



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**17 MAY 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, 17 May 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.

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## **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 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.

### **1.4 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**

### **2.1 COUNCIL MEETING 21 JUNE 2022 - CHANGE OF DATE**

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RECORD NUMBER: 2022/684

#### **MAYORAL MINUTE**

The Council Meeting scheduled for Tuesday 21<sup>st</sup> June 2022 will see six (6) Councillors and the CEO attending the National General Assembly in Canberra on the same day. It is proposed that this Council Meeting be rescheduled and held in the same week on Thursday 23<sup>rd</sup> June 2022 commencing at 6.30pm.

#### **RECOMMENDATION**

**That the Council Meeting scheduled for Tuesday 21<sup>st</sup> June 2022 be rescheduled and held on Thursday 23<sup>rd</sup> June 2022.**

Jason Hamling  
**MAYOR**

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****RECOMMENDATION**

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

**ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 3 May 2022

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# ORANGE CITY COUNCIL

## MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 3 MAY 2022

COMMENCING AT 6:30PM

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### 1 INTRODUCTION

#### ATTENDANCE

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

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

#### 1.1 APOLOGIES

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Nil

#### 1.2 LIVESTREAMING AND RECORDING

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

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted an Acknowledgement of Country.

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

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Cr Power declared a Significant Pecuniary Interest in FPC Item 2.2 - Request for Financial Assistance – Small Donations Program Round 4 – 2021/22 as his catering company is providing catering for the Central West Women's Forum event in this application.

#### 1.5 OPENING PRAYER

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Mrs Soheila Fadaee and Mr Mat Ramirez of the Bahá'ís of Orange led the Council in Prayer.

THERE WAS NO OPEN FORUM.

## 2 MAYORAL MINUTES

Nil

## 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### RESOLVED - 22/128

Cr J Whitton/Cr S Peterson

That the Minutes of the Ordinary Meeting of Orange City Council held on 19 April 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 19 April 2022.

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

Against: Nil

Absent: Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6:35PM.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7:00PM.

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - COMMUNITY COMMITTEE INFORMATION

TRIM REFERENCE: 2022/637

### RESOLVED - 22/138

Cr S Peterson/Cr K Duffy

That Council resolves:

- 1 That Council's website and social media keep a publicly available updated diary of community committee meeting dates, times and locations.
- 2 That periodically information is sent out via social media to encourage community attendance.

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

Against: Nil

Absent: Nil

**4.2 NOTICE OF MOTION - ROAD NAMINGS**

TRIM REFERENCE: 2022/638

**MOTION****Cr S Peterson/Cr D Mallard**

That Council seek community suggestions for names of common historical people with strong links to Orange whose names could be considered for the names of new roads.

**AMENDMENT****Cr J Whitton/Cr K Duffy**

That Council seek community suggestions for names of prominent historical people with strong links to Orange whose names could be considered for the names of new roads and streets.

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

Against: Nil

Absent: Nil

**THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION.****THE MOTION ON BEING PUT WAS CARRIED.****RESOLVED - 22/139****Cr J Whitton/Cr K Duffy**

That Council seek community suggestions for names of prominent historical people with strong links to Orange whose names could be considered for the names of new roads and streets.

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

Against: Nil

Absent: Nil

**4.3 NOTICE OF MOTION - COMMUNITY CONSULTATION ON THE ORANGE FUNCTION CENTRE**

TRIM REFERENCE: 2022/679

**RESOLVED - 22/140****Cr T Greenhalgh/Cr K Duffy**

That Council resolves:

- 1 To engage with the Orange Community through online and face to face consultations on the future use of the Orange Function Centre.
- 2 That after community feedback is received from consultation, Council draft a Master Plan for the Orange Function Centre to be placed on public exhibition for 28 days.
- 3 That Council be updated on the history of notable works and upgrades of the Orange Function Centre to date.
- 4 That Council be provided with information about any proposed upgrades and costings.

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

Against: Nil

Absent: Nil

Cr Mileto noted that Council had looked at options for this building in the last term of Council.

*The Chief Executive Officer stated yes the last term or the term before, the Director Community Recreation and Cultural Services brought a report to Council on several options on what to do with the Function Centre including information such as costs to a certain standard, issues around asbestos and whether it could be upgraded or demolished.*

**MATTER ARISING****Cr T Mileto**

Cr Mileto requested that Councillors be provided with the report that was put to Council on the future options of the Function Centre.

Cr Mileto asked if Council is considering a new Function Centre at the new sporting precinct site.

*The Chief Executive Officer stated that no, the design is for a sports stadium.*

Cr Hamling asked to clarify that the Ex-Services Club holds around 400 people and whether the function centre holds approximately 700 people.

*The Chief Executive Officer stated he thought that was the scale of it.*

Cr Duffy asked why there was no staff comment on this Notice of Motion.

*The Chief Executive Officer stated that Council has extensive work to do under this motion and that a large report is necessary, a brief comment would not have done in this case but happy to always provide staff comment.*

Cr Kinghorne asked how old the Function Centre was and what was its heritage status. She also noted that there was obviously an emotional attachment to this facility by the community and whether alternative sites had been identified.

*The Director Community Recreation and Cultural Services stated that it has no heritage status and that the Function Centre recently celebrated its 50 year birthday so around 53 years old.*

*Yes, there appears to be an attachment and Council's ultimate decision would be to propose to upgrade a very old building, where there is significant asbestos content, or demolish it and start again. Council does not own an alternative site currently but in the past the parcel of land at the top of Hill street was identified as a possible site for a new function centre.*

## 5 GENERAL REPORTS

### 5.1 NSW LOCAL ROADS CONGRESS

TRIM REFERENCE: 2022/431

**RESOLVED - 22/141****Cr J Whitton/Cr J Evans**

That Councillors J Evans and K Duffy attend the NSW Local Roads Congress to be held on Monday 6 June 2022.

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

Against: Nil

Absent: Nil

**5.2 FUNERALS AT BOTANIC GARDENS - POST EXHIBITION**

TRIM REFERENCE: 2022/418

**MOTION****Cr K Duffy/Cr T Mileto**

That Council resolves:

- 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 the fee for the conduct of funeral services at the Orange Botanic Gardens be confirmed at \$300 excluding GST.
- 4 That a trial period be undertaken until the end of May 2023

**AMENDMENT****Cr J Whitton/Cr T Greenhalgh**

That Council resolves:

- 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 the fee for the conduct of funeral services at the Orange Botanic Gardens be confirmed at \$300 excluding GST.

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

Against: Cr J Hamling, Cr G Floyd, Cr K Duffy, Cr T Mileto

Absent: Nil

**THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION.****THE MOTION ON BEING PUT WAS CARRIED.****RESOLVED - 22/142****Cr J Whitton/Cr T Greenhalgh**

That Council resolves:

- 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 the fee for the conduct of funeral services at the Orange Botanic Gardens be confirmed at \$300 excluding GST.

For: Cr J Hamling, 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: Nil



Cr Kinghorne asked was there feedback that wasn't online and did we speak to the Friends of the Botanic Gardens (FOBG) group.

*The Director Community Recreation and Cultural Services stated yes consultation was had with the FOBG, there was opposition to the idea expressed by those members, we did receive written submissions by email for this proposal as well.*

Cr Kinghorne asked what the basis for FOBG objections was.

*The Director Community Recreation and Cultural Services stated they personally thought it was not appropriate to have funerals in an open space with coffins present.*

Cr Duffy asked why there was not a Submission Redactions report with the submissions listed for Councillor information.

*The Chief Executive Officer said that this practice was only necessary for Planning matters.*

Cr Floyd asked if there can there be delineated areas around funerals, what barricading would there be and the cost to Council.

*The Director Community Recreation and Cultural Services said the proposal would be that we delineate the area with signage and the area proposed is able to be sectioned off, to get to the area you would have to walk past those signs and you would have to choose to walk past or not, signage would be minimal cost, part of the fee would cover the cost of the preparation of the area and contribute to signage.*

Cr Floyd asked if you want to get into that area is it a conscious decision you make.

*The Director Community Recreation and Cultural Services said you would have to walk past signage, yes.*

### 5.3 TEMPORARY INDOOR WINTER PLAYGROUND UPDATE

TRIM REFERENCE: 2022/630

#### **RESOLVED - 22/143**

**Cr M McDonell/Cr T Greenhalgh**

That Council resolves:

- 1 That the report by the Chief Executive Officer be noted;
- 2 That Council endorse the use of the Indoor Tennis Centre as a temporary indoor playground for Winter 2022, subject to final negotiations with the Club;
- 3 That Council endorses the use of the Carl Sharpe Cricket Centre in the event that the Tennis Centre option is not acceptable to the Club.

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

Against: Nil

Absent: Nil

Cr Mileto asked if this would be funded by unused money from this year and how much is unused in this year's budget.

*The Chief Executive Officer said that he did not know the exact number but was confident that Council could find the funds for this operation.*

Cr Mileto asked if some of this money will carry over into next year's budget.

*The Chief Executive Officer said he would have to find a staff position that is not filled to find funds, and believed there was at least one unfilled position that could fund this operation.*

#### 5.4 PROJECT ACTIVITIES MAY 2022

TRIM REFERENCE: 2022/631

**RESOLVED - 22/144****Cr J Whitton/Cr J Evans**

That the information in the report on Projects be acknowledged.

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

Against: Nil

Absent: Nil

Cr Whitton asked what is Moulder Park, Rage Cage, on page 49 line 8.

*The Director Community Recreation and Cultural Services stated that this is a proprietary name, is a multi-sport product, think of a netball court perimeter fencing and within that there is multiple sports, across the court basketball, lengthwise soccer goals built into each end, netball court on another part, hit up area for tennis and handball.*

Cr McDonell asked if it is fenced and if it is locked.

*The Director Community Recreation and Cultural Services said no its not locked.*

*The Chief Executive Officer asked the Director Community Recreation and Cultural Services to tell Councillors about the Matthews Park Playground.*

*The Director Community Recreation and Cultural Services stated that after many delays through weather it is being completed now and due for completion at the end of this month, this is a FutureCities project, another playground in the centre of town.*

Cr Mileto asked with regards to projects moving forward to 22/23, drainage down the side of Jack Brabham 1 and 4 and 2 and 3 swamps on either side and is there any focus by Council to address that ongoing drainage issue which causes major problems every year.

*The Director Community Recreation and Cultural Services stated yes once the multi-fields are completed, drainage works will be undertaken as part of this, there will be some levelling and different height adjustment on those existing fields.*

Cr Mileto asked if that remediation would occur on the western side of Jack Brabham Park, where fields are flat which causes problems.

*The Director Community Recreation and Cultural Services said yes this is an issue that will be addressed, the irrigation in that north-western corner is the issue for that area, a circus there some years ago was the root of the problem and part of that remediation work is planned to be undertaken.*

**MATTER ARISING****Cr K Duffy**

Cr Duffy asked that Councillors be advised when works were going to be done on Rutherford Road.

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

Cr Whitton asked that Councillors be advised why there is a safety mat resting over electrical wires on a light pole on Jack Brabham Park.

Cr Kinghorne asked why Spring Hill oval is still in the planning stage on the project list, what does this mean, how does this work.

*The Director Community Recreation and Cultural Services stated that the Crown Land Trust received some funding for that project at the end of last year so it has been left on the project list as a job to be completed but Council are not proposing to fund it at this point. Council will assist the Trust on this project.*

Cr Evans asked about the water fountain in Robertson Park and what was the timeframe on this project.

*The Director Community Recreation and Cultural Services said that staff have a solution for the pump and functioning of the fountain itself, works have been commissioned and should not be too far away, the second stage restoration proposed for the fountain includes some identified works to restore the spire in the middle. These are significant (\$200K) plus repair works, it was inspected 2 weeks ago and staff will come back to Council with different options.*

**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 - 22/145****Cr J Whitton/Cr K Duffy**

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 Tender - Water Meter Readings 2022-2025**

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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7:55pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8:20pm.

**7 RESOLUTIONS FROM CLOSED MEETING**

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

**6.1 TENDER - WATER METER READINGS 2022-2025**

TRIM REFERENCE: 2022/602

**RESOLVED - 22/146****Cr K Duffy/Cr T Mileto**

- 1 That Council accepts the tender from Skilltech Consulting Services Pty Ltd to provide water meter reading services for a period of three years at the rate of \$2.57 per meter in residential and commercial locations and \$4.87 per meter in rural, village and industrial locations.
- 2 That permission be granted to use the Council Seal on any relevant document if required.

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

Against: Nil

Absent: Nil

**QUESTION TAKEN ON NOTICE****Cr F Kinghorne**

Cr Kinghorne asked that Councillors be advised how much will be saved by Council when Smart meters are installed.

**THE MEETING CLOSED AT 8:27PM.**

This is Page Number 160 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 3 May 2022.

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - FISHING AT SUMA PARK

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RECORD NUMBER: 2022/765

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 17 May 2022:

#### **MOTION**

**That Council staff provide a report for Councillor's consideration into the feasibility and impacts of fishing in Suma Park Dam if a jetty was constructed.**

#### **BACKGROUND**

During the Federal election campaign, a pledge to upgrade 100 fishing and camping facilities nationwide was announced. This was an extension of an existing recreational fishing and camping facilities program. I wish to investigate the possibility of Orange taking advantage of this program or a similar program that may occur in the future. Preparation in advance could assist with being successful.

Foreseeable complications would be the impact on water quality, although cattle currently drink and walk in the intake Summer Hill Creek. Access to Council owned land for the jetty would need to be considered. I am aware that some land does exist alongside Icely Road. I would be grateful to know of any potential additional costs borne by Council if the infrastructure was covered by a grant hence seeking a report.

Signed Cr Steven Peterson

#### **STAFF COMMENT**

If it is Council's wish, we can have staff prepare a full report for Council's consideration of this proposal, however, another option may be to explore what opportunities are available for funding the current unfunded Plans of Management for our two recreational dams of Gosling Creek and Lake Canobolas.

Considerations would be:

- Australian Drinking Water Guidelines principle that the "protection of water sources and treatment are of paramount importance and must never be compromised". Opening up the storage to public access may involve upgrades to the drinking water purification process at Icely Road Water Treatment Plant including ultraviolet light disinfection;
- The current Plan of Management (PoM) restricts public use of the site to protect water quality from pollutants, damage to infrastructure, protect public safety and reduce management costs. The PoM will need to be amended and include controls and infrastructure such as regular maintenance, rubbish collection, controlled access and amenities to minimise risk to water quality;

**4.1 Notice of Motion - Fishing at Suma Park**

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- The current Local Environmental Plan (LEP) land zoning is for water supply purposes and recreational use is not permissible under this zoning. The LEP will need to be amended in order to rezone the site to Public Recreation RE1. The surrounding private land is zoned E3 Environmental Management;
- Access and amenities to the site - while it is noted in the background commentary that there is access to the dam via Icely Road for a short strip, this is considered to be the upper reaches of the dam and does not always have year round access to water frontage. As such, this site is not recommended for access. A similar report to Council in 2019 on Spring Creek Dam estimated the cost of upgrading access and amenities inclusive of parking, roads, pathways, toilets, bins, etc... was in the order of \$1,500,000 and \$3,000,000.

**FINANCIAL IMPLICATIONS**

There are no financial implications for preparation of a report for Council consideration.

**POLICY AND GOVERNANCE IMPLICATIONS**

There are no policy and governance implications for preparation of a report for Council consideration.

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**4.2 NOTICE OF MOTION - INVESTIGATION OF ROAD SAFETY AND UPGRADES TO RACECOURSE ROAD**

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RECORD NUMBER: 2022/766

I, **CR JACK EVANS** wish to move the following Notice of Motion at the Council Meeting of 17 May 2022:

**MOTION**

That Council resolves to:

- 1 Be provided with a report of the current usage of Racecourse Road by pedestrians and vehicles.**
- 2 Be provided with a report of past incidences and fatalities on Racecourse Road.**
- 3 Conduct an investigation for proposed safety measures for both pedestrians and vehicles to be implemented between Woodward Street and the junction of Pinnacle and Canobolas Roads.**

**BACKGROUND**

A number of residents have raised concerns about the safety of Racecourse Road after incidents involving both singular vehicles and pedestrian fatalities. When using this road personally I note the speed at which vehicles travel particularly on the bend after Maple Avenue.

Residents have also raised concerns about pedestrian safety particularly of school children. As Chair of the Infrastructure Policy Committee, I believe Council should do its due diligence and investigate measures to increase safety on this road. Possible solutions could be a pedestrian crossing near Kenna Street, and speed humps at the top and bottom of the inclined bend – pending Technical Services investigation.

Signed Cr Jack Evans

**STAFF COMMENT**

Council staff are only aware of one complaint. A preferred option rather than jump to a solution for this road, that potentially doesn't solve the problem, is to interview the resident to get some more details and work up a solution for consideration through the traffic committee. Our Manager Engineering Services has commenced this process and reached out to the resident.

Council staff are only aware of two pedestrian accidents including one fatality back in 2010. Figure A below shows the location and type of crashes along racecourse road in the current 5 year crash period. There was a fatal pedestrian crash at the location denoted by a green pin on Figure A in 2010.

It is also worth noting that the site has been nominated by Council under the Safer Roads Programme (Blackspot) for a high friction seal along Racecourse Road. This if successfully funded will improve braking and stopping distances that would assist in addressing the head on accident, vehicle side swipe and running off the road incidents.



Figure A

### **FINANCIAL IMPLICATIONS**

There are no financial implications in either bringing a report back directly to Council or through the traffic committee.

### **POLICY AND GOVERNANCE IMPLICATIONS**

There are no policy or governance implications in either bringing a report back directly to Council or through the traffic committee.



## **5 GENERAL REPORTS**

### **5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

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RECORD NUMBER: 2022/773

AUTHOR: Janessa Constantine, Manager Corporate 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 Minutes of the Infrastructure Policy Committee at its meeting held on 3 May 2022 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 2 That the Minutes of the Finance Policy Committee at its meeting held on 3 May 2022 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 3 That the Minutes of the Services Policy Committee at its meeting held on 3 May 2022 be and are hereby confirmed as a true and accurate record of the proceedings.**

#### **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****Infrastructure Policy Committee**

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

**Finance Policy Committee**

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

**Services Policy Committee**

At the Services Policy Committee meeting held on 3 May 2022, all resolutions were made under delegation, and the minutes are presented for adoption.

**ATTACHMENTS**

- 1 Infrastructure Policy Committee Meeting Minutes 3 May 2022, 2022/735 [↓](#)
- 2 Finance Policy Committee Meeting Minutes 3 May 2022, 2022/736 [↓](#)
- 3 Services Policy Committee Meeting Minutes 3 May 2022, 2022/737 [↓](#)

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**ORANGE CITY COUNCIL**

**MINUTES OF THE**

**INFRASTRUCTURE POLICY COMMITTEE**

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

**ON 3 MAY 2022**

**COMMENCING AT 6.37PM**

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**1    INTRODUCTION**

**ATTENDANCE**

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

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

**APOLOGIES AND LEAVE OF ABSENCE**

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Nil

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

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Nil

**MINUTES OF INFRASTRUCTURE POLICY COMMITTEE****3 MAY 2022****2 COMMITTEE MINUTES****2.1 MINUTES OF THE CITY OF ORANGE TRAFFIC COMMITTEE MEETING - 12 APRIL 2022**

TRIM REFERENCE: 2022/536

**RESOLVED - 22/129****Cr K Duffy/Cr S Peterson**

- 1 That Council acknowledge the reports presented to the City of Orange Traffic Committee at its meeting held on 12 April 2022.
- 2 That Council determine recommendations 3.1, 3.2 and 3.3 from the minutes of the City of Orange Traffic Committee meeting of 12 April 2022.
  - 3.1 Orange Runners Club Hiney Road and Bargwanna Road 2022 Events  
That Council approve this event subject to a change in the Conditional Approval for the start and finish line for the Hiney Road event to be the eastern end of Hiney Road (Huntley Road) not Forest Road.
  - 3.2 Event – Orange Show – 14 May 2022
    - 1 That Council support the temporary reduction of the speed limit on Leeds Parade (Phillip to Margaret), Phillip Street (Leeds to Noreen) and Margaret Street (Leeds to Mirral) to 40 km/h during 14 May 2022.
    - 2 That Council support the temporary lifting of No Stopping restrictions for 300m on the railway side of Leeds Parade between Margaret Street and Phillip Street during 14 May 2022.
    - 3 That the costs of implementing these measures by Council staff be borne by the applicant.
  - 3.3 Definition of Prescribed Parking Angles – William Street (between March and Dalton Streets)  
That Council alter the parking angle prescription in William Street as shown in Figure A, between March Street and Dalton Street.
- 3 That the minutes of the City of Orange Traffic Committee at its meeting held on 12 April 2022 be adopted.

