

## **PRESENT**

The Mayor, Councillor Dallas Tout  
Councillor Georgie Davies  
Councillor Dan Hayes  
Councillor Michael Henderson  
Councillor Richard Foley  
Councillor Rod Kendall  
Councillor Tim Koschel  
Councillor Amelia Parkins

## **IN ATTENDANCE**

Director Regional Activation	(Mr J Sidgwick)
Director Community	(Ms J Summerhayes)
Director Infrastructure Services	(Mr W Faulkner)
Chief Financial Officer	(Mrs C Rodney)
Chief Operating Officer	(Mr S Gray)
Associate Director - Projects	(Mr S Darby)
Executive Manager, Regional Activation	(Mrs F Hamilton)
Manager Governance and Risk	(Ms I Hensley)
Manager Community Services	(Ms M Scully)
Property Coordinator	(Mr M Dombrowski)
Corporate Governance Coordinator	(Mrs N Johnson)
Communications & Engagement Officer	(Mrs M Schoonmaker)

## **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.

## **WELCOME TO COUNTRY**

Aunty Cheryl Penrith, 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.

## **APOLOGIES**

Apologies for non-attendance were received and accepted for the Deputy Mayor, Councillor J McKinnon, General Manager, Mr P Thompson, Director Strategy and Projects, Mr P McMurray and Executive Director People and Culture, Mrs F Piltz on the Motion of Councillors D Hayes and R Kendall.

## **LEAVE OF ABSENCE**

### **23/001 RESOLVED:**

On the Motion of Councillors R Foley and M Henderson

**That Council grant a Leave of Absence to Councillor Tim Koschel on Monday, 27 February 2023 and Monday, 3 April 2023.**

**CARRIED**

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

### For the Motion

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

### Against the Motion

## **CONFIRMATION OF MINUTES**

### **CM-1 ORDINARY COUNCIL MEETING - 12 DECEMBER 2022**

### **23/002 RESOLVED:**

On the Motion of Councillors T Koschel and R Kendall

**That the Minutes of the proceedings of the Ordinary Council Meeting held on 12 December 2022 be confirmed as a true and accurate record.**

**CARRIED**

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

### For the Motion

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

### Against the Motion

## **DECLARATIONS OF INTEREST**

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-1 Financial Performance Report as at 31 December 2022, the reason being that he works for a financial institution and remained in the chamber during its consideration.

Councillor T Koschel declared a Significant Non-Pecuniary Interest in CONF-2 Expression of Interest Campaign Outcome Report – Tarcutta Food Van Site, the reason being that his father-in-law runs a fast food business within the region and vacated the chamber during its consideration.

Councillor R Kendall declared a Significant Non-Pecuniary Interest in CONF-3 RFT 2023-16 - Provision of Real Estate Agency Services For RIFL Subdivision - Outcome Report the reason being that one of the tenderers is currently marketing a property he has an interest in and vacated the chamber during its consideration.

Councillor R Foley declared a Significant Non-Pecuniary Interest in CONF-1 Lease Renewal 36-40 Gurwood Street, Wagga Wagga the reason being that a member of his family operates a business on Gurwood Street and vacated the chamber during its consideration.

Councillor M Henderson declared a Significant Non-Pecuniary Interest in CONF-5 RFT2023-08 Lord Baden Powell Drive Design & Construct the reason being that his business carries out work for one of the companies tendering for these works and vacated the chamber during its consideration.

Councillor M Henderson declared a Significant Non-Pecuniary Interest in CONF-6 RFT2023-05 Dunns Road, Olympic Highway & Holbrook Road Intersections Design and Construct the reason being that his business carries out work for one of the companies tendering for these works and vacated the chamber during its consideration.

Councillor D Hayes declared a Significant Non-Pecuniary Interest in CONF-1 Lease Renewal - 36-40 Gurwood Street, Wagga Wagga the reason being that his employer provides funding to the organisation mentioned in the report and vacated the chamber during its consideration.

Councillor G Davies declared a Significant Non-Pecuniary Interest in CONF-1 Lease Renewal 36-40 Gurwood Street, Wagga Wagga the reason being that a member of her family owns a property on Gurwood Street in close proximity of the property listed in the report and vacated the chamber during its consideration.

