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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

HELD IN VIA ONLINE VIDEO CONFERENCING PLATFORM ZOOM

ON 2 JUNE 2020

COMMENCING AT 7.00PM

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### 1 INTRODUCTION

#### ATTENDANCE

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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 M Previtiera, 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, Manager Financial Services, Manager Engineering Services, Governance Coordinator, Administration Officer – Governance

#### 1.1 APOLOGIES

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Nil

#### 1.2 LIVESTREAMING AND RECORDING

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

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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

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Cr R Kidd declared a less than significant non-pecuniary interest in item 2.2 of the Finance Policy Committee (Request for Financial Assistance – Duntryleague Golf Club) as he and his wife are members of Duntryleague.

Cr J Hamling declared a less than significant non-pecuniary interest in item 2.2 of the Finance Policy Committee (Request for Financial Assistance – Duntryleague Golf Club) as he is a member of Duntryleague.

Cr J McRae declared a less than significant non-pecuniary interest in item 2.4 of the Planning and Development Committee (Heritage Study Review) as a property she owns is on the amended heritage list.

## 2 MAYORAL MINUTES

Nil

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.02PM**

### OPEN FORUM

#### Holly Manning

Ms Manning spoke on the Orange Farmers Markets.

#### Neil Jones (CCL - 4.1 – Notice of Motion – Removal of No Fishing Sign, Ploughmans Creek Wetlands)

Mr Jones spoke against the motion.

#### Amanda Rasmussen (PDC – 2.3 – DA 54/2020(1) – 153-157 Peisley Street)

Ms Rasmussen spoke in favour of the development.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.23PM**

**Council – Item 4.2 – Removal of Event Camping in the Resolution on Gosling Creek  
Cr Previtera withdrew this Notice of Motion.**

## 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**RESOLVED - 20/145**

**Cr S Munro/Cr S Nugent**

That the Minutes of the Ordinary Meeting of Orange City Council held on 19 May 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 19 May 2020.

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

Against: Nil

Absent: Nil

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.24PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.23PM**

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - REMOVAL OF NO FISHING SIGN, PLOUGHMANS CREEK WETLANDS

TRIM REFERENCE: 2020/850

**RESOLVED - 20/154****Cr M Previtera/Cr S Romano**

That Council remove the recently installed No Fishing Sign at Ploughmans Creek Wetlands and once again allow fishing at the wetlands.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Munro, Cr Previtera, Cr Romano, Cr Taylor, Cr Whitton

Against: Cr Mileto, Cr McRae, Cr Nugent, Cr Turner

Absent: Nil

### 4.2 NOTICE OF MOTION - REMOVAL OF EVENT CAMPING IN THE RESOLUTION ON GOSLING CREEK

TRIM REFERENCE: 2020/851

ITEM WITHDRAWN

## 5 GENERAL REPORTS

*\*\* Cr Previtera left the meeting due to technical issues with the time being 8.49pm. \*\**

### 5.1 MURRAY DARLING ASSOCIATION MEMBERSHIP

TRIM REFERENCE: 2020/754

**RESOLVED - 20/155****Cr R Turner/Cr J McRae**

That Orange City Council do not pay for membership in the Murray Darling Association.

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

**5.2 UPDATE ON OUTSTANDING RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE AND NOTICES OF MOTIONS.**

TRIM REFERENCE: 2020/532

**RESOLVED - 20/156****Cr S Nugent/Cr R Kidd**

That the information provided in the report by the Manager Corporate Governance on Outstanding and Completed Notices of Motion, Questions of Notice and Matters arising 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 Previtiera

**MATTER ARISING**

Cr Taylor raised an issue relating to parking. It was advised that a number of matters were due to proceed to the City of Orange Traffic Committee.

*\*\* Cr Previtiera came back into the meeting with the time being 9.05pm. \*\**

**5.3 OC FUTURE CITY**

TRIM REFERENCE: 2020/655

**RESOLVED - 20/157****Cr K Duffy/Cr J Hamling**

That the OC FutureCity Planning and Design Framework/Strategy and associated documents be placed on exhibition for 40 days.

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

Against: Nil

Absent: Nil

**5.4 ROAD CLOSURE APPLICATION - PART THE ESCORT WAY**

TRIM REFERENCE: 2020/776

**RESOLVED - 20/158****Cr J Whitton/Cr S Munro**

That Council resolves to:

- 1 Advertise the proposed road closure in accordance with the requirements of the Crown Land Management Act.
- 2 That Council's Chief Executive Officer be given delegation to finalise determination for road closure for part The Escort Way, Orange post exhibition.
- 3 Proceed to sell that part of the road closed to the owner of 474 The Escort Way, Orange.
- 4 Grant approval for the use of the Council Seal on any necessary documentation.

