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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

HELD VIA ONLINE CONFERENCING PLATFORM ZOOM

ON 7 JULY 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 (Redmond), Director Development Services, Acting Director Community, Recreation and Cultural Services (Richards), Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager Financial Services, Executive Support Manager, 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 significant pecuniary interest in item 5.1 of the Council Meeting (Councillor and Mayoral Remuneration) as he is the Mayor.

Cr S Romano declared a less than significant non-pecuniary interest in item 6.2 of the Council Meeting (Tender for Depot/Administration Building) as he quoted electrical works.

Cr J McRae declared a less than significant non-pecuniary interest in the matter arising from item 2.1 of the Infrastructure Policy Committee (Minutes of the City of Orange Traffic Committee Extraordinary Meeting 5 February 2020) as the owner of a medical practice in the vicinity of Dalton Street near the new DPI site.

## 2 MAYORAL MINUTES

### 2.1 MAYORAL REPORT - CENTROC AND CNSW JOINT ORGANISATION BOARD REPORT

TRIM REFERENCE: 2020/1013

**RESOLVED - 20/188**

**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 Previtara, 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 OPEN FORUM AT 7.06PM**

#### OPEN FORUM

##### **PDC 2.2 – DA 234/2018(1) – 129-133 Sale Street (Caldwell House)**

The Chief Executive Officer read out a statement from Health Infrastructure.

Director Development Services read out a statement from James Nicholson – Adaptive Architects.

Director Development Services read out a statement from Euan Greer.

##### **Alex Ferguson (FPC – 2.1 – Request for Financial Assistance – Quarter 1 of 2020/2021 – Small Donations Program)**

Mr Ferguson addressed Council about Lifeline Central West, the impact of COVID-19 on the community and the programs Lifeline is conducting to assist the community.

##### **PDC 2.3 – DA 120/2020(1) - 52-54 Bathurst Road and 25 & 27 Eyles Street (Taco Bell)**

Hector Abbott, McDuck Properties Pty Ltd spoke in favour of the development.

Matthew Wales, Wales & Associates (on behalf of applicant) spoke in favour of the development.

Jessica Tom raised concerns about the driveway location in Eyles Street.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.32PM**

#### GOOD NEWS FOLDER

- 1 Email from John Gilmore who is a member of the Boer War Study group based in Victoria. He thanked Council for streaming the Boer War Day ceremony for descendants in the Orange community. It was very well done and appreciated by all who attended or watched it.
- 2 Email from David Hunter thanking Council for re-opening the Orange Aquatic Centre. He said everything was well laid out, clearly marked and he was met at the door by the Manager, Iain Jones, who clearly explained how the restrictions would work and the always friendly staff inside who also greeted the swimmers with a smile.

- 3 Email from John Tuxworth thanking Council for re-opening the pool. The team at the pool have been amazing in organising lanes and making all welcome. As a regular swimmer, it was very much appreciated.

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**RESOLVED - 20/189****Cr S Munro/Cr J Whitton**

That the Minutes of the Ordinary Meeting of Orange City Council held on 16 June 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 16 June 2020 with the correction of Cr Kidd reading the statement provided by John Da Rin in the open forum.

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

**RESOLVED - 20/190****Cr K Duffy/Cr J Whitton**

That the Minutes of the Extraordinary Meeting of Orange City Council held on 23 June 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 23 June 2020 with the addition of Cr Kidd declaring an interest in item 2.1 Recommendation 5 that was later withdrawn.

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

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.35PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.51PM**

### 4 NOTICES OF MOTION/NOTICES OF RESCISSION

**4.1 NOTICE OF MOTION - PART OF 313 PLOUGHMANS LANE, ORANGE**

TRIM REFERENCE: 2020/998

ITEM WITHDRAWN

**4.2 NOTICE OF MOTION - INVITATIONS TO LOCAL MEMBER FOR ORANGE**

TRIM REFERENCE: 2020/1096

**RESOLVED - 20/204****Cr R Kidd/Cr J Hamling**

That the Notice of Motion – Invitations to Local Member for Orange be noted.

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 GENERAL REPORTS****5.1 COUNCILLOR AND MAYORAL REMUNERATION**

TRIM REFERENCE: 2020/1069

*Cr R Kidd declared a significant pecuniary interest in this item as he is the Mayor, was put in to the online meeting waiting room and took no part in the debate and voting on this item.***MOTION****Cr K Duffy/Cr S Munro**

That Council resolves that the Councillor allowance be set at \$24,320 and the Mayoral Allowance be set at \$60,080 for 2020/21 being the maximum for Regional Centre Councils as determined by the Local Government Remuneration Tribunal on 10 June 2020.

