

PRESENT

The Mayor, Councillor Dallas Tout
Councillor Georgie Davies
Councillor Dan Hayes
Councillor Michael Henderson
Councillor Richard Foley
Councillor Rod Kendall
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	(Mr S Barber)
Director Regional Activation	(Mr M Keys)
Chief Financial Officer – via remote attendance	(Mrs C Rodney)
Chief Operating Officer	(Mr S Gray)
Manager Audit, Risk & Governance	(Ms I Hensley)
Manager Development Assessment & Building Certification	(Mr P O'Brien)
Manager Community Services	(Ms M Scully)
Visitor Economy & Events Coordinator	(Mrs F Hamilton)
Corporate Governance Coordinator	(Mrs N Johnson)
Communications & Engagement Officer	(Ms M Schoonmaker)
Governance Officer	(Ms K West)

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.

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.

APOLOGIES

An apology for non-attendance was received and accepted for Councillor T Koschel on the Motion of Councillors R Kendall and R Foley.

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 14 FEBRUARY 2022

22/064 RESOLVED:

On the Motion of Councillors J McKinnon and R Kendall

That the Minutes of the proceedings of the Ordinary Council Meeting held on 14 February 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
J McKinnon
A Parkins

Against the Motion

CM-2 EXTRAORDINARY COUNCIL MEETING - 21 FEBRUARY 2022

22/065 RESOLVED:

On the Motion of Councillors R Kendall and G Davies

That the Minutes of the proceedings of the Extraordinary Council Meeting held on 21 February 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
J McKinnon
A Parkins

Against the Motion

DECLARATIONS OF INTEREST

Councillor R Kendall declared a Significant Non-Pecuniary Interest in NOR-1 - NOTICE OF MOTION OF RESCISSION - DA21/0492 the reason being that the motion, if passed, will negate an existing determination on a DA that he has now determined to have a significant non-pecuniary interest in and vacated the chamber during its consideration.

Councillor R Kendall declared a Significant Non-Pecuniary Interest in RP-1 - DA21/0492 PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT LOT 4 DP1142732, the reason being that he is undertaking consulting work at the request of the applicant and vacated the chamber during its consideration.

Councillor R Kendall declared a Non-Significant Non-Pecuniary Interest in RP-6 - DRAFT DEVELOPER INFRASTRUCTURE AGREEMENTS POLICY the reason being that the report deals with alternate methodology for developers to meet their developer contributions requirements. He stated he has no current requirements to pay a developer contribution but may in the future. As the proposal doesn't reduce or alter the contribution requirements he remained in the chamber during its consideration.

Councillor D Hayes declared a Significant Non-Pecuniary Interest in RP-2 - COVID - 19 FAST TRACK EVENTS SPONSORSHIP the reason being that he has familial connection with a recipient named in the report and vacated the chamber during its consideration.

Councillor G Davies declared a Non-Significant Non-Pecuniary Interest in RP-2 - COVID -19 FAST TRACK EVENTS SPONSORSHIP the reason being that she knows the chairperson of the festival and remained in the chamber during its consideration.

Councillor M Henderson declared a Significant Non-Pecuniary Interest in RP- 3 - NEW YEAR'S EVE 2022 the reason being that he is the Commodore of the Wagga Boat Club which may have a financial interest in the event and vacated the chamber during its consideration.

Councillor M Henderson declared a Pecuniary Interest in CONF-1 - RFT2022-05 GREEN WASTE PROCESSING the reason being that he does contract work with a tenderer listed in the report and vacated the chamber during its consideration.

Councillor M Henderson declared a Pecuniary Interest in CONF-2 - RFT2022-16 ACTIVE TRAVEL PLAN (ATP): CYCLE WAY CONSTRUCTION GARDINER STREET the reason being that he does contract work for a tenderer listed in the report and vacated the chamber during its consideration.

PROCEDURAL MOTION - CHANGE OF STANDING ORDERS

22/066 RESOLVED:

On the Motion of Councillors G Davies and D Hayes

That Council bring forward consideration of Enlobo to precede the public discussion forum.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

PROCEDURAL MOTION - ENGLOBO

22/067 RESOLVED:

On the Motion of Councillors D Hayes and A Parkins

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-6, RP-7 and RP-8 be adopted as recommended in the business papers.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

PUBLIC DISCUSSION FORUM

Councillor R Kendall declared a Significant Non-Pecuniary Interest in both NOMR-1 and RP-1 and vacated the Chamber the time being 6:07pm.