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**NOM-1 NOTICE OF MOTION – CALL FOR A RATING OPTION OR LEVY FOR THE WAGGA WAGGA CITY COUNCIL LOCAL GOVERNMENT AREA AIRBNB AND SHORT STAY RENTAL MARKET**

**23/004 RESOLVED:**

On the Motion of Councillors R Foley and D Hayes

**That Council:**

- a receive a report considering the impact of Airbnb and other short stay models has on distorting rental markets, affordability, and intensifying housing shortages, and any strategies to mitigate problems that arise**
- b include in the affordable housing report responding to the February 2021 notice of motion on affordable housing an evaluation of an affordable housing trust to be established by council in the near future. The purposes of such a trust would be the production of affordable housing to increase opportunities for working families and individuals to access decent affordable homes**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

D Tout  
D Hayes  
R Foley  
A Parkins

Against the Motion

G Davies  
M Henderson  
R Kendall  
T Koschel

With the vote being tied four all, the Mayor, Councillor D Tout used his casting vote for the Motion.

## **REPORTS FROM STAFF**

### **RP-1 FINANCIAL PERFORMANCE REPORT AS AT 31 DECEMBER 2022**

#### **23/005 RESOLVED:**

On the Motion of Councillors D Hayes and T Koschel

#### **That Council:**

- a approve the proposed 2022/23 budget variations for the month ended 31 December 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**
- c 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**
- d note the details of the external investments as of 31 December 2022 in accordance with section 625 of the Local Government Act 1993**
- e accept the grant funding offers as presented in this report**

**CARRIED**

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

#### For the Motion

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

#### Against the Motion

**RP-2 REQUESTS FOR FINANCIAL ASSISTANCE**

Councillor G Davies declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 6:55pm.

**23/006 RESOLVED:**

On the Motion of Councillors T Koschel and D Hayes

**That Council:**

- a in accordance with Section 356 of the Local Government Act 1993, provide financial assistance of \$685.00 to the Palliative Care Enhancement Council**
- b note the proposed budget available for financial assistance requests for the remainder of the 2022/23 financial year**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

D Tout  
D Hayes  
M Henderson  
R Foley  
R Kendall  
T Koschel  
A Parkins

Against the Motion

Councillor G Davies re-entered the chamber, the time being 6:57pm.

**RP-3 QUESTIONS WITH NOTICE**

**23/007 RESOLVED:**

On the Motion of Councillors D Hayes and T Koschel

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

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

**RP-4 RESOLUTIONS AND NOTICES OF MOTIONS REGISTERS**

**23/008 RESOLVED:**

On the Motion of Councillors D Hayes and R Kendall

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

- a Active Resolutions as at 24 January 2023**
- b Active Notice of Motions as at 24 January 2023**
- c Resolutions including Notice of Motions completed from 16 November 2022 to 24 January 2023**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

**COMMITTEE MINUTES**

**M-1 CONFIRMATION OF MINUTES AUDIT, RISK AND IMPROVEMENT COMMITTEE - 1 DECEMBER 2022**

**23/009 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 1 December 2022.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion



**M-2 FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE - 15 DECEMBER 2022**

**23/010 RESOLVED:**

On the Motion of Councillors R Kendall and T Koschel

**That Council:**

- a receive the minutes of the Floodplain Risk Management Advisory Committee Meeting held on 15 December 2022**
- b write to the NSW Government requesting that it assigns a NSW Government agency the role of identifying and implementing a long term strategy and arrangements for large scale community sheltering facilities and necessary services in the event of a natural disaster or large scale emergency in the Wagga Wagga region**
- c write to the National Emergency Management Agency forwarding a copy of the correspondence issued in (b), requesting its support for the initiative**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

**CLOSED COUNCIL**

**23/011 RESOLVED:**

On the Motion of Councillors T Koschel and R Kendall

**That the Council now resolve itself into a Closed Council, the time being 7:03pm.**

**CARRIED**

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

## **CONFIDENTIAL REPORTS**

### **CONF-1 LEASE RENEWAL 36-40 GURWOOD STREET, WAGGA WAGGA**

Councillors G Davies, D Hayes and R Foley declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:05pm.

#### **23/012 RESOLVED:**

On the Motion of Councillors M Henderson and R Kendall

#### **That Council:**

- a authorise the General Manager or delegate to re-negotiate entry into a Lease with Relationships Australia for an 18 month term with waived lease agreement costs**
- b authorise the General Manager or delegate to re-negotiate entry into a Lease with Mission Australia for an 18 month term with waived lease agreement costs**
- c authorise the affixing of Council's common seal to any relevant documents as required**
- d authorise the General Manager or delegate to enter into discussions with interested parties in the site at 36-40 Gurwood Street, Wagga Wagga**
- 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

D Tout  
M Henderson  
R Kendall  
T Koschel  
A Parkins

#### Against the Motion

Councillors G Davies, D Hayes and R Foley re-entered the chamber, the time being 7:21pm.

