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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 15 FEBRUARY 2022

COMMENCING AT 7.00PM

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### 1 INTRODUCTION

#### ATTENDANCE

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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 (Deputy Mayor), Cr J Whitton (via Zoom)

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

#### 1.1 APOLOGIES

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Nil

<b>RESOLVED - 22/012</b>	<b>Cr K Duffy/Cr T Mileto</b>
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That Cr Whitton be granted permission to attend this Council meeting via Zoom because of work commitments.

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

#### 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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The Mayor conducted an 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 Kinghorne declared a non-significant, pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as her husband's company has done geotechnical work for this development application and will leave the chamber and not vote on this item.

Cr Greenhalgh declared a pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as the Orange Ex-Services Club is an influential account that Cr Greenhalgh calls upon as part of her employment in the hospitality industry they are also a major sponsor of the Bloomfield Junior Rugby League Football Club which she holds the position of Secretary and Sponsorship Coordinator and she has been a personal family friend of the new CEO for over 20 years and will leave the Chamber and not vote on this item.

Cr Mileto declared a non-significant, non-pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as he is a member of Orange Ex-Services Club and a member of Wentworth Golf Club and will remain in the Chamber and vote on this item.

Cr Mallard declared a non-significant, non-pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.

Cr Evans declared non-significant, non-pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.

Cr Evans declared a non-significant, non-pecuniary interest in Item 5.2 Confirmation of Community Committee Framework and Councillor Membership, as he is the President of the Orange Business Chamber (will leave the Chamber and not vote on this item), a member of Business HQ (will remain in the Chamber and vote on this item) and a member of Orange 360 (will remain in the Chamber and vote on this item).

Cr Peterson declared a non-significant, non-pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.

Cr Power declared a non-significant, non-pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.

Cr Power declared a non-significant, non-pecuniary interest in Item 5.2 Confirmation of Community Committee Framework and Councillor Membership, as he is a member of Orange 360 and will remain in the Chamber and vote on this item.

Cr Floyd declared a non-significant, non-pecuniary interest in Item 5.5 Development Application DA437/2021(1) - Wentworth Golf Club - 130 Ploughmans Lane, as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.

Cr Hamling declared a non-significant, non-pecuniary interest in Item 5.2 Confirmation of Community Committee Framework and Councillor Membership, as his private business is a member of Orange360 and will remain in the Chamber and vote on this item.

### **MAYORAL MINUTES**

Nil

### **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED - 22/013****Cr D Mallard/Cr K Duffy**

That the Minutes of the Ordinary Meeting of Orange City Council held on 1 February 2022 (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 1 February 2022.

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

### **MATTER ARISING**

**RESOLVED - 22/014****Cr J Hamling/Cr K Duffy**

That the Council meeting scheduled for Tuesday 01 March 2022 be rescheduled and held on Thursday 03 March 2022 at 7pm due to a large number of Councillors attending the LGNSW Conference in Sydney 28 February – 02 March 2022.

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

### **4 NOTICES OF MOTION/NOTICES OF RESCISSION**

Nil

**5 GENERAL REPORTS****5.1 POLICY COMMITTEES OF COUNCIL**

TRIM REFERENCE: 2021/258

**RESOLVED - 22/015****Cr J Hamling/Cr T Mileto**

That Council maintain the current Policy Committee Structure which consists of:

- Planning and Development Policy Committee
- Employment and Economic Development Policy Committee
- Infrastructure Policy Committee
- Sport and Recreation Policy Committee
- Environmental Sustainable Policy Committee
- Finance Policy Committee
- Services Policy Committee

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 - 22/016****Cr J Whitton/Cr K Duffy**

That the method of voting for the election of Policy Committee Chairperson(s) be open ballot (show of hands)

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 - 22/017****Cr D Mallard/Cr S Peterson**

That the Chief Executive Officer, acting as Returning Officer, conduct the election for the Policy Committee Chairperson(s).

