
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 1 FEBRUARY 2022

COMMENCING AT 7.00PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, A/Manager Corporate Governance, Chief Financial Officer, A/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 OPENING PRAYER

ANDREW CUNNINGHAM OF THE UNITING CHURCH LED THE COUNCIL IN PRAYER

1.4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

Condolences – The Mayor paid tribute for the late ex-Councillor Glenn Taylor and the Chamber observed a minute's silence. Councillors also shared their sentiments about their time working with Glenn.

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

Cr Evans declared a non-pecuniary, non-significant interest in Item 5.5 – *Endorsement of fees for use of the retail pods under future cities* as he is the President of the Business Orange (Orange Business Chamber) and thus he endorsed the retail pods and the benefits they would have for local business and small enterprises. Business Orange does not stand to directly benefit from this matter.

Cr Mallard declared a non-significant, non-pecuniary interest in Item 5.6 – *Items Approved Under Delegated Authority* as he and his partner jointly own shares in the Central West NSW Co-operative Energy Democracy.

RESOLVED - 22/001**Cr K Duffy/Cr J Whitton**

That the following late item be accepted:

2.1 Mayoral Minute – Ex-Councillor Taylor – Funeral Expenses

2 MAYORAL MINUTES**2.1 EX-COUNCILLOR GLENN TAYLOR - FUNERAL EXPENSES**

TRIM REFERENCE: 2022/101

RESOLVED - 22/002**Cr J Hamling**

That the information contained in this Mayoral Minute be acknowledged and that Council waive fees of up to \$785 for the staging of Ex-Councillor Glenn Taylor's funeral at the Orange Botanic Gardens.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 22/003****Cr K Duffy/Cr T Mileto**

That the Minutes of the Ordinary Meeting of Orange City Council held on 16 November 2021 (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 November 2021.

MATTER ARISING**Cr K Duffy**

Cr Duffy made reference to the Mayoral Minute tabled at 16 November 2021 Council Meeting Item 2.1 Referendum on Number of Orange City Councillors and stated that reducing Councillor numbers to 9 would lessen the diversity on our Council. This matter

should be discussed among Councillors (possibly at a briefing) and brought back to Council for consideration.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

TRIM REFERENCE: 2021/255

RESOLVED - 22/004

Cr J Hamling/Cr J Whitton

That each Councillor take the oath or affirmation of office.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

The following Councillors took the Oath of Office of Council:

Cr Hamling

Cr Whitton

Cr Greenhalgh

Cr McDonell

Cr Power

Cr Peterson

Cr Floyd

The following Councillors took the Affirmation of Office of Council:

Cr Mallard

Cr Duffy

Cr Evans

Cr Kinghorne

Cr Mileto

The Mayor gave a speech about the honour of being elected Mayor and his visions for the city of Orange.

5.2 ELECTION OF DEPUTY MAYOR

TRIM REFERENCE: 2021/257

RESOLVED - 22/005**Cr J Whitton/Cr T Mileto**

That Council resolves:

To elect a Deputy Mayor for the either of these periods

- a) February 2022 to September 2023 (then re-elect in September 2023 for 12 months)

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 22/006**Cr K Duffy/Cr J Whitton**

That the method of voting for the election of Deputy Mayor be ordinary ballot.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 22/007**Cr D Mallard/Cr J Evans**

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

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

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

- Cr Mileto
- Cr Whitton
- Cr Peterson
- Cr Power
- Cr Duffy

Following the first round of voting, Cr Mileto received 3 votes, Cr Whitton received 3 votes, Cr Peterson received 1 vote, Cr Power received 3 votes and Cr Duffy received 2 votes. As Cr Peterson had the lowest number of votes his nomination was excluded and a new ballot conducted with the remaining candidates.

Following the second round of voting, Cr Mileto received 4 votes, Cr Whitton received 3 votes and Cr Power received 3 votes and Cr Duffy received 2 votes. As Cr Duffy had the lowest number of votes his nomination was excluded and a new ballot conducted with the remaining candidates.

Following the third round of voting, Cr Mileto received 4 votes, Cr Whitton received 3 votes and Cr Power received 5 votes. As Cr Whitton had the lowest number of votes his nomination was excluded and a new ballot conducted with the remaining candidates.

Following the fourth round of voting, Cr Mileto received 6 votes and Cr Power received 6 votes. As this was a tied vote both names were placed in a box and drawn by lot.

Cr Power's name was drawn by lot and he was declared elected to the position of Deputy Mayor.

