PRESENT

The Mayor, Councillor Rod Kendall
Councillor Yvonne Braid
Councillor Alan Brown
Councillor Greg Conkey OAM
Councillor Paul Funnell
Councillor Garry Hiscock
Councillor Julian McLaren
Councillor Andrew Negline
Councillor Kerry Pascoe
Councillor Kevin Poynter
Councillor Dallas Tout

IN ATTENDANCE

General Manager (Mr P Pinyon)
Director Commercial & Economic Development (Dr P Adams)
Director Corporate Services (Mr C Richardson)
Director Environmental & Community Services (Mrs J Summerhayes)
Director Planning (Mr A Crakanthorp)
Manager Internal Audit Services (Ms N Stuart)
Manager Council Businesses (Mr G Johnson)
Manager Tourism (Ms S Nolan)
Airport Manager (Mr S Prowse)
Manager Corporate Governance (Ms N McCormack)
Manager Finance (Mrs B Curry)
Regulatory Services (Mr M Gardiner)
Ranger Services Coordinator (Mr G Minehan)
Manager Parks & Recreation Services (Mr D Walker)
Manager Program Integration (Mr A Fenwick)
Manager Infrastructure Planning (Mr L Tanner)
Senior Project Management Coordinator (Mr D Christiansen)
Project Coordinator (Environmental) (Mr K Holbrook)
Manager Executive Services (Mr L Grealy)
Media Officer (Mr B Koschel)
Media and Communications Officer (Ms V Keenan)
Governance Officer (Ms B King)
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
I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

APOLOGIES
Apologies for non-attendance were received and accepted for Mr Heinz Kausche, Director Infrastructure Services on the Motion of Councillors K Pascoe and G Hiscock.

CONFIRMATION OF MINUTES
CM-1 CONFIRMATION OF MINUTES - SUPPLEMENTARY COUNCIL MEETING

13/032 RESOLVED:
On the Motion of Councillors K Poynter and A Negline

That the Minutes of the proceedings of the Supplementary Council Meeting held on 11 February 2013 be confirmed as a true and accurate record.

CARRIED
DECLARATIONS OF INTEREST

No Declarations of Interest received.

REPORTS FROM POLICY AND STRATEGY COMMITTEE

PS-1 CONFIRMATION OF MINUTES - POLICY AND STRATEGY COMMITTEE

The Mayor, Councillor Rod Kendall requested Councillors to nominate any recommendations from the minutes they wished to discuss.

The Mayor, Councillor R Kendall nominated RP-9 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, AMENDMENT TO SCHEDULE 5 ENVIRONMENTAL HERITAGE

The Mayor, Councillor R Kendall nominated RP-10 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, AMENDMENT TO ENVIRONMENTALLY SENSITIVE AREAS EXCLUDED CLAUSE 3.3

The Mayor, Councillor R Kendall nominated RP-11 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 AMENDMENTS TO LAND AT COLLINGULLIE; TATTON; 210 TARCUUTA STREET; ESTELLA AND 368-370 EDWARD STREET

The Mayor, Councillor R Kendall nominated RP-12 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, AMENDMENT TO CORRECT LLOYD URBAN RELEASE AREA ZONING ANOMALIES

The Mayor, Councillor R Kendall nominated RP-13 PLANNING PROPOSAL TO REZONE LAND ON STURT HIGHWAY, GUMLY GUMLY

The Mayor, Councillor R Kendall nominated RP-14 AMENDMENT NUMBER 4 TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010

Councillor K Poynter nominated RP-7 ACCESS AND ASSISTANCE FOR PEOPLE WITH SPECIAL NEEDS

13/033 RESOLVED:

On the Motion of Councillors G Conkey OAM and G Hiscock

That the Minutes of the Policy and Strategy Committee Meeting held on 11 February 2013 be confirmed and recommendations numbered CM-1, RP-1 to RP-6, RP-8, M-1 and M-2 contained therein be adopted excluding RP-7, RP-9 to RP-14.

CARRIED
PS RP-7 ACCESS AND ASSISTANCE FOR PEOPLE WITH SPECIAL NEEDS

13/034 RESOLVED:
On the Motion of Councillors K Poynter and Y Braid
That Council:
  a  receive and note the report
  b  consult with members of the special needs community and special needs professionals to identify improvements that can be made to assist in access and involvement of members of the community with special needs
  c  receive a further report on the outcomes of the consultation process and recommendations for the implementation of identified improvements

CARRIED

PS RP-9 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, AMENDMENT TO SCHEDULE 5 ENVIRONMENTAL HERITAGE

13/035 RESOLVED:
On the Motion of Councillors K Pascoe and P Funnell
That Council:
  a  amend the draft Planning Proposal to correct errors present in the Wagga Wagga Local Environmental Plan 2010, Schedule 5, Environmental Heritage
  b  forward the amended Planning Proposal to the Department of Planning and Infrastructure for review
  c  seek and extension of time from the Department of Planning and Infrastructure to finalise the Planning Proposal