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 - 22/018****Cr K Duffy/Cr T Mileto**

That the following Councillors were elected to Policy Committee Chair positions:

Planning and Development	Cr J Whitton
Employment and Economic Development	Cr T Mileto
Infrastructure	Cr J Evans
Sport and Recreation	Cr T Greenhalgh
Environmental Sustainability	Cr D Mallard
Finance	Cr K Duffy
Services	Cr M McDonell

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

**5.2 CONFIRMATION OF COMMUNITY COMMITTEE FRAMEWORK AND COUNCILLOR MEMBERSHIP**

TRIM REFERENCE: 2021/1030

*Cr Evans declared a non-significant, non-pecuniary interest in this item as he is the President of the Orange Business Chamber (will leave the Chamber and not vote on this item), a member of Business HQ (will remain in the Chamber and vote on this item) and a member of Orange 360 (will remain in the Chamber and vote on this item).*

*Cr Power declared a non-significant, non-pecuniary interest in this item as he is a member of Orange 360 and will remain in the Chamber and vote on this item.*

*Cr Hamling – non-significant, non-pecuniary interest in this item as his private business is a member of Orange360 and will remain in the Chamber and vote on this item.*

**RESOLVED 22/019****Cr K Duffy/Cr T Mileto**

That Council maintain the current Community Committee structure which consists of:

- Economic Development
- Orange Health Liaison
- Sister Cities
- Audit, Risk and Improvement
- Spring Hill
- Lucknow
- Clifton Grove
- Ageing and Access
- Cultural Heritage
- Community Safety and Crime Prevention
- NAIDOC Week
- Orange Regional Museum
- Orange Conservatorium and Planetarium
- Floodplain Management
- Orange and Cabonne Road Safety
- Orange Airport
- Sport and Recreation (incl. Bicycling)
- Orange Showground
- Australia Day
- Companion Animals
- Environmental Sustainability
- Parks, Trees and Waterways (incl. Orange Botanic Gardens)
- Tidy Towns

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 - 22/020**

**Cr K Duffy/Cr F Kinghorne**

That the Chief Executive Officer, acting as Returning Officer, conduct the election for the Community Committee representation and Chairperson(s).

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 22/021****Cr K Duffy/Cr T Greenhalgh**

That Council confirm the Chairperson and Councillor members identified for each Community Committee established (with exception to those that Council determine will have a community member as the Chairperson).

<b>Community Committee</b>	<b>Crs Elected</b>	<b>Chairperson</b>
Economic Development	1. Cr McDonell 2. Cr Greenhalgh 3. Cr Mileto 4. Cr Evans 5. Cr Kinghorne	Cr Mileto
Orange Health Liaison	1. Cr Peterson 2. Cr McDonell 3. Cr Kinghorne	Cr Peterson
Sister Cities	1. Cr Hamling 2. Cr Duffy	Elected by Committee
Audit and Risk Management	1. Mayor 2. Cr Duffy 3. Cr Kinghorne (alt)	Elected by Committee
Spring Hill	1. Cr Mileto 2. Cr Evans 3. Cr Kinghorne	Cr Mileto
Lucknow	1. Cr McDonell 2. Cr Evans	Cr Evans
Clifton Grove	1. Cr Peterson 2. Cr Kinghorne	Cr Kinghorne
Ageing and Access	1. Cr McDonell 2. Cr Peterson 3. Cr Kinghorne	Cr Peterson
Cultural Heritage	1. Cr Power 2. Cr Mallard 4. Cr Whitton	Cr Power
Community Safety and Crime Prevention	1. Cr Mileto 2. Cr Whitton 3. Cr Greenhalgh	Cr Mileto
NAIDOC Week	1. Cr Power 2. Cr Hamling 3. Cr Mallard	Elected by Committee
Orange Regional Museum	1. Cr Peterson 3. Cr Power	Cr Peterson
Orange Conservatorium and Planetarium	1. Cr McDonell 2. Cr Floyd 2. Cr Duffy	Cr Duffy
Floodplain Management	1. Cr Floyd 3. Cr Evans	Cr Floyd

