

## **PRESENT**

Councillor Jenny McKinnon  
Councillor Georgie Davies  
Councillor Dan Hayes  
Councillor Richard Foley  
Councillor Rod Kendall  
Councillor Amelia Parkins

## **IN ATTENDANCE**

Acting General Manager	(Mr S Gray)
Acting Director Community	(Ms M Scully)
Director Infrastructure Services	(Mr W Faulkner)
Director Strategy and Projects	(Mr P McMurray)
Director Regional Activation	(Mr J Sidgwick)
Associate Director Projects	(Mr S Darby)
Chief Financial Officer	(Mrs C Rodney)
Manager Governance and Risk	(Ms I Hensley)
Corporate Governance Coordinator	(Mrs N Johnson)
Communications & Engagement Officer	(Mrs M Schoonmaker)
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.

## **ACKNOWLEDGEMENT OF THE PASSING OF HER MAJESTY QUEEN ELIZABETH II**

Council acknowledged the passing of Her Majesty, Queen Elizabeth II.

In mourning the loss of our monarch, who served her country and the collective Commonwealth community with dignity, warmth and kindness for more than seventy years, Council offers its condolences to the Royal Family on her Majesty's passing.

Early in her service to the Commonwealth, the Queen and her husband, Prince Philip, visited Wagga Wagga on Saturday 13 February 1954 and were welcomed by thousands lining Wagga Wagga's streets and the showground.

One minute silence was observed recognising Her Majesty's service to public life, her loyalty, dedication and stoic and inspiring leadership.

## **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**

Apologies for non-attendance were received and accepted for Councillor T Koschel, Councillor M Henderson, the General Manager, Mr P Thompson and Director Community, Mrs J Summerhayes on the Motion of Councillors D Hayes and R Kendall.

## **LEAVE OF ABSENCE**

Council noted that leave of absence was granted to the Mayor, Councillor D Tout (3 September 2022 to 25 September 2022 inclusive) at the 22 August 2022, Ordinary Council Meeting.

## **CONFIRMATION OF MINUTES**

### **CM-1      ORDINARY COUNCIL MEETING - 5 SEPTEMBER 2022**

#### **22/307      RESOLVED:**

On the Motion of Councillors R Foley and D Hayes

**That the Minutes of the proceedings of the Ordinary Council Meeting held on 5 September 2022 be confirmed as a true and accurate record.**

**CARRIED**

## **RECORD OF VOTING ON THE MOTION**

### **For the Motion**

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

### **Against the Motion**

### **DECLARATIONS OF INTEREST**

Councillor D Hayes declared a Significant Non-Pecuniary Interest in RP-2 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 2/5 - PINNOCK WATTS FAMILY TRUST the reason being that he has a familial link and vacated the chamber during its consideration.

Councillor D Hayes declared a Significant Non-Pecuniary Interest in CONF-4 LAMPE AVENUE ROAD WIDENING the reason being that he lives in the area subject to the report and vacated the chamber during its consideration.

Councillor R Kendall declared a Non-Significant Non-Pecuniary Interest in RP-4 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 4/5 - WAGGA CITY AERO CLUB the reason being that he is a member of the Wagga City Aero Club and remained in the chamber during its consideration.

Councillor G Davies declared a Non-Significant Non-Pecuniary Interest in RP-4 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 4/5 - WAGGA CITY AERO CLUB the reason being that a member of her family is a member of the Wagga City Aero Club and remained in the chamber during its consideration.