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

Against: Nil

Absent: Nil

**MINUTES OF INFRASTRUCTURE POLICY COMMITTEE****3 MAY 2022****3 GENERAL REPORTS****3.1 CURRENT WORKS**

TRIM REFERENCE: 2022/537

**RESOLVED - 22/130****Cr J Whitton/Cr D Mallard**

That the information provided in the report on Current Works be acknowledged.

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

Against: Nil

Absent: Nil

**MATTER ARISING****Cr K Duffy**

Cr Duffy requested that the following issues are addressed:

- 1 Narambla Place, Clifton Grove – Long grass requires mowing.
- 2 A cover for taxi stand on Moulder street (near the 41 units).
- 3 Wentworth Lane, near Wishharts, needs somewhere for a bus to pull over and drop passengers.

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

Cr Duffy requested that Councillors are advised of Council's policy on political placards erected on roadsides and around town.

**THE MEETING CLOSED AT 6.40PM.**

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## ORANGE CITY COUNCIL

### MINUTES OF THE

### FINANCE POLICY COMMITTEE

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

ON 3 MAY 2022

COMMENCING AT 6:40PM

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## 1 INTRODUCTION

### ATTENDANCE

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

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

### APOLOGIES AND LEAVE OF ABSENCE

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Nil

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

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Cr Power declared a Significant Pecuniary Interest in Item 2.2 as his catering company is providing catering for the Central West Women's Forum event in this application.

## 2 GENERAL REPORTS

### 2.1 REQUEST FOR FINANCIAL ASSISTANCE - SMALL DONATIONS PROGRAM ROUND 3 - 2021/2022 - ADDITIONAL INFORMATION REPORT

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TRIM REFERENCE: 2022/576

#### RESOLVED - 22/131

Cr G Floyd/Cr S Peterson

That Council resolves:

- 1 To consider the new information provided in this report regarding the Shake, Rattle and Roll application to allow the CEO to determine the amount to be funded under the Small Donations Program.

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

Against: Nil

Absent: Nil

## MINUTES OF FINANCE POLICY COMMITTEE

3 MAY 2022

**RESOLVED - 22/132****Cr G Floyd/Cr K Duffy**

That Council resolves:

- 2 To provide \$2,500 to the Orange Male Voice Choir to go towards the payment of honorariums to the Musical Director and Accompanist.

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 G Power

Against: Cr T Mileto, Cr S Peterson, Cr J Whitton

Absent: Nil

Cr Mileto asked with regards to the donation to the Orange Male Voice Choir, if the Director provide guidelines on whether honorariums can ask for a donation.

*The Director Corporate and Commercial Services stated this is not prohibited under the policy.*

Cr Mileto asked about a previous application from the local Cancer Council branch in regard to where donated monies from Council would go and whether the money would stay local (previous application in previous report to Council).

*The Director Corporate and Commercial Services stated the applicant could not specify where the money would go, but advised it was to the Cancer Council.*

*\*Cr Power left the Meeting with the time being 6:45pm\**

## 2.2 REQUEST FOR FINANCIAL ASSISTANCE - SMALL DONATIONS PROGRAM ROUND 4 - 2021/2022

TRIM REFERENCE: 2022/577

*Cr Power declared a Significant Pecuniary Interest in this item as his catering company is providing catering for the Central West Women's Forum event in this application, left the meeting and did not participate in discussion or voting on this item.*

**RESOLVED - 22/133****Cr D Mallard/Cr M McDonell**

That Council resolves:

- 1 That funding of \$2,000 be made from the Small Donations Program to Central West Women's Forum for the event "A Celebration of Australia's First Nation Culture".
- 2 That funding of \$1,500 be made from the Small Donations Program to the Young Leaders of Orange Summit (James Sheahan High School) in addition to previously agreed-to in-kind support.

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 J Whitton

Against: Nil

Absent: Cr G Power

**MINUTES OF FINANCE POLICY COMMITTEE****3 MAY 2022**

Cr Kinghorne stated the maximum donation for this category is \$2000, yet the applicant has applied for \$2,500 and asked if there anywhere on the form that tells them the maximum is \$2000.

*The Director Corporate and Commercial Services responded saying that this information is stipulated on the website and on the application form.*

Cr Kinghorne asked if the form requests evidence of the costs and if the applicants have to give evidence of costs.

*The Director Corporate and Commercial Services stated that applicants provide evidence on the application form and when Council acquits the funds, we confirm expenditure of the money and the costs it was spend on.*

*\*Cr Power returned to the Meeting with the time being 6:50pm\**

**2.3 REALLOCATION OF FINANCIAL ASSISTANCE ROUND 4 - LIVE AT YOURS**

TRIM REFERENCE: 2022/582

**RESOLVED - 22/134****Cr D Mallard/Cr J Evans**

That Council resolves to endorse the use of the previously approved funding for the March 2022 event for the forthcoming 'Live At Yours Orange 2022' event on 7 May 2022 at the Wesley Uniting Church, Bach to Bolling.

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

Against: Nil

Absent: Nil

**2.4 REALLOCATION OF FINANCIAL ASSISTANCE ROUND 4 - BANJO PATERSON FESTIVAL**

TRIM REFERENCE: 2022/676

**RESOLVED - 22/135****Cr G Floyd/Cr S Peterson**

That Council resolves to carry over the approved unused grant money of \$10,000 to fund the National Poetry Competition component of the 2023 Banjo Paterson Festival.

For: Cr J Hamling, Cr K Duffy, Cr T Greenhalgh, Cr F Kinghorne, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr J Evans, Cr G Floyd, Cr D Mallard, Cr T Mileto

Absent: Nil

Cr Mileto asked what would occur if there was a change in the way the event was conducted or if we have another situation where covid or another pandemic hits, why would we not ask the applicant to re-apply instead of carrying over the funds.

*The Director Corporate and Commercial Services stated that Council could amend the recommendation to suit, or not go with the recommendation.*



**MINUTES OF FINANCE POLICY COMMITTEE****3 MAY 2022**

Cr Power asked if the funds would be housed and then the applicant reapply or if the monies are lost.

*The Chief Executive Officer said Council does not give money unless they acquit it.*

Cr Greenhalgh asked if the applicant had received the money as yet.

*The Chief Executive Officer said no the applicant had not receive the money.*

**RESOLVED - 22/136****Cr K Duffy/Cr J Hamling**

That Council offer Orange Show Society \$5,000 for the hire of stables for the upcoming Orange Show and leave relevant authority to the CEO to approve the funding application when received.

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

Against: Nil

Absent: Nil

Cr McDonell asked what fund this money would come out of and if it is available.

*The Director Corporate and Commercial Services responded by saying that it would come out of the Events Sponsorship Grant Funding Program (quick response fund) which is for larger events where the opportunity for sponsorship falls outside approval timelines, there is money in this budget if you would like to allocate these monies.*

Cr McDonell asked if the Orange Show Society missed the deadline for applications.

*The Director Corporate and Commercial Services said yes as applications closed on 10 February 2022 for events to be held 1 April to 30 June 2022.*

Cr Greenhalgh asked what the nature of the misunderstanding was.

Cr Duffy responded by saying the Show was initially cancelled because of Covid, they came and saw Council but misunderstood that the close off had passed.

Cr Whitton asked what we are going to do next year, what is the long term strategy for stables as this issue has been around for years and whether Council was going to get fair dinkum about supporting the Orange Show as caretaker of Crown Land.

*The Chief Executive Officer said that Council has to work closer with this new Society going forward and that there are not any strategies or plans currently in place, there is work to do and we now own the Showground.*

Cr Evans asked the Director if this information was in front of you like any other application, would you recommend it.

*The Director Corporate and Commercial Services said yes it does meet the criteria of this Program and it was established exactly for reasons like this.*

**THE MEETING CLOSED AT 7:00PM**

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## ORANGE CITY COUNCIL

### MINUTES OF THE

### SERVICES POLICY COMMITTEE

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

ON 3 MAY 2022

COMMENCING AT 7:00PM

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## 1 INTRODUCTION

### ATTENDANCE

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

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

### APOLOGIES AND LEAVE OF ABSENCE

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Nil

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

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Nil

## 2 COMMITTEE MINUTES

### 2.1 MINUTES OF THE NAIDOC WEEK COMMUNITY COMMITTEE HELD 7 APRIL 2022

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TRIM REFERENCE: 2022/591

#### RESOLVED - 22/137

Cr J Hamling/Cr J Whitton

- 1 That Council acknowledge the reports presented to the NAIDOC Week Community Committee NAIDOC Week Community Committee at its meeting held on 7 April 2022.
- 2 That the minutes of the NAIDOC Week Community Committee at its meeting held on 7 April 2022 be adopted.

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

Against: Nil

Absent: Nil

**THE MEETING CLOSED AT 7:01PM.**

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**5.2 UPDATE ON OUTSTANDING AND COMPLETED RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE, MATTERS ARISING AND NOTICES OF MOTION**

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RECORD NUMBER: 2022/820

AUTHOR: Janessa Constantine, Manager Corporate Governance

**EXECUTIVE SUMMARY**

A list of updates on outstanding resolutions, questions taken on notice, matters arising and notices of motion is provided together for the information of Council. Only matters requiring action to be taken are noted in this report, including outstanding items from the previous Council term. A report is also provided to Council on those Actions completed since the report was last provided to Council at the end of the previous Council term. After items are reported in the Completed Actions Report, items are removed from this listing, however, are available for administrative purposes.

**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**

**That the information provided in the report by the Manager Corporate Governance on Outstanding and Completed Resolutions, Questions Taken on Notice, Matters Arising and Notices of Motion be acknowledged.**

**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**

Attached is a listing of tasks requiring action or follow up by Council staff. This list identifies progress on decisions of Council, including Notices of Motion, Questions Taken on Notice and Matters Arising. Upon completion, items will be noted as such and removed after production to Council.

**ATTACHMENTS**

- 1 Outstanding Resolutions Report as of 9 May 2022, D22/26770 [↓](#)
- 2 Completed Actions Report 5 April to 9 May 2022, D22/26798 [↓](#)

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Meeting and Date	Resolution	Action Taken	
Council 2/02/2021	<b>RESOLVED - 21/028</b> <b>Cr S Nugent/Cr R Kidd</b> 1 That Council investigate options for additional promotion of the Botanic Gardens and Adventure Playground precinct as a premier rest stop for travellers on the Northern Distributor. 2 That Council prepare a report on options for the triangular block of land to the west of the new Hill Street extension including the possibility of further tree plantings with the aim of enhancing and complementing the Botanic Gardens and Adventure Playground precinct.	To be finalised.	
Council 2/03/2021	<b>RESOLVED - 21/063</b> <b>Cr J Whitton/Cr R Kidd</b> That Council; 1 Create community awareness location maps of existing Automated External Defibrillators (AEDs). That the report by the Manager of Corporate and Community Relations be acknowledged. 2 Investigate a location app for AEDs 3 Arrange community promotion to have businesses and other groups locate AED in their business or facilities for community access. 4 Investigate funding opportunities to assist in placing AEDs in strategic locations where there are zero AEDs nearby / community high use location in the accessible areas.	AED devices installed at Riawena, Sir Jack Brabham Park and Waratah's Sports Club thanks to successful grant application in 2021.  Promoted existing sites via social media. Investigated location app for AEDs, however not funded under current budget and there are already apps that can be downloaded and used.	
Infrastructure Policy Committee 4/05/2021	<b>RESOLVED - 21/130</b> <b>Cr R Kidd/Cr K Duffy</b> That staff review the need for traffic lights on Bathurst Road between the Wellness Centre on Allenby Road and Glenroi Avenue intersections and the need for the existing traffic lights in front of Kinross Wolaroi School.	Investigations underway.	
Services Policy Committee 1/06/2021	<b>RESOLVED - 21/170</b> <b>Cr R Kidd/Cr J Hamling</b> 1 That Council develop plans and obtain detailed cost estimates for the establishment of a Native regeneration zone and walking / cycling trails on the eastern portion of the Lot 101 DP 1224248 as identified in 2019 Concept Masterplan; 2 Council make application for participation in the Emissions Reduction Fund. 3 A report on the outcome be provided to Council.	Investigation and options being developed for report to Council.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 15/06/2021	<b>MATTER ARISING</b> Cr Munro asked that staff investigate options to secure the storm water drain in Matthews Park to make it safer for visitors to the park.	<b>Cr S Munro</b>	On design register for design then costing then budget allocation – due 29 June 2022	
Council 27/07/2021	<b>RESOLVED - 21/261</b> That Council resolves: 1 To proceed with the sale and development of 103 Prince Street, Orange in accordance with the terms in this report. 2 That permission be granted to affix the Council Seal on any relevant documentation.	<b>Cr J Hamling/Cr K Duffy</b>	Contract for sale entered with Maas Construction	
Infrastructure Policy Committee 3/08/2021	<b>MATTER ARISING</b> Cr Kidd asked that street lights be considered for the Cargo Road and Borrodell Drive as the intersection is very dark at night and not easily seen.	<b>Cr R Kidd</b>	Matter to be investigated.	
Environmental Sustainability Policy Committee 3/08/2021	<b>MATTER ARISING</b> Cr Mileto requested that signage be placed at Gosling Creek to identify Leash Free areas and Dog Free areas including explanations of why the areas are marked as such.	<b>Cr T Mileto</b>	To be finalised.	
Employment and Economic Development Policy Committee 3/08/2021	<b>MATTER ARISING</b> Cr Kidd requested that Council Communications staff provide information to the community and businesses in relation to the NBN Co's Fibre to Premises in the city.	<b>Cr R Kidd</b>	Information provided to businesses through Economic Development community Committee briefing by NBN and referral to NBN website for detailed information and resources.	
Infrastructure Policy Committee 3/08/2021	<b>QUESTION TAKEN ON NOTICE</b> Cr Hamling asked why the funding for the intersection at Lake Canobolas had lapsed.	<b>Cr J Hamling</b>	Matter to be investigated.	
Council 17/08/2021	<b>RESOLVED - 21/280</b> That Council resolves: 1 That Orange City Council consult with appropriate organisations to investigate the commissioning and installation of a bronze statue as a tribute to families who have lost family members in the service of their Country. 2 That a report on findings be brought back to Council.	<b>Cr G Taylor/Cr J Whitton</b>	Information being sought.	
Planning and Development Committee 7/09/2021	<b>MATTER ARISING</b> Cr Duffy requested a copy of the letter that Cr Kidd is writing to the Minister for Planning regarding DA 423/2019(2) – 643 Mitchell Highway be provided to Councillors.	<b>Cr K Duffy</b>	To be finalised.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 21/09/2021	<b>RESOLVED - 21/327</b> That a report be brought to Council on the feasibility and costing of installing solar lighting along the full length of Wirrabarra Walk.	<b>Cr J Hamling/Cr S Nugent</b>	Investigation occurring.	
Sport and Recreation Policy Committee 5/10/2021	<b>RESOLVED - 21/361</b> That Council provide a donation for the annual management and maintenance of Orange Waratahs Sporting Club sporting fields for \$104,668 for the 2021/22 financial year being the 2020/21 amount of \$100,855 indexed for the current year by annual inflation to 30 June 2021 of 3.8 per cent.	<b>Cr R Kidd/Cr S Munro</b>	To be finalised.	
Council 5/10/2021	<b>MATTER ARISING</b> That the figures for 103 Prince Street be confirmed to Councillors including Council's profit on this property.	<b>Cr K Duffy</b>	Contracts entered into as per report tabled to Council.	
Council 5/10/2021	<b>MATTER ARISING</b> That a report be brought to Council detailing water usage data/statistics on usage around this time of year in comparison to previous years.	<b>Cr T Mileto</b>	Report to be finalised and presented to Council.	
Council 19/10/2021	<b>MATTER ARISING</b> That the Transport Road Network – Term in Review be altered accordingly and circulated to media outlets for publication to the community.	<b>Cr J Whitton</b>	Works delivered by Council regularly provided to media outlets and posted on OCC website.	
Council 19/10/2021	<b>RESOLVED - 21/393</b> That Council resolves: 1 To acquire an easement for water and sewer over Lot 22 DP756899 for construction of the Lake Canobolas to Orange Water and Sewer Pipeline in accordance with the details and recommendation outlined in this report. 2 To delegate to the Chief Executive Office such authority as may be necessary or convenient to give effect to this resolution, including without limitation, the affixing of the seal of the Council on any document if required.	<b>Cr S Munro/Cr R Turner</b>	Finalising terms of the Agreement for Acquisition of the Easement and Construction Access Licence.	
Council 19/10/2021	<b>RESOLVED - 21/378</b> Mayoral Minute: Sculpture Park. that Orange City Council develop a sculpture park in Orange.	<b>Cr R Kidd/Cr S Nugent</b>	Matter to be investigated.	
Council 19/10/2021	<b>RESOLVED - 21/380</b> That staff investigate the stocking of stormwater harvesting wetlands with appropriate fish species including trout, silver perch and golden perch in line with NSW regulations.	<b>Cr S Romano/Cr K Duffy</b>	Report underway, to be finalised.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 2/11/2021	<b>RESOLVED - 21/396</b> Mayoral Minute - Interactive Mural Eastern Wall of Civic Centre <b>Cr R Kidd/Cr J Hamling</b>	Gallery Director to prepare report.	
Planning and Development Committee 2/11/2021	<b>RESOLVED - 21/402</b> <b>Cr J Hamling/Cr S Nugent</b> 1 That Council advise the proponent of the need for the Planning Proposal to retain the Urban Release Area designation pending preparation and adoption of the following documents that must address the matters raised in this report to the satisfaction of Council: <ul style="list-style-type: none"> <li>• A site specific Development Control Plan incorporating the matters in the attached Rosedale Gardens DCP scope of works required document, and</li> <li>• A site specific Development Contributions Plan or inclusion within a review of the LGA wide contributions plan</li> </ul> 2 That staff forward the Planning Proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination, with the recommendation that: <ul style="list-style-type: none"> <li>• The Planning Proposal be required to retain the current Urban Release Area designation,</li> <li>• The steepest portions of the site, being areas with a slope exceeding 20%, be added to Schedule 5 of SEPP (Exempt and Complying Development Codes) to reduce the risk of landslip potential arising from inappropriate development, and</li> <li>• Council requests any Gateway Determination confirm the preferred mechanism for capping the site at 700 residential lots (excluding any lots created for non-residential purposes, such as open space dedications and the like).</li> <li>• Should the Gateway seek substantive changes to the proposal that Council be provided the opportunity to further review and consider such changes before proceeding further.</li> </ul> 3 That upon receipt of a Gateway Determination staff proceed with any relevant conditions, consultations and exhibitions required before reporting the matter back to Council.	Applicant working through gateway determination conditions prior to agency consultation.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 16/11/2021	<b>RESOLVED - 21/452</b> <b>Cr S Munro/Cr S Nugent</b> That Council resolves funding for Round 2 (September 2021) Future City Assistance Fund as follows. That Council resolves: <ol style="list-style-type: none"> <li>1 To provide financial assistance of \$1,805.00 (ex-GST) from the Future City Assistance Fund to the Greek Community of Orange and District (Refurbishment of Façade – 46 McNamara Street, Orange).</li> <li>2 To provide financial assistance of \$5,000.00 (ex GST) from the Future City Assistance Fund to 2nd Orange Scout Club (Refurbishment of Façade – 94 Kite Street, Orange).</li> </ol>	Funding provided once works are complete and invoiced received.	
Council 16/11/2021	<b>RESOLVED - 21/446</b> <b>Cr R Kidd/Cr T Mileto</b> That the matter of referendum on number of Orange City Councillors be put to the new council for consideration.	Report to be provided to Councillors during current Council term.	
Council 15/02/2022	<b>RESOLVED - 22/033</b> <b>Cr K Duffy/Cr D Mallard</b> That Council resolves to: <ol style="list-style-type: none"> <li>1 Approve the establishment of a new Line-Marking Services Panel under the Council's Purchasing Policy;</li> <li>2 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Avante Linemarking, Central West Linemarking, Complete Linemarking Services and Oz Linemarking for linemarking services as part of the Panel;</li> <li>3 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.</li> </ol>	Letter of acceptance sent	
Environmental Sustainability Policy Committee 3/03/2022	<b>MATTER ARISING</b> <b>Cr K Duffy</b> That Council write to the Deputy Premier and Local and State Members expressing Council's dissatisfaction with this proposed benchmarking of domestic waste management charges.	To be finalised.	
Infrastructure Policy Committee 3/03/2022	<b>MATTER ARISING</b> <b>Cr J Whitton</b> That staff be congratulated on the works being done in Orange with new footpaths. Council has worked hard for a long time to get this work through, they are a big issue and good to see the work moving forward. A thank you to all staff involved.	Thank you passed onto staff.	



## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 15/03/2022	<b>RESOLVED - 22/070</b> That Council: c) Does not approve \$1,276.50 in sponsorship to the Yu-Gi-Oh! WCQ Regional Qualifiers	<b>Cr K Duffy/Cr J Whitton</b> Council Staff contacted event organiser and will provide paper to Council with further information.	
Council 15/03/2022	<b>RESOLVED - 22/076</b> That Council: 3) approves the reallocation of previously donated funds for the Orange Regional Malayalee Association	<b>Cr M McDonell/Cr D Mallard</b> Reallocated and will be paid once invoice is received for future event.	
Council 15/03/2022	<b>QUESTION TAKEN ON NOTICE</b> 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.	<b>Cr T Mileto</b> Investigations undertaken. Request provided by email as event could not go ahead as planned.	
Council 15/03/2022	<b>RESOLVED - 22/054</b> 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.	<b>Cr K Duffy/Cr S Peterson</b> Letter to be written.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 15/03/2022	<b>RESOLVED - 22/069</b> That Council: b) Approves \$1,000 in sponsorship to the City of Orange Veterans Week of Golf Tournament <b>Cr M McDonell/Cr D Mallard</b>	Paid when invoice is received.	
Council 15/03/2022	<b>RESOLVED - 22/068</b> That Council: (a) Does not approve \$4,000 in sponsorship to the Wangarang Charity Golf Challenge <b>Cr M McDonell/Cr T Greenhalgh</b>	Council staff following up with event organiser to provide same opportunity as given to the Yu-Gi-Oh! WCQ Regional Qualifiers. Paper with additional information will be provided to Council for consideration.	
Council 15/03/2022	<b>RESOLVED - 22/079</b> 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. <b>Cr K Duffy/Cr T Mileto</b>	Currently in Due Diligence period as per EOI. Information provided to purchaser. Contract of sale being drafted.	
Council 5/04/2022	<b>RESOLVED - 22/111</b> 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. <b>Cr T Mileto/Cr J Hamling</b>	Matter proceeding as per resolution.	
Council 5/04/2022	<b>RESOLVED - 22/091</b> 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. <b>Cr J Whitton/Cr T Mileto</b>	Progressing formation of working party. Briefing By Australian Defence Forces attended by Manager Economic Development.	
Council 19/04/2022	<b>QUESTION TAKEN ON NOTICE</b> Cr Peterson requested information to be provided as to Council care services for the Community and whether this is something profit making, cost neutral or out of pocket for Council and in competition with other care service providers. <b>Cr S Peterson</b>	Report to be prepared.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 19/04/2022	<b>QUESTION TAKEN ON NOTICE</b> Cr Peterson requested that information be provided to understand the process behind how the benchmarking of Council fees is undertaken and possible pressure on increases to rates.	<b>Cr S Peterson</b>	Report to be prepared.	
Council 19/04/2022	<b>QUESTION TAKEN ON NOTICE</b> Cr Peterson requested information on the capacity for the long stay options for the caravan park and the capacity to expand the long stay availability.	<b>Cr S Peterson</b>	The caravan park currently accommodates seven permanent residents. Previous resolution made by Council to not allow any new permanent residents at the caravan park. Cabins are predominantly utilised by contract workers, which frees up the housing market for residential leases.	
Council 19/04/2022	<b>QUESTION TAKEN ON NOTICE</b> Cr Mileto asked for information to be provided to Council on how many pensioners take advantage of the rebates.	<b>Cr T Mileto</b>	Report to be finalised.	
Council 19/04/2022	<b>QUESTION TAKEN ON NOTICE</b> Cr Greenhalgh requested a report be provided to Council on the current status of Grant Funding including what is currently being applied for and what funding works is underway.	<b>Cr T Greenhalgh</b>	Report is being drafted.	
Council 19/04/2022	<b>RESOLVED - 22/127</b> That Council resolves: 1 That subject to agreement on contractual clauses and in accordance with the proposal outlined within the body of this report that Council accept the offer by the MAAS Group for The Construction of the Southern Feeder Road Stage 4 and Shiralee Collector Road Stage 5 – F3718. 2 That the common seal of Council be approved for use on documents associated with this contract. 3 That Council continue its application under the Regional Housing Fund Grant to pursue the required funding to complete the Shiralee Road Stage 5 construction. 4 That subject to grant funding not becoming available Council fund the Shiralee Road Stage 5 shortfall through internal reserves as detailed in recommendation 5 below. 5 That Council authorise the use of internal reserves up to an amount of \$7m (to be repaid from developer contributions and general fund over 10 years) to cover section 7.11 contributions not yet realised and possible shortfall grant funding.	<b>Cr K Duffy/Cr J Whitton</b>	Progressing as per Council's resolution.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 19/04/2022	<b>RESOLVED - 22/116</b> <b>Cr J Whitton/Cr D Mallard</b> That Council resolves: 1 To place on public exhibition for a minimum of 28 days the following documents: <ul style="list-style-type: none"> <li>• Draft Community Strategic Plan</li> <li>• Draft Delivery Program 2022/2023 to 2025/2026</li> <li>• Draft Operational Plan 2022/2023</li> <li>• Draft Budget 2022/2023</li> <li>• Draft Fees and Charges 2022/2023</li> <li>• Draft Long Term Financial Plan 2022/2023 to 2031/2032</li> <li>• Workforce Management Strategy 2022/2023 to 2026/2027</li> <li>• Asset Management Strategy 2023-2042</li> </ul> 2 To adopt Strategic Policy ST009 – Revenue and Pricing and Strategic Policy and ST007 – Asset Management which have not had any changes since their last adoption.	CSP and documents on Exhibition with final date for comment being 19 May 2022.	
Council 19/04/2022	<b>RESOLVED - 22/114</b> <b>Cr G Floyd/Cr J Hamling</b> That Council resolves: 1 To engage willing NRL clubs with the prospect of initiating a long-term association with the City of Orange. 2 To seek to formalise such a relationship for the purposes of maximising the potential of the future Orange Sports Precinct in attracting high profile sporting fixtures, benefiting tourist visitation, spend and local entertainment. 3 To include in any such arrangement that any NRL club affiliated with the City of Orange provide coaching clinics and sports development opportunities for local schools and sporting organisations, and player meet-and-greet opportunities. 4 To consider in the selection of any prospective NRL club affiliation, the club's relationship to Orange, local fan-base and the club's proximity to Orange. 5 To report to the Chamber on the progress of this endeavour, all meetings and aspects of negotiations undertaken, and time frames relating to any proposal or agreement. 6 That staff conduct similar discussions with all sporting codes.	To be finalised.	
Council 19/04/2022	<b>RESOLVED - 22/120</b> <b>Cr K Duffy/Cr D Mallard</b> That Council apply for a permanent Additional Special Variation of 2.5 per cent for 2022/23 under Section 508(2) of the Local Government Act 1993 to ensure Council's ongoing financial sustainability.	Application made.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 19/04/2022	<b>RESOLVED - 22/125</b> <b>Cr J Whitton/Cr T Greenhalgh</b> That Council resolves to: <ol style="list-style-type: none"> <li>1 Gain consent from the daughters of the late Glenn Taylor to the renaming of the Northern Distributor Road (NDR) to Glenn Taylor Way; and</li> <li>2 Seek comment for a 28 day period to rename the NDR to Glenn Taylor Way as per Clause 7 of the Road Regulations 2018.</li> </ol>	Proposal placed on public exhibition with last day for comment being 19 May 2022, a report will be returned to Council when complete.	
Council 19/04/2022	<b>RESOLVED - 22/121</b> <b>Cr K Duffy/Cr J Hamling</b> That Council resolves to approve the amended fees and charges for the Carl Sharpe Cricket Centre including the fee for Orange District Cricket Association and Orange District Junior Cricket Association be charged a hire fee of \$10/player for 2022/23.	Noted.	
Infrastructure Policy Committee 3/05/2022	<b>QUESTION TAKEN ON NOTICE</b> <b>Cr K Duffy</b> Cr Duffy requested that Councillors are advised of Council's policy on political placards erected on roadsides and around town.	Information to be distributed.	
Finance Policy Committee 3/05/2022	<b>RESOLVED - 22/131</b> <b>Cr G Floyd/Cr S Peterson</b> That Council resolves: <ol style="list-style-type: none"> <li>1 To consider the new information provided in this report regarding the Shake, Rattle and Roll application to allow the CEO to determine the amount to be funded under the Small Donations Program.</li> </ol>	Information considered and grant approved.	
Infrastructure Policy Committee 3/05/2022	<b>RESOLVED - 22/129</b> <b>Cr K Duffy/Cr S Peterson</b> <ol style="list-style-type: none"> <li>1 That Council acknowledge the reports presented to the City of Orange Traffic Committee at its meeting held on 12 April 2022.</li> <li>2 That Council determine recommendations 3.1, 3.2 and 3.3 from the minutes of the City of Orange Traffic Committee meeting of 12 April 2022.               <ol style="list-style-type: none"> <li>3.1 Orange Runners Club Hiney Road and Bargwanna Road 2022 Events That Council approve this event subject to a change in the Conditional Approval for the start and finish line for the Hiney Road event to be the eastern end of Hiney Road (Huntley Road) not Forest Road.</li> <li>3.2 Event – Orange Show – 14 May 2022:</li> </ol> </li> </ol>	Progressing as per Council's resolution.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

	<ol style="list-style-type: none"> <li>1 That Council support the temporary reduction of the speed limit on Leeds Parade (Phillip to Margaret), Phillip Street (Leeds to Noreen) and Margaret Street (Leeds to Mirral) to 40 km/h during 14 May 2022.</li> <li>2 That Council support the temporary lifting of No Stopping restrictions for 300m on the railway side of Leeds Parade between Margaret Street and Phillip Street during 14 May 2022.</li> <li>3 That the costs of implementing these measures by Council staff be borne by the applicant.</li> </ol> <p>3.3 Definition of Prescribed Parking Angles – William Street (between March and Dalton Streets) That Council alter the parking angle prescription in William Street as shown in Figure A, between March Street and Dalton Street.</p> <ol style="list-style-type: none"> <li>2 That the minutes of the City of Orange Traffic Committee at its meeting held on 12 April 2022 be adopted.</li> </ol>		
Infrastructure Policy Committee 3/05/2022	<p><b>MATTER ARISING</b> <span style="float: right;"><b>Cr K Duffy</b></span> Cr Duffy requested that the following issues are addressed:</p> <ol style="list-style-type: none"> <li>1 Narambla Place, Clifton Grove – Long grass requires mowing.</li> <li>2 A cover for taxi stand on Moulder street (near the 41 units).</li> <li>3 Wentworth Lane, near Wishharts, needs somewhere for a bus to pull over and drop passengers.</li> </ol>	CRM entered 06/05/22 ref #271480 for the long grass to be addressed.	
Finance Policy Committee 3/05/2022	<p><b>RESOLVED - 22/133</b> <span style="float: right;"><b>Cr D Mallard/Cr M McDonell</b></span> That Council resolves:</p> <ol style="list-style-type: none"> <li>1 That funding of \$2,000 be made from the Small Donations Program to Central West Women's Forum for the event "A Celebration of Australia's First Nation Culture".</li> <li>2 That funding of \$1,500 be made from the Small Donations Program to the Young Leaders of Orange Summit (James Sheahan High School) in addition to previously agreed-to in-kind support.</li> </ol>	Successful grant applicants being informed of funding and will be paid on receipt of invoice.	
Finance Policy Committee 3/05/2022	<p><b>RESOLVED - 22/132</b> <span style="float: right;"><b>Cr G Floyd/Cr K Duffy</b></span> That Council resolves:</p> <ol style="list-style-type: none"> <li>2 To provide \$2,500 to the Orange Male Voice Choir to go towards the payment of honorariums to the Musical Director and Accompanist.</li> </ol>		

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Finance Policy Committee 3/05/2022	<b>RESOLVED - 22/136</b> That Council offer Orange Show Society \$5,000 for the hire of stables for the upcoming Orange Show and leave relevant authority to the CEO to approve the funding application when received.	<b>Cr K Duffy/Cr J Hamling</b> Director CCS contacted Show Society to inform them of approved funding. Funds will be paid on receipt of invoice.	
Finance Policy Committee 3/05/2022	<b>RESOLVED - 22/134</b> That Council resolves to endorse the use of the previously approved funding for the March 2022 event for the forthcoming 'Live At Yours Orange 2022' event on 7 May 2022 at the Wesley Uniting Church, Bach to Bolling.	<b>Cr D Mallard/Cr J Evans</b> Progressing as per Council Resolution.	
Finance Policy Committee 3/05/2022	<b>RESOLVED - 22/135</b> That Council resolves to carry over the approved unused grant money of \$10,000 to fund the National Poetry Competition component of the 2023 Banjo Paterson Festival.	<b>Cr G Floyd/Cr S Peterson</b> Banjo Patterson Festival to be advised of reallocation of grant monies to 2023 Festival.	
Council 3/05/2022	<b>QUESTION TAKEN ON NOTICE</b> Cr Kinghorne asked that Councillors be advised how much will be saved by Council when Smart meters are installed.	<b>Cr F Kinghorne</b>	
Council 3/05/2022	<b>RESOLVED - 22/140</b> That Council resolves: 1 To engage with the Orange Community through online and face to face consultations on the Future use of the Orange Function Centre. 2 That after community feedback is received from consultation, Council draft a Master Plan for the Orange Function Centre to be placed on public exhibition for 28 days. 3 That Council be updated on the history of notable works and upgrades of the Orange Function Centre to date. 4 That Council be provided with information about any proposed upgrades and costings.	<b>Cr T Greenhalgh/Cr K Duffy</b> Request and information sent to Comms team to place on public exhibition.	

## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 3/05/2022	<b>RESOLVED - 22/142</b> <b>Cr J Whitton/Cr T Greenhalgh</b> That Council resolves: <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3 That the fee for the conduct of funeral services at the Orange Botanic Gardens be confirmed at \$300 excluding GST.</li> </ol>		
Council 3/05/2022	<b>RESOLVED - 22/138</b> <b>Cr S Peterson/Cr K Duffy</b> That Council resolves: <ol style="list-style-type: none"> <li>1 That Council's website and social media keep a publicly available updated diary of community committee meeting dates, times and locations.</li> <li>2 That periodically information is sent out via social media to encourage community attendance.</li> </ol>	Updating current website page to communicate Community Committee meeting dates, times and locations. Incorporated into communications calendar to publicise on social media.	
Council 3/05/2022	<b>RESOLVED - 22/139</b> <b>Cr J Whitton/Cr K Duffy</b> That Council seek community suggestions for names of prominent historical people with strong links to Orange whose names could be considered for the names of new roads and streets.	Request and information sent to communications team to place on public exhibition.	
Council 3/05/2022	<b>RESOLVED - 22/143</b> <b>Cr M McDonell/Cr T Greenhalgh</b> That Council resolves: <ol style="list-style-type: none"> <li>1 That the report by the Chief Executive Officer be noted;</li> <li>2 that Council endorse the use of the Indoor Tennis centre as a temporary indoor playground for Winter 2022, subject to final negotiations with the Club;</li> <li>3 That Council endorses the use of the Carl Sharpe Cricket Centre in the event that the Tennis Centre option is not acceptable to the Club.</li> </ol>	Noted.	
Council 3/05/2022	<b>MATTER ARISING</b> <b>Cr K Duffy</b> Cr Duffy asked that Councillors be advised when works were going to be done on Rutherford Road.	Noted.	
Council 3/05/2022	<b>MATTER ARISING</b> <b>Cr J Whitton</b> Cr Whitton asked that Councillors be advised why there is a safety mat resting over electrical wires on a light pole on Jack Brabham Park.		



## OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Council 3/05/2022	<b>RESOLVED - 22/146</b> 1 That Council accepts the tender from Skilltech Consulting Services Pty Ltd to provide water meter reading services for a period of three years at the rate of \$2.57 per meter in residential and commercial locations and \$4.87 per meter in rural, village and industrial locations. 2 That permission be granted to use the Council Seal on any relevant document if required.	<b>Cr K Duffy/Cr T Mileto</b> Progressing as per Council Resolution.	
Council 3/05/2022	<b>MATTER ARISING</b> Cr Mileto requested that Councillors be provided with the report that was put to Council on the future options of the Function Centre.	<b>Cr T Mileto</b> Report to be drafted.	

## COMPLETED ACTIONS REGISTER AS AT TUESDAY, 10 MAY 2022

Meeting /Date	Resolution	Action Taken	
Infrastructure Policy Committee 3/03/2022	<b>RESOLVED - 22/037</b> <b>Cr M McDonell/Cr T Greenhalgh</b> 1 That Council acknowledge the reports presented to the City of Orange Traffic Committee at its electronic meeting held on 18 February 2022. 2 That Council determine recommendation 2.1 from the minutes of the electronic meeting of the City of Orange Traffic Committee meeting of 18 February 2022. 2.1 That Council approve the bus zone time changes, as per Figure 1 of this report, apart from Coronation Drive outside of Orange High School (as this is no longer a bus zone). 3 That the remainder of the minutes of the City of Orange Traffic Committee at its meeting held on 18 February 2022 be adopted.	Completed.	
Council 5/04/2022	<b>RESOLVED - 22/110</b> <b>Cr T Mileto/Cr J Whitton</b> That the information in this report be acknowledged.	Noted.	
Council 5/04/2022	<b>RESOLVED - 22/098</b> <b>Cr J Whitton/Cr D Mallard</b> 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.	Booking has been cancelled by St John Ambulance.	
Council 5/04/2022	<b>RESOLVED - 22/111</b> <b>Cr T Mileto/Cr J Hamling</b> 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.	Matter proceeding as per resolution of Council.	
Council 5/04/2022	<b>RESOLVED - 22/090</b> <b>Cr G Floyd/Cr F Kinghorne</b> 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.	Noted.	
Council 5/04/2022	<b>RESOLVED - 22/089</b> <b>Cr J Whitton/Cr D Mallard</b>	Noted.	

## COMPLETED ACTIONS REGISTER AS AT TUESDAY, 10 MAY 2022

	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.		
Council 5/04/2022	<b>RESOLVED - 22/097</b> <b>Cr M McDonell/Cr J Whitton</b> That Council <ol style="list-style-type: none"> <li>1. Secure a site for the operation of an indoor recreation facility for the period of 1 May 2022 to 30 August 2022;</li> <li>2. Council secure the rental of indoor play equipment for the operation of the indoor recreation facility; and</li> <li>3. Council conduct an expression of interest process for the operation of the indoor recreation facility.</li> </ol>	Report seeking endorsement of location delivered to Council 3 May 2022.	
Council 5/04/2022	<b>RESOLVED - 22/093</b> <b>Cr J Whitton/Cr M McDonell</b> 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.	Councillors registered.	
Council 5/04/2022	<b>RESOLVED - 22/092</b> <b>Cr J Whitton/Cr M McDonell</b> <ol style="list-style-type: none"> <li>1. That the resolutions made by the Planning and Development Committee at its meeting held on 3 March 2022 be noted.</li> <li>2. That the resolutions made by the Infrastructure Policy Committee at its meeting held on 3 March 2022 be noted.</li> <li>3. That the resolutions made by the Environmental Sustainability Policy Committee at its meeting held on 3 March 2022 be noted.</li> <li>4. That the resolutions made by the Finance Policy Committee at its meeting held on 3 March 2022 be noted.</li> </ol>	Noted.	
Council 5/04/2022	<b>RESOLVED - 22/094</b> <b>Cr M McDonell/Cr J Whitton</b> 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.	Councillors registered.	