Orange and Cabonne Road Safety	1. Cr Duffy 2. Cr Hamling	Elected by Committee
Orange Airport	1. Cr Evans 2. Cr Greenhalgh 3. Cr Kinghorne 2. Cr Whitton	Cr Evans
Sport and Recreation (incl. Bicycling)	1. Cr Greenhalgh 2. Cr Floyd 4. Cr McDonell	Cr Greenhalgh
Orange Showground	1. Cr Greenhalgh 2. Cr Duffy 3. Cr Kinghorne	Cr Duffy
Australia Day	1. Cr Power 3. Cr Greenhalgh	Elected by Committee
Companion Animals	1. Cr Mallard 2. Cr Hamling	Cr Mallard
Environmental Sustainability	1. Cr Mallard 2. Cr McDonell	Cr Mallard
Parks, Trees and Waterways (including Orange Botanic Gardens)	1. Cr McDonell 2. Cr Mallard	Cr McDonell
Tidy Towns	1. Cr Duffy 2. Cr Power 2. Cr Floyd	Cr Duffy

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 - 22/022****Cr D Mallard/Cr J Evans**

That Council seek expressions of interest from community members and relevant agencies/organisations to join a Community Committee, based on the draft Charter for each Committee.

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 - 22/023****Cr M McDonell/Cr T Greenhalgh**

That the following Councillors were elected as representatives on the following external bodies

a City of Orange Traffic Committee (alt)	Cr T Mileto (Chair), Cr M McDonell
b Orange Rail Action Group	Cr J Evans, Cr M McDonell, Cr F Kinghorne
c Joint Regional Planning Panel	Cr J Whitton, Cr K Duffy (alt)
d Business Enterprise Centre –	Cr G Power
e Association of Mining Related Councils	Mayor, Cr K Duffy, Cr J Whitton (alt)
f Business Orange (Orange Business Chamber)	Cr F Kinghorne
g TDO Limited	Mayor, CEO, Cr G Power
h Central NSW Joint Organisation (CNSWJO)	Mayor, CEO, Cr K Duffy (alt)
i Orange Regional Arts Foundation	Cr M McDonell
j Ronald McDonald House Board	Cr J Hamling
k Civic Risk Members Assembly	CEO, CFO (alt), Cr K Duffy

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: Cr Evans (for voting on Business Orange representation and Chair)

Cr Kinghorne asked if any Councillor could attend any Community Committee meeting  
*The Chief Executive Officer responded by saying yes any Councillor was welcome to attend any Community Committee meeting*

**5.3 STATEMENT OF INVESTMENTS - NOVEMBER 2021**

TRIM REFERENCE: 2021/2750

**RESOLVED 22/024****Cr T Mileto/Cr K Duffy**

That Council resolves:

- 1 To note the Statement of Investments as at 30 November 2021.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

**5.4 QUARTERLY BUDGET REVIEW AND PROGRESS REPORT - QUARTER 2 OF 2021/2022**

TRIM REFERENCE: 2022/109

**RESOLVED 22/025****Cr K Duffy/Cr M McDonell**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget for October 2021 to December 2021 be acknowledged.
- 2 The bank reconciliation statement be acknowledged.
- 3 To adopt favourable variations in the consolidated overall cost to council arising from the December 2021 quarterly review amounting to \$212,503

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

**5.5 DEVELOPMENT APPLICATION DA 437/2021(1) - WENTWORTH GOLF CLUB - 130 PLOUGHMANS LANE**

TRIM REFERENCE: 2022/42

*Cr Kinghorne declared a non-significant, pecuniary interest in this item as her husband's company has done geotechnical work for this development application and left the Chamber and did not vote on this item.*

*Cr Greenhalgh declared a pecuniary interest in this item as the Orange Ex-Services Club is an influential account that Cr Greenhalgh calls upon as part of her employment in the hospitality industry they are also a major sponsor of the Bloomfield Junior Rugby League Football Club which she holds the position of Secretary and Sponsorship Coordinator and she has been a personal family friend of the new CEO for over 20 years and left the Chamber and did not vote on this item.*

