
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 5 APRIL 2022

COMMENCING AT 6.31PM

1 INTRODUCTION

ATTENDANCE

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

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

1.1 APOLOGIES

RESOLVED - 22/088

Cr J Whitton/Cr M McDonell

That the apologies be accepted from Cr T Greenhalgh for the Council Meeting of Orange City Council on 5 April 2022 and accept that Cr Evans, Cr Duffy and Cr Peterson attend this meeting via Zoom.

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

Against: Nil

Absent: Cr T Greenhalgh

1.2 LIVESTREAMING AND RECORDING

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

1.3 OPENING PRAYER

PASTOR PAT FARRELLY OF THE EVER UPWARD APOSTOLIC CENTRE LED THE COUNCIL IN PRAYER

1.4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

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

Cr Mileto declared a non-pecuniary, non-significant interest in FPC Item 2.1 Future City Assistance Fund as he knows the applicant personally and will leave the Chamber and not vote on this item.

Cr Kinghorne also declared a non-pecuniary, non-significant interest in PDC Item 2.2 Information Report – Employment Zones Reforms as she has a business in the CBD and will leave the Chamber and not vote on this item.

Cr Kinghorne also declared a pecuniary, significant interest in PDC Item 2.5 Development Application DA 372/2021(1) – 75 Rossi Drive, Clifton Grove as her husband does geotechnical work on 75 Rossi Drive

Cr Hamling declared a non-pecuniary, non-significant interest in Item 5.5 Tourism Services Contract – Orange 360 – Extension to 31 December 2022 as he is a Board member of Orange360 and will leave the Chamber and not vote on this item.

Cr Power declared a non-pecuniary, non-significant interest in Item 5.5 Tourism Services Contract – Orange 360 – Extension to 31 December 2022 – as he is a Board member of Orange360 and will leave the Chamber and not vote on this item.

Cr Evans declared a non-pecuniary, significant interest in Item 5.5 Tourism Services Contract – Orange 360 – Extension to 31 December 2022 – as his business is a member of Orange360 and will leave the Chamber and not vote on this item.

Cr Kinghorne declared a pecuniary, significant interest in Closed Item 6.2 Health Infrastructure Agreement as her husband's business does regular work for Health Infrastructure and she will leave the Chamber and not vote on this item.

Cr Peterson declared a non-pecuniary, non-significant interest in Closed Item 6.2 Health Infrastructure Agreement as he is an employee of NSW Health and will leave the Chamber and not vote on this item.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.37PM.

Mr Simon Price spoke to Item 2.4 Environmental Assessment Lake Canobolas Water and Sewer Reticulation Project.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.42PM.**2 MAYORAL MINUTES**

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 22/089****Cr J Whitton/Cr D Mallard**

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 record of the proceedings of the Council meeting held on 15 March 2022.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

RESOLVED - 22/090**Cr G Floyd/Cr F Kinghorne**

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 record of the proceedings of the Council meeting held on 25 March 2022.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.43PM.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.21PM.

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 AUSTRALIAN DEFENCE FORCE STRATEGIC SOVEREIGN PARTNER**

TRIM REFERENCE: 2022/463

RESOLVED - 22/091**Cr J Whitton/Cr T Mileto**

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.

FOR: CR J HAMLING, CR K DUFFY, CR J EVANS, CR G FLOYD, 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 T GREENHALGH

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2022/468

RESOLVED - 22/092**Cr J Whitton/Cr M McDonell**

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.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

5.2 NATIONAL GENERAL ASSEMBLY - 2022

TRIM REFERENCE: 2022/435

RESOLVED - 22/093**Cr J Whitton/Cr M McDonell**

That Council resolves that Councillors Duffy, McDonell, Greenhalgh, Mallard and Whitton attend at the National General Assembly 19 – 22 June, 2022.

That Council ensure there is a motion in relation to Local Government being recognised in the Australian Constitution submitted to the National General Assembly 2022.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

5.3 NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

TRIM REFERENCE: 2022/347

RESOLVED - 22/094**Cr M McDonell/Cr J Whitton**

That Council resolves that Councillors McDonell and Greenhalgh attend the NSW Australian Local Government Women's Association Conference to be held 7 – 9 July, 2022.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

5.4 DESTINATION & VISITOR ECONOMY CONFERENCE 2022

TRIM REFERENCE: 2022/433

RESOLVED - 22/095**Cr D Mallard/Cr G Power**

That Council resolves that Councillors Power, Mileto and Evans attend the Destination & Visitor Economy Conference 2022 to be held 17 – 19 May, 2022.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

Cr Hamling and Cr Power left the Chamber at 7.36pm

Cr Evans was placed in the waiting room on Zoom at 7.36pm

Cr Mileto chaired the meeting for Item 5.5

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

TRIM REFERENCE: 2022/277

Cr Power declared a non-pecuniary, non-significant interest in this Item as he is a Board member of Orange360 and left the Chamber and did not vote on this item.

