
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 15 MARCH 2022

COMMENCING AT 7.00PM

1 INTRODUCTION

ATTENDANCE

Cr K Duffy, Cr J Evans, Cr G Floyd (via Zoom), Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor)(Chairperson), 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, Executive Support Admin Officer

1.1 APOLOGIES

RESOLVED - 22/050**Cr J Whitton/Cr T Mileto**

That the apologies be accepted from Cr J Hamling (Mayor) for the Council Meeting of Orange City Council on 15 March 2022.

For: 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 J Hamling

RESOLVED - 22/051**Cr M McDonell/Cr D Mallard**

That Cr Glenn Floyd be permitted to attend this meeting of 15 March 2022 via Zoom because of health reasons.

For: 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 J Hamling

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor conducted an Acknowledgement of Country.

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

Cr Evans declared a significant, non-pecuniary interest in Item 5.9 Request for Financial Assistance – Event Sponsorship Rounds 3 & 4 – 1 January 2022 to 30 June 2022 – Application titled DR Gaming Pty Ltd ((c) in the recommendation) as he knows the applicant who submitted this application and will remain in the chamber and not vote on (c) in the item.

Cr Mallard declared a significant, non-pecuniary interest in Item 2.2 Australian Local Government Association (ALGA) - National Federal Election Priorities as he is a member of the Management Committee of the Greens NSW and a member of the campaign committee coordinating the election through Greens NSW and will leave the chamber and not vote on this item.

Cr Whitton declared a significant, non-pecuniary interest in Item 5.9 Request for Financial Assistance – Event Sponsorship Rounds 3 & 4 – 1 January 2022 to 30 June 2022 – Application titled Housing Plus ((e) in the recommendation) as he is a Director on the Board of OCTEC and OCTEC own a building that Housing Plus rents and will leave the Chamber and not vote on (e) in the item.

THERE WAS NO OPEN FORUM

Mr Phil Donato MP, State Member for Orange addressed the Council Meeting

RESOLVED - 22/052**Cr J Whitton/Cr J Evans**

That Late Item 2.4 Flying of the Ukrainian Flag be accepted.

For: 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 J Hamling

2 MAYORAL MINUTES**2.1 INDOOR PLAYGROUND**

TRIM REFERENCE: 2022/323

RESOLVED - 22/053**Cr M McDonell/Cr T Greenhalgh**

That the information contained in this Mayoral Minute be acknowledged.

For: 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 J Hamling

Cr Mileto asked why was this matter a Mayoral Minute and not a Notice of Motion (NOM)

The Chief Executive Officer said that because of timing – a NOM is required to be released 8 days prior to the meeting, this was a last minute matter and a Mayoral Minute requires no advice prior to the meeting

Cr Mileto asked if clarification could be provided on the wording ‘temporary indoor playground’

The Chief Executive Officer said the Mayor’s vision is that this facility would be for winter and cover the months of May/June/July/August/September 2022, staff will investigate all options and costings and provide back to Councillors in a report to Council

Cr Duffy asked when would the report come back to Council

Director Community Recreation and Community Services responded by saying the report would come back to Council on 05 April 2022

Cr Mallard left the Chamber at 7.31pm

2.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) - NATIONAL FEDERAL ELECTION PRIORITIES

TRIM REFERENCE: 2022/324

Cr Mallard declared a significant, non-pecuniary interest in this Item as he is a member of the Management Committee of the Greens NSW and a member of the campaign committee organising the election and left the Chamber and did not vote on this item.

RESOLVED - 22/054

Cr K Duffy/Cr S Peterson

That:

1. Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia’s GDP and create 43,444 jobs; and
2. Council agrees to support and participate in the Australian Local Government Association’s advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
 - a. express support for ALGA’s funding priorities;
 - b. identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
 - c. seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

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

Against: Nil

Absent: Cr J Hamling, Cr D Mallard

Cr Mallard returned to the Chamber at 7.33pm.

Cr Peterson asked in regard to (c.) in the recommendation what will Council's actions be, will it be put on the Orange City Council website, what happens to these commitments

The Chief Executive Officer commented that ALGA would prompt Councils on their actions in this regard and provide proformas and templates to assist Councils

2.3 CENTRAL NSW JO BOARD MEETING - 24 FEBRUARY 2022

TRIM REFERENCE: 2022/326

RECOMMENDATION

That the information contained in this Mayoral Minute be acknowledged and that Council:

1. Provide a response to the Central West and Orana Transport Plan including that the plan ought:
 - a) Use population planning assumptions that mirror the lived experience in region; and
 - b) Make provision for longer term delivery of a safe swift link between Sydney and Central NSW.