*Cr Mileto declared a non-significant, non-pecuniary interest in this item as he is a member of Orange Ex-Services Club and a member of Wentworth Golf Club and will remain in the Chamber and vote on this item.*

*Cr Mallard declared a non-significant, non-pecuniary interest in this item as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.*

*Cr Evans declared non-significant, non-pecuniary interest in this item as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.*

*Cr Peterson declared a non-significant, non-pecuniary interest in this item as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.*

*Cr Power declared a non-significant, non-pecuniary interest in this item as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.*

*Cr Floyd declared a non-significant, non-pecuniary interest in this item as he is a member of Orange Ex-Services Club and will remain in the Chamber and vote on this item.*

**RESOLVED 22/026****Cr J Whitton/Cr J Evans**

That Council consents to development application DA 437/2021(1) for Demolition (existing pro-shop, gazebo and tree removal) and Registered Club (new club building with ancillary pro-shop, cart store, cafe and car parking) at Lot 199 DP 756899 and Lot 181 DP 1154782 - 130 Ploughmans Lane, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Cr T Greenhalgh, Cr F Kinghorne

Cr Floyd commented that the impact of lighting on nearby residents needs to be considered *The Director Development Services commented that condition 38 is standard condition that speaks to lighting and is an Australian standard that requires shielding and light levels.*

**5.6 REGIONAL ROAD TRANSFER AND ROAD CLASSIFICATION REVIEW**

TRIM REFERENCE: 2022/82

**MOTION****Cr K Duffy/Cr J Whitton**

That Council:

- 1 Support in writing the TfNSW submission proposal for the reclassification of the following roads:
  - Forbes Road from Northern Distributor to Molong Road – State to Local.
  - Burrendong Way from Northern Distributor to Molong Road – State to Local.
  - Mitchell Highway from Northern Distributor southern connection to Northern Distributor northern connection – State to Regional.
- 2 Endorse the proposed initiatives as detailed in Table 1 of the report as Council's submission to the independent panel.

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

That Council:

- 1 Support in writing the TfNSW submission proposal for the reclassification of the following roads:
  - Forbes Road from Northern Distributor to Molong Road – State to Local.
  - Burrendong Way from Northern Distributor to Molong Road – State to Local.
  - Mitchell Highway from Northern Distributor southern connection to Northern Distributor northern connection – State to Regional.
- 2 Endorse the proposed initiatives as detailed in Table 2 of the report as Council's submission to the independent panel.

**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 - 22/027****Cr T Mileto/Cr K Duffy**

That Council:

- 1 Support in writing the TfNSW submission proposal for the reclassification of the following roads:
  - Forbes Road from Northern Distributor to Molong Road – State to Local.
  - Burrendong Way from Northern Distributor to Molong Road – State to Local.
  - Mitchell Highway from Northern Distributor southern connection to Northern Distributor northern connection – State to Regional.
- 2 Endorse the proposed initiatives as detailed in Table 2 of the report as Council's submission to the independent panel.

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

AT THE REQUEST OF CR DUFFY, THE DIRECTOR TECHNICAL SERVICES GAVE AN OVERVIEW OF THIS REPORT

CR DUFFY ASKED FOR CONFIRMATION THAT THE AREAS MARKED IN PINK ON THE DIAGRAM WERE GOING TO STATE GOVERNMENT, THE BLUE AND GREEN WERE COMING BACK UNDER COUNCIL'S CONTROL

*DIRECTOR TECHNICAL SERVICES RESPONDED BY SAYING YES THAT IS CORRECT*

CR MCDONELL ASKED WHEN THE STATE GOVERNMENT TAKES OVER THE NORTHERN DISTRIBUTOR ROAD HOW WILL THAT IMPACT THE NORTH ORANGE, TELOPEA WAY POSSIBLE ROUNDABOUT CONSTRUCTION, WILL COUNCIL NEED TO LOBBY THE STATE GOVERNMENT TO DO WORKS IN THAT AREA