Cr Hamling declared a non-pecuniary, non-significant interest in this Item as he is a Board member of Orange360 and left the Chamber and did not vote on this item.

Cr Evans declared a non-pecuniary, significant interest in this as his business is a member of Orange360 and left the Chamber and did not vote on this item.

RESOLVED - 22/096**Cr J Whitton/Cr D Mallard**

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

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

Against: Nil

Absent: Cr J Hamling, Cr J Evans, Cr T Greenhalgh, Cr Power

Cr Hamling and Cr Power returned to the Chamber at 7.39pm

Cr Evans was admitted back into the meeting on Zoom at 7.39pm

5.6 INDOOR PLAYGROUND

TRIM REFERENCE: 2022/375

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

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.

AMENDMENT**Cr J Evans/Cr T Mileto**

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 conduct an expression of interest process for the operation of the indoor recreation facility.

For: Cr J Evans, Cr T Mileto, Cr S Peterson,

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power , Cr J Whitton

Absent: Cr T Greenhalgh

THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST.**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED.****RESOLVED - 22/097****Cr M McDonell/Cr J Whitton**

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.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

Cr Mileto asked if this was a responsible spend of ratepayers money over a 4 month period

Director Community Recreation and Cultural Services responded by saying that it is difficult because we know through the Community Strategic Plan process there is desire for this facility, we are also aware there are commercial interests in Orange to establish a permanent fixture. There is a DA process in place that will allow this to occur. If we want something up for this winter it is unlikely a commercial interest would do it in this short space of time. It is up to Council then to provide this service for this trial period.

Cr Mileto asked if Council were to pursue this idea, would it be a joint tenancy, who would wear the liability of the lease

Director Community Recreation and Cultural Services responded by saying the operator would have to have their own insurances, this would be a requirement for the delivery of the program.

Cr Floyd asked if there was anyway Council could offset some of the fees by advertising space in an area like this to get remuneration back

Director Community Recreation and Cultural Services responded by saying that this would have to be discussed with the owner of the premises whether they would be prepared to do that. There is any number of things to value add, coffee etc. That's the value of testing through an EOI.

5.7 REDUCTION IN FEES REQUEST - SCOUT CAMP

TRIM REFERENCE: 2022/428

RESOLVED - 22/098

Cr J Whitton/Cr D Mallard

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.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, 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 T Greenhalgh

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 - 22/099**Cr J Whitton/Cr D Mallard**

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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.11pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.18pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 SUBMISSION REDACTIONS MARCH 2022

TRIM REFERENCE: 2022/276

RESOLVED - 22/110

Cr T Mileto/Cr J Whitton

That the information in this report be acknowledged.

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

Against: Nil

Absent: Cr T Greenhalgh

Cr Kinghorne left the Chamber at 8.14pm

Cr Peterson was placed in the waiting room on Zoom at 8.14pm.

6.2 HEALTH INFRASTRUCTURE AGREEMENT

TRIM REFERENCE: 2022/413

Cr Kinghorne declared a pecuniary, significant interest this Item 6 as her husband's business does regular work for Health Infrastructure and she left the Chamber and did not vote on this item.

Cr Peterson declared a non-pecuniary, non-significant interest in this Item as he is an employee of NSW Health and left the Chamber and did not vote on this item.

Cr McDonell declared a non-pecuniary, non-significant interest in this Item as she is an employee of NSW Health and remained in the Chamber and voted on this item.

RESOLVED - 22/111

Cr T Mileto/Cr J Hamling

That Council resolves:

- 1 That the report by the Manager of Corporate and Community Relations be acknowledged.
- 2 To offer to Health Infrastructure the arrangements as outlined in Option 2 in the conclusion of this report.
- 3 That authority be granted for the use of the Council Seal on any documentation if required.

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

Against: Nil

Absent: Cr T Greenhalgh, Cr F Kinghorne, Cr S Peterson

Cr Kinghorne returned to the Chamber at 8.17pm

Cr Peterson was admitted back into the meeting via Zoom at 8.17pm

THE MEETING CLOSED AT 8.20PM.

This is Page Number 10 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 5 April 2022.