



ORDINARY COUNCIL MEETING

AGENDA

5 APRIL 2022

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of **ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 5 April 2022** commencing at **6.30PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8106.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

1	INTRODUCTION.....	4
	1.1 Apologies and Leave of Absence	4
	1.2 Livestreaming and Recording	4
	1.3 Opening Prayer	4
	1.4 Acknowledgement of Country.....	4
	1.5 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests.....	4
	COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM.....	4
	COUNCIL MEETING RESUMES	4
2	MAYORAL MINUTES	5
	Nil	
3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
	3.1 Minutes of the Ordinary Meeting of Orange City Council held on 15 March 2022.....	6
	3.2 Minutes of the Extraordinary Meeting of Orange City Council held on 25 March 2022.....	26
	COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES.....	33
	Planning and Development - Chaired by Cr Jeff Whitton.....	33
	Employment and Economic Development – NO ITEMS.....	33
	Infrastructure - Chaired by Cr Jack Evans	33
	Sport and Recreation – NO ITEMS.....	33
	Environmental Sustainability – NO ITEMS.....	33
	Finance - Chaired by Cr Kevin Duffy	33
	Services – NO ITEMS	33
	COUNCIL MEETING RESUMES	33
4	NOTICES OF MOTION/NOTICES OF RESCISSION.....	34

4.1	Australian Defence Force Strategic Sovereign Partner	34
5	GENERAL REPORTS	35
5.1	Recommendations and Resolutions from Policy Committees	35
5.2	National General Assembly - 2022	47
5.3	NSW Australian Local Government Women's Association Conference.....	83
5.4	Destination & Visitor Economy Conference 2022	87
5.5	Tourism Services Contract - Orange360 - Extension to 31 December 2022	93
5.6	Indoor Playground	97
5.7	Reduction in fees request - Scout Camp	103
6	CLOSED MEETING - SEE CLOSED AGENDA.....	106
6.1	Submission Redactions March 2022.....	107
6.2	Health Infrastructure Agreement.....	109
7	RESOLUTIONS FROM CLOSED MEETING	110

1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 OPENING PRAYER

1.4 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

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

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 15 March 2022 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 15 March 2022.

RECOMMENDATION

That the Minutes of the Extraordinary Meeting of Orange City Council held on 25 March 2022 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 25 March 2022.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 15 March 2022
- 2 Minutes of the Extraordinary Meeting of Orange City Council held on 25 March 2022

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 McDonell, 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 McDonnell, 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 McDonnell, 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 McDonnell, 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 McDonell, 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 25 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 March 2022.

ORANGE CITY COUNCIL

MINUTES OF THE

EXTRAORDINARY COUNCIL MEETING

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

ON 25 MARCH 2022

COMMENCING AT 12.30PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), 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 (via Zoom), Cr G Power (Deputy Mayor)

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

1.1 APOLOGIES

RESOLVED - 22/082

Cr T Mileto/Cr J Evans

That the apologies be accepted from Cr Jeff Whitton for the Council Meeting of Orange City Council on 25 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

Against: Nil

Absent: Cr J Whitton

RESOLVED - 22/083

Cr T Greenhalgh/Cr G Power

That that Cr S Peterson and Cr G Floyd be permitted to attend the meeting via Zoom.

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 F Kinghorne declared a significant, pecuniary interest in Item 2.3 Development Application - DA 306/2021(1) - 142-158 Lysterfield Road as her husband through his employment has conducted continuation assessments on this land and a condition of approval is that more assessments are to be conducted and will leave the Chamber and not vote on this Item.

Cr F Kinghorne declared a significant, pecuniary interest in Item 2.4 Development Application DA 23/2022(1) - 21-25 Peisley Street as her husband through his employment has conducted geotechnical assessments on this land for Akura and will leave the Chamber and not vote on this Item.

2 GENERAL REPORTS

2.1 DEVELOPMENT APPLICATION DA 346/2021(1) - 4633 MITCHELL HIGHWAY, LUCKNOW

TRIM REFERENCE: 2022/339

MOTION

Cr D Mallard/Cr M McDonell

That Council refuses development application DA346/2021(1) for Demolition (tree removal) at Lot 1 DP 171953, 4633 Mitchell Highway, Lucknow for the following reasons:

1. No Arboricultural evidence has been submitted to substantiate that the tree has a structural weakness or that a failure may occur.
2. Damage to the concrete footpath from the front property boundary to the front patio is negligible.
3. There is no evidence to show that tree roots have egressed beneath the patio or house foundations.
4. Tree removal will have an undesirable impact on the heritage significance of this neighbourhood in the Lucknow Heritage Conservation Area.
5. Tree removal will have adverse visual impacts on the streetscape.
6. Tree removal will have adverse impacts on the landscape setting in the locality.