*DIRECTOR TECHNICAL SERVICES ANSWERED BY SAYING THAT COUNCIL WILL STILL HAVE CONTROL, COUNCIL HAS LOCAL ROADS THAT FEED INTO THAT AREA BUT ULTIMATELY DECISION RESTS WITH STATE GOVERNMENT. COUNCIL HAS A WORKS AUTHORISATION DEED WHICH MEANS COUNCIL CAN PERFORM WORKS ON THAT INTERSECTION UNDER THIS DEED*

CR MILETO ASKED IF THE STATE GOVERNMENT TAKE OVER THE NORTHERN DISTRIBUTOR ROAD WHEN WOULD COUNCIL EXPECT TO SEE IMPROVEMENTS TO THIS ROAD

*DIRECTOR TECHNICAL SERVICES ANSWERED BY SAYING THERE WAS NO DEFINITIVE DATE ON TAKEOVER, THERE IS A PROCESS INVOLVED AND WHILE THAT IS ONGOING WE WILL MAINTAIN THE SERVICE OF THE ROAD*

CR MILETO ASKED WITH REGARDS TO THE ROAD AND WORK NOT UNDERTAKEN BY ORANGE CITY COUNCIL IS THERE WARRANTY ON THAT WORK (IE. ON THE SOUTHERN SIDE OF NDR)

*DIRECTOR TECHNICAL SERVICES COMMENTED THAT ALL WORKS UNDERTAKEN PREVIOUS TO THE PAST 4 YEARS WOULD BE BEYOND THE STATUTES OF LIMITATIONS UNDER THOSE CONTRACTS, THIS IS NORMALLY 5 YEARS*

CR FLOYD ASKED WHEN THE STATE GOVERNMENT TAKES OVER ROADS LIKE THE NORTHERN DISTRIBUTOR ROAD ARE THEY RESPONSIBLE FOR CLEARING EDGES OF ROADS, DRAINAGE ETC OR DOES THIS FALL BACK TO COUNCIL

*DIRECTOR TECHNICAL SERVICES COMMENTED THAT IT WAS DIFFERENT IN DIFFERENT AREAS – RURAL AREAS THEY ARE RESPONSIBLE FROM FENCE TO FENCE, URBAN AREAS COUNCIL IS RESPONSIBLE FOR FOG LINE OUT, THEY DON'T MAINTAIN PARKING LANES AS SUCH*

CR PETERSON ASKED WITH THE SOUTHERN FEEDER ROAD THAT IS CURRENTLY BEING BUILT, IS THAT GOING TO BE STATE GOVERNMENT ROAD, WHAT IS THE PROCESS FOR THAT

*DIRECTOR TECHNICAL SERVICES – TABLE 2 IS WHAT WE ARE PROPOSING AS OUR NEXT STAGE OF THIS PROCESS, IT IS THE SECOND PART OF THE ROAD RE-CLASSIFICATION REVIEW AND WE ARE ASKING COUNCILLORS TO ENDORSE TABLE 2 AS WE ARE PUTTING FORWARD THAT SECTION OF THE SFR THAT COUNCIL HAS NOT BUILT YET BECAUSE IT WILL FORM THE LINK FROM ANSON ST THROUGH TO SHIRALEE RD AND FROM SHIRALEE RD CONNECTING ONTO WOODWARD STREET, SO THE SFR INCLUDING THE FIRST SECTION COMPLETED (MITCHELL HWY TO FOREST ROAD – ALSO A REGIONAL ROAD) WILL BE PART OF IT AND THE SECTION FROM FOREST RD TO WOODWARD ST AND CORONATION DRIVE IS BEING NOMINATED IN TABLE 2 AS A REGIONAL ROAD AND WOULD FORM PART OF COUNCIL'S SUBMISSION TO THE STATE*

**MATTER ARISING**

**CR J WHITTON/CR K DUFFY**

THAT A REPORT BE BROUGHT BACK TO COUNCIL DETAILING THE PROCESS OF RENAMING THE NORTHERN DISTRIBUTOR ROAD AFTER THE LATE CR GLENN TAYLOR.

