
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 17 MARCH 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 S Munro, Cr S Nugent, Cr G Taylor, 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, Governance Coordinator, Manager Corporate and Community Relations

1.1 APOLOGIES

RESOLVED - 20/071	Cr R Turner/Cr S Munro
That the apologies be accepted from Cr T Mileto and Cr M Previtera for the Council Meeting of Orange City Council on 17 March 2020.	
For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton	
Against: Nil	
Absent: Cr Mileto, Cr Previtera	

1.2 LIVESTREAMING AND RECORDING

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

1.3 OPENING PRAYER

Rev Bob Cameron of the Orange East Anglican Church led the Council in Prayer.

1.4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted the Acknowledgement of Country.

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

Cr J McRae declared a less than significant non-pecuniary interest in Item 5.7 – Orange Harness Racing Club – Funding Agreement as a family member is involved with the Club.

Cr S Romano declared a less than significant non-pecuniary interest in Item 6.4 – Tender for Construction of Orange Regional Gallery Extension, as he has business involvement with one of the tenderers.

2 MAYORAL MINUTES

Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.06PM

OPEN FORUM

Mr John Da Rin

Mr Da Rin spoke on the water report and electronic communication signage.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.08PM

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 20/072

Cr J Hamling/Cr S Nugent

That the Minutes of the Ordinary Meeting of Orange City Council held on 3 March 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 3 March 2020 with the exception of an amendment to the Planning and Development Committee minutes to reword Cr Romano's Pecuniary Interest to read '*Cr S Romano declared a non-pecuniary interest in item 2.4 of the Planning and Development Committee as he did work for the same client as the applicant on occasion and would remove himself from the Chamber*'.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

LATE ITEM

RESOLVED - 20/073

Cr S Nugent/Cr R Kidd

That the following late item be dealt with at the meeting of Orange City Council on 17 March 2020 and be moved to be dealt with as the first item.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

5.15 DELEGATIONS

TRIM REFERENCE: 2020/504

RESOLVED - 20/074**Cr J Hamling/Cr S Nugent**

That Council resolves:

During the period 18 March 2020 until such time as Council revokes this resolution, Council delegate its function to determine development applications and planning matters, with the exception of matters that cannot be delegated under the Local Government Act 1993 or the Environmental Planning and Assessment Act 1979, in circumstances where it is unreasonable to defer consideration of the matter, to the Mayor, Chairperson of the Planning and Development Committee, and the Chief Executive Officer (so that the Chief Executive Officer and either the Mayor OR the Chairperson of the Planning and Development Committee, are available to determine matters).

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 NOTICE OF MOTION - EARTH HOUR 2020**

TRIM REFERENCE: 2020/444

RESOLVED - 20/075**Cr S Nugent/Cr S Munro**

That Council observe Earth Hour on 28 March 2020 at 8.30pm by turning off public lighting as appropriate based on advice from staff.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

4.2 NOTICE OF MOTION - AGED AND DISABLED

TRIM REFERENCE: 2020/477

RESOLVED - 20/076**Cr S Romano/Cr S Nugent**

That \$5,000 be considered in Council's 2020/2021 Delivery Operational Plan for the update of Council's mobility map and that this be conducted together with the Future City Project.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2020/436

RESOLVED - 20/077**Cr J Whitton/Cr R Turner**

- 1 That the resolutions made by the Planning and Development Committee at its meeting held on 3 March 2020 be noted.
- 2 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 3 March 2020 be noted.
- 3 That the resolutions made by the Finance Policy Committee at its meeting held on 3 March 2020 be noted.
- 4 That the resolutions made by the Services Policy Committee at its meeting held on 3 March 2020 be noted.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

5.2 STATEMENT OF INVESTMENTS - FEBRUARY 2020

TRIM REFERENCE: 2020/400

RESOLVED - 20/078**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To note the Statement of Investments as at 29 February 2020.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

QUESTION TAKEN ON NOTICE

Cr McRae requested Council provide an updated report on investments in light of market changes.

5.3 DEVELOPMENT APPLICATION DA 347/2019(1) - LOTS 1 AND 2 MITCHELL HIGHWAY (JOHN DAVIS MOTORS)

TRIM REFERENCE: 2020/171

RESOLVED - 20/079

Cr K Duffy/Cr G Taylor

That Council consents to development application DA 347/2019(1) for Vehicle Sales or Hire Premises (change of use and alterations to existing building) and Business Identification Signage at Lot 1 and 2 DP 270204 - Mitchell Highway, Orange pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting

Voted For	Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton
Voted Against	Nil
Absent	Cr T Mileto, Cr M Previtiera

5.4 LOCAL HOUSING STRATEGY

TRIM REFERENCE: 2020/46

RESOLVED - 20/080

Cr S Nugent/Cr R Turner

That Council resolves to:

- 1 Note the Local Housing Strategy research report and Departmental guidelines.
- 2 To place the research phase material and departmental guidelines on exhibition for a period of 28 days seeking preliminary community feedback.
- 3 Prepare and present a draft strategy to Council for consideration before formal exhibition.
- 4 That the draft strategy be intended to address the housing needs of Orange residents through to 2036 including, but not limited to, all socioeconomic groups, age brackets and levels of mobility and independence.