## COMPLETED ACTIONS REGISTER AS AT TUESDAY, 10 MAY 2022

Council 5/04/2022	<b>RESOLVED - 22/096</b> That Council resolves to extend the Tourism Services Contract provided by TDO Ltd trading as Orange360 for six months until 31 December 2022.	<b>Cr J Whitton/Cr D Mallard</b> Orange360 advised of Council's intent to extend the Tourism Services Contract to 31 December 2022. Letter of agreement has been forwarded to Orange360 for signature.	
Council 5/04/2022	<b>RESOLVED - 22/095</b> That Council resolves that Councillors Power, Mileto and Evans attend the Destination & Visitor Economy Conference 2022 to be held 17 – 19 May, 2022.	<b>Cr D Mallard/Cr G Power</b> Councillors registered.	
Council 19/04/2022	<b>RESOLVED - 22/113</b> That the Minutes of the Ordinary Meeting of Orange City Council held on 5 April 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 5 April 2022.	<b>Cr D Mallard/Cr S Peterson</b> Confirmed minutes published on website.	
Council 19/04/2022	<b>RESOLVED - 22/112</b> That Council prepare a report for Council to consider the matter of Financial Assistance – Event Sponsorship – Yu-Gi-Oh! WCQ Regional Qualifiers.	<b>Cr T Mileto/Cr J Hamling</b> Report in Council Business Papers for 17 May 2022.	
Council 19/04/2022	<b>RESOLVED - 22/122</b> That Council resolves to: 1 Note the report summary responding to Councillor enquiries about the impact of Benchmarking and capping Domestic Waste Management Charges; and 2 Endorse the draft submission to IPART, responding to the draft recommendations report objecting to benchmarking and capping domestic waste management charges however, the provision of clear and unambiguous pricing principles are supported and should be included within the NSW Office of Local Government Council Rating and Revenue Raising Manual as this will provide sufficient guidance to all Councils when setting Domestic Waste Management charges to arrive at costs that provide services that result in best value for ratepayers.	<b>Cr D Mallard/Cr M McDonell</b> Submission issued to IPART on 28 April 2022	

## COMPLETED ACTIONS REGISTER AS AT TUESDAY, 10 MAY 2022

Council 19/04/2022	<b>RESOLVED - 22/115</b> <b>Cr J Whitton/Cr M McDonell</b> 1 That the Minutes of the Planning and Development Committee at its meeting held on 5 April 2022 be and are hereby confirmed as a true and accurate record of the proceedings. Noting Cr Kinghorne did not vote on item 2.2 as she declared an interest, left the chamber and did not participate in the discussion or voting on this item. 2 That the Minutes of the Infrastructure Policy Committee at its meeting held on 5 April 2022 be and are hereby confirmed as a true and accurate record of the proceedings. 3 That the Minutes of the Finance Policy Committee at its meeting held on 5 April 2022 be and are hereby confirmed as a true and accurate record of the proceedings.	Confirmed minutes published on website.	
Council 19/04/2022	<b>RESOLVED - 22/118</b> <b>Cr M McDonell/Cr T Greenhalgh</b> That Council make superannuation payments to Councillors in accordance with the NSW Office of Local Government Circular 22-04.	Superannuation nomination forms have been provided for distribution to the Councillors, these are required to be returned to Financial Services by 30 June 2022 to enable action from the end of July 2022	
Infrastructure Policy Committee 3/05/2022	<b>MATTER ARISING</b> <b>Cr K Duffy</b> Cr Duffy requested that the following issues are addressed: 1 Narambla Place, Clifton Grove – Long grass requires mowing. 2 A cover for taxi stand on Moulder street (near the 41 units). 3 Wentworth Lane, near Wishharts, needs somewhere for a bus to pull over and drop passengers.	CRM entered for the grass to be attended to.	
Services Policy Committee 3/05/2022	<b>RESOLVED - 22/137</b> <b>Cr J Hamling/Cr J Whitton</b> 1 That Council acknowledge the reports presented to the NAIDOC Week Community Committee NAIDOC Week Community Committee at its meeting held on 7 April 2022. 2 That the minutes of the NAIDOC Week Community Committee at its meeting held on 7 April 2022 be adopted.	Noted and minutes adopted.	
Council 3/05/2022	<b>RESOLVED - 22/141</b> <b>Cr J Whitton/Cr J Evans</b> That Councillors J Evans and K Duffy attend the NSW Local Roads Congress to be held on Monday 6 June, 2022.	Councillors registered.	

## COMPLETED ACTIONS REGISTER AS AT TUESDAY, 10 MAY 2022

Council 3/05/2022	<b>RESOLVED - 22/128</b> That the Minutes of the Ordinary Meeting of Orange City Council held on 19 April 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 19 April 2022.	<b>Cr J Whitton/Cr S Peterson</b> Confirmed minutes published to website.	

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**5.3 REQUEST FOR FINANCIAL ASSISTANCE - EVENT SPONSORSHIP ROUND 3 & 4 - 1  
JANUARY 2022 TO 30 JUNE 2022 - FUNDING EVENTS RETROSPECTIVELY.**

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RECORD NUMBER: 2022/680

AUTHOR: Kristina Gottschall-Finkel, Grants Officer

**EXECUTIVE SUMMARY**

The purpose of this report is to provide additional information for Council's consideration in respect of two funding submissions previously considered by Council on 15 March 2022.

This report was requested by Council in response to the personal representation made to Council by Nicholas Drage (DR Gaming Pty Ltd) on 19 April 2022 concerning his unsuccessful application for event sponsorship. Given the similar circumstances concerning a submission from Wangarang Industries Ltd further information has been sought from that applicant as well and included in this report.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "11.2 Prosper - Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all".

**FINANCIAL IMPLICATIONS**

\$4,000 in sponsorship to the Wangarang Charity Golf Challenge (Round 3) and \$1,276.50 to the Yu-Gi-Oh! WCQ Regional Qualifiers (Round 3). The allocated budget for the Sponsored Events program is \$100,000.00 for the 2021/22 Financial Year with remaining budget to fund these two grant applications.

Applications are assessed in accordance with Strategic Policy ST144 – Events Sponsorship Policy.

**RECOMMENDATION**

**That Council resolves:**

- 1 That the additional information provided in this report concerning two submissions in Round 3 of Council's Events Sponsorship fund for the Yu-Gi-Oh! WCQ Regional Qualifiers and Wangarang Golf Challenge is noted.**
- 2 To make a decision on the provision of funding to Nicholas Drage (DR Gaming Pty Ltd and Wangarang Industries Ltd based on this information.**

### 5.3 Request for Financial Assistance - Event Sponsorship Round 3 & 4 - 1 January 2022 to 30 June 2022 - Funding Events Retrospectively.

#### FURTHER CONSIDERATIONS

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

Financial	The maximum available funding for Rounds 3 and 4 is \$41,938.20. Council may choose to spend less than this amount or the amount requested if they think it is appropriate.	
Reputation	Failure to adequately respond to the community applying for funding assistance, especially when reviews have been requested by applicants, can potentially cause reputational damage to Council, and damage relationships with stakeholders.	

#### SUPPORTING INFORMATION

A report was submitted to Council on 15 March 2022 titled 'Request for Financial Assistance - Event Sponsorship Rounds 3 & 4 - 1 January 2022' (Record Number 2022/283). It should be noted that contrary to standard practice, Round Three and Round Four submissions were presented in the same report because of Council being in caretaker mode from the period 5 November 2021 to 1 February 2022.

The report detailed five submissions seeking financial support from the Council's Event Sponsorship program:

1. \$4,000 in sponsorship to the Wangarang Charity Golf Challenge (Round 3).
2. \$1,000 to the City of Orange Veterans Week of Golf Tournament (Round 3).
3. \$1,276.50 to the Yu-Gi-Oh! WCQ Regional Qualifiers (Round 3).
4. \$2,000 to 'Live at Yours' (Round 4).
5. \$5,500 to Housing Plus' White Tie Ball (Round 4).

The report also noted that the events for which funding submissions were made to Round Three had occurred prior to Council receiving due to Council being in caretaker mode because of the delayed Local Government elections.

Officer recommendations in relation to the five submissions were as follows:

1. \$4,000 to the Wangarang Charity Golf Challenge – **Not recommended.**
2. \$1,000 to the City of Orange Veterans Week of Golf Tournament – **Not recommended.**
3. \$1,276.50 to the Yu-Gi-Oh! WCQ Regional Qualifiers – **Not recommended.**
4. \$2,000 to 'Live at Yours' – **Recommended.**
5. \$5,500 to Housing Plus' White Tie Ball – **Recommended.**

At the meeting on 15 March 2022 Council resolved to accept the officer recommendations in relation to submissions one, three, four and five (as listed above), but amended the recommendation in relation to submission two to approve \$1,000 in sponsorship.

Following the representation made to the Council by Nicholas Drage at the Council Meeting on 19 April 2022 in respect of submission three Council resolved that 'a report be prepared for Council to consider the matter of Financial Assistance – Event Sponsorship – Yu-Gi-Oh? WCQ Regional Qualifiers' (Resolution 22/112).



### 5.3 Request for Financial Assistance - Event Sponsorship Round 3 & 4 - 1 January 2022 to 30 June 2022 - Funding Events Retrospectively.

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**Yu-Gi-Oh application** – DR Gaming Pty Ltd applied for \$1,276.50 under the ‘Incubator Event Fund’ funding stream. This funding stream provides seed funding for events in their 1<sup>st</sup> or 2<sup>nd</sup> year, to assist them get up and running. Eligibility criteria includes:

- Sound organisational planning
- Unique alignment with regional character and culture of O360 regional tourism objectives
- Demonstrates broad appeal, likely to promote tourism and attract overnight visitation
- Demonstrated strong event marketing
- Demonstrated strong support and partnerships
- Support of Orange City Council

(The full criteria for this funding stream is on page four of the ‘2022-2023 Event Sponsorship Program Guidelines’ found at [https://www.orange.nsw.gov.au/wp-content/uploads/2022/05/EventsSponsorshipProgram\\_Guidelines\\_2022\\_23\\_v3.pdf](https://www.orange.nsw.gov.au/wp-content/uploads/2022/05/EventsSponsorshipProgram_Guidelines_2022_23_v3.pdf))

The applicant assumed attendance of approx. 150 in their application and estimated that 75% of players would travel to Orange from outside the region, all of whom could potentially support the local hospitality sector. Recent/post-event information provided to Council officers indicates that 66 people registered for the event, of whom 48 were from outside the Orange region. The event organiser stated that several players who were expected to register did not, due to Covid restrictions.

Wangarang Industries was also approached to provide additional information to ensure the same opportunity was given to Wangarang as given to DR Gaming Pty Ltd.

**Wangarang Charity Golf Challenge** – Wangarang Industries Ltd applied for under the ‘Flagship Event Fund’ funding stream. This funding stream ‘identifies and assists the development of events that contribute to the Orange360 tourism region and can demonstrate they attract overnight visitation’ (OCC ‘2022-2023 Event Sponsorship Program Guidelines’). Eligibility criteria includes:

- The event must have a well-developed marketing plan, delivering audience growth
- The event must attract over 1,000 attendees
- Demonstrate an economic impact to the region of more than \$150,000
- Demonstrate engagement with the local tourism industry, driving visitation

(The full criterion can be found on page five of the ‘2022-2023 Event Sponsorship Program Guidelines’ at the link above)

The applicant has provided the following additional information. This year was the 12<sup>th</sup> year the Challenge has been run, and the applicant estimated that approx. 150 people would attend. Whilst most players are from Orange (businesses), many players travel to Orange for the event, often bringing their families with them. Information provided to the Council during the preparation of this report indicates that circa 160 players participated in the Challenge, of whom 35% were from outside the Orange region. According to the organisers all visitors to Orange had booked two nights’ accommodation. 25% of the players had family and friends with them, resulting in 295 visitors in total (as per estimates from the organisers).



**5.4 QUARTERLY BUDGET REVIEW AND PROGRESS REPORT - QUARTER 3 OF 2021/2022**

RECORD NUMBER: 2022/757

AUTHOR: Pat McDonald, Acting Chief Financial Officer

**EXECUTIVE SUMMARY**

This report provides the third quarter review of the 2019-2022 Delivery/Operational Plan, as required under section 403 of the Local Government Act 1993. This report illustrates the progress Council is making on the strategies and tasks identified in its strategic planning documents.

This report also provides a summary of Council's financial position over the quarter. The Directions (Collaborate, Live, Prosper, Preserve) financial summary tables with the attached Performance Indicators and quarterly review documents have been reviewed and updated and include projects across all three funds (General, Water and Sewer).

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

The Quarterly Review has identified favourable variations totalling \$1,394,220 to Council's adopted December 2021 quarterly budget. The effect of these variations results in Council's projected overall year-end consolidated position improving slightly to a smaller deficit of \$1,086,528 including capital.

Table 1 below presents Council's projected year-end result by Direction as identified in the Community Strategic Plan and the Delivery/Operational Plan. It is important to note that all red bracketed numbers in Tables 1-3 below indicate a surplus result for Council.

Direction	Adopted Budget	Proposed Variations	Proposed Budget
Collaborate	(24,502,966)	(116,374)	(24,619,340)
Live	18,589,078	555,455	19,144,533
Prosper	(3,191,605)	89,548	(3,102,057)
Preserve	11,586,241	(1,922,849)	9,663,392
<b>Total</b>	<b>2,480,748</b>	<b>(1,394,220)</b>	<b>1,086,528</b>

Table 1: Projected year-end position by Direction

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

Table 2 presents Council's projected year-end result by Fund, showing Cost to Council (which includes capital expenditure, capital income and funding).

Fund	Adopted Budget	Proposed Variations	Proposed Budget
General	4,739,929	64,780	4,804,709
Water	(910,204)	(1,449,000)	(2,359,204)
Sewer	(1,348,977)	(10,000)	(1,358,977)
<b>Total</b>	<b>2,480,748</b>	<b>(1,394,220)</b>	<b>1,086,528</b>

Table 2: Projected year-end position by Fund

Table 3 presents Council's projected year-end Operating Result (before capital) by Fund.

Fund	Adopted Budget	Proposed Variations	Proposed Budget
General	3,495,471	1,515,000	5,010,471
Water	(66,617)	(535,000)	(601,617)
Sewer	(1,257,235)	90,000	(1,167,235)
<b>Total</b>	<b>2,171,619</b>	<b>1,070,000</b>	<b>3,241,619</b>

Table 3: Projected year-end operating result by Fund

### Material changes to budget in the March quarterly review

Further information on the individual variations proposed as part of this review, which have a material effect on Council's financial results, is detailed in Tables 4 to 9 below.

While there are a number of minor variations detailed in the Tables, the significant contributors to the overall net variation are the deferment of water meter replacements, CBD water mains realignment and renewal not occurring, Sewer mains relining not occurring, and an increase in depreciation costs as a result of asset revaluations.

General Fund Operating Result			
	Adopted December Quarter Budget 21/22 General Fund deficit operating result		\$3,495,471
ADD	Operation expenditure moved to fund Pound Capital work	(\$50,000)	
			\$3,445,471
LESS	Reallocation of Investment income to water fund	\$295,000	
	Depreciation change for revalued assets	\$1,270,000	
	<b>Closing General Fund deficit operating result</b>		<b>\$5,010,471</b>

Table 4: General Fund Operating Result

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

<b>General Fund Overall Cost to Council</b>		
	Adopted December Quarter Budget 21/22 General Fund overall cost to council deficit	\$4,739,929
ADD	Portion of footpath budget removed	(\$20,220)
	Fags grant R/A funding capital works	(\$210,000)
	Depreciation change for revalued assets	(\$1,270,000)
		\$3,239,709
LESS	Movement in general fund operating result	\$1,515,000
	Pound Capital works funded by reduction to operational expenditure	\$50,000
	<b>Closing General Fund overall cost to council deficit</b>	<b>\$4,804,709</b>

Table 5: General Fund Overall Cost to Council

<b>Water Fund Operating Result</b>		
	Adopted December Quarter Budget 21/22 Water Fund surplus operating result	(\$66,617)
ADD	Reallocation of Investment income to water fund from sewer and general funds	(\$385,000)
	Meter replacement deferred	(\$150,000)
LESS		
	<b>Closing Water Fund surplus operating result</b>	<b>(\$601,617)</b>

Table 6: Water Fund Operating Result

<b>Water Fund Overall Cost to Council</b>		
	Adopted December Quarter Budget 21/22 Water Fund overall cost to council surplus	(\$910,204)
ADD	Movement in water fund operating result	(\$535,000)
	CBD water main realignment removed	(\$600,000)
	Water mains renewal	(\$300,000)
	WTP Sormwater earthworks deferred	(\$30,000)
LESS	Macquarie pipeline pump repairs	\$16,000
	<b>Closing Water Fund overall cost to council surplus</b>	<b>(\$2,359,204)</b>

Table 7: Water Fund Overall Cost to Council

<b>Sewer Fund Operating Result</b>		
	Adopted December Budget 21/22 Sewer Fund surplus operating result	(\$1,257,235)
ADD		
LESS		
	Reallocation of Investment income to water fund	\$90,000
	<b>Closing Sewer Fund surplus operating result</b>	<b>(\$1,167,235)</b>

Table 8: Sewer Fund Operating Result

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

<b>Sewer Fund Overall Cost to Council</b>		
	Adopted December Budget 21/22 Sewer Fund overall cost to council surplus	(\$1,348,977)
ADD		
	Movement in sewer fund operating result	\$90,000
	Sewer mains relining removed	(\$100,000)
	<b>Closing Sewer Fund overall cost to council surplus</b>	<b>(\$1,358,977)</b>

Table 9: Sewer Fund Overall Cost to Council

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget for January 2022 to March 2022 be acknowledged.
- 2 The bank reconciliation statement be acknowledged.
- 3 To adopt favourable variations in the consolidated overall cost to council arising from the March 2022 quarterly review amounting to \$1,394,220.

**FURTHER CONSIDERATIONS**

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

Service Delivery	The Performance Indicators highlight progress in achieving the strategies and actions set by Council's Delivery/Operational Plan. The "traffic light" indicators show the status of each task. A green light indicates the task is on track. An amber light suggests some delay and a red light is provided to those tasks that are unable to be achieved. All tasks have a comment that indicates progress.
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**SUPPORTING INFORMATION****Highlights of the Quarter**

- The Orange Civic Theatre launch as a 27-show season to celebrate the return of live theatre to Orange. The season began with a home-grown production the Orange Theatre Company's Mamma Mia.
- The proposal to build a 100 km network of mountain bike trails on Mt Canobolas reached a new milestone with Orange City Council lodging the paper-work to seek State Government planning approval. After 12 months of investigation by a team of environmental consultants, archaeologists and track design experts, Council lodged the application with the Department of Industry Planning and Environment (DPIE) for the project to be considered as a State Significant Development (SSD).

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

- Ongoing labour shortages linked to the COVID pandemic left their mark on Orange City Council's weekly bin collections in January. Council's waste contractor JR Richards was experiencing the worst shortages of labour since the latest round of the pandemic began.
- Concerns about water security and affordable housing emerged as key issues in the first round of responses to Orange City Council's new draft Housing Strategy. There were more than 900 visits to the *YourSay Orange* site that was used to collect feedback about the draft Housing Strategy since it was launched last October. Two face-to-face community information sessions were also held on 9 February and 10 February.
- The latest of Orange City Council's *FutureCity* Public Art projects was completed. Sydney-based artist Liz Shreeve created a mural on the wall of the Woolworths supermarket building in Anson Street.
- The decision by the Western Regional Planning Panel to give planning approval for the proposed \$25 million sports precinct alongside Sir Jack Brabham Park was welcomed. The WRPP announced their decision in February after holding an earlier hearing in Orange. The next stage of on-site tree-removal work began in March.
- A team supported by Orange City Council took a warning about how to prevent elder abuse to local towns. The '*Older, Wiser, Safer*' regional roadshow conducted a tour of 13 central west towns.
- Orange City Council staged its annual discounted desexing program to reduce the number of unwanted kittens and stray cats in Orange. Pensioner concession card holders could have their cat desexed for \$66, which includes microchipping and registration if needed.
- The Council invited local residents to share what they love about the Robertson Park and what they want improved. Council is working with expert consultants, Betteridge Heritage and Tree Wise Men, to prepare conservation management documents to guide the future care and development of the park.

### Other Expenses

The format of the attached financial reports and the financial statements is prescribed. Council has requested details of the "Other Expenses" element in the statements given the value of this item. The additional information is provided in Table 10 below. As at the end of March 2022, actual expenses were below budget at 60 per cent of the annual budget.

Consolidated						
		Adopted Budget	Actuals	Balance	Proposed Variation	Revised Budget
	<b>Other Expenses</b>					
	Telephone Charges	361,433	157,998	203,435	0	361,433
	Insurance	1,264,094	968,861	295,233	0	1,264,094
	Donations	60,000	39,286	20,714	0	60,000
	Electricity Charges	3,798,041	2,178,859	1,619,182	35,000	3,833,041
	Gas Charges	306,130	167,000	139,130	0	306,130
	Mayor & Councillor Fees	359,290	232,576	126,714	0	359,290
	Computer Leases	306,112	116,802	189,310	0	306,112
	Other	211,804	144,848	66,956	0	211,804
	<b>Total Other Expenses</b>	<b>6,666,904</b>	<b>4,006,229</b>	<b>2,660,675</b>	<b>35,000</b>	<b>6,701,904</b>

Table 10: Details of other expenses

### Review of Income

Figure 1 below provides a snapshot of the split of Council's income against budget.