AMENDMENT

Cr J Evans/Cr M McDonell

That the information contained in this Mayoral Minute be acknowledged and that Council:

1. Provide a response to the Central West and Orana Transport Plan including that the Plan ought:
 - a) Use population planning assumptions that mirror the lived experience in region; and
 - b) Make provision for longer term delivery of a safe swift link between Sydney and Central NSW including both road and rail upgrades.

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 - 22/055**Cr J Evans/Cr M McDonell**

That the information contained in this Mayoral Minute be acknowledged and that Council:

1. Provide a response to the Central West and Orana Transport Plan including that the Plan ought:
 - a) Use population planning assumptions that mirror the lived experience in region; and
 - b) Make provision for longer term delivery of a safe swift link between Sydney and Central NSW including both road and rail upgrades.

For: 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 J Hamling

Cr Whitton asked what is regarded as Central NSW, how far, to Bathurst or beyond

The Chief Executive Officer responded by saying Lithgow to Condobolin is considered Central NSW

2.4 FLYING OF THE UKRAINIAN FLAG

TRIM REFERENCE: 2022/349

MOTION**Cr J Whitton/Cr M McDonell**

That the information contained in this Mayoral Minute be acknowledged.

AMENDMENT**Cr K Duffy/Cr J Evans**

To paint the Ukrainian flag on the grassed area of the Museum roof instead of raising the flag at the front of the Civic Centre.

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST

For: Cr K Duffy, Cr J Evans

Against: 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

Absent: Cr J Hamling

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**RESOLVED - 22/056****Cr J Whitton/Cr M McDonell**

That the information contained in this Mayoral Minute be acknowledged

For: 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 J Hamling

Cr Mileto asked if Council is able to fly two flags on one pole

Director Development Services responded by saying that there are flag-flying protocols and that it is not permissible to fly a national flag below other flags and that a national flag is sometimes flown instead of the Council flag

The Chief Executive Officer commented that the cost of putting the NAIDOC stencil on the Gallery rooftop was considerable

Director Community Recreation and Cultural Services commented that it is in the thousands

Cr Peterson commented that this was a particular issue of importance but in the future there may be other political issues we don't want to get involved in or show a position on, and asked the question whether this was a national political statement and was Council setting a precedent and had Council done this previously

The Chief Executive Officer commented that this was a unique situation and Council had not done this previously

Cr Mileto asked if Council still has the large flagpole on the entrance to Orange on Bathurst Road

The Chief Executive Officer said yes Council does

Cr Kinghorne made the statement that Council needs to acknowledge that the Russian residents in Orange and make sure they are not marginalised through this action

The Chief Executive Officer said that the Director overseeing Communications could draft communications tomorrow with a statement that reflects the situation

A PRESENTATION OF THE ANNUAL AUDIT ACCOUNTS WAS GIVEN BY CHRIS HARPER FROM THE NSW AUDIT OFFICE

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/057

Cr J Whitton/Cr T Greenhalgh

That the Minutes of the Ordinary Meeting of Orange City Council held on 3 March 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 3 March 2022.

For: 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 J Hamling

Cr Peterson asked when the Dylan Alcott Notice of Motion be actioned

The Chief Executive Officer said that staff were in the process of liaising with Dylan's Management and when we have a suggested event for him to attend a report would come back to Council

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 CONDUCT FUNERALS AT ORANGE BOTANIC GARDENS**

TRIM REFERENCE: 2022/293

MOTION**Cr M McDonell/Cr S Peterson**

1. That Council permit Funerals, including the presence of a coffin, to be conducted at the Orange Botanic Gardens within the Lawn Area of the Native Garden Display with appropriate signage in place: and
2. That Council place on public exhibition for the information of the community for a period of 28 days a hire fee for the conduct of funeral services at the Orange Botanic Gardens being \$300 excluding GST.

AMENDMENT**Cr T Mileto/Cr T Greenhalgh**

1. That Council permit Funerals, including the presence of a coffin, to be conducted at the Orange Botanic Gardens within the Lawn Area of the Native Garden Display or within the Clover Hill Function Centre with appropriate signage in place; and
2. That Council limits the days on which funerals can be held at the Orange Botanic Gardens to weekdays only and only one funeral per day; and
3. That Council place this proposal on public exhibition for the information of the community for a period of 28 days including the detail of a hire fee for the conduct of funeral services at the Orange Botanic Gardens being \$300 excluding GST.

