

**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.

**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**

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

Against the Motion

**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             |                           |

**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.

**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**

For the Motion

Against the Motion

- 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

**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**

**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

**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**

For the Motion  
D Tout  
G Davies  
R Foley  
R Kendall  
T Koschel  
J McKinnon  
A Parkins

Against the Motion  
M Henderson

**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**

For the Motion

Against the Motion

- 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**

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

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

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

- 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**

For the Motion

Against the Motion

- 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.

**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             |                           |

**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**

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

Against the Motion

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7.55pm.

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MAYOR