AMENDMENT

Cr T Mileto/Cr J Hamling

That this DA be deferred to allow Council to write to the applicant seeking information that was formerly requested giving the applicant a firm deadline for response.

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 22/084**Cr D Mallard/Cr M McDonell**

That this DA be deferred to allow Council to write to the applicant seeking information that was formerly requested giving the applicant a firm deadline for response.

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

Against: Nil

Absent: Cr J Whitton

Cr Kinghorne asked if Councillors should be concerned if there are major differences between the opinions of experts in this matter

Director Development Services said that Council had asked the applicant to clarify further the opinion of their arborist that the tree was unsafe, Council staff had done an inspection of the tree and concluded the tree was not unsafe, and given no further information was given to staff by the applicant the conclusion is as per the report

Cr Kinghorne commented that the letter from the arborist indicated that there is damage to the footpath and the buildings and that was different to the opinion of Council staff, how can there be two totally different opinions

Director Development Services commented that Council staff have inspected the tree and make their notes on what they see, there is certainly noted cracking in the footpath and the damage was not anything significant or to warrant concern and that is what has led to our recommendation

Cr Mileto asked the question should Councillors vote to maintain the tree if it is foreseeable that the root structure of the tree will cause damage to the surrounding area, is Council liable for any further damage caused based on these reports provided to Council

Director Development Services responded by saying that the court case mentioned in the report does talk about liabilities that arise from trees that are dangerous, so Council has done an assessment based on the liability of that case and concluded that it would be reasonable to keep the tree there. It is a private tree, there are other options such as the root barrier system to prevent further damage to a building, then I am not seeing the link to Council. Staff have looked at it from a structural point of view, not the type of tree to drop limbs like a gum tree

Cr Mileto asked what was the comparison between a root barrier system being installed and the cost to land owner to remove the tree

Director Development Services said that the root barrier would only be required to be fitted to just one side of the tree between the tree and the house, and that given that the root barriers are only made of PVC the cost would be significantly less than to remove the tree

Cr Peterson asked the question could a condition of removal be that the tree be replaced, and what makes a significant tree on private property

Director Development Services commented that he considered replacement of the tree this morning when onsite with Cr Duffy – if it were removed on the basis that it was a concern to the house, the replacing tree in the same area brings about the same problem in a few years anyway. Lucknow is a Heritage Conservation area and when Council looks at the significance of trees, measured at chest height if they are more than 300mm in diameter or higher than 4m high – this is a tree of significance – this needs to have development consent for removal.

Cr Peterson asked if this was just in Lucknow or anywhere

Director Development Services commented that consent was required for particular trees to be removed in town, often handled with a tree removal permit or in the conservation area or heritage items they need a deveopment consent

Cr Greenhalgh commented that this tree was identified 5 years ago as having potential issues, what is the difference now compared to 5 years ago, have there been any signifcant changes in this time

Director Development Services commented that Council staff have asked for additional information over the last few months from the applicant but received no additional information to be able to give comparisons of the details

Cr Evans asked how far away are the powerlines and service wires from the tree and is there any expectation it will interfere with these services in the future

Director Development Services responded by referring to page 14 of the report saying that the tree is trimmed by Essential Energy around the powerlines and that the setback depends on Essential Energy's own criteria based on voltage of the powerlines

Cr Evans asked if there had been reports of issues prior

Director Development Services answered by saying nothing had been received from Essential Energy previously

Cr Mileto asked with regard to the applicant being asked to provide further information was a deadline given to the applicant

Director Development Services answered by saying that Council's standard letters have a 14 day response period, in the last few months there have been a number of phonecalls between the assessing officer and the applicant but cannot confirm if verbally there was a deadline given to the applicant

2.2 DEVELOPMENT APPLICATION DA 17/2022(1) - 13/5295 MITCHELL HIGHWAY, ORANGE

TRIM REFERENCE: 2022/340

RESOLVED - 22/085

Cr J Hamling/Cr M McDonell

That Council consents to development application DA17/2022(1) for Specialised Retail Premises (use and alterations and additions) and Business Identification Signage at Lot 2 DP 270204, 13/5295 Mitchell Highway, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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

Against: Nil

Absent: Cr J Whitton

Cr asked McDonell asked what sort of businesses have been approached

Director Development Services said that there are restrictsions based on the zone and that they would not be retail but more speciality retail bulky goods style of development

Cr McDonnell asked if they would be the same sort of businesses that are currently out there

Director Development Services said yes that was correct

Cr Mileto asked if one of the businesses was going to be a children's amusement centre

Director Community Recreation and Cultural Services responded saying that staff had one conversation with a person interested in exploring that option, that person was aware of this DA and exploring the possibility of putting in an indoor playground for children, and this person has had a prior conversation with another staff member, predicated on the DA going through and predicated on this being a permissible activity

Cr Mileto asked if that person was just waiting for Council to provide feedback on whether it is a permissible activity

Director Community Recreation and Cultural Services responded saying that there had been no formal DA lodged, just a phonecall at this stage

Cr Kinghorne left the Chamber at 12.55pm.