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 - 22/058**Cr T Mileto/Cr T Greenhalgh**

1. That Council permit Funerals, including the presence of a coffin, to be conducted at the Orange Botanic Gardens within the Lawn Area of the Native Garden Display or within the Clover Hill Function Centre with appropriate signage in place; and
2. That Council limits the days on which funerals can be held at the Orange Botanic Gardens to weekdays only and only one funeral per day; and
3. That Council place this proposal on public exhibition for the information of the community for a period of 28 days including the detail of a hire fee for the conduct of funeral services at the Orange Botanic Gardens being \$300 excluding GST

For: 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 J Hamling

5 GENERAL REPORTS

5.1 STATEMENT OF INVESTMENTS - DECEMBER 2021

TRIM REFERENCE: 2021/2817

RESOLVED - 22/059**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To note the Statement of Investments as at 31 December 2021.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: 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 J Hamling

5.2 STATEMENT OF INVESTMENTS - JANUARY 2022

TRIM REFERENCE: 2022/50

RESOLVED - 22/060**Cr K Duffy/Cr D Mallard**

That Council resolves:

- 1 To note the Statement of Investments as at 31 January 2022.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: 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 J Hamling

Cr Whitton asked on page 41 the General Fund dropped almost \$6M and on page 42 the Unrestricted Funds dropped approx. \$6M, what is the explanation for these decreases

The Chief Financial Officer responded by saying that month to month these figures move around depending on what bills are due, what grants come in what rates are paid. In the period December 2021 to January 2022 there was a drop in the General Fund because Council paid a large number of bills for that period, likewise Unrestricted Funds are used to pay these suppliers and the balance increases again in February as rates are paid. These are common fluctuations.

5.3 STATEMENT OF INVESTMENTS - FEBURARY 2022

TRIM REFERENCE: 2022/145

RESOLVED - 22/061**Cr J Whitton/Cr M McDonell**

That Council resolves:

- 1 To note the Statement of Investments as at 28 February 2022.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: 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 J Hamling

5.4 STRATEGIC POLICY - ST050 - CODE OF MEETING PRACTICE - POST EXHIBITION

TRIM REFERENCE: 2022/112

RESOLVED - 22/062**Cr D Mallard/Cr S Peterson**

That Council resolves to adopt Strategic Policy - ST050 – Code of Meeting Practice.

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

Against: Cr K Duffy, Cr T Mileto

Absent: Cr J Hamling

5.5 LOCAL GOVERNMENT NSW DESTINATION AND VISITOR ECONOMY CONFERENCE REQUEST CIVIC THEATRE FEE REDUCTION

TRIM REFERENCE: 2022/250

RESOLVED - 22/063**Cr T Mileto/Cr M McDonell**

That Council resolves to support the request from Local Government NSW to reduce the Civic Theatre conference fee to \$1095 per day for three days.

For: 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 J Hamling

Cr McDonell asked the question does this mean Council must reschedule the Council Meeting from Tuesday 17 May 2022 to later in that week after the event

Director Corporate and Commercial Services responded saying Council can do that if it is required depending on how many Councillors attend the Conference

Cr Kinghorne asked about the loss of revenue outlined in the report and how is this money recouped for Council

Director Corporate and Commercial Services responded saying these monies are not recouped, when Council won the bid for this Conference it was acknowledged that we would support the Conference to the best of our ability supplying venues, possible reduction in fees etc. Council believes this loss of revenue would be offset by the economic lift that the conference delegates would supply into the Orange community

5.6 CENTRAL WEST COUNCILS ENVIRONMENT AND WATERWAYS ALLIANCE

TRIM REFERENCE: 2022/273

RESOLVED - 22/064

Cr D Mallard/Cr M McDonell

That the report on the Central West Councils Environment and Waterways Alliance be acknowledged and that Council continue to support this important partnership.

For: 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 J Hamling

5.7 DEVELOPMENT APPLICATION DA 23/2022(1) - 21-25 PEISLEY STREET

TRIM REFERENCE: 2022/279

RESOLVED - 22/065

Cr J Whitton/Cr M McDonell

That this item be withdrawn at the request of the applicant.

