

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.

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

For the Motion

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

Against the Motion

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

For the Motion

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

Against the Motion

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

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

Against the Motion

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

<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	

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

For the Motion

D Tout
G Davies
M Henderson
R Foley
T Koschel
A Parkins

Against the Motion

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

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

Against the Motion

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

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

Against the Motion

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

<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	

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

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MAYOR