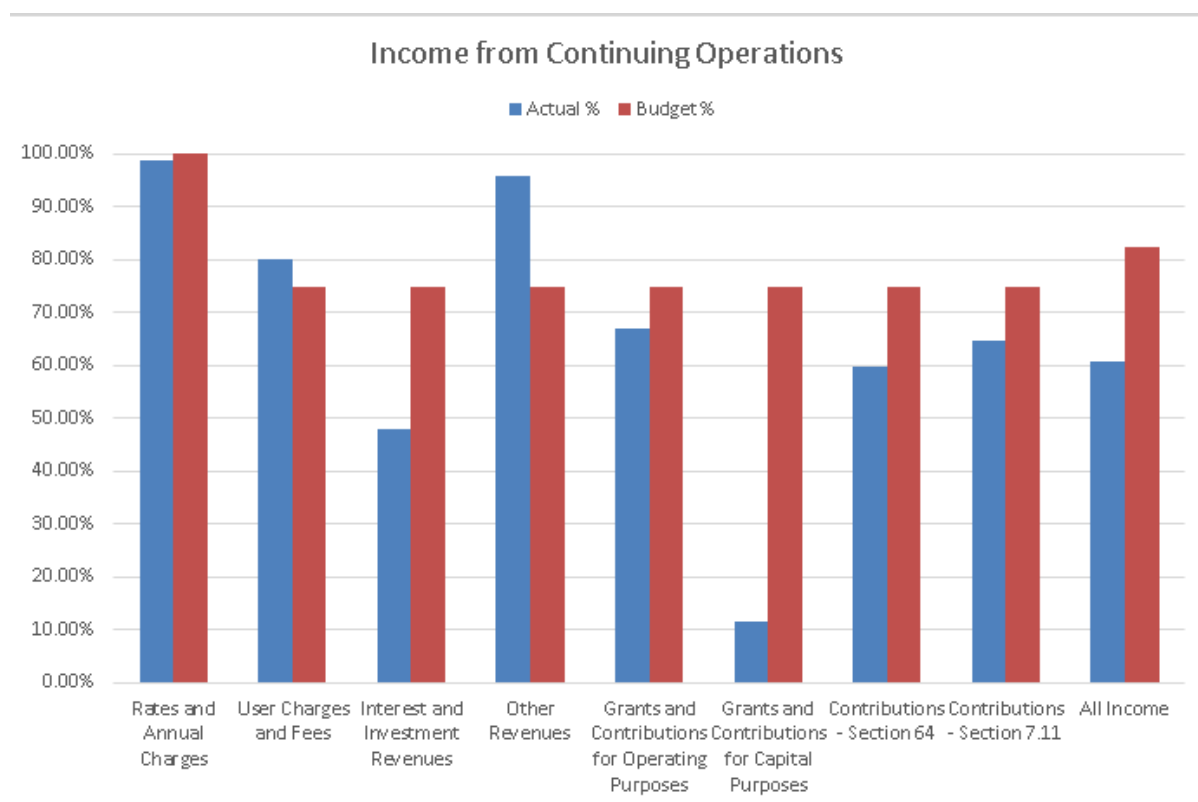


Figure 1: Council's income as a percentage of annual budget as at 31 March 2022

Income streams such as User Charges and Fees and Other Revenues are currently slightly above budget but generally their rate of receipt is consistent throughout the year.

As Council's annual rates are levied in July of each year, this income is almost fully recognised in the first quarter.

Other income streams are subject to external influences including interest rates, occurrences of development, or the success of grant applications. These income streams are routinely reviewed, and adjusted as appropriate, at each quarterly review.

On the assumption that all income is received at a constant consistent rate over the year, by the end of the March quarter 75 per cent should have been received. However, given the recognition of almost all rates and annual charges in the first quarter, approximately 83 per cent of revenue should have been received. The "all income" bar of Figure 1 shows progress is below this expected figure due mainly to the timing of interest due and capital grants and contributions not yet received.

### Rates and Charges Collection

For the quarter, a total of \$5.3 million (8.95 per cent) remained outstanding for rates and annual charges. For the purposes of comparison, for the same quarter last financial year 8.65 per cent of the amount payable remained outstanding.



## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

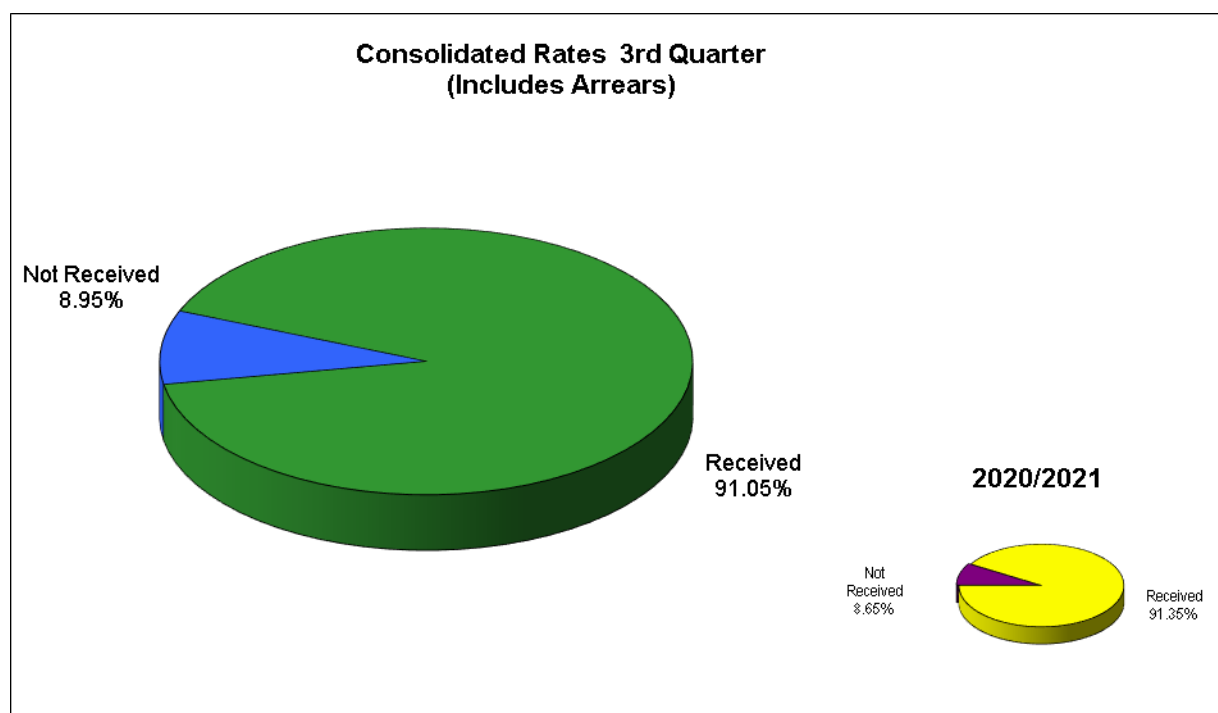


Figure 2: Outstanding rates Q3 2021/22 vs Q3 2020/21

### Review of Operating Expenditure

Figure 3 provides a snapshot of the progress of Council's operating expenditure.

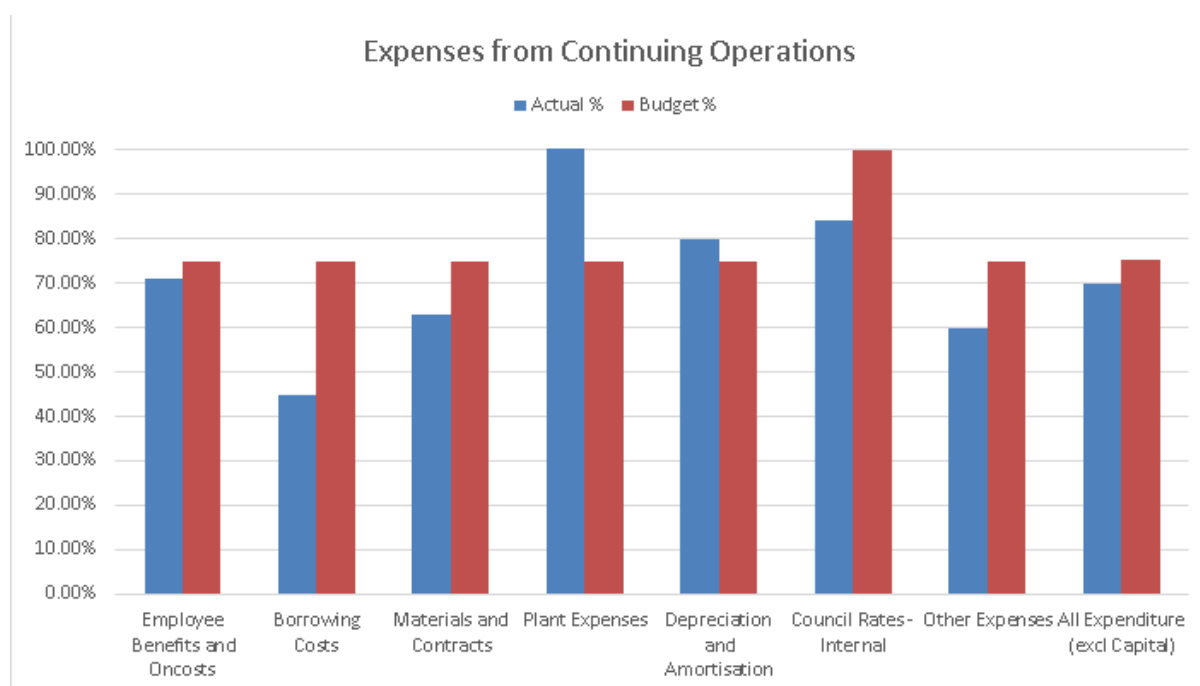


Figure 3: Details of Council's expenditure as a percentage of annual budget as at 31 March 2022

In general, Council's routine operational expenses should be incurred at a consistent rate. These include expense groupings such as Employee Costs, Materials and Contracts, Plant Expenses, Depreciation and Other Expenses. As presented in Figure 3 above, most of these expense groups are slightly below budget.

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

Council rates for Council-owned properties are paid in full at the start of the year, however these are a minor component of overall expenses.

On the assumption that all expenses are incurred at a constant consistent rate over the year, by the end of the March quarter 75 per cent should have been paid out. The “all expenditure” bar of Figure 3 shows performance is better than budget.

### Review of Capital Expenditure

Figures 4 to 6 below provide a snapshot of the progress of Council’s capital expenditure against budget by fund. It is important to note that some projects have to await confirmation of grants being secured before being able to proceed.

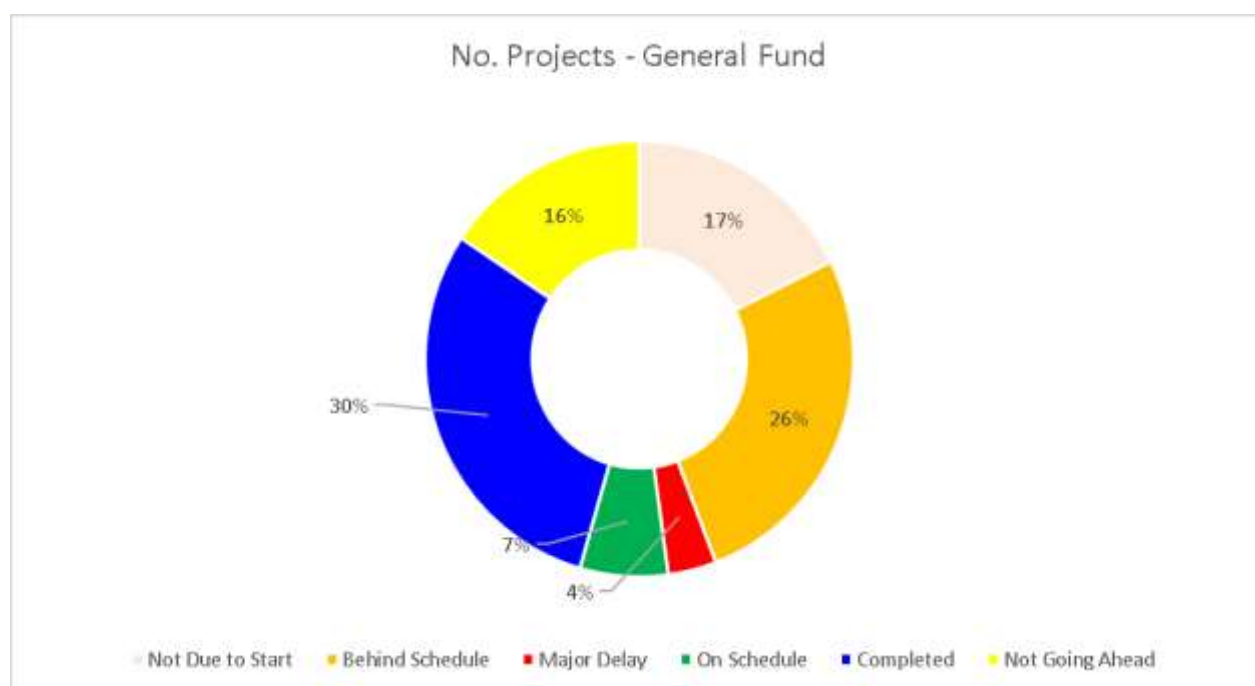


Figure 4: General Fund Capital Projects – Progress by number of projects as at 31 March 2022

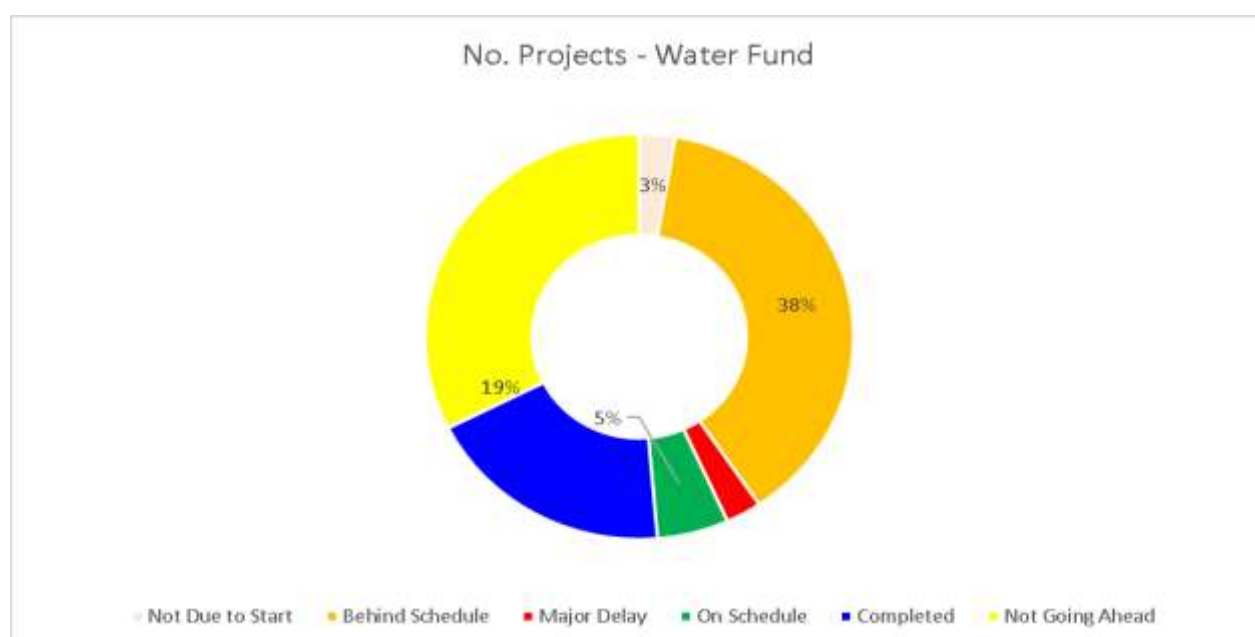


Figure 5: Water Fund Capital Projects – Progress by number of projects as at 31 March 2022

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

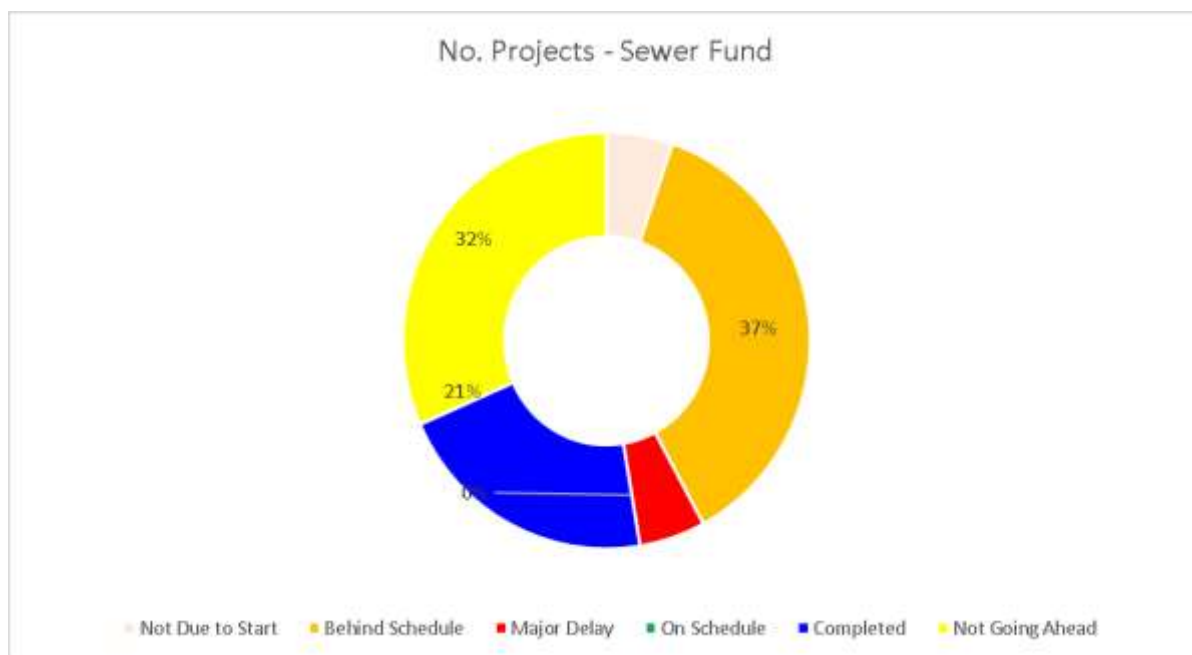


Figure 6: Sewer Fund Capital Projects – Progress by number of projects as at 31 March 2022

### Financial Performance Indicators

Figures 7 to 9 below represent financial performance against local government industry indicators from the annual financial statements. The charts compare annualised actual performance from 2020/21 against the original 2021/22 budget, the Q1 revised 2021/22 budget and the proposed Q2 revised 2021/22 budget.

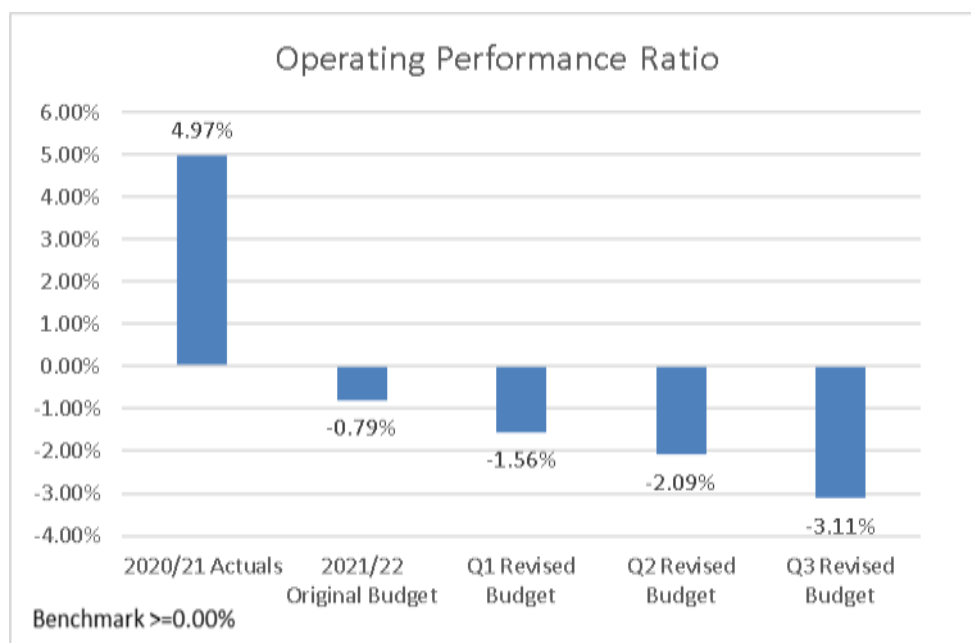


Figure 7: Operating performance ratio

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

The purpose of the operating performance ratio is to measure the extent to which Council succeeds in containing operating expenditure within operating revenue (excluding capital grants and contributions). The formula is as follows:

$$\frac{\text{(Total continuing operations revenue excluding capital grants and contributions minus operating expenses)}}{\text{divided by (Total continuing operations revenue excluding capital grants and contributions)}}$$

The performance to date indicates Council is tracking below the benchmark due mainly to the forecast operating deficit for the 2021/22 year when compared to the operating surplus achieved in 2020/21.