NOMR-1 - NOTICE OF MOTION OF RESCISSION - DA21/0492 - PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT - LOT 4 DP1142732

- Mr Andrew Behan - Speaking in favour of the Report

RP-1 - DA21/0492 - PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT - LOT 4 DP1142732

- Mr Andrew Behan - Speaking against the Report
- Mr Glen White - Speaking against the Report
- Mr Andrew Doven - Speaking in favour of the Report
- Mr Trevor Nason - Speaking in favour of the Report

Councillor R Kendall Re-entered the Chamber the time being 6.37pm.

RP-5 - DRAFT CONTRIBUTION PLANS - ESTELLA, BOOROOMA, GOBBAGOMBALIN, RIVER ROAD

- Dr Emily Dockray- Speaking against the Report
- Mr Mark Fleming - Speaking against the Report
- Mr Ed Henty - Speaking against the Report (by remote attendance)

PROCEDURAL MOTION - CHANGE OF STANDING ORDERS

22/068 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council bring forward consideration of the following reports to follow the public discussion Forum:

- **NOMR-1 - NOTICE OF MOTION OF RESCISSION - DA21/0492 - PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT, LOT 4 DP1142732**
- **RP-1- DA21/0492 - PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT LOT 4 DP1142732**
- **RP-5 - DRAFT CONTRIBUTION PLANS - ESTELLA, BOOROOMA, GOBBAGOMBALIN, RIVER ROAD**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

NOTICES OF MOTIONS OF RESCISSION

NOMR-1 NOTICE OF MOTION OF RESCISSION - DA21/0492 - PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT LOT 4 DP1142732

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 6:53pm.

22/069 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a rescinds Resolution No. 22/045 from the 14 February 2022 October 2020 Ordinary Council Meeting, which reads as follows:**

That Council approve DA21/0492 subject to the conditions outlined in the Section 4.15 Assessment Report, with the following amendments to conditions:

C.6 A detailed or revised landscape plan and legend shall be submitted to and approved by the General Manager or delegate prior to the release of the Construction Certificate. The landscape plan shall be in accordance with Council's Landscape Guidelines and Landscape Application Checklist and include:

- (1) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.**
- (2) A reduction in the area of hardstand facilitated by a car parking layout that complies with AS2890.1.2004 Parking Facilities, Part 1 Off-Street Car Parking.**
- (3) An increased landscaped setback to the eastern boundary to include vegetation of a suitable size and type and an acoustic treatment to the boundary fence.**
- (4) An increased landscaped area to the front setback area of the site to enhance the streetscape presentation, reduce the hardstand area and provide screening to this area.**
- (5) Details of establishment and maintenance must be included with the plan.**

C.32 The operational plan approved in accordance with Condition C22 of DA21/0492 must be adhered to at all times.

- b consider the report included in the business paper to this ordinary meeting of council which recommends determination of DA21/0492 by way of approval**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

REPORTS FROM STAFF

RP-1 DA21/0492 - PLACE OF PUBLIC WORSHIP AT 53 GREGADOO ROAD, LAKE ALBERT. LOT 4 DP1142732

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the Chamber the time being 6.53pm.

22/070 RESOLVED:

On the Motion of Councillors R Foley and J McKinnon

That Council approve DA21/0492 subject to the conditions outlined in the attached Schedule of Recommended Conditions of Consent.

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
J McKinnon

Against the Motion

D Hayes
M Henderson
A Parkins

Councillor R Kendall re-entered the chamber, the time being 7:08pm.

RP-5 DRAFT CONTRIBUTION PLANS - ESTELLA, BOOROOMA, GOBBAGOMBALIN, RIVER ROAD

22/071 RESOLVED:

On the Motion of Councillors J McKinnon and D Hayes

That Council defer consideration of Draft Contribution Plans - Estella, Boorooma, Gobbagombalin, River Road, pending further information and a site visit.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-2 COVID-19 FAST TRACK EVENTS SPONSORSHIP

Councillor D Hayes declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:19pm.

22/072 RESOLVED:

On the Motion of Councillors R Kendall and R Foley

That Council:

- a authorise the General Manager or their delegate to enter into an agreement to support:**
 - i The Riverina Conservatorium's Live at Lunch Series**
 - ii The Pinnock Watts Family Trust for Fitz Fest 2022**
 - iii Wollundry Rotary's 2022 Gears and Beers Festival**
 - iv Twin Cities Fancy Pigeon Club's Australian National Pigeon Show**
- b 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
M Henderson
R Foley
R Kendall
J McKinnon
A Parkins

Against the Motion

Councillor D Hayes re-entered the chamber, the time being 7:20pm.

RP-3 NEW YEAR'S EVE 2022

Councillor M Henderson declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:20pm.

22/073 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a sponsor \$56,275 (excluding GST), to Colab Creative (auspiced through Walsec Industries Pty Ltd) to support the delivery of the 31 December 2022 New Year's Eve event, Light the Lake**

- b approve the General Manager or his delegate to proceed with (a) above and the signing of the event sponsorship agreement with Colab Creative (auspiced through Walsec Industries Pty Ltd)**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

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

Councillor M Henderson re-entered the chamber, the time being 7:21pm.