### **PROCEDURAL MOTION - ENGLOBO**

#### **22/308 RESOLVED:**

On the Motion of Councillors R Foley 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-1, RP-3 to RP-7, RP-9, RP-10, CONF-1, CONF-3 and CONF-5 be adopted as recommended in the business papers.**

**CARRIED**

### **RECORD OF VOTING ON THE MOTION**

#### For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

#### Against the Motion

## **MAYORAL MINUTE**

### **MM-1 MAYORAL MINUTE - SUBMISSION TO INLAND RAIL ENVIRONMENTAL IMPACT STATEMENT (EIS)**

#### **22/309 RESOLVED:**

On the Motion of the Acting Mayor, Councillor J McKinnon

#### **That Council:**

- a endorse the attached submission to the Inland Rail (IR) Albury to Illabo (A2I) Environmental Impact Statement (EIS)**
- b provide copies of the submission to:**
  - i Federal Member for Riverina, The Hon Michael McCormack MP**
  - ii Federal Minister for Infrastructure Transport Regional Development and Local Government, The Hon Catherine King MP**
  - iii Federal Shadow Minister for Infrastructure, Transport and Regional Development, Hon Bridget McKenzie; and**
  - iv State Member for Wagga Wagga, The Hon Dr Joe McGirr MP**
  - v Duty Senator for New South Wales, Deborah O'Neill**
  - vi Duty Member of New South Wales Legislative Council, Tara Moriarty**

**CARRIED**

## **RECORD OF VOTING ON THE MOTION**

### For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

### Against the Motion

## **REPORTS FROM STAFF**

### **RP-1 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 1/5 - MURRUMBIDGEE TURF CLUB**

#### **22/310 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

**That Council authorise the General Manager or their delegate to enter into an agreement to sponsor the Murrumbidgee Turf Club 'Breakfast with the Stars & Races' to the amount of \$6,000 through the 2022/23 Major Events and Sponsorship Program.**

**CARRIED**

### **RECORD OF VOTING ON THE MOTION**

#### For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

#### Against the Motion

### **RP-2 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 2/5 - PINNOCK WATTS FAMILY TRUST**

Councillor D Hayes declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 6:28pm.

#### **22/311 RESOLVED:**

On the Motion of Councillors R Kendall and R Foley

**That Council authorise the General Manager or their delegate to enter into an agreement to sponsor the Pinnock Watts Family Trust 'Fitz Fest Wagga Wagga' to the amount of \$11,946 through the 2022/23 Major Events and Sponsorship Program.**

**CARRIED**

### **RECORD OF VOTING ON THE MOTION**

#### For the Motion

G Davies

R Foley

R Kendall

J McKinnon

A Parkins

#### Against the Motion

Councillor D Hayes re-entered the chamber, the time being 6:29pm.

**RP-3 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 3/5 - WAGGA MARDI GRAS FESTIVAL AUSPICED BY ACON HEALTH LIMITED**

**22/312 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

**That Council authorise the General Manager or their delegate to enter into an agreement to sponsor the Mardi Gras Festival 2023' auspiced by Acon Health Limited to the amount of \$15,500 with conditions through the 2022/23 Major Events and Sponsorship Program.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

Against the Motion

**RP-4 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 4/5 - WAGGA CITY AERO CLUB**

**22/313 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

**That Council authorise the General Manager or their delegate to enter into an agreement to sponsor the Wagga City Aero Club 'Wings Over Wagga Wagga' to the amount of \$10,000 through the 2022/23 Major Events and Sponsorship Program.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

Against the Motion

**RP-5 MAJOR EVENTS, FESTIVALS AND FILMS SPONSORSHIP - ROUND TWO - REPORT 5/5 - FLOW FESTIVAL**

**22/314 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

**That Council decline the application for sponsorship from the 'Flow Festival 2022' under the 2022/23 Major Events and Sponsorship Program.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

Against the Motion

**RP-6 FINANCIAL PERFORMANCE REPORT AS AT 31 AUGUST 2022**

**22/315 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

**That Council:**

- a approve the proposed 2022/23 budget variations for the month ended 31 August 2022 and note the balanced budget position as presented in this report**
- b approve the proposed budget variations to the 2022/23 Long Term Financial Plan Capital Works Program including future year timing adjustments and new projects**
- c note the Responsible Accounting Officer's reports, in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3: Clause 203) that the financial position of Council is satisfactory having regard to the original estimates of income and expenditure and the recommendations made above**
- d note the details of the external investments as at 31 August 2022 in accordance with section 625 of the Local Government Act 1993**
- e accept the funding offer of \$609,138 from Transport for NSW for the Get NSW Active Program**