2.3 DEVELOPMENT APPLICATION - DA 306/2021(1) - 142-158 LYSTERFIELD ROAD

TRIM REFERENCE: 2022/161

Cr F Kinghorne declared a significant, pecuniary interest in this Item 2.3 as her husband through his employment has conducted continuation assessments on this land and a condition of approval is that more assessments are to be conducted and left the Chamber and did not vote on this Item.

RESOLVED - 22/086

Cr T Mileto/Cr G Power

That Council consents to development application DA 306/2021(1) for Subdivision (Stage 1 – three (3) residential lots and two (2) development lots; Stage 2 - 84 residential lots, one (1) public reserve lot and five (5) roads; Stage 3 – nine (9) residential lots) and Demolition (outbuildings and dwellings) at Lot 184 DP 750401 and Lot 1 DP 130391 – 142 Lysterfield Road, and Lot 188 DP 750401 – 158 Lysterfield Road, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

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

Against: Nil

Absent: Cr J Whitton, Cr F Kinghorne

Cr Peterson asked the report mentions no through roads or culdersacs, these may be attractive to some people, is there a problem with culdersacs or it just so happens that way

Director Technical Services said that generally that road layout is in accordance with Council's DCP, some only accessing small number of houses that are quite narrow roads as well and a through road helps with access rather than taking up room with a culdersac, allows for a good flowthrough of pedestrians and traffic

Cr Mallard asked in regard to re-alignment of Applebox Street noting the comments in the report that Stage 3 of the proposal is to demolish the existing dwellings and then original realignment of the street would be valid. If Council were were to impose a condition

requiring the originally intended straight alignment of this street, what would that change in terms of work that will be needed in the earlier stages, are the outbuildings going to have to go as part of establishing the setbacks or will it change what needs to be demolished in Stage 2

Director Technical Services said that the continued use is permissible under this arrangement in that the owner of the residual lot will be able to retain those buildings in place and have the road constructed around them or if they chose to subdivide in the future to provide the setbacks that are required under the DCP there would be certain buildings that would have to be removed and some buildings are on boundary lines and would have to be removed to allow that subdivision to take place

Cr Mallard asked if Council were to impose that condition would we be requiring them to knock down the outbuildings otherwise it would not need to happen, is that correct

Director Technical Services said yes to some extent, but there is some misalignment under the DCP already, referring to page 54 it can be seen that a straight line of Applebox Street comes through and is slightly misaligned to the east continuance, doesn't align under the DCP, what is proposed here is a staggered T-type arrangement that meets the standards but also allows the continued use of the current dwellings to remain

Cr Mileto asked looking at the different stages and understanding there are three stages, stage 2 indicated 84 residential lots includes a public reserve, stage 3 indicates a further 9 residential lots, the Directors comment refers to 94 lots is this correct, shouldn't it be 93 lots

Director Development Services commented that this sum would include the Reserve lot

Cr Mileto asked with regards to the 93 lots is there any requirement for any social/affordable housing to be included in this development and a timeframe of commencement

Director Development Services said that the permissibility of affordable housing in this zone, yes it would be permissible, no proposal for any of the housing types in this its just purely the subdivision, the applicant is keen to commence as soon as possible

Cr Mileto asked about the headworks which Council is responsible for – how far away are these

Director Technical Services said that most lots in this subdivision under 500m² and four lots under 400m², the headworks have already been constructed through there, its up to the applicant to take the Easements over adjoining properties to connect to those existing services

Cr Evans commented that liveability is important as is serviceability and noted that a micro-shopping centre is planned and in what proximity will this be in regards to this development and timeframe

Director Development Services said that the location of the neighbourhood shopping area is at the top of the hill as you go into the estate on the Eastern side of the boundary, when will depend on the market, no applications before us to build such a development yet

Cr Evans asked has this area been designated for this purpose

Director Development Services said yes under the DCP it has those controls placed on it - height and types of development

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

TRIM REFERENCE: 2022/384

Cr F Kinghorne declared a significant, pecuniary interest in this Item as her husband through his employment has conducted geotechnical assessments on this land for Akura and left the Chamber and did not vote on this Item.