**AMENDMENT****Cr S Nugent/Cr J McRae**

That this item be deferred for 6 months until December 2020.

For: Cr McRae, Cr Mileto, Cr Nugent

Against: Cr Duffy, Cr Hamling, Cr Munro, Cr Previtera, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Absent: Cr Kidd

**THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST****THE MOTION ON BEING PUT THE MEETING WAS CARRIED****RESOLVED - 20/205****Cr K Duffy/Cr S Munro**

That Council resolves that the Councillor allowance be set at \$24,320 and the Mayoral Allowance be set at \$60,080 for 2020/21 being the maximum for Regional Centre Councils as determined by the Local Government Remuneration Tribunal on 10 June 2020.

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

Against: Cr McRae, Cr Mileto, Cr Nugent

Absent: Cr Kidd

**5.2 STRATEGIC POLICY REVIEW**

TRIM REFERENCE: 2020/1056

**RESOLVED - 20/206****Cr R Turner/Cr J Hamling**

That Council resolves to:

- 1 Place the following policy on public exhibition for a period of 28 days:
  - ST029 – Donations and Grants
- 2 That the policy be referred to the Councillor Policy Review Committee for comment.

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

**MATTER ARISING**

That the Chief Executive Officer arrange a suitable time for the Councillor Policy Review Committee to meet.

**5.3 CLASSIFICATION OF LAND - DRAINAGE RESERVE CONNEMARA DRIVE**

TRIM REFERENCE: 2020/1040

**RESOLVED - 20/207****Cr S Nugent/Cr M Previtiera**

- 1 That Lots 316 and 317 DP 1264617 Connemara Drive Orange be classified as Operational Land pursuant to the Local Government Act 1993.
- 2 That authority be granted to affix 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

**MATTER ARISING**

Cr Nugent asked a question in regard to an easement line across the site and whether a grove of gum trees was still on the site. The meeting was advised that staff would investigate.

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**5.4 THE SPRINGS; AN ABORIGINAL AND NON-ABORIGINAL FRINGE CAMP LOCATED IN SOUTH ORANGE - CONSERVATION MANAGEMENT PLANS AND FUTURE DIRECTIONS FOR THE SITE - REPORT FOLLOWING PUBLIC EXHIBITION PERIOD**

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TRIM REFERENCE: 2020/1076

**RESOLVED - 20/208****Cr S Nugent/Cr T Mileto**

- 1 That the Archaeological Assessment and Heritage Study, Conservation Management Plan and the Heritage Landscape Plan be adopted by Council.
- 2 That a more focussed multiyear action list be developed in consultation with OLALC and Council as funding and resources permit.
- 3 That further consultation, investigation and history be developed on the Rifle Range and Tip area, which may form a Heritage Study/ Conservation Management Plan.

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 MILETO ADVISED THAT HE AND CR NUGENT INSPECTED THE SITE AND COMPLIMENTS STAFF FOR THE INFORMATION CONTAINED IN THE REPORT.

**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.

**RESOLVED - 20/209****Cr M Previtiera/Cr R Turner**

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 Services 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 Tender for Depot Administration Building**

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 9.20pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.26pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 AIRPORT SERVICES EXPANSION

TRIM REFERENCE: 2020/1065

**RESOLVED - 20/210****Cr K Duffy/Cr S Munro**

That Council finalise the agreement to expand services at the Orange Airport as per the conclusion of this report.

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

### 6.2 TENDER FOR DEPOT ADMINISTRATION BUILDING

TRIM REFERENCE: 2020/1102

*Cr S Romano declared a less than significant non-pecuniary interest in this item as he quoted electrical works, was put in to the online meeting waiting room and took no part in the debate and voting on this item.*

**RESOLVED - 20/211****Cr S Munro/Cr J Hamling**

That Council resolves to:

- 1 Authorise the Chief Executive Officer, or his nominee, to enter into a standard contract with Saran NSW Pty Ltd for the Construction of the Orange City Council Depot Administration Building for the amount of \$866,507.24 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 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

*\*\*Cr Hamling left the meeting with the time being 9.25pm\*\**

## THE MEETING CLOSED AT 9.27PM

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 7 July 2020.