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

Against: Nil

Absent: Nil

**5.5 LEASE RIAWENA OVAL TO ORANGE DISTRICT CRICKET ASSOCIATION**

TRIM REFERENCE: 2020/810

**RESOLVED - 20/159****Cr J Hamling/Cr K Duffy**

That Council resolves:

- 1 To enter into a 5 year lease with four 5 year options with the Orange District Cricket Association of Riawena Oval.
- 2 That permission be granted to use the Council seal on all necessary documentation.

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

Against: Nil

Absent: Nil

**5.6 LEASE 73A HILL STREET TO ORANGE REGIONAL CONSERVATORIUM INC**

TRIM REFERENCE: 2020/812

**RESOLVED - 20/160****Cr S Munro/Cr J McRae**

That Council resolves:

- 1 To enter into a 3 year lease with one 3 year option with the Orange Regional Conservatorium Inc.
- 2 That permission be granted to use the Council seal on all necessary documentation.

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

Against: Nil

Absent: Nil

**5.7 CITY ENTRANCE SIGN CONCEPTUAL DESIGN**

TRIM REFERENCE: 2020/814

**MOTION****Cr S Nugent/Cr J Hamling**

That Council proceed with the development and installation of the entrance sign at the intersection of the Northern Distributor Road and the Mitchell Highway on the eastern approach as detailed in this report with a minor modification to the design to acknowledge the Wiradjuri people as the traditional owners of this land.

**AMENDMENT****Cr R Kidd/Cr S Munro**

That a report be brought back to Council on entrance signage at the intersection of the Northern Distributor Road and Mitchell Highway on the eastern approach including detail on size, ambience and cost implications and that the design include an acknowledgement to the Wiradjuri people as the traditional owners of this land and the inclusion of flags.

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

Against: Cr Hamling, Cr McRae

Absent: Nil

**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 - 20/161****Cr R Kidd/Cr S Munro**

That a report be brought back to Council on entrance signage at the intersection of the Northern Distributor Road and Mitchell Highway on the eastern approach including detail on size, ambience and cost implications and that the design include an acknowledgement to the Wiradjuri people as the traditional owners of this land and the inclusion of flags.

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

Against: Nil

Absent: Nil

*\*\* Cr Romano went out of the room with the time being 9.28pm. \*\**

#### **MATTER ARISING**

Cr Munro requested that staff report on how Councillors conduct themselves regarding Social Media and maybe get training on how they conduct themselves in regards to comments.

Cr Kidd advised that all Councillors can access training of their choice.

## **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 Kidd left the meeting due to technical issues with the time being 9.32pm. \*\**

**RESOLVED - 20/162****Cr K Duffy/Cr M Previtiera**

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 Tenders for the upgrade of Forest Road from Bloomfield Hospital to Cadia Road**

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 - Footpath along Northern Distributor Road**

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 Health Infrastructure Agreement**

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 Acquisition of easements - Spring Creek/Icely Road Pipeline - Lot 51 DP1132549**

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.

**6.5 Acquisition of Easement - Spring Creek/Icely Road Pipeline - Lot 1 DP 739045**

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.

**6.6 Acquisition of Easement - Spring Creek/Icely Road Pipeline - Lot 2 DP 577491**

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.



**6.7 Acquisition of Easement - Stage 4 Southern Feeder Road - Lot 193 DP 756899**

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.

**6.8 Tender for Construction of Southern Feeder Road Stage 3**

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 9.34pm.

*\*\* Cr Romano came back into the room with the time being 9.34pm. \*\**

The Mayor declared the Ordinary Meeting of Council resumed at 9.43pm.

**7 RESOLUTIONS FROM CLOSED MEETING**

resolutions made in the Closed Meeting of Council.