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion  
Against the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
A Negline
K Poynter
D Tout

CARRIED
PS RP-10 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, AMENDMENT TO ENVIRONMENTALLY SENSITIVE AREAS EXCLUDED CLAUSE 3.3

13/036 RESOLVED:
On the Motion of Councillors K Pascoe and A Brown

That Council:

a receive and note the Planning Proposal for correction to the Wagga Wagga Local Environmental Plan 2010, Environmentally Sensitive Areas Excluded, Clause 3.3

b forward the Planning Proposal to amend Clause 3.3 of the Wagga Wagga Local Environmental Plan 2010 to the Department of Planning and Infrastructure under Section 56(1) of the Environmental Planning and Assessment Act 1979, requesting that the Minister issue a ‘gateway determination’ that will allow the Planning Proposal to proceed

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
A Negline
K Poynter
D Tout

Against the Motion

CARRIED
PS RP-11 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010
AMENDMENTS TO LAND AT COLLINGULLIE; TATTON; 210
TARCUTTA STREET; ESTELLA AND 368-370 EDWARD STREET

13/037 RESOLVED:
On the Motion of Councillors K Pascoe and P Funnell

That Council:

a receive and note the planning proposal for amendments to land at
Collingullie; Tatton; 210 Tarcutta Street; Estella and 368-370 Edward
Street

b forward the planning proposal for the change of zones, minimum lot sizes,
height of buildings and floor space ratio maps over the subject land to the
Department of Planning and Infrastructure under Section 56(1) of the
Environmental Planning and Assessment Act, requesting that the Minster
issue a “gateway determination” that will allow the planning proposal to
proceed

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION
375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
A Negline
K Poynter
D Tout

Against the Motion

CARRIED
PS RP-12    WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, AMENDMENT TO CORRECT LLOYD URBAN RELEASE AREA ZONING ANOMALIES

13/038  RESOLVED:
On the Motion of Councillors A Negline and Y Braid
That Council:

a  prepare a Planning Proposal under the provisions of Section 56(1) of the Environmental Planning and Assessment Act 1979 to amend the Wagga Wagga Local Environmental Plan 2010 to correct Lloyd urban release area zoning anomalies

b  submit the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion  
Against the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
A Negline
K Poynter
D Tout

CARRIED
PS RP-13 PLANNING PROPOSAL TO REZONE LAND ON STURT HIGHWAY, GUMLY GUMLY

13/039 RESOLVED:
On the Motion of Councillors D Tout and K Pascoe

That Council:

a receive and note the report
b receive a further report at the March 2013 Ordinary Council meeting

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion: Against the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
A Negline
K Poynter
D Tout

CARRIED
PS RP-14 AMENDMENT NUMBER 4 TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010

13/040 RESOLVED:
On the Motion of Councillors J McLaren and A Brown

That Council:

a receive and note the report on Amendment Number 4 to the Wagga Wagga Development Control Plan 2010

b conduct a workshop of Councillors, previous Planning Advisory Committee members (who wish to attend) and staff to consider the proposed alterations to the Wagga Development Control Plan 2010 as outlined in this report

c report the outcomes of the workshop to Council as early as possible

d re-form the Planning Advisory Committee at the earliest possible time

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion Against the Motion
The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
J McLaren
K Pascoe
A Negline
K Poynter
D Tout

CARRIED
PM-1  PROCEDURAL MOTION - ENGLOBO

13/041  RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

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-2 to RP-4, and RP-9 be adopted as recommended in the business papers.

CARRIED

REPORTS FROM STAFF

RP-1  POTENTIAL FUNDING SOURCES ROBERTSON OVAL AND BOLTON PARK UPGRADE PROJECT

13/042  RESOLVED:
On the Motion of Councillors K Poynter and D Tout

That Council:

a  approve the funding sources for the budget variations of $1,063,267 required to complete the Robertson Oval and Bolton Park Upgrade Project

b  note the impact on service levels and project delivery of the above variations for 2012/13 operational plan

CARRIED
RP-2  SECOND QUARTER PERFORMANCE REPORT - BUDGET REVIEW AND INTEGRATED PLANNING AND REPORTING QUARTERLY PERFORMANCE REPORT

13/043  RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council:
  a  note the variations to the 2012/13 original budget for the quarter ended 31 December 2012 as presented in this report
  b  note the Responsible Accounting Officer 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 recommendation made above
  c  note the Integrated Planning and Reporting Quarterly Performance Report for the second quarter ended 31 December 2012

CARRIED

RP-3  PUBLIC RESERVES MANAGEMENT FUND PROGRAM - WILLANS HILL GRANT

13/044  RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council accept the grant funding offer from the NSW State Government of $10,000 to install fencing and gates at Willans Hill Park.