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

Against: Nil

Absent: Cr Mileto, Cr Previtiera

5.5 TOWAC EQUINE PRECINCT - CONTRIBUTIONS PLAN AND DEVELOPMENT CONTROL PLAN

TRIM REFERENCE: 2020/418

RESOLVED - 20/081**Cr K Duffy/Cr S Romano**

That Council resolves to:

- 1 Endorse and adopt the contributions plan in relation to the Towac Equine Precinct subject to the Minister of Planning authorising a variation to the contributions cap.
- 2 Endorse and adopt the draft Development Control Plan provisions, to be known as chapter 6A of Orange DCP 2004.
- 3 Subject to the above, Council endorse the making of Orange Local Environmental Plan 2011 – Amendment 17 to establish the Towac Equine precinct and instruct staff to pursue finalisation of this matter with the Department of Planning, Industry and Environment.

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

Against: Nil

Absent: Cr Mileto, Cr Previtiera

5.6 REQUEST FOR FINANCIAL ASSISTANCE - ORANGE CITY RUGBY CLUB - LINEMARKING FOR UNDER 10S RUGBY TOURNAMENT

TRIM REFERENCE: 2020/364

THIS ITEM WAS WITHDRAWN**5.7 ORANGE HARNESS RACING CLUB - FUNDING AGREEMENT**

TRIM REFERENCE: 2020/440

Cr J McRae declared a less than significant non-pecuniary interest in this item as a family member is involved with the club, left the Chamber, and did not participate in the voting or debate on this item.

RESOLVED - 20/082**Cr R Turner/Cr S Munro**

That Council resolves:

- 1 That the report by the Manager of Corporate and Community Relations be acknowledged.
- 2 That the second funding instalment payment of \$10,000 plus GST for the 2019/2020 financial year be cancelled.
- 3 That approval be granted for the use of the Council Seal on any necessary documentation if required.

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

Against: Nil

Absent: Cr Mileto, Cr Previtiera, Cr McRae

5.8 NATIONAL GENERAL ASSEMBLY - ORANGE CITY COUNCIL MOTIONS 2020

TRIM REFERENCE: 2020/406

RESOLVED - 20/083**Cr K Duffy/Cr S Munro**

That Council agree to the motion regarding the establishment of more water storage dams in NSW being submitted to the National General Assembly 2020.

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

Against: Cr Nugent

Absent: Cr Mileto, Cr Previterra

5.9 LEASE OF WENTWORTH PARK RESERVE TRUST

TRIM REFERENCE: 2020/424

RESOLVED - 20/084**Cr R Turner/Cr S Munro**

- 1 That Council resolve to agree to allow the surrender of the current lease of the Wentworth Park Reserve Trust to Wentworth Golf Club Ltd and simultaneously enter into a 21 year lease of the Wentworth Park Reserve Trust with Orange Ex-Services Club Limited on terms and conditions acceptable to Council.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

5.10 LEVEL 5 WATER RESTRICTION EXEMPTIONS

TRIM REFERENCE: 2020/428

RESOLVED - 20/085**Cr S Nugent/Cr S Munro**

That the report on Level 5 Water Restriction Exemptions be acknowledged.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

5.11 COUNCILLOR PROPOSED WATER INITIATIVES

TRIM REFERENCE: 2020/476

RESOLVED - 20/086**Cr R Turner/Cr S Munro**

That the report on Councillor Proposed Water Initiatives be acknowledged.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

QUESTION TAKEN ON NOTICE

Cr Munro requested a report on the process involved in creating a new dam in NSW.

5.12 MACQUARIE RIVER EXTRACTION LICENCE

TRIM REFERENCE: 2020/434

RESOLVED - 20/087**Cr K Duffy/Cr S Munro**

That the report on the Macquarie River Extraction Water Access Licence be acknowledged.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

MATTER ARISING

Cr Taylor requested if Council could do a media update on changes in watering times for the upcoming end to daylight savings.

5.13 NAMING - CRICKET CENTRE OF EXCELLENCE

TRIM REFERENCE: 2020/464

RESOLVED - 20/088**Cr J Whitton/Cr J Hamling**

That Council resolve:

- 1 That Council name the Cricket Centre of Excellence at Wade Park the Carl Sharpe Cricket Centre; and
- 2 That within the foyer of the Cricket Centre Orange, cricketers or administrators who have significantly contributed to this country or the region in cricket, will be documented through a photo portrait and text of their achievements.