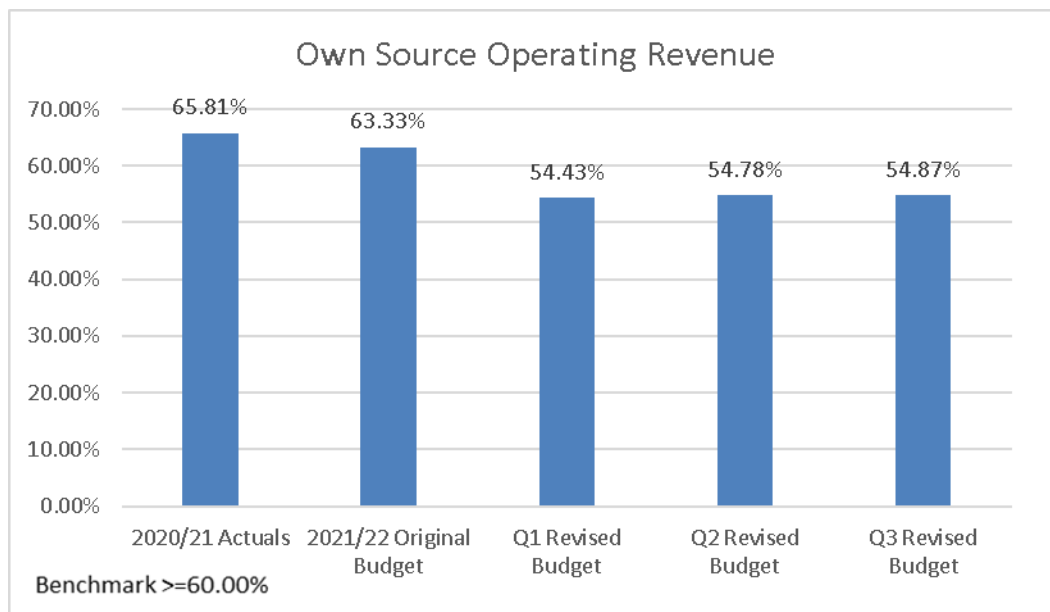


Figure 8: Own source operating revenue ratio

The purpose of the own source operating revenue ratio is to measure fiscal flexibility by analysing the degree of reliance on external funding sources. The formula is as follows:

$$\frac{\text{(Total continuing operations revenue minus all grants and contributions)}}{\text{divided by (Total continuing operations revenue inclusive of all grants and contributions)}}$$

The performance to date indicates Council is below the benchmark, with a significant increase in the level of funding expected to come from capital grants and contributions for major projects in 2021/22.

## 5.4 Quarterly Budget Review and Progress Report - Quarter 3 of 2021/2022

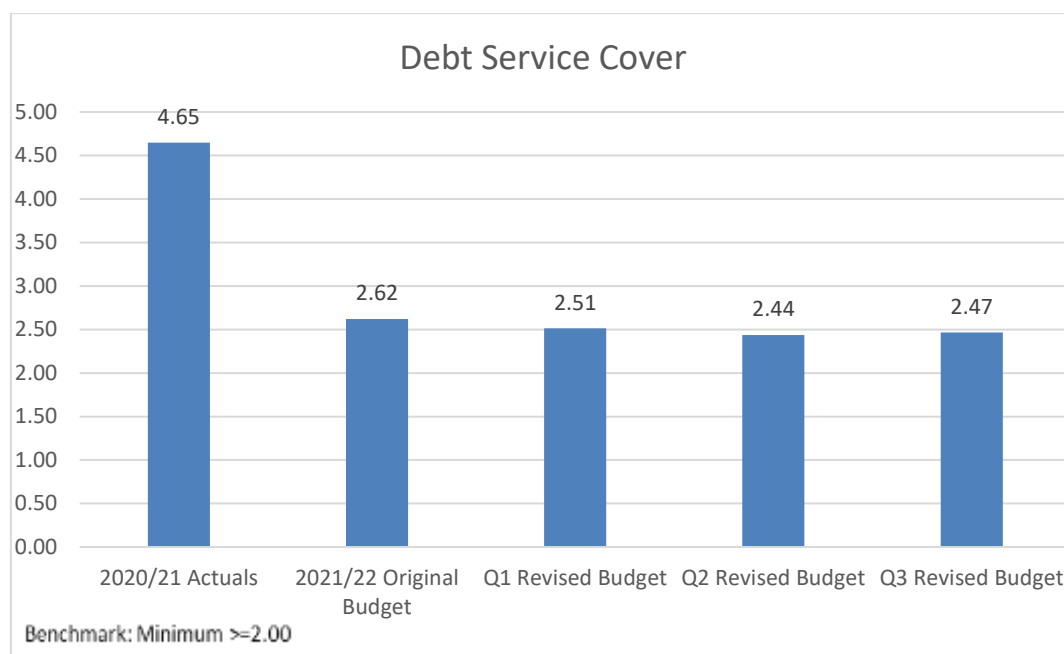


Figure 9: debt service cover ratio

The purpose of the debt service cover ratio is to measure the availability of operating cash to service debt including interest, principal and lease payments. The formula is as follows:

$$\frac{\text{(Operating results before capital excluding interest and depreciation)}}{\text{(Principal repayments from the cashflow statement plus borrowing costs from the income statement)}}$$

The performance to date indicates Council is tracking in advance of the benchmark. The budgeted performance is below the 2020/21 ratio due to the surplus operating result achieved in 2020/21 combined with lower loan repayments and interest than is forecast for 2021/22.

### Bank Reconciliation

In addition to the information presented in the report, the latest bank reconciliation report is attached for Council's information.

### Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021:

*As the Responsible Accounting Officer, it is my opinion that the Quarterly Budget Review Statement for Orange City Council for the quarter ended 31 March 2022 indicates that Council's projected financial position for 30 June 2022 will be satisfactory having regard to the project estimates of income and expenditure, and variations contained therein.*

*Pat McDonald, Responsible Accounting Officer*

### ATTACHMENTS

- 1 March 2022 Quarterly Bank Reconciliation, D22/26442 [📄](#)
- 2 Council Summary Report March Review, D22/26458 [📄](#)

**STATEMENT OF GENERAL FUND BANK BALANCES AS AT 31 MARCH 2022**

	<u>General</u>
Balance as per Cash Book (General Ledger) 31/03/22	3,714,194.89
Add - Unpresented Cheques	1,258.80
Less - Outstanding Deposits	-34,914.07
Add - Receipts/Payments to be Processed	329,717.65
Balance as at 31/03/22	<u>4,010,257.27</u>
Balance as per Bank Statement 31/03/22	<u>4,010,257.27</u>
Variance	<u>0.00</u>

<b>March Review</b>						
<b>Consolidated</b>						
		<b>Adopted Budget</b>	<b>Actuals as at 31/03/2022</b>	<b>Balance</b>	<b>Proposed Variation</b>	<b>Revised Budget</b>
<b>Income From Continuing Operations</b>						
	Rates and Annual Charges	(49,816,420)	(49,304,089)	(512,331)	0	(49,816,420)
	User Charges and Fees	(36,113,288)	(28,973,740)	(7,139,548)	0	(36,113,288)
	Interest and Investment Revenues	(2,168,124)	(1,041,581)	(1,126,543)	0	(2,168,124)
	Other Revenues	(5,355,929)	(5,165,989)	(189,940)	(29,000)	(5,384,929)
	Oncost recovery	(68,454)	0	(68,454)	0	(68,454)
	Grants and Contributions for Operating Purposes	(10,608,377)	(7,094,946)	(3,513,431)	0	(10,608,377)
	Grants and Contributions for Capital Purposes	(61,804,943)	(7,026,269)	(54,778,674)	248,792	(61,556,151)
	Contributions - Section 64	(2,627,078)	(1,571,985)	(1,055,093)	0	(2,627,078)
	Contributions - Section 94	(2,160,179)	(1,394,233)	(765,946)	0	(2,160,179)
	Net Gains from the Sale of Assets	0	(1,892,703)	1,892,703	0	0
	<b>Total Income from Continuing Operations</b>	<b>(170,722,792)</b>	<b>(103,465,536)</b>	<b>(67,257,256)</b>	<b>219,792</b>	<b>(170,503,000)</b>
<b>Expenses from Continuing Operations</b>						
	Employee Benefits and Oncosts	43,275,583	30,822,629	12,452,954	(10,000)	43,265,583
	Borrowing Costs	1,388,119	621,983	766,136	0	1,388,119
	Materials and Contracts	33,181,019	20,745,719	12,435,300	(161,000)	33,020,019
	Plant Expenses	1,378,790	1,620,619	(241,829)	0	1,378,790
	Depreciation and Amortisation	18,654,762	15,897,633	2,757,129	1,270,000	19,924,762
	Council Rates - Internal	1,052,854	885,334	167,520	0	1,052,854
	Garbage Charges - Internal	0	787	(787)	0	0
	Sewer Availability - Internal	170,322	65,918	104,404	0	170,322
	Water Availability - Internal	361,765	218,274	143,491	(35,000)	326,765
	Water Usage - Internal	172,093	151,443	20,650	0	172,093
	Other Expenses	6,666,904	4,006,229	2,660,675	35,000	6,701,904
	<b>Total Expenses from Continuing Operations</b>	<b>106,302,211</b>	<b>75,036,569</b>	<b>31,265,642</b>	<b>1,099,000</b>	<b>107,401,211</b>
	<b>Operating Result from Continuing Operations</b>	<b>(64,420,581)</b>	<b>(28,428,966)</b>	<b>(35,991,615)</b>	<b>1,318,792</b>	<b>(63,101,789)</b>
	<b>Operating Result before Capital Items</b>	<b>2,171,619</b>	<b>(18,436,479)</b>	<b>20,608,098</b>	<b>1,070,000</b>	<b>3,241,619</b>

Consolidated		Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
<b>Capital Budget</b>						
<b>Income from the Sale of Assets</b>						
	Plant & Equipment	(1,375,394)	(528,174)	(847,220)	0	(1,375,394)
	Land Development	(8,650,000)	(4,034,698)	(4,615,302)	0	(8,650,000)
	<b>Total Income from the Sale of Assets</b>	<b>(10,025,394)</b>	<b>(4,562,872)</b>	<b>(5,462,522)</b>	<b>0</b>	<b>(10,025,394)</b>
<b>Capital Renewals</b>						
	Office Equipment	4,770	0	4,770	0	4,770
	Plant & Equipment	116,673	0	116,673	0	116,673
	Buildings	5,255,450	3,390,662	1,864,788	181,979	5,437,429
	Other Structures	1,590,265	1,297,894	292,371	36,610	1,626,875
	Furniture & Fittings	11,640	26,104	(14,464)	0	11,640
	Other	507,500	269,448	238,052	(15,000)	492,500
	Roads, Bridges, Footpaths	6,961,587	823,082	6,138,505	(673,817)	6,287,770
	Stormwater Drainage	70,000	9,230	60,770	0	70,000
	Water Supply Network	385,000	17,599	367,401	(300,000)	85,000
	Sewer Network	800,000	72,033	727,967	(50,000)	750,000
	<b>Total Capital Renewals</b>	<b>15,702,885</b>	<b>5,906,053</b>	<b>9,796,832</b>	<b>(820,228)</b>	<b>14,882,657</b>
<b>Capital Upgrades</b>						
	Other	728,335	0	728,335	0	728,335
	Contributed Assets	0	0	0	0	0
	<b>Total Capital Upgrades</b>	<b>728,335</b>	<b>0</b>	<b>728,335</b>	<b>0</b>	<b>728,335</b>
<b>Capital Replacements</b>						
	Office Equipment	64,848	32,722	32,126	0	64,848
	Plant & Equipment	6,395,903	2,343,423	4,052,480	(387,000)	6,008,903
	Buildings	9,639,259	677,083	8,962,176	328,947	9,968,206
	Other Structures	36,280,181	2,789,436	33,490,745	(2,111,584)	34,168,597
	Furniture & Fittings	143,500	86,976	56,524	0	143,500
	Other	123,024	76,541	46,483	0	123,024
	Library Books	435,151	134,214	300,937	0	435,151
	Roads, Bridges, Footpaths	28,626,733	5,428,082	23,198,651	122,652	28,749,385
	Land Under Roads	0	56,316	(56,316)	0	0
	Stormwater Drainage	235,155	209,927	25,228	0	235,155
	Land Development	846,087	562,809	283,278	0	846,087
	Land Council Owned	10,000	83,727	(73,727)	0	10,000
	Real Estate Assets Held For Resale	2,561,488	144,367	2,417,121	0	2,561,488
	Land - Operational	100,000	67,555	32,445	75,000	175,000
	Water Supply Network	5,802,450	386,624	5,415,826	(1,836,000)	3,966,450
	Sewer Network	6,037,000	1,106,953	4,930,047	(3,150,000)	2,887,000
	<b>Total Capital Replacements</b>	<b>97,300,779</b>	<b>14,186,757</b>	<b>83,114,022</b>	<b>(6,957,985)</b>	<b>90,342,794</b>
<b>Loan Repayments</b>		<b>5,942,089</b>	<b>3,435,281</b>	<b>2,506,808</b>	<b>0</b>	<b>5,942,089</b>
<b>Loan Receivables</b>		<b>(366,208)</b>	<b>0</b>	<b>(366,208)</b>	<b>0</b>	<b>(366,208)</b>
<b>Total Capital Budget</b>		<b>109,282,486</b>	<b>18,965,219</b>	<b>90,317,267</b>	<b>(7,778,213)</b>	<b>101,504,273</b>
<b>Net Result</b>		<b>44,861,905</b>	<b>(9,463,747)</b>	<b>54,325,652</b>	<b>(6,459,421)</b>	<b>38,402,484</b>
<b>Funding Sources</b>						
	Depreciation	(18,654,762)	(15,897,633)	(2,757,129)	(1,270,000)	(19,924,762)
	Restricted Assets	(18,726,395)	(1,364,885)	(17,361,510)	6,335,201	(12,391,194)



Consolidated								
				Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
			Loan Funds	(5,000,000)	0	(5,000,000)	0	(5,000,000)
			Cost to Council	2,480,748	(26,726,265)	29,207,013	(1,394,220)	1,086,528

<b>March Review</b>						
<b>Collaborate</b>						
		<b>Adopted Budget</b>	<b>Actuals as at 31/03/2022</b>	<b>Balance</b>	<b>Proposed Variation</b>	<b>Revised Budget</b>
<b>Income From Continuing Operations</b>						
	Rates and Annual Charges	(34,714,986)	(34,959,801)	244,815	0	(34,714,986)
	User Charges and Fees	(1,176,224)	(452,060)	(724,164)	0	(1,176,224)
	Interest and Investment Revenues	(909,034)	(274,955)	(634,079)	280,000	(629,034)
	Other Revenues	(2,854,601)	(2,497,135)	(357,466)	(29,000)	(2,883,601)
	Grants and Contributions for Operating Purposes	(4,030,561)	(1,768,109)	(2,262,452)	0	(4,030,561)
	Contributions - Section 94	(2,160,179)	(1,394,233)	(765,946)	0	(2,160,179)
	Net Gains from the Sale of Assets	0	(132,797)	132,797	0	0
	<b>Total Income from Continuing Operations</b>	<b>(46,095,585)</b>	<b>(42,518,284)</b>	<b>(3,577,301)</b>	<b>251,000</b>	<b>(45,844,585)</b>
<b>Expenses from Continuing Operations</b>						
	Employee Benefits and Oncosts	13,155,637	9,137,570	4,018,067	0	13,155,637
	Borrowing Costs	1,000	0	1,000	0	1,000
	Materials and Contracts	9,347,800	5,768,210	3,579,590	29,000	9,376,800
	Plant Expenses	63,308	276,731	(213,423)	0	63,308
	Depreciation and Amortisation	1,034,166	1,327,610	(293,444)	0	1,034,166
	Internal Transfers	(9,185,688)	(8,835,828)	(349,860)	0	(9,185,688)
	Council Rates - Internal	48,041	57,641	(9,600)	0	48,041
	Sewer Availability - Internal	3,922	2,056	1,866	0	3,922
	Water Availability - Internal	7,786	3,094	4,692	0	7,786
	Water Usage - Internal	1,442	2,109	(667)	0	1,442
	Other Expenses	2,119,471	1,336,905	782,566	0	2,119,471
	<b>Total Expenses from Continuing Operations</b>	<b>16,596,885</b>	<b>9,076,100</b>	<b>7,520,785</b>	<b>29,000</b>	<b>16,625,885</b>
	<b>Operating Result from Continuing Operations</b>	<b>(29,498,700)</b>	<b>(33,442,185)</b>	<b>3,943,485</b>	<b>280,000</b>	<b>(29,218,700)</b>
	<b>Operating Result before Capital Items</b>	<b>(27,088,521)</b>	<b>(31,029,751)</b>	<b>3,941,230</b>	<b>280,000</b>	<b>(26,808,521)</b>
<b>Capital Budget</b>						
<b>Income from the Sale of Assets</b>						
	Plant & Equipment	(1,155,730)	(416,890)	(738,840)	0	(1,155,730)
	<b>Total Income from the Sale of Assets</b>	<b>(1,155,730)</b>	<b>(416,890)</b>	<b>(738,840)</b>	<b>0</b>	<b>(1,155,730)</b>
<b>Capital Renewals</b>						
	Office Equipment	4,770	0	4,770	0	4,770
	Buildings	962,188	656,965	305,223	(566,374)	395,814
	Furniture & Fittings	11,640	11,640	0	0	11,640
	<b>Total Capital Renewals</b>	<b>978,598</b>	<b>668,604</b>	<b>309,994</b>	<b>(566,374)</b>	<b>412,224</b>
<b>Capital Upgrades</b>						
	<b>Total Capital Upgrades</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Capital Replacements</b>						
	Office Equipment	15,000	15,033	(33)	0	15,000
	Plant & Equipment	3,892,257	1,573,736	2,318,521	0	3,892,257
	Buildings	0	18,298	(18,298)	0	0
	Furniture & Fittings	0	2,729	(2,729)	0	0
	Roads, Bridges, Footpaths	330,000	10,330	319,670	(40,000)	290,000
	<b>Total Capital Replacements</b>	<b>4,237,257</b>	<b>1,620,126</b>	<b>2,617,131</b>	<b>(40,000)</b>	<b>4,197,257</b>
	<b>Loan Repayments</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Loan Receivables</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Total Capital Budget</b>	<b>4,060,125</b>	<b>1,871,840</b>	<b>2,188,285</b>	<b>(606,374)</b>	<b>3,453,751</b>
	<b>Net Result</b>	<b>(25,438,575)</b>	<b>(31,570,344)</b>	<b>6,131,769</b>	<b>(326,374)</b>	<b>(25,764,949)</b>
<b>Funding Sources</b>						
	Depreciation	(1,034,166)	(1,327,610)	293,444	0	(1,034,166)
	Restricted Assets	1,969,775	755,030	1,214,745	210,000	2,179,775
	<b>Cost to Council</b>	<b>(24,502,966)</b>	<b>(32,142,925)</b>	<b>7,639,959</b>	<b>(116,374)</b>	<b>(24,619,340)</b>