RESOLVED - 22/087**Cr T Mileto/Cr K Duffy**

That Council consents to development application DA 23/2022(1) for Demolition (existing buildings), General Industry (industrial unit complex containing 13 units)), and Associated Signage at Lot 100 DP 1199583 - 21-25 Peisley Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.

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

Against: Nil

Absent: Cr J Whitton, Cr F Kinghorne

Cr Kinghorne returned to the Chamber at 1.14pm.

3 CLOSED MEETING

Nil

THE MEETING CLOSED AT 1.15PM.

This is Page Number 32 and the Final Page of the Minutes of the Extraordinary Meeting of Orange City Council held on 25 March 2022.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - Chaired by Cr Jeff Whitton

Employment and Economic Development – NO ITEMS

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation – NO ITEMS

Environmental Sustainability – NO ITEMS

Finance - Chaired by Cr Kevin Duffy

Services – NO ITEMS

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 AUSTRALIAN DEFENCE FORCE STRATEGIC SOVEREIGN PARTNER

RECORD NUMBER: 2022/463

I, **CR JEFF WHITTON** wish to move the following Notice of Motion at the Council Meeting of 5 April 2022:

MOTION

That Council formulate a Working Party and a strategic plan to promote and position Orange and the Central West as a strategic sovereign partner with the Australian Defence Forces.

BACKGROUND

The goal is to attract the Australian Defence Force to look to Orange in locating manufacturing, logistics, tactical and operational facilities and promote supply chain capability in the key areas of innovation and technology engaging with existing local supply chain.

Signed Cr Jeff Whitton

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

RECORD NUMBER: 2022/468

AUTHOR: Jodie Sheen, Admin Officer Governance

EXECUTIVE SUMMARY

Council's Policy Committees (Planning and Development Committee, Employment and Economic Development Policy Committee, Infrastructure Policy Committee, Sport and Recreation Policy Committee, Environmental Sustainability Policy Committee, Finance Policy Committee and Services Policy Committee) have delegation to determine matters before those Committees with the exception of items that impact on Council's Delivery/Operational Plan.

This report provides minutes of the Policy Committees held this year. Resolutions made by the Committees are for noting and Recommendations are presented for adoption or amendment by Council.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.1 Collaborate - Provide representative, responsible and accountable community governance".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1. That the resolutions made by the Planning and Development Committee at its meeting held on 3 March 2022 be noted.**
- 2. That the resolutions made by the Infrastructure Policy Committee at its meeting held on 3 March 2022 be noted.**
- 3. That the resolutions made by the Environmental Sustainability Policy Committee at its meeting held on 3 March 2022 be noted.**
- 4. That the resolutions made by the Finance Policy Committee at its meeting held on 3 March 2022 be noted.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION**Planning and Development Committee**

At the Planning and Development Committee meeting held on 3 March 2022, all resolutions were made under delegation, and the minutes are presented for noting.

Infrastructure Policy Committee

At the Infrastructure Policy Committee meeting held on 3 March 2022, all resolutions were made under delegation, and the minutes are presented for noting.

Environmental Sustainability Policy Committee

At the Infrastructure Policy Committee meeting held on 3 March 2022, all resolutions were made under delegation, and the minutes are presented for noting.

Finance Policy Committee

At the Infrastructure Policy Committee meeting held on 3 March 2022, all resolutions were made under delegation, and the minutes are presented for noting.

ATTACHMENTS

- 1 Planning & Development Committee Meeting Minutes 3 March 2022, [2022/272](#)↓
- 2 Infrastructure Policy Committee Meeting Minutes 3 March 2022, [2022/271](#)↓
- 3 Environmental Sustainability Policy Committee Meeting Minutes 3 March 2022, [2022/269](#)↓
- 4 Finance Policy Committee Meeting Minutes 3 March 2022, [2022/270](#)↓

ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 3 MARCH 2022

COMMENCING AT 7.19PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, A/Director Technical Services (Gailey), Manager Corporate Governance, Administration Officer Governance

APOLOGIES AND LEAVE OF ABSENCE

Nil

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

Nil

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2022/63

RESOLVED - 22/035

Cr K Duffy/Cr J Hamling

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

Against: Nil

Absent: Nil

MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE**3 MARCH 2022**

Cr Duffy asked a question about Housing Plus strata titles and separating them to be sold at a later date

Director Development Services commented that they relate to the day of the Kevin Rudd government where funding was given to Social Housing (Dept of Housing), 114 units were built and sold to Housing Plus, strata titling each of those developments – scattered all over town, nothing significant in that for Council.

