
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING
PLATFORM ZOOM

ON 1 SEPTEMBER 2020

COMMENCING AT 7.00PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Acting Manager Corporate Governance (Constantine) , Manager Financial Services (Zoom), Executive Support Manager, Manager Engineering Services.

1.1 APOLOGIES

Nil

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an acknowledgement of Country.

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

Cr S Nugent declared a Non-Significant, Non-Pecuniary interested in item 2.2 of the Sport and Recreation Policy Committee – Minutes of the Sport and Recreation Community Committee Meeting of 13 August 2020 – as he is a committee member of Goldseekers Orienteering.

Cr J Hamling declared a Non-Significant, Non-Pecuniary interested in item 2.2 of the Sport and Recreation Policy Committee – Minutes of the Sport and Recreation Community Committee Meeting of 13 August 2020 – as he is a Coach for Orange City Junior Rugby.

Cr Kidd declared a Non-Significant, Non-Pecuniary interest in Item 6.3 – Land Portfolio Review, as family member has had dealings with a property listed in the report.

Cr Hamling declared a Non-Significant, Non-Pecuniary interest in item 6.3 – Land Portfolio Review, as he works at Orange High School which had dealings with a property listed in the report.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 20/264****Cr K Duffy/Cr S Munro**

That the Minutes of the Ordinary Meeting of Orange City Council held on 18 August 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 18 August 2020.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.04PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.13PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 PROPOSED ENTRANCE SIGN - BATHURST ROAD**

TRIM REFERENCE: 2020/1509

MOTION**Cr K Duffy/Cr S Munro**

That Council resolves to relocate the proposed Eastern Entrance sign from the Corner of Mitchell Highway/Northern Distributor Road to Bathurst Road East of Redmond Place and commence installation as soon as possible.

AMENDMENT**Cr R Kidd/Cr J Hamling**

That Council resolves to proceed with the already proposed and approved Eastern Entrance sign at the Corner of Mitchell Highway/Northern Distributor and commence installation as soon as possible.

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

Against: Cr Duffy

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 - 20/281**Cr R Kidd/Cr J Hamling**

That Council resolves to proceed with the already proposed and approved Eastern Entrance sign at the Corner of Mitchell Highway/Northern Distributor and commence installation as soon as possible.

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: Nil

4.2 WORKING WITH CHILDREN AND POLICE CHECKS FOR COUNCILLORS

TRIM REFERENCE: 2020/1571

RESOLVED - 20/282**Cr S Munro/Cr K Duffy**

- 1 That Orange Council resolve to lobby for all NSW Local Government Elected Members to provide a current Working with Children and Police Check once elected.
- 2 That this motion be submitted by Council staff through the normal processes to the Local Government NSW (LGNSW 2020) Annual Conference 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: NIL

5 GENERAL REPORTS**5.1 ELECTION OF DEPUTY MAYOR**

TRIM REFERENCE: 2020/1299

RESOLVED - 20/283**Cr J Hamling/Cr S Romano**

- 1 That Council elect a Deputy Mayor for the 2020 to 2021 period.

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: Nil

MOTION**Cr J Whitton/Cr G Taylor**

- 2 That the method of voting for the election of Deputy Mayor be by Open Ballot.

AMENDMENT**Cr K Duffy/Cr R Kidd**

- 2 That the method of voting for the election of Deputy Mayor be by Ordinary Ballot.

For: Cr Duffy

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

Absent: Nil

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST**RESOLVED - 20/284****Cr J Whitton/Cr G Taylor**

- 2 That the method of voting for the election of Deputy Mayor be by Open Ballot.

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: Nil

RESOLVED - 20/285

Cr S Nugent/Cr S Munro

3 That the Chief Executive Officer, acting as the Returning Officer, conduct the election for the Deputy Mayor.

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: Nil

The Chief Executive Officer advised that nominations for Deputy Mayor had been received from:

- Cr Kevin Duffy
- Cr Scott Munro
- Cr Glenn Taylor
- Cr Tony Mileto

ROUND 1	
Cr Kevin Duffy	2
Cr Scott Munro	1
Cr Glenn Taylor	3
Cr Tony Mileto	5

With the least amount of votes, Cr Munro was removed after Round 1.

ROUND 2	
Cr Kevin Duffy	1
Cr Glenn Taylor	5
Cr Tony Mileto	5

With the least amount of votes, Cr Duffy was removed after Round 2.

ROUND 3	
Cr Glenn Taylor	6
Cr Tony Mileto	5

With the majority of votes, Cr Glenn Taylor was declared Deputy Mayor.

