayor for the Council of the City of Wagga Wagga for the period 10 January 2022 to September 2023 with the result of the count being:

- Councillor D Hayes - 2 Votes
- Councillor D Tout - 7 Votes

Election of Deputy Mayor

Two nominations were received for the Office of Deputy Mayor:

- Councillor D Hayes
- Councillor J McKinnon

The Returning Officer, then conducted the election the Deputy Mayor.

Following the conclusion of the vote, the Returning Officer declared Councillor J McKinnon elected to the position of Deputy Mayor for the Council of the City of Wagga Wagga for the period 10 January 2022 to September 2023 with the result of the count being:

- Councillor D Hayes - 4 Votes
- Councillor J McKinnon - 5 Votes

The Mayor, Councillor D Tout assumed the chair, the time being 6:22pm.

PROCEDURAL MOTION - SUSPEND STANDING ORDERS

22/003 RESOLVED:

On the Motion of Councillors R Kendall and D Hayes

That Council suspend standing orders and adjourn for a short recess to allow for a media opportunity, the time being 6:24pm.

CARRIED

PROCEDURAL MOTION - RE-INSTATE STANDING ORDERS

22/004 RESOLVED:

On the Motion of Councillors D Hayes and M McKinnon

That Council resume the meeting and re-instate standing orders, the time being 6:45pm.

CARRIED

PROCEDURAL MOTION - ENGLOBO

22/005 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

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 and RP-7 be adopted as recommended in the business papers.

CARRIED

RECORD OF VOTING ON THE MOTION

FOR THE MOTION

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

AGAINST THE MOTION

PUBLIC DISCUSSION FORUM

RP-8 RESPONSE TO QUESTIONS/BUSINESS WITH NOTICE

- Ashleigh Hubbard – Speaking in favour of the Report

PROCEDURAL MOTION - CHANGE OF STANDING ORDERS

22/006 RESOLVED:

On the Motion of Councillor D Hayes and T Koschel

That Council bring forward consideration of RP-8 Response to Questions/Business with Notice to follow the public discussion forum.

CARRIED

RP-8 RESPONSE TO QUESTIONS/BUSINESS WITH NOTICE

22/007 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council receive and note the report.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - SPECIAL EVENTS AND VICTORY MEMORIAL GARDENS

22/008 RESOLVED:

On the Motion of Councillors T Koschel and J McKinnon

That Council:

- a receive a Report in relation to:**
 - i options for Special Event Drop off Zones for special events at the Victory Memorial Gardens**
 - ii usage of the Victory Memorial Gardens for special events, and including (but not limited to):**
 - a list of all major events and non-major events, including school formals etc, that have been reported to Council
 - the opportunity to have an event registry log for non-major events, so organisers can register an event with Council
 - options for better utilisation of parking around the Victory Memorial Gardens

- b provide a copy of the Report to the Local Traffic Committee and request comment from the Local Traffic Committee on the options**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

NOM-2 NOTICE OF MOTION - WAGGA WAGGA ROADS

22/009 RESOLVED:

On the Motion of Councillors D Hayes and T Koschel

That Council receive a Report outlining all relevant information in regard to road maintenance and repair, including but not limited to:

- a current budget and comparison to other similar local government areas**
- b current schedule of repairs**
- c funding required and alternate options for funding**
- d funding received from other levels of government**
- e rating system for assessing Wagga Wagga roads and the process of designating priority repairs, maintenance, and upgrades**
- f overview of the main causes of potholes within our Local Government Area**
- g overview of current materials and methods used to repair potholes (including costings) and an investigation into the cost of alternative materials and methods which could be more durable, and long-lasting**
- h challenges unique to Wagga Wagga in road maintenance**
- i at the conclusion of the report, forward to State and Federal members for comment and/or support**
- j explore new machinery and products to amend and properly repair potholes**
- k investigate the use of contractors to tender for major roadworks to reduce the timeframes for upgrades and total costs**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

REPORTS FROM STAFF

RP-1 ELECTION OF MEMBERS TO RIVERINA WATER COUNTY COUNCIL

22/010 RESOLVED:

On the Motion of Councillors R Kendall and T Koschel

That Council:

- a conduct an election of five (5) Councillors to the Board of Riverina Water County Council from January 2022 until the next Local Government Election, currently September 2024
- b note that in accordance with the Local Government (General) Regulations 2021, the General Manager is the Returning Officer for the election of Board Members to Riverina Water County Council

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

At this stage of the meeting the General Manager, Mr Peter Thompson advised that he is the Returning Officer for the election of Councillors to the Board of Riverina Water County Council and that the General Manager of Riverina Water County Council, Mr

Andrew Crackanthorp, accepted the invitation as scrutineer in the conduct of the election.

It was noted that, in the event of there being more than five candidates for the Riverina Water County Council, an election will be held in accordance with Clause 396 (Schedule 9) of the Local Government (General) Regulation 2021, and that such election is to be determined by five (5) separate preferential ballots.

Election of five Councillors to the Board of Riverina Water County Council

The nominations received for the Board members of Riverina Water County Council were:

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

The Returning Officer, conducted five (5) separate elections for each position to the Board of Riverina Water County Council.

Ballot papers were distributed with preferential ballots undertaken for each election.