2.2 DEVELOPMENT APPLICATION DA 507/2021(1) - 314 ANSON STREET

TRIM REFERENCE: 2022/162

RESOLVED - 22/036**Cr K Duffy/Cr G Floyd**

That this item be deferred to allow Councillors to conduct a site visit of 314 Anson Street prior to it coming back to Council for resolution.

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

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 7.22PM.

5.2 NATIONAL GENERAL ASSEMBLY - 2022

RECORD NUMBER: 2022/435

AUTHOR: Renea Meacham, Acting Executive Support Manager

EXECUTIVE SUMMARY

This report outlines detail around the upcoming National General Assembly (NGA), seeks nominations from Councillors to attend the Conference and requests motion (s) that Council wishes to be submitted by Orange City Council and seeks Council's endorsement.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "14.3 Collaborate - Provide opportunities for widespread and quality engagement, and where appropriate, shared decision-making."

FINANCIAL IMPLICATIONS

The budget as set down in the *Councillors – Payment of Expenses and Provision of Facilities Policy* is \$60,000 per annum in total for all Councillors to attend Conferences with funds currently available for attendance at this conference.

The cost of the conference is:

- \$989 (prior to 6 May 2022)
- \$689 – Virtual Delegate

In addition, Councillors can opt to attend the Regional Forum at a cost of \$225 each if attending the NGA.

It should be noted that the amount above indicates registration costs per delegate. Travel and accommodation will need to be added onto each registration cost.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves which Councillors attend at the National General Assembly 19 – 22 June, 2022.

That Council agree on motion (s) to be submitted to the National General Assembly 2022.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

National General Assembly

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of councils and communities.

The theme for the 2022 NGA is Partners in Progress with the conference being held 19 – 22 June, 2022 at the National Convention Centre, Canberra ACT

In addition to the NGA a Regional Forum will be held Sunday 19 June, 2022. The 2022 Regional Cooperation and Development Forum will focus on the fact that at a time when the traditional patterns of Australian settlement have been upended by COVID-19 and people are gravitating to the safety, security, space, and affordability of our provincial cities, the theme for this year's Forum is "Regions Rediscovered".

Speaker will cover the challenges and opportunities of rural and regional health, statistical trends, and raising awareness of the importance of regions across Australia.

Motions

As the national voice of local government, the Australian Local Government Association (ALGA) advocates on behalf of Australia's 537 councils for funding and policy outcomes that support local governments to deliver better results for their communities.

Each year a National General Assembly (NGA) is held in Canberra where councils from around the nation discuss current and emerging challenges and opportunities and advocate to the Federal Government on critical issues facing our sector.

The motions passed at the NGA inform ALGA's strategic direction and national advocacy objectives.

To assist us, please ensure that your motions meet the following criteria:

1. Be relevant to the work of local government nationally;
2. Be consistent with the themes of the NGA;
3. Complement or build on the policy objectives of your state and territory local government association;
4. Be from a council which is a financial member of their state or territory local government association;
5. Propose a clear action and outcome; and
6. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

All motions should have a contact officer, a clear national objective, a summary of the key arguments in support of the motion.

Attached to this report is a Discussion Paper and copy of ALGA's 2022 Federal Election Priorities. The 17 national priorities outlined in this document have been informed by

motions passed at last year's NGA, and unanimously endorsed by ALGA's Board in conjunction with the member state and territory local government associations.

ATTACHMENTS

- 1 Discussion Paper, D22/16943 [↓](#)
- 2 Election Priorities, D22/16940 [↓](#)

5.3 NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

RECORD NUMBER: 2022/347

AUTHOR: Renea Meacham, Acting Executive Support Manager

EXECUTIVE SUMMARY

This report outlines detail around the upcoming Australian Local Government Women's Association Conference and seeks nominations from Councillors to attend the Conference. It should be noted that this report will indicate registration costs per delegate. Travel and accommodation will need to be added onto each registration cost.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "14.3 Collaborate - Provide opportunities for widespread and quality engagement, and where appropriate, shared decision-making."

FINANCIAL IMPLICATIONS

The budget as set down in the *Councillors – Payment of Expenses and Provision of Facilities Policy* is \$60,000 per annum in total for all Councillors to attend Conferences with funds currently available for attendance at this conference.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves to approve the attendance of Councillors at the NSW Australian Local Government Women's Association Conference to be held 7 – 9 July, 2022.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Australian Local Government Women's Association (ALGWA) Conference, Fairfield City Council

7-9 July 2022

Registration Cost per delegate \$1,538 (prior to 30 April 2022)

ALGWA is the peak body for women in Local Government. It is a voluntary-run organisation, that supports both employees and elected representatives. The 2022 ALGWA NSW Annual Conference is designed to provide training and support for councillors and staff, whether they are new to local government or have been around for a long time. It is an opportunity to learn and grow from speakers and from each other. A copy the program is attached for Council's information.