CARRIED

RP-4  SECTION 356 DONATIONS

13/045  RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council donate $83 towards the fees and charges for the hire of the Victory Memorial Gardens stage by the Riverina Concert Band under section 356 of the Local Government Act 1993.

CARRIED
RP-5  PROPOSED ACQUISITION OF CROWN LAND KNOWN AS THE SILVERLIGHT RESERVE BEING PART LOT 7058 DP1039316 AT KAPOOKA BY ROADS AND MARITIME SERVICES (RMS) FOR PUBLIC ROAD PURPOSES

13/046  RESOLVED:
On the Motion of Councillors J McLaren and K Pascoe

That Council:

a  agree to approve the acquisition by Roads and Maritime Services (RMS) of Council controlled Crown land (known as the Silverlight Reserve) being part Lot 7058 in DP1039316 for road purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 on the terms outlined in the body of this report

b  authorise the affixing of Council’s Common Seal to all relevant documents as required

CARRIED

RP-6  PROPOSED LEASE OVER COUNCIL OWNED COMMUNITY LAND AT KAPOOKA TO ROADS AND MARITIME SERVICES

13/047  RESOLVED:
On the Motion of Councillors A Brown and K Pascoe

That Council:

a  agree to enter into lease agreements over part Lot 33 DP 1178439 with Roads and Maritime Services upon the terms set out in the body of this report

b  note that one non-opposing submission was received in relation to the proposed leases

c  authorise the execution of all necessary documents under Council’s Common seal as necessary

CARRIED
RP-7  RIVERINA INTERMODAL FREIGHT AND LOGISTICS HUB - FUNDING AGREEMENT

13/048  RESOLVED:
On the Motion of Councillors A Negline and G Hiscock

That Council:

a  accept the $14.5 million (GST exclusive) grant offered by the Department of Regional Australia, Local Government, Arts and Sport under the Regional Development Australia Fund to implement the Riverina Intermodal Freight and Logistics (RIFL) Hub Project

b  note the key milestones of the Funding Agreement and the possibility the project may not proceed if these milestones are not met

c  authorise the affixing of Council's Common Seal to all relevant documents as required

d  seek approval from the NSW Department of Premier and Cabinet, Division of Local Government to proceed with the project according to the requirements of the Local Government Act 1993

e  approve the reallocation of $101,894 from Bomen Business Park budgets

CARRIED

RP-8  WOLLUNDRY LAGOON PROTECTION BANK FOR CIVIC CENTRE BUILDING

13/049  RESOLVED:
On the Motion of Councillors K Poynter and P Funnell

That Council:

a  receive and note the report

b  approve the engineering and design assessment required and fund the budget variation

c  receive a further report on recommendations and any associated project construction costs

CARRIED
RP-9 POL 041 - ACTIVITIES ON FOOTPATH POLICY

13/050 RESOLVED:
On the Motion of Councillors A Brown and G Conkey OAM

That Council:
  a place the draft Street Activities Policy (POL041) on public exhibition for a period of 28 days and invite public submissions on the draft policy
  b consider a further report following the public exhibition period;
     (i) addressing any submissions made in respect of the proposed policy
     (ii) proposing any amendments to the policy considered appropriate whether as a result of the submissions or otherwise

CARRIED

CLOSED COUNCIL

13/051 RESOLVED:
On the Motion of Councillors G Hiscock and G Conkey OAM

That the Council now resolve itself into a Closed Council, the time being 6.42pm.

CARRIED

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

CONF-1 SEWER - COMPULSORY LAND ACQUISITION

13/053.1 RESOLVED:
On the Motion of Councillors K Poynter and K Pascoe

That Council defer its decision on this matter to the March 2013 Supplementary Council Meeting.

CARRIED

CONF-2 RFT2012/043 HAMPDEN BRIDGE DEMOLITION

13/053.2 RESOLVED:
On the Motion of Councillors K Pascoe and A Brown

That Council:

a. accept the tender of Southern Cross Demolition Pty Ltd for the complete demolition of the Hampden Bridge including Pylons (option 3), for the lump sum amount of $1,881,000.00 including GST as submitted in their tender

b. authorise the General Manager or his delegate to enter into a contract with Southern Cross Demolition Pty Ltd for the demolition of the Hampden Bridge

c. authorise the affixing of Council's seal to documents as required

d. inform the public which elements of the Hampden Bridge will be retained and what processes will be put in place to ensure historical documentation of the Hampden Bridge is collated and retained

CARRIED

REVERSION TO OPEN COUNCIL

13/052 RESOLVED:
On the Motion of Councillors P Funnell and G Hiscock

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7.40pm

CARRIED
REPORT OF PROCEEDINGS OF CLOSED COUNCIL

13/053 RESOLVED:
On the Motion of Councillors A Brown and K Pascoe

That the recommendations contained in the report of the proceedings of the Closed Council be adopted.

CARRIED

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7.41pm.

…………………………………………………..MAYOR