5.2 POLICY COMMITTEES OF COUNCIL - ELECTION OF CHAIRPERSONS

TRIM REFERENCE: 2020/1300

RESOLVED - 20/286**Cr S Nugent/Cr J Hamling**

- 1 That Council adopts the Policy Committee Structure set out in Attachment 1 to this Agenda.

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: Nil

RESOLVED - 20/287**Cr K Duffy/Cr R Turner**

- 2 That the method of voting for the election of Policy Committee Chairs be by open ballot.

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: Nil

RESOLVED - 20/288**Cr R Kidd/Cr S Nugent**

- 3 That the Chief Executive Officer, acting as Returning Officer, conduct the election for the Policy Committee Chairs.

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: Nil

Planning & Development

Cr Russell Turner

Cr Hamling/Cr Mileto

Employment & Economic Development

Cr Tony Mileto

Cr Hamling/Cr Taylor

Infrastructure

Cr Jeff Whitton

Cr Taylor/Cr Nugent

*Cr Sam Romano**Declined***Sport & Recreation**

Cr Jason Hamling

Cr Nugent/Cr Munro

Environmental Sustainability

Cr Stephen Nugent

Cr McRae/Cr Mileto

Finance

Cr Kevin Duffy

Cr Hamling/Cr Munro

Services	
Cr Scott Munro	Cr Duffy/Cr Whitton
Cr Sam Romano	<i>Declined</i>
Cr Joanne McRae	<i>Declined</i>

MATTER ARISING

Cr Duffy requested a report be provided for Council to take the issue of voting in person or remotely to LGNSW so the matter can be addressed at a state government level.

Cr Kidd stated that we have proven that meetings can work both in person and for remote attendance which will make it more attractive in the long run and he will work with the CEO on drafting this up for Councillors.

Cr Nugent stated that there have been lessons learnt from Covid and asked if there was a timeframe to submit information to LGNSW.

The Mayor stated this information would be provided to Councillors.

Cr Hamling stated a re-write of the rules is required and he hoped the rules and requirements could be updated.

5.3 EVENT APPROVAL PROCESS - COVID 19 RESTRICTIONS

TRIM REFERENCE: 2020/1556

RESOLVED - 20/289**Cr K Duffy/Cr S Nugent**

That Council resolves:

- 1 To permit non-contentious events hosted by local event organiser (i.e based within the Orange Region) to be approved by staff in line with the current Strategic Policy.

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: Nil

RESOLVED - 20/290**Cr S Nugent/Cr J Hamling**

That Council resolves:

- 2 To temporarily modify Strategic Policy - ST142 - Events on Council Owned/Managed Land so that that events hosted by external event organisers (i.e. from outside the Orange Region) or contentious local events to be determined by a report submitted to Council while current COVID-19 restrictions are in place.

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: Nil

RESOLVED - 20/291**Cr K Duffy/Cr J Hamling**

- 3 That Council does not approve the application for Orange Fun Fair at the Orange Showground on 28-29 November 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: Nil

Cr Romano left the meeting with the time being 9.22pm***Cr Romano returned to the meeting with the time being 9.30pm*****RESOLVED - 20/292****Cr K Duffy/Cr J Hamling**

That Council write to the premier seeking permission for schools in the Orange area to hold graduation ceremonies with local attendance only.

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

Against: Cr McRae

Absent: Nil

Cr Whitton left the meeting with the time being 937pm

Cr Whitton returned to the meeting with the time being 938pm

5.4 DEMOLITION OF PERRY OVAL AMENITIES BUILDING

TRIM REFERENCE: 2020/1578

RESOLVED - 20/293

Cr K Duffy/Cr G Taylor

- 1 That Council approve the demolition of the Perry Oval Amenities building.
- 2 That a new amenities building be constructed on Perry Oval utilising funding received from the Resources for Regions fund.

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: Nil

5.5 OC FUTURE CITY

TRIM REFERENCE: 2020/1614

RESOLVED - 20/294

Cr J Whitton/Cr S Nugent

That Council adopt Tranche 1 and 2 as per the detail of this report.

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

Against: Cr Duffy

Absent: Nil

Cr McRae left the meeting with the time being 949pm

Cr Taylor left the meeting with the time being 949pm

Cr McRae returned to the meeting with the time being 951pm

Cr Taylor returned to the meeting with the time being 951pm

Cr Kidd asked if it was just a concept plan.

The Chief Executive Officer stated yes, and a complete design will come back to Council.

Cr Whitton suggested that the Mall in Anson Street be covered with a Perspex type cover to encourage more use during inclement weather.