ATTACHMENTS

- 1 ALGWA 2022 Program, D22/13938 [↓](#)

5.4 DESTINATION & VISITOR ECONOMY CONFERENCE 2022

RECORD NUMBER: 2022/433

AUTHOR: Renea Meacham, Acting Executive Support Manager

EXECUTIVE SUMMARY

This report outlines detail around the upcoming Destination & Visitor Economy Conference 2022 and seeks nominations from Councillors to attend the Conference. It should be noted that this report will indicate registration costs per delegate. No travel and accommodation will be incurred as the Conference will be held in Orange.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “14.3 Collaborate - Provide opportunities for widespread and quality engagement, and where appropriate, shared decision-making.”

FINANCIAL IMPLICATIONS

The cost for each delegate to attend is \$980 (until 19 April 2022)

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves to approve the attendance of interested Councillors at the Destination & Visitor Economy Conference 2022 to be held 17 – 19 May, 2022.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

The 2022 LGNSW Destination and Visitor Economy Conference will be held from 17 – 19 May in Orange with the support of Orange City, Cabonne Shire and Blayney Shire Councils.

This year’s Destination and Visitor Economy Conference carries the theme Dare to Dream – Orange 360. The program is scheduled over three days from Tuesday 17 May to 19 May commencing at 2.00pm on Tuesday with three breakout streams and ending on Thursday at 12.30pm with lunch.

The event will bring together local government staff and Councillors, key industry stakeholders and local operator to discuss insights and the ever-changing world facing future visitors.

A copy of the full program is attached for Council’s attention.

ATTACHMENTS

- 1 DVC Program 2022, D22/16539 [↓](#)

5.5 TOURISM SERVICES CONTRACT - ORANGE360 - EXTENSION TO 31 DECEMBER 2022

RECORD NUMBER: 2022/277

AUTHOR: Glenn Mickle, Manager Tourism

EXECUTIVE SUMMARY

The contract with TDO Limited trading as Orange360 is due to end on 30 June 2022. This report is seeking Council's endorsement to extend the contract by six months until 31 December 2022 at a cost of approximately \$210,000. Whilst this amount is an additional cost to the existing contract, it is included in Council's 2022/23 budget.

This contract extension will enable Council to finalise our industry and government consultations in developing the 2022/2025 Destination Management Plan (DMP). It will also provide the opportunity to ensure the key goals, tasks, and measures of the DMP will be leveraged in the next Tourism Services Contract.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "11.1 Prosper - Capitalise on the character and lifestyle of Orange to remain a destination of choice".

FINANCIAL IMPLICATIONS

If the recommendation of this report is supported and adopted post exhibition, it is proposed that the existing budget for the tourism services contract will be utilised to cover the additional three months.

The six-month contract extension cost is \$210,000. This amount is listed in the approved Council budget for 2022/23.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves to extend the Tourism Services Contract provided by TDO Ltd trading as Orange360 for six months until 31 December 2022.

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service/Project Delivery	The extended contract agreement will be managed under existing resources, as per past contracts.	
Financial	Funding for the contract extension of six months is in the existing Council budget for 2022/23.	

Reputation	The tourism services sector is a significant employer in the region. Working with Orange360 to assist in the recovery of this sector (post the Covid19 related lockdowns) will positively impact a significant number of business and residents.
Compliance	Council approval is required to extend the existing contract. This report is seeking Council's approval.
People	Orange360 has 350 business members across the LGAs of Blayney, Cabonne and Orange who represent a broad spectrum of industry sectors including accommodation, hospitality, cellar doors, museums, and galleries, as well as retail and supporting business services.

SUPPORTING INFORMATION

As part of Council's Delivery Program and Operational Plan it is proposed that the next tourism services contract reflect the priorities, activities and strategies identified in Orange's Destination Management Plan (DMP). The DMP is the primary business plan for building and managing the regional visitor economy across our three LGAs (Orange, Blayney and Cabonne). The DMP reflects the views and aspirations expressed in Council's current Community Strategic Plan (CSP).

The Orange region visitor economy is worth more \$400 million annually and employs more than 6,000 residents, attracting over 1 million visitors each year.

An extension of the current tourism services contract through to 31 December 2022, will allow the full implications and obligations of the DMP to be incorporated into the terms of the next contract. It will also enable Orange360 to continue destination marketing, training and development, and in-region event support while this process occurs.