For: 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 J Hamling

5.8 APPOINTMENT OF JOINT REGIONAL PLANNING PANEL (JRPP) MEMBERS

TRIM REFERENCE: 2022/282

RESOLVED - 22/066**Cr J Whitton/Cr D Mallard**

That Council call for an expression of interest to seek a suitable representative for the final position on the Western Region Joint Regional Planning Panel - JRPP. The representative must have appropriate expertise in the area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

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

Against: Nil

Absent: Cr J Hamling

Cr Whitton asked if it is a requirement that Council go out to an Expression of Interest or can Council reappoint the previous representative Mr Allan Renike

The Chief Executive Officer responded by saying that it is a requirement that Council goes out to an Expression of Interest

5.9 REQUEST FOR FINANCIAL ASSISTANCE - EVENT SPONSORSHIP ROUNDS 3 & 4 - 1 JANUARY 2022 TO 30 JUNE 2022

TRIM REFERENCE: 2022/283

Cr Evans declared a significant, non-pecuniary interest in this Item in regard to the application titled DR Gaming Pty Ltd ((c) in the recommendation) as he knows the applicant who submitted this application and remained in the chamber and did not vote on (c) in this item

Cr Whitton declared a significant, non-pecuniary interest in this item ((e) in the recommendation) as he is a Director on the Board of OCTEC and OCTEC own a building that Housing Plus rents and left the Chamber and did not vote on (e) in this item

RESOLVED - 22/067**Cr G Power/Cr S Peterson**

That Council resolve in seriatim points a) to e) of this Recommendation.

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

Against: Nil

Absent: Cr J Hamling

RESOLVED - 22/068

Cr M McDonell/Cr T Greenhalgh

That Council:

- (a) Does not approve \$4,000 in sponsorship to the Wangarang Charity Golf Challenge

For: Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power , Cr J Whitton

Against: Cr K Duffy, Cr T Mileto, Cr S Peterson

Absent: Cr J Hamling

MOTION

Cr M McDonell/Cr D Mallard

That Council:

- (b) Does not approve \$1,000 in sponsorship to the City of Orange Veterans Week of Golf Tournament

AMENDMENT

Cr K Duffy/Cr J Whitton

That Council:

- b) Approves \$1,000 in sponsorship to the City of Orange Veterans Week of Golf Tournament

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 - 22/069

Cr M McDonell/Cr D Mallard

That Council:

- b) Approves \$1,000 in sponsorship to the City of Orange Veterans Week of Golf Tournament

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Cr D Mallard, Cr M McDonell

Absent: Cr J Hamling

Cr Evans left the Chamber at 9.12pm.

RESOLVED - 22/070

Cr K Duffy/Cr J Whitton

That Council:

- c) Does not approve \$1,276.50 in sponsorship to the Yu-Gi-Oh! WCQ Regional Qualifiers

For: Cr K Duffy, 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 J Hamling, Cr J Evans

Cr Evans returned to the Chamber at 9.14pm.

RESOLVED - 22/071**Cr D Mallard/Cr M McDonell**

That Council:

- (d) Approves \$2,000 in sponsorship to 'Live at Yours'

For: 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 J Hamling

Cr Whitton left the Chamber at 9.14pm.

RESOLVED - 22/072**Cr D Mallard/Cr T Mileto**

That Council:

- (e) Approves \$5,500 in sponsorship to Housing Plus' White Tie Ball

For: 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

Against: Cr K Duffy

Absent: Cr J Hamling, Cr J Whitton

Cr Whitton returned to the Chamber at 9.16pm.

Cr Kinghorne asked that if these events have already happened and this breaches guidelines because we can't approve these retrospectively, if we start to approve these individually is that then an issue

Director Corporate and Commercial Services responded by saying that Council policy states that staff cannot approve funding under any grant program. Because we had caretaker mode when this round was assessed we didn't have a Council to be able to approve the request for funding. When the request is tabled, Council can choose to fund an event retrospectively and that money would then go to the organisation to assist them but the monies have not been used to hold the event.

Cr Whitton asked did the City of Orange Veterans hold the golfing event

Director Corporate and Commercial Services responded by saying yes they did hold the event, the application for the funding did not have the required detail in regard to how they were growing the event, and thus I cannot confirm any data around number of visitors, how many night stays etc.

Cr Mileto asked the question when we spoke about the Veterans, when there are only limited amount of positions available at such an event, how are they expected to grow such an event.

