
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 4 FEBRUARY 2020

COMMENCING AT 7.00PM

1 INTRODUCTION

ATTENDANCE

Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor (7.08pm), Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate and Community Relations, Manager Engineering Services, Manager Financial Services, Works Manager, Communications Officer

1.1 APOLOGIES

RESOLVED - 20/004	Cr S Munro/Cr T Mileto
That the apology be accepted from Cr M Previtiera for the Council Meeting of Orange City Council on 4 February 2020.	
For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton	
Against: Nil	
Absent: Cr Previtiera	

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil

LATE ITEMS**RESOLVED - 20/005****Cr J Hamling/Cr S Nugent**

That the following late item be dealt with at the meeting of Orange City Council held on 4 February 2020:

CCL 5.5 Council Meeting Relocation

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previterra

2 MAYORAL MINUTES**2.1 MAYORAL MINUTE - COUNTRY MAYORS ASSOCIATION - NSW BUSHFIRES**

TRIM REFERENCE: 2020/123

RESOLVED - 20/006**Cr S Nugent/Cr S Munro**

That the information contained in this Mayoral Minute be acknowledged.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previterra

MATTER ARISING

Cr Munro asked for the Prayer to be reinstated at Council Meetings.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.01PM

OPEN FORUM**Item 5.2 – Banjo Paterson Memorial Park – Heritage Landscape Plan**

Ms Elizabeth Griffin

*** Cr Taylor arrived at the meeting with the time being 7.08pm ***

Item 4.1 - Waste Water Recycling Strategy

Ms Grace Pereira

Ms Melanie McDonell

Ms Michelle McRae

Item 4.1 - Waste Water Recycling Strategy, Item 4.3 – Notice of Motion - Development of Climate Change Strategic Policy and Item 5.4 Desilting of Spring Creek Dam

Ms Clare Stuart

Item 4.3 – Notice of Motion - Development of Climate Change Strategic Policy

Mr John Da Rin

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.28PM

THERE WAS ONE MINUTES SILENCE TO ACKNOWLEDGE THE PASSING OF BETTY MCDONALD

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 20/007

Cr S Munro/Cr T Mileto

That the Minutes of the Ordinary Meeting of Orange City Council held on 17 December 2019 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 17 December 2019.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtara

RESOLVED - 20/008

Cr S Munro/Cr S Nugent

That the Minutes of the Extraordinary Meeting of Orange City Council held on 14 January 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 14 January 2020.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtara

MATTER ARISING

Cr Duffy requested that a question he raised at the meeting of 14 January 2020 be addressed regarding water security and whether land purchased on the Macquarie River is available to our Council as a water licence and sought information to be circulated to Councillors as to the details of that licence and the basis for purchasing the land.

MATTER ARISING

Cr Taylor requested Councillors be provided with a report regarding the operational requirements for draining and cleaning the duck pond.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.34PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.21PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 WASTE WATER RECYCLING STRATEGY

TRIM REFERENCE: 2020/92

RESOLVED - 20/029

Cr J McRae/Cr T Mileto

That Council investigate a municipal waste water recycling strategy to supplement the City's water supply.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtara

MATTER ARISING

Cr McRae requested Councillors be provided with a briefing on the supply agreements with Cadia.

4.2 NOTICE OF MOTION - BUSHFIRE CRISIS SUPPORT

TRIM REFERENCE: 2020/106

MOTION

Cr S Nugent/Cr R Kidd

That Council take the following action in relation to this season's bushfire crisis:

- 1 Offer assistance to fire-affected Council's by registering with Local Government NSW's Local Government Bushfire Recovery Support Group.
- 2 Organise a community event once the current bushfire season is over to say thank you to the volunteer fire fighters who live in Orange and the surrounding district.

AMENDMENT

Cr K Duffy/Cr R Kidd

That Council take the following action in relation to this season's bushfire crisis:

- 1 Offer assistance to fire-affected Council's by registering with Local Government NSW's Local Government Bushfire Recovery Support Group.
- 2 That the Mayor and CEO approach the Canobolas RFS as to how Council may assist with fire recovery efforts.

THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED

RESOLVED - 20/030**Cr S Nugent/Cr R Kidd**

That Council take the following action in relation to this season's bushfire crisis:

- 1 Offer assistance to fire-affected Council's by registering with Local Government NSW's Local Government Bushfire Recovery Support Group
- 2 That the Mayor and CEO approach the Canobolas RFS as to how Council may assist with fire recovery efforts

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtiera

4.3 NOTICE OF MOTION - DEVELOPMENT OF CLIMATE CHANGE STRATEGIC POLICY

TRIM REFERENCE: 2020/105

RESOLVED - 20/031**Cr S Nugent/Cr J Hamling**

That Council develop a strategic policy on Council's future response to climate change including mitigation, adaption and risk management issues.