**MATTER ARISING****CR K DUFFY**

THAT COUNCIL INVITE THE DEPUTY PREMIER, MINISTER FOR REGIONAL NSW, MINISTER FOR POLICE, PAUL TOOLE TO ORANGE TO MEET WITH COUNCIL.

**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 - 22/028****Cr T Mileto/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 Acquisition Part Lot 2 DP 558405 Shiralee 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 Proposed Acquisition Part Lot 6 DP 270635 Industry Drive**

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 Acquisition Part Lot 194 DP 756899 Stage 4 Southern Feeder 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.

**6.4 Lease Hangar Site G 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 (a) personnel matters concerning particular individuals (other than councillors) and (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 Entering into Contracts for Linemarking Services**

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 8.25pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.33pm.



## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 AQUISITION PART LOT 2 DP 558405 SHIRALEE ROAD

TRIM REFERENCE: 2022/15

**RESOLVED - 22/029****Cr K Duffy/Cr T Mileto**

- 1 That Council acquire approximately 316 m<sup>2</sup> of Lot 2 DP 558405 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 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

### 6.2 PROPOSED ACQUISITION PART LOT 6 DP 270635 INDUSTRY DRIVE

TRIM REFERENCE: 2022/16

**RESOLVED - 22/030****Cr T Mileto/Cr K Duffy**

- 1 That Council acquire approximately 323 m<sup>2</sup> of Lot 6 DP 270635 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 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

**6.3 ACQUISITION PART LOT 194 DP 756899 STAGE 4 SOUTHERN FEEDER ROAD**

TRIM REFERENCE: 2022/45

**RESOLVED - 22/031****Cr K Duffy/Cr G Floyd**

That Council resolves:

- 1 That Council acquire approximately 1710 m<sup>2</sup> of Lot 194 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.

**NOTE: At this Council Meeting of 15 February 2022 Closed Item 6.3 the metres to be acquired by Council was incorrectly stated in the Recommendation 1 as 1.710 m<sup>2</sup>, metres stated in the report were correct at 1710m<sup>2</sup>. This resolution reflects the correct metres to be acquired of 1710m<sup>2</sup>.**

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

**6.4 LEASE HANGAR SITE G ORANGE AIRPORT**

TRIM REFERENCE: 2022/85

**RESOLVED - 22/032****Cr S Peterson/Cr T Greenhalgh**

That Council resolves:

- 1 To enter into a lease of Hangar Site G at Orange Airport for a term of 5 years plus 1, 5 year option.
- 2 That approval be granted for the use of the Council Seal on all relevant documents.

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 Mileto asked for clarification on this report

*Director Corporate and Commercial Services responded by saying there were discussions with the current lessee of the hangar about the renewal of the lease. Legal advice was sought as part of the process which was resolved and the lessee agreed to pay for a new lease.*

Cr Mileto asked if the issue of outstanding rent was resolved

*Director Corporate and Commercial Services responded by saying yes the matter of outstanding rent was resolved.*

**6.5 ENTERING INTO CONTRACTS FOR LINEMARKING SERVICES**

TRIM REFERENCE: 2022/114

**RESOLVED - 22/033****Cr K Duffy/Cr D Mallard**

That Council resolves to:

- 1 Approve the establishment of a new Line-Marking Services Panel under the Council's Purchasing Policy;
- 2 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Avante Linemarking, Central West Linemarking, Complete Linemarking Services and Oz Linemarking for linemarking services as part of the Panel;
- 3 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.

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

**MATTER ARISING****Cr J Whitton**

That the audio in the Council Chamber be reviewed as meeting attendees attending via Zoom or the community listening via Livestream have difficulty hearing every speaker.

*Director Corporate and Commercial Services commented that staff were currently looking at the technical issues of the Chamber audio and the associated challenges with Zoom and livestreaming. Solutions were being explored and a resolution found in the near future.*

**THE MEETING CLOSED AT 8.35PM.**

This is Page Number 19 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 February 2022.