**CARRIED**

## RECORD OF VOTING ON THE MOTION

### For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

### Against the Motion

## RP-7 POL 075 - INVESTMENT POLICY

### 22/316 RESOLVED:

On the Motion of Councillors R Foley and R Kendall

#### That Council:

- a note the recommendation from the Audit, Risk and Improvement Committee to adopt the reviewed Investment Policy
- b note only minor changes are proposed to POL 075 – Investment Policy
- c place the draft POL 075 - Investment Policy on public exhibition for a period of 28 days from 20 September 2022 to 17 October 2022 and invite public submissions until 31 October 2022 on the draft policy
- d receive a further report following the exhibition and submission period:
  - i addressing any submissions made in respect of the proposed POL 075 – Investment Policy
  - ii proposing adoption of the Policy unless there are any recommended amendment deemed to be substantial and requiring a further public exhibition period

**CARRIED**

## RECORD OF VOTING ON THE MOTION

### For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

### Against the Motion



**RP-8 COUNCIL MEETING DATES - 2023**

**22/317 RESOLVED:**

On the Motion of Councillors D Hayes and R Foley

**That Council:**

- a endorse the schedule of Ordinary Council meetings for the period January 2023 to December 2023, which makes provision for two-monthly meetings, as outlined in the report with the exception of 17 April 2023**
- b cancel the 24 October 2022 Ordinary Meeting of Council as there will be five (5) councillors including the Mayor and Deputy Mayor at the LGNSW Conference on this date**
- c replace the Ordinary Meeting of Council on 10 October 2022 with an Ordinary Meeting of Council on 17 October 2022**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

Against the Motion

**RP-9 RESOLUTIONS AND NOTICES OF MOTIONS REGISTERS**

**22/318 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

**That Council receive and note the following registers:**

- a Active Resolutions as at 13 September 2022**
- b Active Notice of Motions as at 13 September 2022**
- c Resolutions including Notice of Motions completed from 16 August 2022 to 14 September 2022**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

Against the Motion

**RP-10      RESPONSES TO QUESTIONS WITH NOTICE**

**22/319      RESOLVED:**  
On the Motion of Councillors R Foley and R Kendall

**That Council receive and note the report.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

Against the Motion

**RP-11      QUESTIONS WITH NOTICE**

**22/320      RESOLVED:**  
On the Motion of Councillors D Hayes and R Foley

**That Council receive and note the report.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

Against the Motion

**CLOSED COUNCIL**

**22/321      RESOLVED:**  
On the Motion of Councillors D Hayes and R Foley

**That the Council now resolve itself into a Closed Council, the time being 6:32pm.**

**CARRIED**

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

### **CONFIDENTIAL REPORTS**

#### **CONF-1 RFT2023-05 DUNNS ROAD, OLYMPIC HIGHWAY & HOLBROOK ROAD INTERSECTIONS DESIGN AND CONSTRUCT**

##### **22/322 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

##### **That Council:**

- a in accordance with Clause 178(1)(b) of the Local Government (General Regulation) 2005, decline all tenders for the RFT2023-05 Dunns Road, Olympic Highway and Holbrook Road Intersections Design and Construct works**
- b pursuant to clause 178(3)(e) of the Local Government (General Regulation) 2005, authorise the General Manager, or their delegate, to enter into negotiations with any person with the intention of entering into a contract for the Dunns Road, Olympic Highway and Holbrook Road Intersections Design and Construct works**
- c note that the reason for declining to invite fresh tenders or applications is that it is not expected that further market testing will provide a more satisfactory result**
- d note that the reason for entering into negotiations is that the evaluation identified the submissions to be beyond the budget allocated for this work due to the design having included some significant safety changes to Holbrook road which were to be funded through Blackspot funding. This funding has not materialised and changes to the design will need to be negotiated to attempt to fit the tender within the allocated budget**
- e authorise the General Manager or delegate to enter into a contract, using Council's Common Seal if required, should negotiations be successful**