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

Against: Nil

Absent: Cr Mileto, Cr Previtara

5.14 STRATEGIC POLICY REVIEW

TRIM REFERENCE: 2020/100

RESOLVED - 20/089

Cr J Whitton/Cr R Turner

That Council resolves to:

- 1 Adopt the following policies:
 - ST107 – Outdoor Dining Areas
 - ST114 – Whiteway Lighting
 - ST142 – Events on Council Owned/Managed Land
 - ST143 – Event Cancellation
 - ST083 – Access to Information Held By Council

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

Against: Nil

Absent: Cr Mileto, Cr Previtara

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.

RESOLVED - 20/090

Cr K Duffy/Cr S Munro

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 Write Off Bad Debt >\$5,000.00 Redmond Place Hangar

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 (b) the personal hardship of any resident or ratepayer.

6.2 2019 Water Consumption Charges - 3 Carwoola Drive, 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 (b) the personal hardship of any resident or ratepayer.

6.3 Lease of Hangar Site J Orange Airport

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.

6.4 Tender for Construction of Orange Regional Gallery Extension

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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.02pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.28pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Chief Executive Officer read out the following resolutions made in the Closed Meeting of Council.

6.1 WRITE OFF BAD DEBT >\$5,000.00 REDMOND PLACE HANGAR

TRIM REFERENCE: 2020/156

RESOLVED - 20/091

Cr K Duffy/Cr R Turner

That Council adopt the bad debt write off for Debtor Account 5815.72 in the sum of \$10,725.00.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

6.2 2019 WATER CONSUMPTION CHARGES - 3 CARWOOLA DRIVE, ORANGE

TRIM REFERENCE: 2020/167

RESOLVED - 20/092

Cr K Duffy/Cr S Munro

That Council resolves to reduce on a pro-rata basis to previous consumption history the February 2019 quarter water consumption charge of \$9,774.00 to \$1,112.40, the May 2019 quarter water consumption charge of \$7,981.20 to \$1,177.20, the August 2019 quarter water consumption charge of \$2,104.15 to \$975.80 and the November 2019 quarter water consumption charge of \$3,299.70 to \$455.70. The total write off is therefore \$19,437.95.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

6.3 LEASE OF HANGAR SITE J ORANGE AIRPORT

TRIM REFERENCE: 2020/386

RESOLVED - 20/093

Cr J Hamling/Cr S Nugent

- 1 That Council enter into a lease of Hangar Site J for a term of five years with one five year option.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

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

Against: Nil

Absent: Cr Mileto, Cr Previterra

6.4 TENDER FOR CONSTRUCTION OF ORANGE REGIONAL GALLERY EXTENSION

TRIM REFERENCE: 2020/462

Cr S Romano declared a less than significant non-pecuniary interest in this item as he has business involvement with one of the tenderers, left the Chamber, and did not participate in the voting or debate on this item.

** Cr Romano did not return to the meeting**

MOTION**Cr J Hamling/Cr J McRae**

That Council resolves:

- 1 That Council declines to accept any tender for the Construction of the Orange Regional Gallery Extension F3020-8 as all tender submissions exceeded the available funds for this component of the project.
- 2 That Council not call fresh tenders as it may delay the project and impact upon the current funding milestones, possibly putting funding at risk.
- 3 That Council enters into negotiations with the two highest tender submissions being Renascent Regional Pty Ltd and North Construction and Building Pty Ltd with a view to revising the project scope and to identify innovative solutions and cost savings to deliver the project.
- 4 That Council explores additional funding that may be able to address any shortfall in the construction of the Orange Regional Gallery Extension.

AMENDMENT**Cr K Duffy/Cr S Munro**

That Council resolves:

- 1 That Council declines to accept any tender for the Construction of the Orange Regional Gallery Extension F3020-8 as all tender submissions exceeded the available funds for this component of the project.
- 2 That Council not call fresh tenders as it may delay the project and impact upon the current funding milestones, possibly putting funding at risk.
- 3 That Council enters into negotiations with all tender submissions with a view to revising the project scope and to identify innovative solutions and cost savings to deliver the project.
- 4 That Council explores additional funding that may be able to address any shortfall in the construction of the Orange Regional Gallery Extension.

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**

RESOLVED - 20/094**Cr J Hamling/Cr J McRae**

That Council resolves:

- 1 That Council declines to accept any tender for the Construction of the Orange Regional Gallery Extension F3020-8 as all tender submissions exceeded the available funds for this component of the project.
- 2 That Council not call fresh tenders as it may delay the project and impact upon the current funding milestones, possibly putting funding at risk.
- 3 That Council enters into negotiations with the two highest tender submissions being Renascent Regional Pty Ltd and North Construction and Building Pty Ltd with a view to revising the project scope and to identify innovative solutions and cost savings to deliver the project.
- 4 That Council explores additional funding that may be able to address any shortfall in the construction of the Orange Regional Gallery Extension.

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

Against: Cr Kidd

Absent: Cr Mileto, Cr Previtara, Cr Romano

THE MEETING CLOSED AT 8.31PM

This is Page Number 13 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 17 March 2020.