Following the conclusion of each election and preference count, the Returning Officer declared the following Councillors elected to the Board of Riverina Water County Council until September 2024:

- Position One - Councillor T Koschel
- Position Two - Councillor M Henderson
- Position Three - Councillor D Hayes
- Position Four - Councillor G Davies
- Position Five - Councillor J McKinnon

RP-2 DELEGATION OF AUTHORITY TO THE MAYOR

22/011 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council confirm the existing Resolution 18/348 to delegate the following powers, authorities, duties or functions to the Mayor, as listed below:

- 1. Day-to-day oversight of the General Manager's employment under the contract of employment between the Council and the General Manager as**

contemplated by Part D of Division of Local Government, Department of Premier & Cabinet in 2011 titled 'Guidelines for the Appointment & Oversight of General Managers'

2. Incurring expenditure on behalf of the Council in connection with the mayor's day-to-day oversight of the General Manager's employment in order to obtain independent expert advice on matters relating to the General Manager's performance under the contract of employment between the Council and the General Manager
3. To expend money in an amount not exceeding \$30,000.00 in any financial year in the proper exercise of the Council's functions in circumstances where the Mayor reasonably considers that the expenditure is urgent and the expenditure is duly authorised by the Council under clause 211 of the Local Government (General) Regulation 2021 and subject to any conditions or limitations imposed by resolution of the Council from time to time specifically for the purpose of this delegation
5. To approve jointly with the General Manager, the attendance of Councillors at any seminar, conference, meeting or course, provided that:
 - i. such delegation shall not be exercised if there is a prior Council meeting at which the attendance might be considered allowing sufficient time for registration, arrangements, etc
 - ii. provision has been made for such expenditure in the Council's budget
 - iii. such seminar, conference etc is for one day or less and does not involve an overnight stay

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-3 COUNTBACK ELECTION

22/012 RESOLVED:

On the Motion of Councillors D Hayes and T Koschel

That Council confirm that casual vacancies occurring for the Office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 be filled by a by-election.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-4 COUNCIL MEETING DATES - 2022

22/013 RESOLVED:

On the Motion of Councillors R Kendall and T Koschel

That Council:

- a endorse the schedule of Ordinary Council meetings for the period January 2022 to December 2022, which makes provision for two meetings per month, as outlined in the report , subject to the alteration in (b) below:**
- b amend the two meetings per month schedule by removing the proposed meeting on 4 July 2022 and schedule a meeting for 27 June 2022**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

D Hayes

RP-5 2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE - ELECTION OF DELEGATES

22/014 RESOLVED:

On the Motion of Councillors R Kendall and J McKinnon

That Council:

- a endorse that the Mayor and three (3) Councillors attend the 2022 LGNSW Special Conference to be held in Sydney from 28 February to 2 March 2022**
- b elect three (3) Councillor delegates referred to in (a) above to attend the Conference**
- c consider submitting Motions to the Conference including:**

That Local Government NSW advocates to the State Government and IPART, that IPART use the Local Government (State) Award instead of the public service index which IPART currently uses and which is unrelated to the actual increase required to be paid by Councils, when determining the range Councils can increase rates in any year under the rate peg system.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

Councillor D Hayes self-nominated.

Councillor R Foley self-nominated.

Councillor A Parkins self-nominated.

Councillors D Hayes, R Foley and A Parkins were duly appointed to attend with the Mayor, the 2022 LGNSW Special Conference to be held in Sydney from 28 February to 2 March 2022.

RP-6 LGNSW WATER MANAGEMENT CONFERENCE

22/015 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council:

- a endorse sending a Council delegate to the 2022 LGNSW Water Management Conference to be held in Narrabri from 9 - 11 February 2022**
- b appoint one Councillor as Council's delegate to attend the LGNSW Water Management Conference**

CARRIED

Councillor T Koschel self-nominated.

Councillor T Koschel was duly appointed to attend 2022 LGNSW Water Management Conference to be held in Narrabri from 9 - 11 February 2022.

RP-7 30 NOVEMBER 2021 INVESTMENT REPORT

22/016 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council note the details of the external investments as at 30 November 2021 in accordance with section 625 of the Local Government Act 1993

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-8 Response to Questions/Business with Notice was moved forward to follow the Public Discussion Forum.

QUESTIONS/BUSINESS WITH NOTICE

Councillor T Koschel requested advice if Council can adopt changing the Questions/Business with Notice item to Questions and Statements.

The General Manager, Mr P Thompson advised that the Code of Meeting Practice is subject to a Councillor Workshop prior to consideration by Council in February 2022. He also advised, that given the provisions of the Code of Meeting Practice, there is no mechanism for statements without notice to be included in a Council meeting.

Councillor D Hayes requested that Council investigate insurance premiums as the community have advised that costs have not dropped despite the City Levee being built. Can Council please confirm this and if so, can Council advocate towards the relevant organisations?

Councillor D Hayes requested an update and advice on possible available State grant funding for upgrading sporting facilities, which the Jubilee Athletics facility may have been eligible for and if Council are making application.

Councillor D Hayes requested advice on options to reduce flooding on sections of the Wiradjuri Trail, as access between the off leash areas in Wiradjuri and the wetlands is often cut off.

Councillor D Hayes requested that fallen trees blocking the Wiradjuri trail between Wiradjuri Bridge and Gobbagombalin Bridge be add to the list of trees to be cleaned up following the recent storm events.

Councillor D Hayes requested advice and consideration by Council in aligning off-street and street parking limits particularly in Peter Street, given the identified anomaly.

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 9:15pm.

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MAYOR