5.3 COUNCILLOR VACANCY - COUNTBACK METHOD

TRIM REFERENCE: 2021/754

RESOLVED - 22/008**Cr K Duffy/Cr J Whitton**

That pursuant to section 291A(1)(b) of the Local Government Act 1993, Orange City Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Peterson asked the question if the Mayoral role was to become vacant would the position go to the second most popular candidate

The Chief Executive Officer responded by saying that most likely this would happen and that Council would liaise with the Electoral Commission if this situation were to arise.

5.4 DAY, TIME AND FREQUENCY OF COUNCIL MEETINGS

TRIM REFERENCE: 2021/789

MOTION**Cr J Hamling/Cr M McDonell**

That Council resolves to:

1. Confirm it will hold Council meetings in accordance with the Code of Meeting Practice with the Ordinary Meeting of Council on the first Tuesday of the month and the combined Ordinary Meeting of Council and Policy Committees on the 3rd Tuesday of each month commencing at 6.30pm and ending at 9.30 p.m with Councillors able to resolve an extension of time if necessary.
2. Place the amended Code of Meeting Practice on public exhibition for 28 days.

AMENDMENT**Cr K Duffy/Cr T Mileto**

That Council resolves to:

1. Confirm it will hold Council meetings in accordance with the current Code of Meeting Practice with the Ordinary Meeting of Council on the first Tuesday of the month and the combined Ordinary Meeting of Council and Policy Committees on the 3rd Tuesday of each month commencing at 7.00pm and ending at 10.30 p.m.

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST.

For: Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr T Mileto,
Against: Cr J Hamling, Cr J Evans, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell,
Cr S Peterson, Cr G Power, Cr J Whitton

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**RESOLVED - 22/009****Cr J Hamling/Cr M McDonell**

That Council:

1. Confirm it will hold Council meetings in accordance with an amended Code of Meeting Practice with the Ordinary Meeting of Council on the first Tuesday of the month and the combined Ordinary Meeting of Council and Policy Committees on the 3rd Tuesday of each month commencing at 6.30pm and ending at 9.30 pm with Councillors able to resolve an extension of time if necessary.
2. Place the amended Code of Meeting Practice on public exhibition for 28 days.

For: Cr J Hamling, Cr J Evans, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell,
Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr T Mileto

Absent: Nil

5.5 ENDORSEMENT OF FEES FOR USE OF THE RETAIL PODS UNDER FUTURE CITIES

TRIM REFERENCE: 2021/2864

Cr Evans declared a non-significant, non-pecuniary interest in this item as he is the President of Business Orange (Orange Business Chamber) and thus he endorsed the retail pods and the benefits they would have for local business and small enterprises. Business Orange does not stand to directly benefit from this matter therefore Cr Evans remained in the Chamber and voted on this item.

RESOLVED - 22/010**Cr T Mileto/Cr K Duffy**

That Council:

1. Adopt the fees as recommended.
2. Endorse the fee for service payment to Biz HQ for providing the start-up business placement service for the use of the pods.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

5.6 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2021/2477

Cr Mallard declared a non-significant, non-pecuniary interest in this item as he and his partner jointly own shares in the Central West NSW Co-operative Energy Democracy but remained in the Chamber and voted on this item.

RESOLVED - 22/011**Cr J Whitton/Cr K Duffy**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

QUESTION TAKEN ON NOTICE**Cr K Duffy**

Cr Duffy requested the total dollar value of items approved under delegated authority for the same period as the report was not clear, and this figure be communicated to Councillors.

Cr Mileto asked the question with regards to DA211/2021(1) pg 34 (42 residential lots) & DA265/2021(1) pg 35 (55 residential lots), how close are the headworks to these locations and approximate time of when they may progress?

Director Technical Services responded by saying that Council recently constructed sewer to service that area in the Shiralee estate. Council has completed the extension of the trunk mains through and underneath the railway line and that allows the servicability to that northern section of Shiralee, the southern section was serviced by the sewer previously that goes through the adjoining Bloomfield site back towards Forest Rd. Yes services are there and available, not necessarily as a frontage but the development does connect to them.

Cr Mileto asked regarding 76 Lysterfield Rd – 55 residential lots are the headworks to this location and could you clarify a timeframe?

Director Technical Services responded by saying that this development may have to extend the sewer main from the Trunk Mains into this area, some lots are easily serviced by the existing sewer to the south. These works are not a responsibility of Council to extend any further, works are the responsibility of the Developer.

6 CLOSED MEETING

Nil

THE MEETING CLOSED AT 8.21PM.

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 1 February 2022.