<b>March Review</b>						
<b>Prosper</b>						
		<b>Adopted Budget</b>	<b>Actuals as at 31/03/2022</b>	<b>Balance</b>	<b>Proposed Variation</b>	<b>Revised Budget</b>
<b>Income From Continuing Operations</b>						
	User Charges and Fees	(2,047,029)	(974,059)	(1,072,970)	0	(2,047,029)
	Interest and Investment Revenues	0	0	0	0	0
	Other Revenues	(1,083,453)	(828,175)	(255,278)	0	(1,083,453)
	Grants and Contributions for Operating Purposes	0	0	0	0	0
	Grants and Contributions for Capital Purposes	(7,415,595)	(157,735)	(7,257,860)	750,000	(6,665,595)
	Contributions - Section 94	0	0	0	0	0
	<b>Total Income from Continuing Operations</b>	<b>(10,546,077)</b>	<b>(3,551,081)</b>	<b>(6,994,996)</b>	<b>750,000</b>	<b>(9,796,077)</b>
<b>Expenses from Continuing Operations</b>						
	Employee Benefits and Oncosts	1,612,035	1,162,015	450,020	0	1,612,035
	Borrowing Costs	163,578	42,764	120,814	0	163,578
	Materials and Contracts	1,576,575	755,868	820,707	0	1,576,575
	Plant Expenses	38,822	2,437	36,385	0	38,822
	Depreciation and Amortisation	763,238	671,903	91,335	0	763,238
	Internal Transfers	376,122	788,449	(412,327)	0	376,122
	Council Rates - Internal	380,936	274,796	106,140	0	380,936
	Garbage Charges - Internal	0	787	(787)	0	0
	Sewer Availability - Internal	35,566	12,349	23,217	0	35,566
	Water Availability - Internal	46,160	18,031	28,129	0	46,160
	Water Usage - Internal	26,926	23,184	3,742	0	26,926
	Other Expenses	216,840	127,910	88,930	0	216,840
	<b>Total Expenses from Continuing Operations</b>	<b>5,236,798</b>	<b>3,880,494</b>	<b>1,356,304</b>	<b>0</b>	<b>5,236,798</b>
	<b>Operating Result from Continuing Operations</b>	<b>(5,309,279)</b>	<b>329,413</b>	<b>(5,638,692)</b>	<b>750,000</b>	<b>(4,559,279)</b>
	<b>Operating Result before Capital Items</b>	<b>2,106,316</b>	<b>487,148</b>	<b>1,619,168</b>	<b>0</b>	<b>2,106,316</b>
<b>Capital Budget</b>						
<b>Income from the Sale of Assets</b>						
	Land Development	(8,650,000)	(4,034,698)	(4,615,302)	0	(8,650,000)
	<b>Total Income from the Sale of Assets</b>	<b>(8,650,000)</b>	<b>(4,034,698)</b>	<b>(4,615,302)</b>	<b>0</b>	<b>(8,650,000)</b>
<b>Capital Renewals</b>						
	Buildings	287,300	8,731	278,569	62,959	350,259
	Other Structures	0	0	0	0	0
	<b>Total Capital Renewals</b>	<b>287,300</b>	<b>8,731</b>	<b>278,569</b>	<b>62,959</b>	<b>350,259</b>
<b>Capital Upgrades</b>						
	<b>Total Capital Upgrades</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Capital Replacements</b>						
	Buildings	8,739,423	610,376	8,129,047	19,917	8,759,340
	Other Structures	1,641,242	170,874	1,470,368	(1,047,557)	593,685
	Land Development	846,087	562,809	283,278	0	846,087
	Land Council Owned	0	80,262	(80,262)	0	0
	Real Estate Assets Held For Resale	2,561,488	144,367	2,417,121	0	2,561,488
	<b>Total Capital Replacements</b>	<b>13,838,240</b>	<b>1,596,252</b>	<b>12,241,988</b>	<b>(1,020,968)</b>	<b>12,817,272</b>
	<b>Loan Repayments</b>	<b>1,116,253</b>	<b>466,720</b>	<b>649,533</b>	<b>0</b>	<b>1,116,253</b>
	<b>Loan Receivables</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Total Capital Budget</b>	<b>6,591,793</b>	<b>(1,962,995)</b>	<b>8,554,788</b>	<b>(958,009)</b>	<b>5,633,784</b>
	<b>Net Result</b>	<b>1,282,514</b>	<b>(1,633,582)</b>	<b>2,916,096</b>	<b>(208,009)</b>	<b>1,074,505</b>
<b>Funding Sources</b>						
	Depreciation	(763,238)	(671,903)	(91,335)	0	(763,238)
	Restricted Assets	(3,710,881)	(81,406)	(3,629,475)	297,557	(3,413,324)
	<b>Cost to Council</b>	<b>(3,191,605)</b>	<b>(2,386,892)</b>	<b>(804,713)</b>	<b>89,548</b>	<b>(3,102,057)</b>

March Review						
Live						
		Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
	<b>Income From Continuing Operations</b>					
	User Charges and Fees	(7,447,401)	(5,953,845)	(1,493,556)	0	(7,447,401)
	Interest and Investment Revenues	(15,000)	0	(15,000)	15,000	0
	Other Revenues	(1,028,933)	(786,087)	(242,846)	0	(1,028,933)
	Grants and Contributions for Operating Purposes	(4,825,399)	(3,927,580)	(897,819)	0	(4,825,399)
	Grants and Contributions for Capital Purposes	(26,961,084)	(654,891)	(26,306,193)	(501,208)	(27,462,292)
	<b>Total Income from Continuing Operations</b>	<b>(40,277,817)</b>	<b>(11,368,187)</b>	<b>(28,909,630)</b>	<b>(486,208)</b>	<b>(40,764,025)</b>
	<b>Expenses from Continuing Operations</b>					
	Employee Benefits and Oncosts	16,651,353	12,230,343	4,421,010	0	16,651,353
	Borrowing Costs	45,689	21,945	23,744	0	45,689
	Materials and Contracts	7,300,425	4,538,773	2,761,652	(50,000)	7,250,425
	Plant Expenses	270,329	474,759	(204,430)	0	270,329
	Depreciation and Amortisation	4,602,422	3,118,758	1,483,664	0	4,602,422
	Internal Transfers	1,677,541	1,547,418	130,123	0	1,677,541
	Council Rates - Internal	238,826	164,036	74,790	0	238,826
	Sewer Availability - Internal	80,679	40,364	40,315	0	80,679
	Water Availability - Internal	229,186	162,155	67,031	0	229,186
	Water Usage - Internal	142,314	124,057	18,257	0	142,314
	Other Expenses	1,247,154	558,121	689,033	0	1,247,154
	<b>Total Expenses from Continuing Operations</b>	<b>32,485,918</b>	<b>22,980,729</b>	<b>9,505,189</b>	<b>(50,000)</b>	<b>32,435,918</b>
	<b>Operating Result from Continuing Operations</b>	<b>(7,791,899)</b>	<b>11,612,542</b>	<b>(19,404,441)</b>	<b>(536,208)</b>	<b>(8,328,107)</b>
	<b>Operating Result before Capital Items</b>	<b>19,169,185</b>	<b>12,267,434</b>	<b>6,901,751</b>	<b>(35,000)</b>	<b>19,134,185</b>
	<b>Capital Budget</b>					
	<b>Income from the Sale of Assets</b>					
	Total Income from the Sale of Assets	(36,540)	0	(36,540)	0	(36,540)
	<b>Capital Renewals</b>					
	Plant & Equipment	10,879	0	10,879	0	10,879
	Buildings	4,005,962	2,724,967	1,280,995	685,394	4,691,356
	Other Structures	1,096,265	492,280	603,985	20,610	1,116,875
	Other	492,500	269,448	223,052	0	492,500
	<b>Total Capital Renewals</b>	<b>5,605,606</b>	<b>3,501,159</b>	<b>2,104,447</b>	<b>706,004</b>	<b>6,311,610</b>
	<b>Capital Upgrades</b>					
	Total Capital Upgrades	0	0	0	0	0
	<b>Capital Replacements</b>					
	Office Equipment	49,848	17,689	32,159	0	49,848
	Plant & Equipment	551,860	201,024	350,836	3,000	554,860
	Buildings	434,836	47,885	386,951	552,659	987,495
	Other Structures	25,306,668	481,692	24,824,976	0	25,306,668
	Furniture & Fittings	143,500	84,247	59,253	0	143,500
	Other	73,024	48,977	24,047	0	73,024
	Library Books	435,151	134,214	300,937	0	435,151
	Roads, Bridges, Footpaths	217,938	12,674	205,264	0	217,938
	<b>Total Capital Replacements</b>	<b>27,212,825</b>	<b>1,028,402</b>	<b>26,184,423</b>	<b>555,659</b>	<b>27,768,484</b>
	<b>Loan Repayments</b>	<b>587,035</b>	<b>516,613</b>	<b>70,422</b>	<b>0</b>	<b>587,035</b>
	<b>Loan Receivables</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Total Capital Budget</b>	<b>33,368,926</b>	<b>5,046,174</b>	<b>28,322,752</b>	<b>1,261,663</b>	<b>34,630,589</b>
	<b>Net Result</b>	<b>25,577,027</b>	<b>16,658,717</b>	<b>8,918,310</b>	<b>725,455</b>	<b>26,302,482</b>
	<b>Funding Sources</b>					
	Depreciation	(4,602,422)	(3,118,758)	(1,483,664)	0	(4,602,422)
	Restricted Assets	(2,385,527)	(1,373,126)	(1,012,401)	(170,000)	(2,555,527)
	Loan Funds	0	0	0	0	0
	<b>Cost to Council</b>	<b>18,589,078</b>	<b>12,166,832</b>	<b>6,422,246</b>	<b>555,455</b>	<b>19,144,533</b>

March Review						
Preserve						
		Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
Income From Continuing Operations						
	Rates and Annual Charges	(15,101,434)	(14,344,288)	(757,146)	0	(15,101,434)
	User Charges and Fees	(25,442,634)	(21,593,776)	(3,848,858)	0	(25,442,634)
	Interest and Investment Revenues	(1,244,090)	(766,626)	(477,464)	(295,000)	(1,539,090)
	Other Revenues	(388,942)	(1,054,592)	665,650	0	(388,942)
	Oncost recovery	(68,454)	0	(68,454)	0	(68,454)
	Grants and Contributions for Operating Purposes	(1,752,417)	(1,399,258)	(353,159)	0	(1,752,417)
	Grants and Contributions for Capital Purposes	(27,178,264)	(5,174,448)	(22,003,817)	0	(27,178,264)
	Contributions - Section 64	(2,627,078)	(1,571,985)	(1,055,093)	0	(2,627,078)
	Net Gains from the Sale of Assets	0	(123,012)	123,012	0	0
Total Income from Continuing Operations		(73,803,313)	(46,027,984)	(27,775,329)	(295,000)	(74,098,313)
Expenses from Continuing Operations						
	Employee Benefits and Oncosts	11,856,558	8,292,701	3,563,857	(10,000)	11,846,558
	Borrowing Costs	1,177,852	557,274	620,578	0	1,177,852
	Materials and Contracts	14,956,219	9,682,868	5,273,351	(140,000)	14,816,219
	Plant Expenses	1,006,331	866,692	139,639	0	1,006,331
	Depreciation and Amortisation	12,254,936	10,779,362	1,475,574	1,270,000	13,524,936
	Internal Transfers	7,132,025	6,499,960	632,065	0	7,132,025
	Council Rates - Internal	385,051	388,860	(3,809)	0	385,051
	Sewer Availability - Internal	50,155	11,148	39,007	0	50,155
	Water Availability - Internal	78,633	34,994	43,639	(35,000)	43,633
	Water Usage - Internal	1,411	2,093	(682)	0	1,411
	Other Expenses	3,083,439	1,983,293	1,100,146	35,000	3,118,439
Total Expenses from Continuing Operations		51,982,610	39,099,247	12,883,363	1,120,000	53,102,610
Operating Result from Continuing Operations		(21,820,703)	(6,928,737)	(14,891,966)	825,000	(20,995,703)
Operating Result before Capital Items		7,984,639	(182,305)	8,166,944	825,000	8,809,639

Preserve						
		Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
	<b>Capital Budget</b>					
	<b>Income from the Sale of Assets</b>					
	Plant & Equipment	(183,124)	(111,284)	(71,840)	0	(183,124)
	<b>Total Income from the Sale of Assets</b>	<b>(183,124)</b>	<b>(111,284)</b>	<b>(71,840)</b>	<b>0</b>	<b>(183,124)</b>
	<b>Capital Renewals</b>					
	Plant & Equipment	105,794	0	105,794	0	105,794
	Other Structures	494,000	805,614	(311,614)	16,000	510,000
	Roads, Bridges, Footpaths	6,961,587	823,082	6,138,505	(673,817)	6,287,770
	Stormwater Drainage	70,000	9,230	60,770	0	70,000
	Water Supply Network	385,000	17,599	367,401	(300,000)	85,000
	Sewer Network	800,000	72,033	727,967	(50,000)	750,000
	<b>Total Capital Renewals</b>	<b>8,831,381</b>	<b>1,727,559</b>	<b>7,103,822</b>	<b>(1,022,817)</b>	<b>7,808,564</b>
	<b>Capital Upgrades</b>					
	Other	728,335	0	728,335	0	728,335
	<b>Total Capital Upgrades</b>	<b>728,335</b>	<b>0</b>	<b>728,335</b>	<b>0</b>	<b>728,335</b>
	<b>Capital Replacements</b>					
	Plant & Equipment	1,951,786	568,663	1,383,123	(390,000)	1,561,786
	Buildings	465,000	524	464,476	(243,629)	221,371
	Other Structures	9,332,271	2,136,870	7,195,401	(1,064,027)	8,268,244
	Roads, Bridges, Footpaths	28,078,795	5,405,079	22,673,716	155,980	28,234,775
	Land Under Roads	0	56,316	(56,316)	0	0
	Stormwater Drainage	235,155	209,927	25,228	0	235,155
	Land Council Owned	10,000	3,466	6,535	0	10,000
	Land - Operational	100,000	67,555	32,445	75,000	175,000
	Water Supply Network	5,802,450	386,624	5,415,826	(1,836,000)	3,966,450
	Sewer Network	6,037,000	1,106,953	4,930,047	(3,150,000)	2,887,000
	<b>Total Capital Replacements</b>	<b>52,012,457</b>	<b>9,941,977</b>	<b>42,070,480</b>	<b>(6,452,676)</b>	<b>45,559,781</b>
	<b>Loan Repayments</b>	<b>4,238,801</b>	<b>2,451,948</b>	<b>1,786,853</b>	<b>0</b>	<b>4,238,801</b>
	<b>Loan Receivables</b>	<b>(366,208)</b>	<b>0</b>	<b>(366,208)</b>	<b>0</b>	<b>(366,208)</b>
	<b>Total Capital Budget</b>	<b>65,261,642</b>	<b>14,010,200</b>	<b>51,251,442</b>	<b>(7,475,493)</b>	<b>57,786,149</b>
	<b>Net Result</b>	<b>43,440,939</b>	<b>7,081,462</b>	<b>36,359,477</b>	<b>(6,650,493)</b>	<b>36,790,446</b>
	<b>Funding Sources</b>					
	Depreciation	(12,254,936)	(10,779,362)	(1,475,574)	(1,270,000)	(13,524,936)
	Restricted Assets	(14,599,762)	(665,382)	(13,934,380)	5,997,644	(8,602,118)
	Loan Funds	(5,000,000)	0	(5,000,000)	0	(5,000,000)
	<b>Cost to Council</b>	<b>11,586,241</b>	<b>(4,363,281)</b>	<b>15,949,522</b>	<b>(1,922,849)</b>	<b>9,663,392</b>

General Fund					
	Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
<b>Income From Continuing Operations</b>					
Rates and Annual Charges	(44,532,763)	(44,879,556)	346,793	0	(44,532,763)
User Charges and Fees	(16,061,747)	(11,278,362)	(4,783,385)	0	(16,061,747)
Interest and Investment Revenues	(929,050)	(276,900)	(652,150)	295,000	(634,050)
Other Revenues	(5,309,579)	(4,600,406)	(709,173)	(29,000)	(5,338,579)
Oncost recovery	(65,954)	0	(65,954)	0	(65,954)
Grants and Contributions for Operating Purposes	(10,248,921)	(6,911,260)	(3,337,661)	0	(10,248,921)
Grants and Contributions for Capital Purposes	(61,419,799)	(6,926,269)	(54,493,530)	248,792	(61,171,007)
Contributions - Section 94	(2,160,179)	(1,394,233)	(765,946)	0	(2,160,179)
Net Gains from the Sale of Assets	0	(1,775,780)	1,775,780	0	0
<b>Total Income from Continuing Operations</b>	<b>(140,727,992)</b>	<b>(78,042,767)</b>	<b>(62,685,225)</b>	<b>514,792</b>	<b>(140,213,200)</b>
<b>Expenses from Continuing Operations</b>					
Employee Benefits and Oncosts	38,799,133	27,805,094	10,994,039	(10,000)	38,789,133
Borrowing Costs	1,152,772	414,663	738,109	0	1,152,772
Materials and Contracts	28,238,531	18,199,156	10,039,376	(11,000)	28,227,531
Plant Expenses	931,772	1,341,199	(409,427)	0	931,772
Depreciation and Amortisation	11,462,367	9,968,865	1,493,502	1,270,000	12,732,367
Internal Transfers	(5,868,881)	(5,364,567)	(504,314)	0	(5,868,881)
Council Rates - Internal	945,734	784,639	161,095	0	945,734
Garbage Charges - Internal	0	787	(787)	0	0
Sewer Availability - Internal	126,058	61,268	64,790	0	126,058
Water Availability - Internal	288,273	191,405	96,868	0	288,273
Water Usage - Internal	172,093	151,443	20,650	0	172,093
Other Expenses	4,395,633	2,531,987	1,863,646	0	4,395,633
<b>Total Expenses from Continuing Operations</b>	<b>80,643,485</b>	<b>56,085,939</b>	<b>24,557,546</b>	<b>1,249,000</b>	<b>81,892,485</b>
<b>Operating Result from Continuing Operations</b>	<b>(60,084,507)</b>	<b>(21,956,828)</b>	<b>(38,127,679)</b>	<b>1,763,792</b>	<b>(58,320,715)</b>
<b>Operating Result before Capital Items</b>	<b>3,495,471</b>	<b>(13,636,326)</b>	<b>17,131,797</b>	<b>1,515,000</b>	<b>5,010,471</b>

General Fund					
	Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
<b>Capital Budget</b>					
<b>Income from the Sale of Assets</b>					
Plant & Equipment	(1,216,654)	(457,251)	(759,403)	0	(1,216,654)
Land Development	(8,650,000)	(4,034,698)	(4,615,302)	0	(8,650,000)
<b>Total Income from the Sale of Assets</b>	<b>(9,866,654)</b>	<b>(4,491,950)</b>	<b>(5,374,704)</b>	<b>0</b>	<b>(9,866,654)</b>
<b>Capital Renewals</b>					
Office Equipment	4,770	0	4,770	0	4,770
Plant & Equipment	16,673	0	16,673	0	16,673
Buildings	5,255,450	3,390,662	1,864,788	181,979	5,437,429
Other Structures	1,096,265	960,045	136,220	20,610	1,116,875
Furniture & Fittings	11,640	26,104	(14,464)	0	11,640
Other	492,500	269,448	223,052	0	492,500
Roads, Bridges, Footpaths	6,961,587	823,082	6,138,505	(673,817)	6,287,770
Stormwater Drainage	70,000	9,230	60,770	0	70,000
<b>Total Capital Renewals</b>	<b>13,908,885</b>	<b>5,478,571</b>	<b>8,430,314</b>	<b>(471,228)</b>	<b>13,437,657</b>
<b>Capital Upgrades</b>					
Other	686,335	0	686,335	0	686,335
Contributed Assets	0	0	0	0	0
<b>Total Capital Upgrades</b>	<b>686,335</b>	<b>0</b>	<b>686,335</b>	<b>0</b>	<b>686,335</b>
<b>Capital Replacements</b>					
Office Equipment	64,848	32,722	32,126	0	64,848
Plant & Equipment	4,943,492	1,830,237	3,113,255	(427,000)	4,516,492
Buildings	9,639,259	676,559	8,962,700	328,947	9,968,206
Other Structures	35,581,573	2,616,292	32,965,281	(2,000,976)	33,580,597
Furniture & Fittings	143,500	86,976	56,524	0	143,500
Other	123,024	76,541	46,483	0	123,024
Library Books	435,151	134,214	300,937	0	435,151
Roads, Bridges, Footpaths	28,626,733	5,428,082	23,198,651	122,652	28,749,385
Land Under Roads	0	56,316	(56,316)	0	0
Stormwater Drainage	235,155	209,927	25,228	0	235,155
Land Development	846,087	562,809	283,278	0	846,087
Land Council Owned	0	80,262	(80,262)	0	0
Real Estate Assets Held For Resale	2,561,488	144,367	2,417,121	0	2,561,488
<b>Total Capital Replacements</b>	<b>83,200,310</b>	<b>12,002,860</b>	<b>71,197,450</b>	<b>(1,901,377)</b>	<b>81,298,933</b>
<b>Loan Repayments</b>	<b>5,482,098</b>	<b>3,092,053</b>	<b>2,390,045</b>	<b>0</b>	<b>5,482,098</b>
<b>Total Capital Budget</b>	<b>93,410,974</b>	<b>16,081,534</b>	<b>77,329,440</b>	<b>(2,372,605)</b>	<b>91,038,369</b>
<b>Net Result</b>	<b>33,326,467</b>	<b>(5,875,294)</b>	<b>39,201,761</b>	<b>(608,813)</b>	<b>32,717,654</b>
<b>Funding Sources</b>					
Depreciation	(11,462,367)	(9,968,865)	(1,493,502)	(1,270,000)	(12,732,367)
Restricted Assets	(12,124,171)	(2,359,330)	(9,764,841)	1,943,593	(10,180,578)
Loan Funds	(5,000,000)	0	(5,000,000)	0	(5,000,000)
<b>Cost to Council</b>	<b>4,739,929</b>	<b>(18,203,489)</b>	<b>22,943,418</b>	<b>64,780</b>	<b>4,804,709</b>