RP-4 NORTH WAGGA PRIMARY SCHOOL CROSSING

22/074 RESOLVED:

On the Motion of Councillors D Hayes and A Parkins

That Council:

- a receive the report**
- b consult with the North Wagga Public School Principal and P&C with respect to upgrading the school crossing on William Street.**
- c refer the request to upgrade the school crossing to a pedestrian (zebra) crossing to the Local Traffic Committee for its advice**
- d receive a further report with the Local Traffic Committee's recommendation**
- d develop a policy for the installation of pedestrian crossings**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

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

RP-5 - Draft Contribution Plans - Estella, Boorooma, Gobbagombalin, River Road was moved forward to follow the public discussion forum.

RP-6 DRAFT DEVELOPER INFRASTRUCTURE AGREEMENTS POLICY

22/075 RESOLVED:

On the Motion of Councillors D Hayes and A Parkins

That Council:

- a endorse the draft Developer Infrastructure Agreements Policy, to be placed on public exhibition and invite public submissions for a period of 42 days from 11 March 2022 to 22 April 2022**
- b receive a further report following the exhibition and submission period addressing any submission made in respect of the draft documents**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-7 FUNDING SUPPORT WAGGA BUSINESS CHAMBER

22/076 RESOLVED:

On the Motion of Councillors D Hayes and A Parkins

That Council:

- a note that Wagga Wagga Business Chamber has satisfactorily met the undertakings in the previous MOU ending in December 2021**
- b extend the most recent MOU including funding of \$32,500 including GST for the period January 2022 to June 2022**
- c receive a further report in May 2022 setting out the terms of a new three-year MOU between Council and the Business Chamber anticipated to commence in July 2022**
- d allocate funding in the draft budget for 2022-23 in accordance with the “Financial Implications” section of this report**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-8 RESPONSE TO QUESTIONS/BUSINESS WITH NOTICE

22/077 RESOLVED:

On the Motion of Councillors D Hayes and A Parkins

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
J McKinnon
A Parkins

Against the Motion

QUESTIONS/BUSINESS WITH NOTICE

Councillor G Davies requested an update on the Lake Albert pipeline, in particular, the funding application through the Federal Government, the design of the pipeline through Riverina Water County Council and any other relevant updates from The Hon. Kevin John Anderson, MP.

The General Manager, Mr P Thompson provided the following response:

In relation to the grant funding, Council have an application submitted with the Federal Government, seeking funding for the pipeline as a standalone grant application through Building Better Regional Cities (BBRC) Fund. Council has not received a response to date, and does not expect a

response for a number of months, with an anticipated announcement as part of a federal election commitment.

Discussions are continuing with Riverina Water County Council. Council will schedule a meeting with Riverina Water County Council in due course to progress the project.

Council have not had any communication with the Hon. Kevin John Anderson, MP (Minister for Lands and Water, and Minister for Hospitality and Racing) at this point in time, however the General Manager will write a letter requesting an update on the proposed regulation amendment.

Councillor G Davies raised a question on behalf of the Wagga Residents and Ratepayers Association, seeking an update on a proposed area of land on the corner of Coolamon Road, which was zoned and approved for a combined emergency services site, including NSW Fire and Rescue, Ambulance and Rural Fire Service. They are yet to receive a update on the project.

The General Manager, Mr P Thompson provided the following response:

It has been suggested with broad approval, that this site be made available for emergency services due to its location being close to industrial, SAP and northern growth areas, should an emergency response be required.

The resolution by Council at the time was that all agencies needed to agree to co-locate to the above mentioned site. To date, all agencies have not agreed to relocate to this site. A letter was sent to the Minister for Police and Emergency Services (the Hon. Troy Grant MP) at the time, requesting assistance but he was unable to intervene, stating, the decision was up to each individual emergency service group.

The General Manager, Mr P Thompson, further advised other options are being explored including, NSW Regional Development Corporation (as part of the planning for the Special Activation Precinct (SAP)) are looking to acquire land for a buffer.

Currently there are no decisions made, however, if Council can make this land available through the State Government, then Council may reconsider its position in relation to the previous resolution, to make the land available for other purposes or disposal.

Councillor R Foley requested an update in relation to his previous request regarding the dilapidated property in Ziegler Avenue, Koorngal.

The General Manager, Mr P Thompson provided the following response:

Staff have issued the intention to issue an order. If this is not complied with, Council have the power to undertake the works and recover the costs, following due process.

Councillor R Foley requested an update on consideration of a pedestrian crossing to be installed on Redhill Road in the vicinity of Jubilee Park.