Director Corporate and Commercial Services responded by saying that other events could surround the event, extending the event and get more people to come with partners or families. This is the challenge we have with this funding program as it is a 'tourism event' funding program and one of the key objectives is to bring visitation to Orange.

Cr Mileto asked opinion from CEO, I see one of the first applications rejected was the Golf Day due to lack of detail and wasn't considered, there is a couple of applications like this. Does Council go back to these applicants and assist or guide them for more information.

Director Corporate and Commercial Services responded by saying that – the first reason those three applications were recommended not to approve was because under policy staff cannot approve funding of monies and we were in caretaker mode so the assessment of that last round took place in caretaker mode. Two of the events were held before the new Council was elected and prior to the first council meeting. Council can make a decision if you choose to approve that funding and fund retrospectively. The Veterans Golf event has happened before and the criteria for this funding program is quite strict in regards to what is that economic benefit that is coming into the city and generation of income from visitors as well as number of nights stayed in Orange. Yes we do go back to applicants and we try to give guidance and also try to guide them to other grants. They have to show growth in their event and bring more people in and how more stays could be achieved.

Cr Mileto asked for clarification on the situation in Item 5.10 where Council is asked to make a decision on previously donated funds for the Orange Regional Malayalee Association where there was leftover monies from a proposed event requesting that these monies may now be used on an Easter event without the applicant offering any further information

Director Corporate and Commercial Services responded by saying she would need to take that question on notice and it may have been an application under another Fund, perhaps the Small Donations Program.

QUESTION TAKEN ON NOTICE **Cr T Mileto**
That Director Corporate and Commercial Services investigate the lack of detail required around the Orange Regional Malayalee Association application to redirect previously granted funds to an Easter event.

Cr Kinghorne commented that the report indicates that the allocated budget for the Sponsored Events Program is \$100,000 for the 2020/21 financial year - is this a typing error

The Chief Executive Officer responded by saying that yes this was a typing error and should have read 2021/22 financial year.

Cr Kinghorne asked if there is money left over, does that money go into the same fund for the next financial year.

Director Corporate and Commercial Services said that there is still another Round (Round 4) to be completed.

CR DUFFY MADE A PRESENTATION TO THE DEPUTY MAYOR OF RECENT TIDY TOWNS AWARDS THAT ORANGE CITY COUNCIL WON AT THE TIDY TOWNS EVENT IN ALBURY RECENTLY. THE AWARDS WERE FOR 2021 SUSTAINABLE COMMUNITIES TIDY TOWN AWARDS FINALIST AND WINNER OF THE HERITAGE AND CULTURE AWARD FOR INDIGENOUS ARTWORK AT LAKE CANOBOLAS.

5.10 REQUEST FOR FINANCIAL ASSISTANCE - SMALL DONATIONS PROGRAM ROUND 3 - 2021/2022

TRIM REFERENCE: 2022/296

QUESTION TAKEN ON NOTICE -**Cr K Duffy**

Has a DA been received by Council for the Lonely Mountain Ultra Incorporated to host the inaugural high altitude running event.

RESOLVED - 22/073**Cr T Greenhalgh/Cr M McDonell**

That Council resolve in seriatim points 1, 2 and 3 of this Recommendation

For: 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 J Hamling

RESOLVED - 22/074**Cr T Mileto/Cr J Whitton**

That Council:

- 1) resolves to make the following donations from the Small Donations Program:
 - (a) That \$2,000.00 be donated to the Lions Club of Orange for "Give Me Change For Kids" program
 - (b) That \$2,000.00 be donated to the 3rd Orange Scouts for operational expenses (not being insurance)
 - (c) That \$1,500.00 be donated to the Shepherd Centre to assist with their program "Talk Together Connection" for the parents of deaf children
 - (d) That \$500.00 be donated to the Orange Show Society for prizes at the Orange Show
 - (e) That \$500.00 be donated to the CWA Central Western Group for prizes for their annual public speaking competition
 - (f) That \$2,500.00 be donated to Lonely Mountain Ultra Incorporated to host an inaugural high altitude running event that is likely to become an annual event
 - (g) That \$500 be donated to Lachlan Thompson to assist with travel costs to the Australian Age Championships for swimming
 - (h) That \$750 be donated to the Orange Netball Association as contribution to travel to state titles.