As our regional destination marketing organisation, Orange360 have achieved outstanding results over the past four-years. Particularly over the past two-years, during and post the COVID19 travel restrictions. Visitor numbers to the Orange LGA are recovering better than other regional destinations. According to Tourism Research Australia to YE June 2021, the Orange LGA welcomed 555,000 overnight visitors. A new record and 100% higher than June 2020. These visitors spent 1.81 million nights here, another record and 172% higher than YE June 2020. We also welcomed 588,000-day trippers over that same period.

As travel restrictions ease other regions are very pro-active in the market now, particularly interstate destinations. As the domestic tourism market slowly gathers momentum it is imperative that our region continues to market, package and promote our tourism experiences and products. The increased market awareness and forward bookings we are currently enjoying may diminish if we cease to be active in this area.

For the extension period of six months, it is proposed the funding will be allocated as follows:

Deliverable	2022/2023
Destination Marketing including digital and general marketing	\$70,000
Media and journalist famils - we will invite media to come and experience in lieu of regional showcases out-of-region	\$15,000
VIC famils	\$5,000
Member development and forums	\$5,000
Tourism Managers support	\$10,000
Maintain accommodation register and online booking system as required to preserve Level 1 VIC accreditation	\$5,000
Maintain the Data Warehouse system information as required to preserve Level 1 VIC accreditation	\$5,000
Survey data collation and annual visitor profile review and update. New investment across 3 x LGAs to capture visitor sentiment data for future marketing.	\$15,000
Allocation for out-of-region events run by TBC for events sponsorship (acknowledging Council and using art and words as supplied)	-
Allocation for staff time for in-region events support	-
Allocation of staff time on marketing, product development and promotions	\$70,000
Conferencing attraction and famils	\$10,000
TOTAL	\$210,000

5.6 INDOOR PLAYGROUND

RECORD NUMBER: 2022/375

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural Services

EXECUTIVE SUMMARY

This report provides Council with information on creation of temporary Indoor Playground for Winter 2022.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.1 Live - Engage with the community to ensure recreation opportunities and facilities meet changing needs”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATIONS**That Council**

- 1. Secure a site for the operation of an indoor recreation facility for the period of 1 May 2022 to 30 August 2022;**
- 2. Council secure the rental of indoor play equipment for the operation of the indoor recreation facility; and**
- 3. Council conduct an expression of interest process for the operation of the indoor recreation facility.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Council staff have been requested to provide information to Council on the establishment of an indoor playground for Winter 2022.

STYLE AND SIZE

Council staff have been working on developing options for a temporary indoor play area for Winter 2022.

Council have had discussions with Orange Ex Services Club to secure short term access to the former Pee-Wees site which operated out of their premises at 99 Byng Street Orange.

This site requires approval from the Board of the Orange Ex Services Club and would involve significant to remove items currently stored at the premises. The cost for the use of the site would also need to be finalised.

Council staff have also identified that play equipment would be available for short term lease or available for purchase.

Options include:

- Hire a 6m x 5m jumping castles with internal slide from an Orange based business.



5.6 Indoor Playground

- Hire a large playground from a NSW Supplier – something like below



- Hire an Extra-large playground from a NSW Supplier – something like



Without publishing exact costs in a public setting, the hire costs would range from low thousands to several thousand dollars per month

Other longer term options include

- Partner with supplier to share purchase price of equipment
- Council purchase its own equipment
- Enter a long-term lease for operation of a facility

Other operational costs and considerations that need to be considered include:

- Staffing for 7 days
- Cleaning
- Security
- Utilities
- Consumables
- Promotion / advertising
- Fees
- Establishing operating hours
- Setting entrance fees
- Hire fees
- Leasing fees

It is estimated that weekly operational costs based on 7 days a week activity would be approximately \$7,500 excluding premises rental.

In essence a site and equipment could be available for the upcoming Winter months in Orange in 2022. Opening a site would be dependent on finalising an implementing an operational plan and meeting operating costs.

OPERATIONAL PLANS

Again, multiple options are available to Council. These include:

1. Council staff are employed to operate the site including all cleaning and security; or
2. Council secures a site and issue an expression of interest to supply and install equipment to operate the site and meet all operational costs; or
3. Council secures a site and hire equipment and issue an expression of interest to operate the site and meet all operational costs; or
4. Council provide support a private business through an EOI process to establish and operate a site.

The operator would also need to consider the provision of café services.

5.6 Indoor Playground

Of the options available the recommended option is option 3. above as this is the most likely model to ensure a site is available for the upcoming Winter period. It is dependent on finding an operator and securing the hire equipment.

5.7 REDUCTION IN FEES REQUEST - SCOUT CAMP

RECORD NUMBER: 2022/428

AUTHOR: Tig Armstrong, Manager Economic Development

EXECUTIVE SUMMARY

St John Ambulance – Molong Cadet Division have written to Council asking for a reduction in fees for their use of the Scout camp for their Cadet Camp to be held from 10 to 14 April 2022 during Youth Week.