Councillor D Hayes advised that Council's Motion to the 2022 LGNSW Special Conference, regarding the IPART formula review, had been accepted into various similar Motions to the Conference. He further advised of the Minister's announcement during the Conference and requested clarification and a timeframe for the review by IPART.

The Mayor, Councillor D Tout, advised that his interpretation of the Minister's response was in two parts, being that the Minister was to talk to IPART, with a future announcement expected, however suspects that the review will not come into effect within the year.

Councillor M Henderson, in response to the current blue green algae alert on Lake Albert, requested advice on the sonar panels currently installed in the lake. Are the sonar panels working, do they get regularly serviced and maintained, do the three removed panels, need to be reinstalled?

The General Manager, Mr P Thompson provided the following response:

The General Manager took on the question on notice, however advised that Council are currently investigating the effectiveness of the sonar panels and will provide further information to Councillors on the outcome of the investigation.

Councillor M Henderson requested information on the Lake Albert pipeline, including the five year MOU, the anticipated timeframes to receive funding, the construction timeframe and advice on if Council would revisit the Tatton drain diversion proposal given the likely lengthy time period.

The General Manager, Mr P Thompson provided the following response:

- *The five year MOU period only starts once water is being delivered.*
- *The NSW State Government would not approve the Tatton drain diversion given the practical volume and water quality issues.*

Director of Infrastructure Services, Mr W Faulkner, provided the following response to the General Manager, Mr P Thompson's question "if Council had the money today, how long would it take to deliver the Pipeline Project at Lake Albert assuming availability of Riverina Water Pumping Equipment."

Should not be any longer than six months. There will be 1300 meters of pipeline at the Lake Albert end, then the pipeline from the Riverina Intake Facility at the Murrumbidgee River, to the old main, where Council will reuse existing infrastructure.

Councillor M Henderson, asked if the water will only be diverted into the top of the Lake.

Director of Infrastructure Services, Mr W Faulkner, advised discharge will come through the storm water system on Lake Albert Road and around through an existing 600ml pipe that comes in about half way down the lake on the Eastern side.

Councillor R Kendall requested information on the section of land in Bradman Drive, Boorooma, that currently has a 300 meter section that is not built on, that crosses the creek. The request includes what is Council's intention to address the gap in the road, the budget, intended timeline and if its required to be considered by Council.

Councillor R Kendall requested that Council investigate traffic movements and better utilisation of the road pavement on Red Hill Road, prior to line marking of the upgraded road, given the previous bike path on the road has been made redundant by the availability of the active travel plan pathways.

Councillor J McKinnon has been approached by members of the public, who have advised there is a lack of shade at Duke of Kent Oval, particularly on the Northern and Western aspects of the Oval. Does Council have a tree planting program that includes shade trees for Duke of Kent Oval.

Councillor J McKinnon requested advice on the process community members can take to make tree planting requests.

CLOSED COUNCIL

22/078 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That the Council now resolve itself into a Closed Council, the time being 7.40pm.

CARRIED

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

CONFIDENTIAL REPORTS

CONF-1 RFT2022-05 GREEN WASTE PROCESSING

Councillor M Henderson declared a Pecuniary Interest and vacated the chamber, the time being 7:39pm.

22/079 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a accept the offer of Smallmon Brothers Pty Ltd (ABN:91 160 179 715) for the provision of green waste processing services in the schedule of rates supplied in their offer for a period of two years, plus accept a one year option if the services are satisfactorily performed during the initial contract period**
- b authorise the General Manager or their delegate to enter a contract with Smallmon Brothers Pty Ltd (ABN:91 160 179 715) for the provision of green waste processing services for a period of two years, plus accept a one year option if the services are satisfactorily performed during the initial contract period.**
- c authorise the fixing of Council's Common Seal as may be required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

CONF-2 RFT2022-16 ACTIVE TRAVEL PLAN (ATP): CYCLE WAY CONSTRUCTION GARDINER STREET

Councillor M Henderson declared a Pecuniary Interest and vacated the chamber, the time being 7:39pm.

22/080 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council:

- a accept the Tender offer of CRS (NSW) Pty Ltd (ABN: 76 133 263 779) for the construction of ATP Cycle Way Construction Gardiner Street in the lump sum amount of \$306,142 excluding GST**
- b authorise the General Manager or their delegate to enter a Contract with CRS (NSW) Pty Ltd (ABN: 76 133 263 779) for the construction of ATP Cycle Way Construction Gardiner Street**
- 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
R Foley
R Kendall
J McKinnon
A Parkins

Against the Motion

Councillor M Henderson re-entered the chamber, the time being 7:44pm.

REVERSION TO OPEN COUNCIL

22/081 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7.44pm.

CARRIED

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7.47pm.

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MAYOR