**6.1 TENDERS FOR THE UPGRADE OF FOREST ROAD FROM BLOOMFIELD HOSPITAL TO CADIA ROAD**

TRIM REFERENCE: 2020/704

**RESOLVED - 20/163**

**Cr K Duffy/Cr S Munro**

That Council resolves to:

- 1 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Hynash Constructions Pty Ltd for the upgrade of Forest Road from Bloomfield Hospital to Cadia Road for the amount of \$1,289,393.23 plus GST;
- 2 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

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

Against: Nil

Absent: Cr Kidd

*\*\* Cr Kidd came back into the room with the time being 9.36pm. \*\**

**6.2 ACQUISITION OF LAND - FOOTPATH ALONG NORTHERN DISTRIBUTOR ROAD**

TRIM REFERENCE: 2020/763

**RESOLVED - 20/164****Cr K Duffy/Cr S Munro**

That Council resolves:

- 1 To acquire approximately 1,645m<sup>2</sup> of part Lot 52 DP835576 for the construction of a footpath along the Northern Distributor Road.
- 2 That upon acquisition, the land be classified as Operational.
- 3 To delegate to the Chief Executive Officer such authority as may be necessary or convenient to give effect to this resolution, including without limitation the affixing of the Seal of the Council on any document if required.

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

Against: Nil

Absent: Nil

**6.3 HEALTH INFRASTRUCTURE AGREEMENT**

TRIM REFERENCE: 2020/781

**RESOLVED - 20/165****Cr J Whitton/Cr M Previtiera**

That Council resolves:

- 1 To offer to Health Infrastructure the arrangements outlined in the conclusion of this report.
- 2 That authority be granted to the CEO to finalise negotiations.
- 3 That authority be granted for the use of the Council Seal on any documentation if required.

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

Against: Nil

Absent: Nil

**6.4 ACQUISITION OF EASEMENTS - SPRING CREEK/ICELY ROAD PIPELINE - LOT 51 DP1132549**

TRIM REFERENCE: 2020/831

**RESOLVED - 20/166****Cr K Duffy/Cr S Munro**

That Council resolves:

- 1 That Council acquire as easement approximately 0.1012 ha over Lot 51 DP 1132549 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.
- 2 That the Chief Executive Officer be authorised to finalise the acquisition.
- 3 That permission be granted for the use of the Council Seal on any document if required.

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

Against: Nil

Absent: Nil

**6.5 ACQUISITION OF EASEMENT - SPRING CREEK/ICELY ROAD PIPELINE - LOT 1 DP 739045**

TRIM REFERENCE: 2020/833

**RESOLVED - 20/167****Cr J Hamling/Cr S Munro**

That Council resolves:

- 1 That Council acquire as easement approximately 0.0524 ha over Lot 1 DP 739045 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.
- 2 That the Chief Executive Officer be authorised to finalise the acquisition.
- 3 That permission be granted for the use of the Council Seal on any document if required.

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

Against: Nil

Absent: Nil

**6.6 ACQUISITION OF EASEMENT - SPRING CREEK/ICELEY ROAD PIPELINE - LOT 2 DP 577491**

TRIM REFERENCE: 2020/835

**RESOLVED - 20/168****Cr J Hamling/Cr S Munro**

That Council resolves:

- 1 That Council acquire as easement approximately 0.1154 ha over Lot 2 DP 577491 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.
- 2 That the Chief Executive Officer be authorised to finalise the acquisition.
- 3 That permission be granted for the use of the Council Seal on any document if required.

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

Against: Nil

Absent: Nil

**6.7 ACQUISITION OF EASEMENT - STAGE 4 SOUTHERN FEEDER ROAD - LOT 193 DP 756899**

TRIM REFERENCE: 2020/836

**RESOLVED - 20/169****Cr S Munro/Cr M Previtiera**

That Council resolves:

- 1 That Council acquire as easement approximately 441.1 m<sup>2</sup> over Lot 193 DP 756899 under the voluntary provisions of the Land Acquisitions (Just Terms Compensation) Act 1991.
- 2 That the Chief Executive Officer be authorised to finalise the acquisition.
- 3 That permission be granted for the use of the Council Seal on any document if required.

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

Against: Nil

Absent: Nil

**6.8 TENDER FOR CONSTRUCTION OF SOUTHERN FEEDER ROAD STAGE 3**

TRIM REFERENCE: 2020/832

**RESOLVED - 20/170****Cr S Munro/Cr T Mileto**

- 1 That Council enters into a contract with Hamcon Civil Pty Ltd (MAAS) to construct Stage 3 of the Southern Feeder Road (Tender F2993) based on their initial tendered Lump Sum of \$6,854,830 less identified savings of \$189,500.
- 2 That the common seal of Council be authorized for use on all relevant documents associated with this contract.

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

Against: Nil

Absent: Nil

**THE MEETING CLOSED AT 9.48PM**

This is Page Number 13 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 2 June 2020.