**CARRIED**

### **RECORD OF VOTING ON THE MOTION**

#### For the Motion

G Davies  
D Hayes  
R Foley  
R Kendall  
J McKinnon  
A Parkins

#### Against the Motion

## CONF-2 RIVERSIDE FOOD VAN EOI - UPDATE

### 22/323 RESOLVED:

On the Motion of Councillors R Kendall and D Hayes

**That Council commence a fresh EOI process for the Riverside Food Van and the exclusive provision of food and beverage services in the Riverside Precinct.**

**CARRIED**

## RECORD OF VOTING ON THE MOTION

### For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

### Against the Motion

## CONF-3 EXPRESSION OF INTEREST - 99 PETER STREET, WAGGA WAGGA

### 22/324 RESOLVED:

On the Motion of Councillors R Foley and R Kendall

**That Council:**

- a resolve not to accept the Expression of Interest submission in relation to the premises at 99 Peter Street, Wagga Wagga**
- b authorise the General Manager or their delegate to list the premises at 99 Peter Street, Wagga Wagga for lease on the open market**
- c authorise the General Manager or their delegate to negotiate terms of the lease in accordance with the parameters contained in this report**
- d receive a further report from Council staff if a suitable lease can be negotiated**
- e approve the budget variation/s as detailed in the Financial Implications section of the report**

**CARRIED**

## RECORD OF VOTING ON THE MOTION

### For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

### Against the Motion

#### **CONF-4 LAMPE AVENUE ROAD WIDENING**

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

##### **22/325 RESOLVED:**

On the Motion of Councillors A Parkins and G Davies

##### **That Council:**

- a resolve not to proceed with the widening of Lampe Avenue in accordance with the 1941 and 1971 gazettal's**
- b authorise the General Manager or their delegate to obtain a survey of the section of Lampe Avenue between Beckwith and Simmons Street to confirm the boundaries of Lampe Avenue and the adjoining Lots**
- c receive a further report if the survey diagram identifies any additional encroachments.**
- d approve the budget variation/s as detailed in the Financial Implications section of the report**

**CARRIED**

#### **RECORD OF VOTING ON THE MOTION**

##### For the Motion

G Davies  
R Foley  
R Kendall  
J McKinnon  
A Parkins

##### Against the Motion

Councillor D Hayes re-entered the chamber, the time being 6:37pm.

#### **CONF-5 TECHNOLOGYONE TRANSITION TO SOFTWARE AS A SERVICE (SAAS)**

##### **22/326 RESOLVED:**

On the Motion of Councillors R Foley and R Kendall

##### **That Council:**

- a in accordance with Section 55(3)(i) of the Local Government Act 1993, approve an exemption from conducting a tender process for the provision of the TechnologyOne Software as a Service (SaaS) platform, due to the following circumstances:**
  - i the existing supplier is the sole provider of the relevant software services, and a competitive tender process is not possible;**

- ii Council is already heavily invested in the use of TechnolyOne products throughout the organisation;
- b delegate authority to the General Manager or their delegate to enter into a contract with Technology One Limited for the provision of the TechnologyOne SaaS platform
- c approve the budget variation/s as detailed in the Financial Implications section of the Report

**CARRIED**

#### **RECORD OF VOTING ON THE MOTION**

For the Motion

G Davies

D Hayes

R Foley

R Kendall

J McKinnon

A Parkins

Against the Motion

#### **REVERSION TO OPEN COUNCIL**

**22/327 RESOLVED:**

On the Motion of Councillors G Davies and R Foley

**That this meeting of the Closed Council revert to an open meeting of the Council, the time being 6.37pm.**

**CARRIED**

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 6.40pm.

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MAYOR