COVID restrictions have significantly impacted the membership and fundraising activities for St John Ambulance and there has been a significant increase in costs to provide food and activities during the camp.

This camp will bring members from the Bathurst, Orana and Broken Hill Divisions to the area for the days of the camp.

The full fee for the Scout Camp hire is \$18 per person per night for the four nights required for this event.

It is recommended to reduce the Dormitory overnight stay fee of \$18 per person per night by 50% to \$9 per person per night.

The number of participants staying overnight is estimated to be 32 participants. This equates to a loss of \$1,224 in fees for Council.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “2.2 Live - Ensure the sporting and recreational facilities, programs and activities are accessible and affordable to support healthy lifestyle choices”.

FINANCIAL IMPLICATIONS

The full fee for the Scout Camp hire is \$18 per person per night for the four nights required for this event.

Number of participants staying overnight is estimated to be 32. This equates to a loss of \$1,224 in fees at 50% reduction.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council reduce the fees by 50% from \$18 to \$9 per night for four nights for the St Johns Ambulance Cadet Camp 2022 to be held from the 10 to 14 April.

5.7 Reduction in fees request - Scout Camp

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Below are the current Canobolas Scout Camp fees.

Canobolas Scout Camp

Name	Year 20/21 Last YR Fee (incl. GST)	Year 21/22		Increase %	Statutory	GST
		Fee (excl. GST)	GST			
Dormitory overnight (per person) – old (while available)	\$16.50	\$16.36	\$1.64	\$18.00	9.09%	N Y
Dormitory overnight (per person) – new (when available)	\$0.00	\$22.73	\$2.27	\$25.00	∞	N Y
Camping overnight (per person) – subject to availability	\$9.70	\$9.09	\$0.91	\$10.00	3.09%	N Y
Day use (including showers) more than 3.5 hours (per person)	\$5.00	\$4.55	\$0.45	\$5.00	0.00%	N Y
Half day use (including showers) less than 3.5 hours (per person)	\$3.00	\$2.73	\$0.27	\$3.00	0.00%	N Y
Scouts Australia full site use (available 6 times a year)	No Charge					N N
Scouts and guides additional use	1/2 price of other groups					N Y
Orange City Council use	No hire charge - contribution to cleaning costs					N Y
Orange Local Aboriginal Lands Council (Pilot projects)	Subject to negotiation based on cost and social delivery outcomes					N Y

continued on next page ...

Page 65 of 153

Canobolas Scout Camp [continued]

Name	Year 20/21 Last YR Fee (incl. GST)	Year 21/22		Increase %	Statutory	GST
		Fee (excl. GST)	GST			
Damage and cleaning costs		At cost plus 20% admin fee				N Y

ATTACHMENTS

- 1 Letter - Request for Fee Reduction - Molong Cadet Division Cadet Camp, D22/16550 [↓](#)

6 CLOSED MEETING - SEE CLOSED AGENDA

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. 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.

RECOMMENDATION

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 Submission Redactions March 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 (e) information that would, if disclosed, prejudice the maintenance of law.

6.2 Health Infrastructure Agreement

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 and (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Information contained in this paper is subject to legal professional privilege and is strictly confidential. Any disclosure of this paper, including a verbal disclosure of its content or conclusions, beyond Council officers directly involved in this matter may result in the loss of legal professional privilege and cause damage to the Council's legal and financial position. Councillors have a good faith duty to strictly maintain confidentiality of privileged communications, and any failure to do so may result in a penalty under section 664 of the Local Government Act 1993 and action under the Code of Conduct.

6.1 SUBMISSION REDACTIONS MARCH 2022

RECORD NUMBER: 2022/276

AUTHOR: Catherine Davis, Acting Manager Corporate Governance

REASON FOR CONFIDENTIALITY

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 (e) information that would, if disclosed, prejudice the maintenance of law.

6.2 HEALTH INFRASTRUCTURE AGREEMENT

RECORD NUMBER: 2022/413

AUTHOR: Nick Redmond, Manager Corporate & Community Relations

REASON FOR CONFIDENTIALITY

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 and (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Information contained in this paper is subject to legal professional privilege and is strictly confidential. Any disclosure of this paper, including a verbal disclosure of its content or conclusions, beyond Council officers directly involved in this matter may result in the loss of legal professional privilege and cause damage to the Council's legal and financial position. Councillors have a good faith duty to strictly maintain confidentiality of privileged communications, and any failure to do so may result in a penalty under section 664 of the Local Government Act 1993 and action under the Code of Conduct.

7 RESOLUTIONS FROM CLOSED MEETING