**CONF-2 EXPRESSION OF INTEREST CAMPAIGN OUTCOME REPORT -  
TARCUTTA FOOD VAN SITE**

Councillor T Koschel declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:21pm.

**23/013 RESOLVED:**

On the Motion of Councillors R Kendall and D Hayes

**That Council:**

- a endorse entry into a licence agreement with Lynette May Craig, trading as Larmtwich, for exclusive right to provide food and beverage services within the Tarcutta Truck Stop (being part Lot 1 DP 330490, part Lot 5 Section 13 DP 758953, Lot 4 Section 13 DP 758953, Lot 2 DP 330491, Lot 21 DP 614281, Lot 22 DP 614281, Lot 1 DP 367241, Lot 1 DP 564452 and Hay Street Road Reserve) for a period of three (3) years**
- b authorise the General Manager or delegate to complete and execute any necessary documents on behalf of Council**
- c authorise the affixing of Council's common seal to any relevant documents as required**
- 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

D Tout  
G Davies  
D Hayes  
M Henderson  
R Foley  
R Kendall  
A Parkins

Against the Motion

Councillor T Koschel re-entered the chamber, the time being 7:24pm.

**CONF-3 RFT 2023-16 - PROVISION OF REAL ESTATE AGENCY SERVICES FOR RIFL SUBDIVISION - OUTCOME REPORT**

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:24pm.

**23/014 RESOLVED:**

On the Motion of Councillors G Davies and The Mayor, Councillor D Tout

**That Council defer consideration of RFT 2023-16 Provision of Real Estate Agency Services for RIFL subdivision, pending a Councillor Workshop.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

Councillor R Kendall re-entered the chamber, the time being 7:56pm.

**CONF-4 SECTOR SUPPORT PROGRAM**

**23/015 RESOLVED:**

On the Motion of Councillors R Kendall and T Koschel

**That Council consider the Confidential Report on the Sector Support Program under Commonwealth Funding and adopt the recommendations contained within (distributed under separate cover).**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

**CONF-5 RFT2023-08 LORD BADEN POWELL DRIVE DESIGN & CONSTRUCT**

Councillor M Henderson declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:56pm.

**23/016 RESOLVED:**

On the Motion of Councillors D Hayes and T Koschel

**That Council:**

- a accept the tender of Turners Civil Pty Limited (ABN: 18 648 462 837) for the Lord Baden Powell Drive Design & Construct for the lump sum price of \$1,755,179 excluding GST**
- b endorse the additional works contained herein to be priced and tendered as required within the estimate of \$175,000.**
- c authorise the General Manager or their delegate to enter a contract with Turners Civil Pty Limited (ABN: 18 648 462 837) for the Lord Baden Powell Drive Design & Construct for the lump sum price of \$1,755,179 excluding GST**
- d authorise the General Manager or his delegate to extend the Contract as set out in the Contract documents**
- e 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  
D Hayes  
R Foley  
R Kendall  
T Koschel  
A Parkins

Against the Motion

**CONF-6 RFT2023-05 DUNNS ROAD, OLYMPIC HIGHWAY & HOLBROOK ROAD INTERSECTIONS DESIGN AND CONSTRUCT**

Councillor M Henderson declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:56pm.

**23/017 RESOLVED:**

On the Motion of Councillors D Hayes and R Kendall

**That Council authorise the General Manager or delegate to enter into a contract, using Council's Common Seal, based on the new negotiated contract outcome and in line with the previous Council directive.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

D Tout  
G Davies  
D Hayes  
R Foley  
R Kendall  
T Koschel  
A Parkins

Against the Motion

Councillor M Henderson re-entered the chamber, the time being 7:57pm.

**CONF-7 LAKE ALBERT ROAD REHABILITATION - WARRAWONG STREET TO COPLAND STREET**

**23/018 RESOLVED:**

On the Motion of Councillors R Kendall and T Koschel

**That Council:**

- a receive and note the report**
- b authorise the General Manager or their delegate to enter into a contract with Fulton Hogan Industries Pty Ltd (ABN: 54 000 538 689) utilising contract 2021-542 SUPPLY, SUPPLY & LAY DENSELY GRADED ASPHALT for the road rehabilitation of Lake Albert Road from Warrawong Street to and including the Copland Street intersection**
- c authorise the affixing of Council's Common Seal to all relevant documents as required**
- 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

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

### Against the Motion

## REVERSION TO OPEN COUNCIL

### **23/019 RESOLVED:**

On the Motion of Councillors R Kendall and T Koschel

**That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7:58pm.**

**CARRIED**

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8.01pm.

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MAYOR