For: Cr Kidd, Cr Hamling, Cr McRae, Cr Nugent, Cr Romano, Cr Taylor, Cr Whitton

Against: Cr Duffy, Cr Munro, Cr Mileto, Cr Turner

Absent: Cr Previtiera

5 GENERAL REPORTS

5.1 STRATEGIC POLICY REVIEW

TRIM REFERENCE: 2019/2775

RESOLVED - 20/032

Cr K Duffy/Cr R Kidd

That Council resolves to:

- 1 Adopt the following policies:
 - ST095 – Debt Recovery
 - ST132 – Overdraft Facilities
 - ST042 – Investment of Council Funds
 - ST005 – Loan Guarantee
 - ST077 – Water Carting
 - ST093 – Purchasing
 - ST109 – Buy Local Purchasing
- 2 Place the following policies on public exhibition for a period of 28 days:
 - ST107 – Outdoor Dining Areas
 - ST114 – Whiteway Lighting
 - ST142 – Events on Council Owned/Managed Land
 - ST143 – Event Cancellation
 - ST083 – Access to Information Held By Council
 - ST016 – Managing Complaints and Feedback

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtiera

5.2 BANJO PATERSON MEMORIAL PARK - HERITAGE LANDSCAPE PLAN

TRIM REFERENCE: 2020/32

RESOLVED - 20/033

Cr J Whitton/Cr S Munro

- 1 That the report be noted.
- 2 That the Banjo Paterson Memorial Park Heritage Landscape Plan be placed on exhibition for community comment.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtiera

5.3 REQUEST FOR FINANCIAL ASSISTANCE REVISITED - ROTARY CLUB OF ORANGE NORTH - LEAD THE WAY FOR GUIDE DOGS

TRIM REFERENCE: 2020/104

RESOLVED - 20/034**Cr J Whitton/Cr S Munro**

That a donation of \$5,027.42 be made from the Small Donations Program to the Rotary Club of Orange North (Lead the Way for Guide Dogs).

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previterra

5.4 DESILTING OF SPRING CREEK DAM

TRIM REFERENCE: 2020/126

RESOLVED - 20/035**Cr K Duffy/Cr J Hamling**

That; if a commercial case can be identified for approximately 150,000 m³ of silt, then Council seek approvals and plan for desilting of Spring Creek Dam.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previterra

5.5 COUNCIL MEETING RELOCATION

TRIM REFERENCE: 2020/173

RESOLVED - 20/036**Cr J Hamling/Cr S Romano**

That Council resolves to:

- 1 Hold the Council Meetings of 18 February 2020, 3 March 2020 and 17 March 2020 at alternate locations;
- 2 Hold these meetings at Waratahs, Bowen and Glenroi; and
- 3 Divert from the Code of Meeting Practice for the three Council Meetings.

FOR: CR KIDD, CR DUFFY, CR HAMLING, CR MCRAE, CR MILETO, CR MUNRO, CR NUGENT, CR ROMANO,
CR TAYLOR, CR TURNER, CR WHITTON

AGAINST: NIL

ABSENT: CR PREVITERA

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

*** Cr Hamling left the meeting, at the commencement of the Closed Meeting with the time being 10.10pm. ***

RESOLVED - 20/037**Cr S Munro/Cr S Nugent**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Airport Service Expansion

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Acquisition of Land - Critical Water Infrastructure

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Sale 3 Trappit Place Orange

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For: Cr Kidd, Cr Duffy, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtiera, Cr Hamling

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 10.15pm.

The Mayor declared the Ordinary Meeting of Council resumed at 10.40pm.

7 RESOLUTIONS FROM CLOSED MEETING

made in the Closed Meeting of Council.

6.1 AIRPORT SERVICE EXPANSION

TRIM REFERENCE: 2020/55

RESOLVED - 20/038

Cr K Duffy/Cr S Munro

That Council finalise the agreement to expand services at the Orange Airport.

For: Cr Kidd, Cr Duffy, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtiera, Cr Hamling

6.2 ACQUISITION OF LAND - CRITICAL WATER INFRASTRUCTURE

TRIM REFERENCE: 2020/68

RESOLVED - 20/039**Cr K Duffy/Cr S Nugent**

That Council resolves:

- 1 To acquire by compulsory acquisition the land being Lot 101 DP 857925 and known as 280 to 284 Phillip Street Orange (the Land) in accordance with the powers set out in Chapter 8, Part 1 of the Local Government Act 1993 for the purpose of carrying out its functions as described in this report.
- 2 To the making of an application to the Minister seeking approval of the Minister to Council giving a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect of the Land.
- 3 To the making of an application to the Minister requesting the Minister recommend to the Governor that approval be granted for the acquisition of the Land by publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991.
- 4 To affix the Common Seal of Council to any contract, agreement, document or other instrument as required in connection with the compulsory acquisition process for the Land including an agreement under section 30 of the Land Acquisition (Just Terms Compensation) Act 1991.
- 6 That the Chief Executive Officer be delegated authority to negotiate the terms of any contract, agreement, document or other instrument as required in connection with the compulsory acquisition process for the Land as set out in this report and to execute any such contract, agreement, document or other instrument that does not require the affixing of the Common Seal of Council.
- 7 To classify the land being acquired as operational for the purposes of the Local Government Act 1993(section 31).
- 8 That Council proceed with the necessary application to the Minister for Local Government and the Minister for Finance to approve a shorter negotiation period pursuant to S10A of the Land Acquisition (Just Terms) Act 1991 (NSW).
- 9 That Council proceed with an application to reduce the notice period pursuant to s13 of Land Acquisition (Just Terms) Act 1991 (NSW) to a period of 30 days.

For: Cr Kidd, Cr Duffy, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtiera, Cr Hamling

6.3 SALE 3 TRAPPIT PLACE ORANGE

TRIM REFERENCE: 2020/113

RESOLVED - 20/040**Cr R Turner/Cr S Munro**

That Council resolves:

- 1 That Council sell 3 Trappit Place Orange for the sum of \$508,050 inclusive of GST.
- 2 That the proceeds be applied to the Land Development Reserve.
- 3 That permission be granted for the use of the Council Seal on any relevant documentation.

For: Cr Kidd, Cr Duffy, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previterra, Cr Hamling

THE MEETING CLOSED AT 10.30PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 4 February 2020.