For: 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: Cr K Duffy

Absent: Cr J Hamling

RECOMMENDATION

That Council:

- 2) determines what level of support, if any, is provided to Team Shake, Rattle and Roll to participate in a rally to raise funds for the Cancer Council

AMENDMENT

Cr T Mileto/Cr T Greenhalgh

That this item be deferred to the next Council meeting to allow more information to be circulated to Councillors prior to making a decision

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 - 22/075

Cr T Mileto/Cr T Greenhalgh

That this item be deferred to the next Council meeting to allow more information to be circulated to Councillors prior to making a decision.

For: 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 J Hamling

Cr Whitton asked have we funded Team Shake, Rattle and Roll to participate in a rally to raise funds for the Cancer Council previously and how much were they asking for

The Chief Executive Officer responded by saying the applicant was requesting \$2,500 and he didn't think Council had sponsored this previously

Director Corporate and Commercial Services confirmed that Council had in fact provided Small Donation Grant funding for other people to raise funds for charities such as the Cancer Council previously.

Cr Greenhalgh asked if the monies stayed in our local community

Director Corporate and Commercial Services responded by saying that this detail was not included in the application and would have to take this question on notice.

RESOLVED - 22/076

Cr M McDonell/Cr D Mallard

That Council:

- 3) approves the reallocation of previously donated funds for the Orange Regional Malayalee Association

For: 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: Cr K Duffy

Absent: Cr J Hamling

RESOLVED - 22/077**Cr T Mileto/Cr J Whitton**

That Council extend the running of this meeting beyond 9.30pm to conclude prior to 10.00pm.

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

Against: Nil

Absent: Cr J Hamling

Cr Peterson left the meeting at 9.28pm and continued via Zoom link.

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 - 22/078**Cr J Whitton/Cr T Greenhalgh**

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 Sale Proposed Lot 404, 38 Astill 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.

6.2 Netwaste Regional Household Hazardous Waste Collection 2022

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 Proposed Acquisition of Land - part 415 Mitchell Highway, 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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 9.30pm.

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

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 SALE PROPOSED LOT 404, 38 ASTILL DRIVE ORANGE

TRIM REFERENCE: 2022/259

RESOLVED - 22/079**Cr K Duffy/Cr T Mileto**

That Council resolves:

- 1 That Council sell proposed Lot 404, part 38 Astill Drive Orange for the sum of \$3,264,000 plus GST.
- 2 That permission be granted for the use of the Council Seal on any relevant documentation.

For: 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 J Hamling

Cr Power asked if this property was owned by Orange City Council

Director Corporate and Commercial Services responded by saying yes it is

Cr Power asked how is the money distributed within Orange City Council

Director Corporate and Commercial Services responded by saying the sale comes into Council's budget under the Land and Property Fund and has to be used within that property land portfolio

The Chief Executive Officer commented as a point of clarification that these funds are not restricted, is that correct

The Chief Financial Officer responded by saying that Council could move money out of this fund if they wished

6.2 NETWASTE REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION 2022

TRIM REFERENCE: 2022/294

RESOLVED - 22/080**Cr K Duffy/Cr M McDonell**

That Council resolves:

- 1 To confirm its acceptance of the quotation submitted by Environmental Treatment Solutions (ETS) dated 22 February 2022, and to take part in the 2022 Regional Household Chemical Clean Out contract.
- 2 That the contract will only be effective upon execution of the contract document by both Council and Environmental Treatment Solutions. Council is not legally bound until the contract is executed by "both parties".

For: 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 J Hamling

6.3 PROPOSED ACQUISITION OF LAND - PART 415 MITCHELL HIGHWAY, ORANGE

TRIM REFERENCE: 2022/325

RESOLVED - 22/081**Cr D Mallard/Cr M McDonell**

That Council resolves:

- 1 To acquire approximately 289 m² of Lot 1 DP819929.
- 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 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 J Hamling

Cr McDonell asked the question does Council already own the strip heading east back into town over Ploughman's Creek

Director Technical Services responded by saying no we don't own the neighbouring lot but we do own the road reserve and manage the road reserve from the edge lane line through to the boundary, we have room to put in the pathway, closer to the school the slope is sharper and without doing serious works within the road reserve with have agreeance with the school to acquire that strip to facilitate the footpath.

Cr Peterson asked will a track go under the bridge and how will it connect to other paths

Director Technical Services responded by saying that the footpath will connect to another footpath across the NDR along Molong Road, there is currently a box culvert there to extend and widen to facilitate a path across the box culvert (not under) but beside.

THE MEETING CLOSED AT 9.45PM.

This is Page Number 20 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 March 2022.