5.6 EXTERNAL AGENCIES - COUNCILLOR MEMBERS

TRIM REFERENCE: 2020/1616

RESOLVED - 20/295**Cr G Taylor/Cr R Turner**

That the replacement Councillor on the external agencies are as follows:

- a. Director on the Board of Orange360 – Cr Jeff Whitton
- b. Representative on the Members Assembly of Civic Risk Mutual – Cr Kevin Duffy

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: NIL

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 - 20/296**Cr J McRae/Cr J Whitton**

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 Tender for Construction of Concrete Footpaths

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 NetWaste Tender For Collection and Disposal Of Used Motor Oil

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 Land Portfolio Review

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 2019/2020 Fourth Quarter Water/Sewerage Charges - 174 Woodward Street, 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.

6.5 Sale 16 Elwin 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 (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 Tender for the Design and Construction of Park and Footpath Lighting

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 BMX Track Demolition

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 10.08pm.

The Mayor declared the Ordinary Meeting of Council resumed at 10.39pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 TENDER FOR CONSTRUCTION OF CONCRETE FOOTPATHS

TRIM REFERENCE: 2020/1452

RESOLVED - 20/297**Cr K Duffy/Cr S Nugent**

That Council decline to accept any of the tenders and cancel the proposal for the contract.

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: Nil

6.2 NETWASTE TENDER FOR COLLECTION AND DISPOSAL OF USED MOTOR OIL

TRIM REFERENCE: 2020/1427

RESOLVED - 20/298**Cr J Whitton/Cr S Nugent**

That Council accepts the NetWaste tender submitted by Cleanaway dated 28 July 2020 for Collection and Disposal of Used Motor Oil for the initial two (2) year term and sign the required contract documentation.

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: Nil

6.3 LAND PORTFOLIO REVIEW

TRIM REFERENCE: 2020/1489

Cr Kidd declared a Non-Significant, Non-Pecuniary interest in Item 6.3 – Land Portfolio Review, as family member has had dealings with a property listed in the report.

Cr Hamling declared a Non-Significant, Non-Pecuniary interest in item 6.3 – Land Portfolio Review, as he works at Orange High School which had dealings with a property listed in the report.

RESOLVED - 20/299**Cr J Hamling/Cr G Taylor**

That Council:

- 1 Retain and divest properties as proposed in the report.
- 2 Undertake further work as proposed to prepare properties for sale.
- 3 Manage, where appropriate, the process for the sale of vacant residential and industrial land utilising internal Council resources.
- 4 Offer an expression of interest to Orange estate agents to be appointed to a panel with commission set by Council at 2.5%.

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: Nil

RESOLVED - 20/300**Cr S Nugent/Cr K Duffy**

That Council note the time being 10.30pm, but proceeds with the meeting until items are complete.

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: Nil

6.4 2019/2020 FOURTH QUARTER WATER/SEWERAGE CHARGES - 174 WOODWARD STREET, ORANGE

TRIM REFERENCE: 2020/1508

RESOLVED - 20/301**Cr K Duffy/Cr R Turner**

- 1 That the water consumption charge of \$8,518.65 be reduced by 40% to \$5,109.19, being a credit of \$3,407.46.
- 2 That the sewerage charge of \$8,253.00 be reduced to \$248.73 pro-rata to normal consumption, being a credit of \$8,004.27.
- 3 That the trade waste charge of \$5,985.05 be reduced to \$87.16 pro-rata to normal consumption, being a credit of \$5,897.89.

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: Nil

6.5 SALE 16 ELWIN DRIVE ORANGE

TRIM REFERENCE: 2020/1510

RESOLVED - 20/302**Cr K Duffy/Cr R Turner**

That Council resolves:

- 1 To sell 16 Elwin Drive Place Orange for the sum of \$241,978 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 Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

6.6 TENDER FOR THE DESIGN AND CONSTRUCTION OF PARK AND FOOTPATH LIGHTING

TRIM REFERENCE: 2020/1516

RESOLVED - 20/303**Cr J Hamling/Cr S Nugent**

Council resolves:

- 1 That Tender F3440 for the Design and Construction of Footpaths and Park Lighting be awarded to REES Electrical Pty Ltd for their tendered price of \$305,430.
- 2 That permission be granted to affix the Council Seal on any relevant document.

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

Against: Cr Kidd, Cr Duffy

Absent: Nil

6.7 BMX TRACK DEMOLITION

TRIM REFERENCE: 2020/1574

RESOLVED - 20/304**Cr R Turner/Cr J Whitton**

- 1 That the BMX works be conducted as previously resolved by Council consistent with the Anzac Park Master Plan;
- 2 That Spicer Constructions Pty Ltd be awarded the works
- 3 That Council allocate the required Capital Funds in the September 2020 quarterly review.

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: Nil

THE MEETING CLOSED AT 10.43PM

This is Page Number 14 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 1 September 2020.