March Review					
Water Fund					
	Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
<b>Income From Continuing Operations</b>					
Rates and Annual Charges	(5,283,657)	(4,424,532)	(859,125)	0	(5,283,657)
User Charges and Fees	(9,305,396)	(7,050,148)	(2,255,248)	0	(9,305,396)
Interest and Investment Revenues	(351,608)	(330,479)	(21,129)	(385,000)	(736,608)
Other Revenues	(46,350)	(315,536)	269,186	0	(46,350)
Grants and Contributions for Operating Purposes	(188,613)	(50,015)	(138,598)	0	(188,613)
Grants and Contributions for Capital Purposes	(385,144)	(100,000)	(285,144)	0	(385,144)
Contributions - Section 64	(1,489,949)	(915,803)	(574,146)	0	(1,489,949)
Net Gains from the Sale of Assets	0	(40,818)	40,818	0	0
<b>Total Income from Continuing Operations</b>	<b>(17,050,717)</b>	<b>(13,227,331)</b>	<b>(3,823,386)</b>	<b>(385,000)</b>	<b>(17,435,717)</b>
<b>Expenses from Continuing Operations</b>					
Employee Benefits and Oncosts	2,701,982	1,576,449	1,125,533	0	2,701,982
Borrowing Costs	210,963	192,837	18,126	0	210,963
Materials and Contracts	2,945,606	1,552,346	1,393,260	(150,000)	2,795,606
Plant Expenses	250,290	144,049	106,241	0	250,290
Depreciation and Amortisation	4,164,253	3,714,921	449,332	0	4,164,253
Internal Transfers	3,389,677	3,354,487	35,190	0	3,389,677
Council Rates - Internal	71,525	65,551	5,974	0	71,525
Sewer Availability - Internal	1,123	2,049	(926)	0	1,123
Water Availability - Internal	866	4,252	(3,386)	0	866
Other Expenses	1,372,722	791,616	581,106	0	1,372,722
<b>Total Expenses from Continuing Operations</b>	<b>15,109,007</b>	<b>11,398,556</b>	<b>3,710,451</b>	<b>(150,000)</b>	<b>14,959,007</b>
<b>Operating Result from Continuing Operations</b>	<b>(1,941,710)</b>	<b>(1,828,775)</b>	<b>(112,935)</b>	<b>(535,000)</b>	<b>(2,476,710)</b>
<b>Operating Result before Capital Items</b>	<b>(66,617)</b>	<b>(812,972)</b>	<b>746,355</b>	<b>(535,000)</b>	<b>(601,617)</b>

Water Fund					
	Adopted Budget	Actuals as at 31/03/2022	Balance	Proposed Variation	Revised Budget
<b>Capital Budget</b>					
<b>Income from the Sale of Assets</b>					
Plant & Equipment	(58,740)	(9,201)	(49,539)	0	(58,740)
<b>Total Income from the Sale of Assets</b>	<b>(58,740)</b>	<b>(9,201)</b>	<b>(49,539)</b>	<b>0</b>	<b>(58,740)</b>
<b>Capital Renewals</b>					
Other Structures	494,000	337,850	156,151	16,000	510,000
Water Supply Network	385,000	17,599	367,401	(300,000)	85,000
<b>Total Capital Renewals</b>	<b>879,000</b>	<b>355,449</b>	<b>523,551</b>	<b>(284,000)</b>	<b>595,000</b>
<b>Capital Upgrades</b>					
<b>Total Capital Upgrades</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Capital Replacements</b>					
Plant & Equipment	129,551	0	129,551	0	129,551
Other Structures	698,608	173,144	525,464	(110,608)	588,000
Land Council Owned	10,000	3,466	6,535	0	10,000
Land - Operational	100,000	0	100,000	0	100,000
Water Supply Network	5,802,450	386,624	5,415,826	(1,836,000)	3,966,450
<b>Total Capital Replacements</b>	<b>6,740,609</b>	<b>563,234</b>	<b>6,177,375</b>	<b>(1,946,608)</b>	<b>4,794,001</b>
<b>Loan Repayments</b>	<b>297,507</b>	<b>221,989</b>	<b>75,518</b>	<b>0</b>	<b>297,507</b>
<b>Loan Receivables</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Capital Budget</b>	<b>7,858,376</b>	<b>1,131,470</b>	<b>6,726,906</b>	<b>(2,230,608)</b>	<b>5,627,768</b>
<b>Net Result</b>	<b>5,916,666</b>	<b>(697,304)</b>	<b>6,613,970</b>	<b>(2,765,608)</b>	<b>3,151,058</b>
<b>Funding Sources</b>					
Depreciation	(4,164,253)	(3,714,921)	(449,332)	0	(4,164,253)
Restricted Assets	(2,662,617)	1,106,219	(3,768,836)	1,316,608	(1,346,009)
<b>Cost to Council</b>	<b>(910,204)</b>	<b>(3,306,007)</b>	<b>2,395,803</b>	<b>(1,449,000)</b>	<b>(2,359,204)</b>

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**5.5 STATEMENT OF INVESTMENTS - APRIL 2022**

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TRIM REFERENCE: 2022/682

AUTHOR: Julie Murray, Financial Accountant

**EXECUTIVE SUMMARY**

The purpose of this report is to provide a statement of Council's investments held as of 30 April 2022.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves:

- 1 To note the Statement of Investments as of 30 April 2022.**
- 2 To adopt the certification of the Responsible Accounting Officer.**

**FURTHER CONSIDERATIONS**

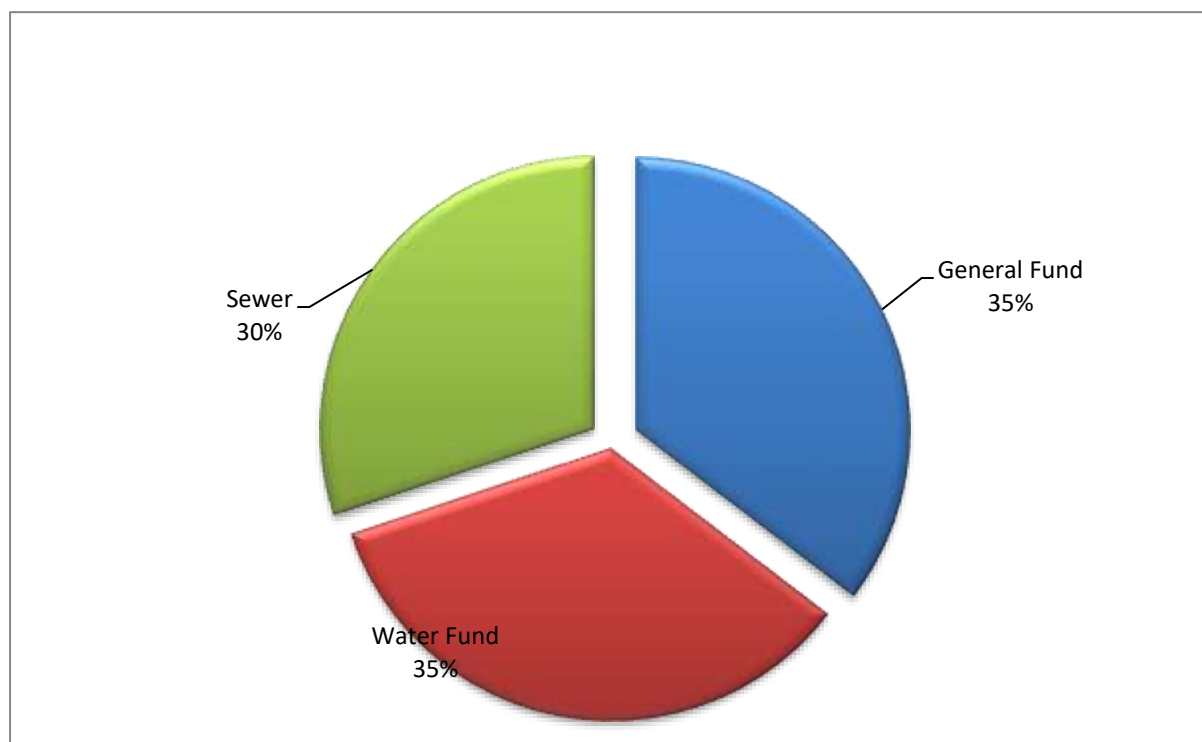
Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Section 212(1) of the Local Government (General) Regulation 2005 requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

As of 30 April 2022, the investments held by Council in each fund is shown below:

	<b>30/04/2022</b>	<b>31/03/2022</b>
General Fund	71,046,890.48	67,419,120.75
Water Fund	69,256,144.62	73,341,939.30
Sewer Fund	60,411,961.90	60,507,928.33
<b>Total Funds</b>	<b>\$200,714,997.00</b>	<b>\$201,268,988.38</b>



A reconciliation of Council's investment portfolio provides a summary of the purposes for which Council's investments are being held. The summary is as follows:

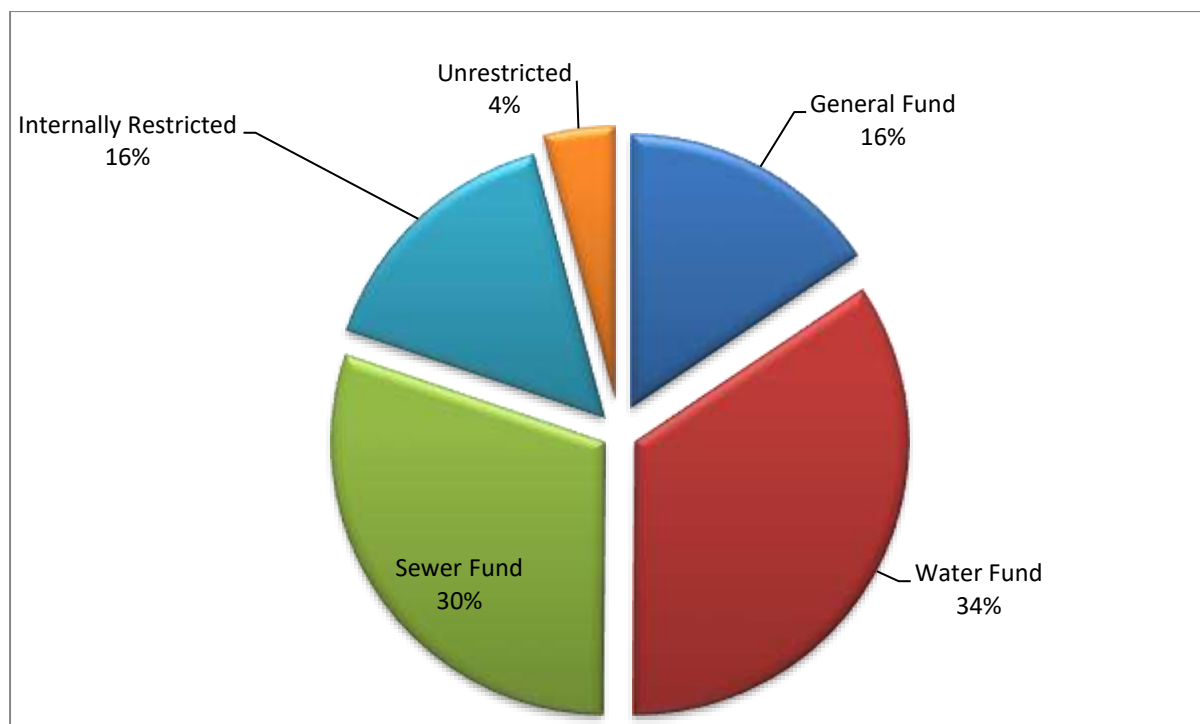
	30/04/2022	31/03/2022
<b>Externally Restricted</b>		
- General Fund	31,306,774.97	31,296,011.77
- Water Fund	69,256,144.62	73,341,939.30
- Sewer Fund	60,411,961.90	60,507,928.33
<b>Internally Restricted</b>	31,326,433.51	27,975,765.51
<b>Unrestricted</b>	8,413,682.00	8,147,343.47
<b>Total Funds</b>	<b>\$200,714,997.00</b>	<b>\$201,268,988.38</b>

Externally restricted funds are those funds that have been received for a specific purpose and may only be used for the purpose that they have been received, for example, the money received for Water access and usage charges by legislation are only available to be spent for the operation, maintenance, and expansion of the Water supply network.

Internally restricted funds are those that Council has earmarked for a particular purpose, but Council can have that purpose changed.

Unrestricted funds are those available for use to continue the day-to-day operations of Council, made up of General Fund investments and cash only.

The unrestricted cash position movements during the month are normal as projects commence and income is received. Movements may also arise following processing of income received between funds or into restricted assets to appropriately allocate for the purposes Council has determined. Council's cash flow is monitored daily, and some investments may be redeemed rather than rolled over to support operational requirements.

**Portfolio Advice**

Council utilises the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Imperium Markets, an independent asset consultant that works with wholesale investors to develop, implement and manage their investment portfolio. Imperium Markets is a leading provider of independent investment consulting services to a broad range of institutional investors including government agencies, superannuation funds and not-for-profit organisations.

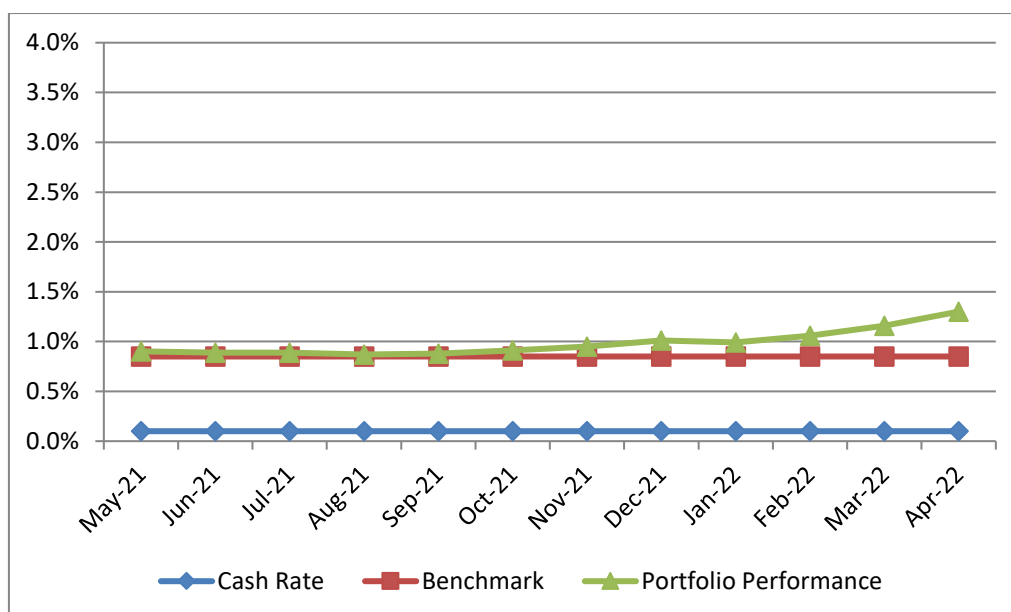
Imperium Markets major services provided to Council include:

- Quarterly portfolio summary reports
- Advice on investment opportunities, in particular Floating Rate Note products
- Advice on policy construction
- Year-end market values for Floating Rate Note products held by Council.

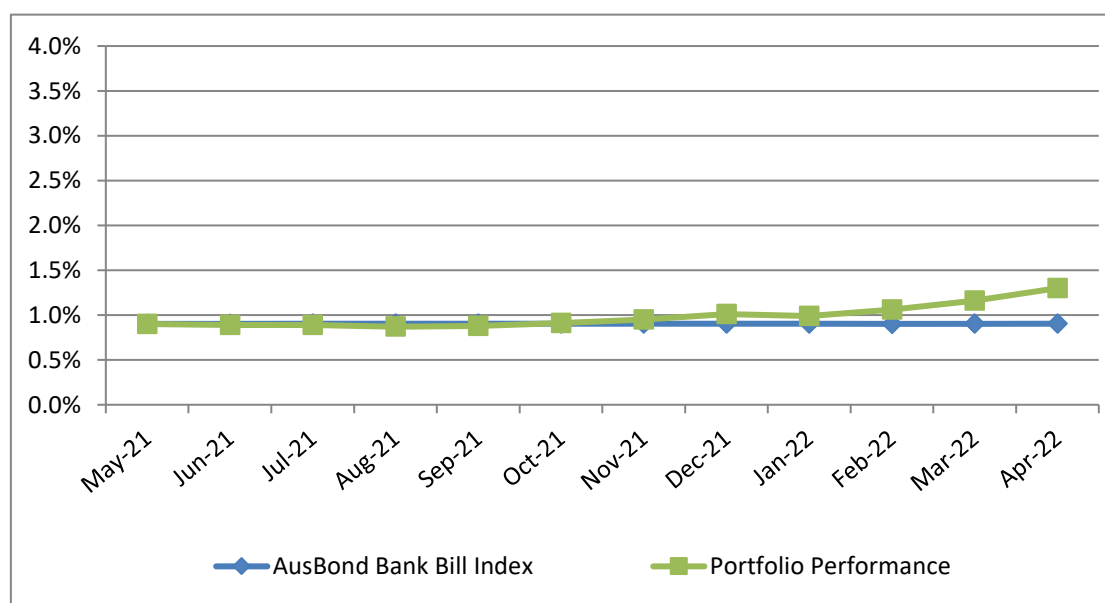
**Portfolio Performance**

Council's current Long Term Financial Plan establishes the benchmark for Council's interest on investments at "75 basis points above the current cash rate". The cash rate as of 30 April 2022 remained at 0.10 per cent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 1.30 per cent which continues to exceed Council's benchmark i.e., the cash rate of 0.10 per cent plus 0.75 per cent (or 85 basis points).

## 5.5 Statement of Investments - April 2022



Council has also utilised the AusBond Bank Bill Index to provide a further benchmark focused on long term investments. As of 30 April 2022, the AusBond rate was 0.90 per cent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 1.30 per cent.



Council's Investment Policy establishes limits in relation to the maturity terms of Council's investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council's investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

Table 1: Maturity – Term Limits

<b>Term to Maturity Allocation</b>	<b>Maximum</b>	<b>Holding</b>	<b>Remaining Capacity</b>
0 - 3 Months	100.00%	14.30%	85.70%
3 - 12 Months	100.00%	33.49%	66.51%
1 - 2 Years	70.00%	13.65%	56.35%
2 - 5 Years	50.00%	38.57%	11.43%
>5 Years	25.00%	0.00%	25.00%

Table 2 shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers' financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to having a lower chance of default. However, it is generally accepted that this lower risk will be accompanied by a lower return on investment.

The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

Table 2: Credit Rating Limits

<b>Credit Rating</b>	<b>Maximum</b>	<b>Holding</b>	<b>Remaining Capacity</b>	<b>Value</b>	<b>Return on Investment</b>
Bank Accounts	100.00%	6.92%	93.08%	\$13,893,301.72	0.10%
AAA	100.00%	0.00%	100.00%	N/A	N/A
AA	100.00%	60.25%	39.75%	\$120,937,732.00	1.31%
A	60.00%	12.37%	47.53%	\$24,825,303.56	1.62%
BBB & NR	40.00%	20.46%	19.54%	\$41,058,659.72	1.06%
Below BBB	0.00%	0.00%	0.00%	N/A	N/A

#### Certification by Responsible Accounting Officer

I, Patrick McDonald, hereby certify that all investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.





**5.6 DEVELOPMENT APPLICATION DA 304/2007(2) - 5 BORRODELL DRIVE**

RECORD NUMBER: 2022/519

AUTHOR: Summer Commins, Senior Planner

**EXECUTIVE SUMMARY**

Application lodged	17 February 2022
Applicant/s	Martin Gleeson Pty Limited
Owner/s	Mr GM Gleeson and Ms PM Erhart
Land description	Lot 22 DP 791830 - 5 Borrodell Drive, Orange
Proposed land use	Subdivision (nine lot residential) and Demolition (tree removal)
Value of proposed development	Not applicable

Application has been made to modify development consent DA 304/2007(1) for proposed *Subdivision (nine lot residential) and Demolition (tree removal)* at Lot 22 DP 791830 - 5 Borrodell Drive, Orange.

The application is made pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

The original development (approved 5 September 2007) involves subdivision of the parent parcel to create nine (9) residential lots and one (1) new road. In the interest of preserving the tree lined streetscape of Borrodell Drive, a significant Pin Oak tree located at the front of proposed Lot 1 was to be retained by conditions of development consent. The modified development now seeks to remove the subject Pin Oak, as it is submitted that the tree has died.

The applicant submits that the subject tree has been in decline for the last few years citing the drought as the likely cause of the trees demise. The applicant further submits that the tree is now in a dangerous state having the potential to drop dead branches and is concerned about the potential danger it now poses for his family.

The Pin Oak is a significant specimen of some 80 plus years old, located at the site frontage to Borrodell Drive. The subject land is located in a former mapped Scenic Area in Ploughmans Valley.

The health of the Pin Oak is such that the tree cannot be saved and should be removed. Retention of the tree would render it a structurally unsound and an aesthetically poor specimen. The Modification Application may therefore be determined by approval.

To mitigate the tree loss, new Conditions are included on the Modified Notice of Approval requiring replacement planting, and ongoing maintenance measures to protect the replacement specimens.

The modified DA was notified development in accordance with Council's Community Participation Plan 2019. The application was notified in the prescribed manner. At the completion of the exhibition period, five (5) submissions were received. The submissions do not support removal of the Pin Oak and question the cause of the tree's decline.

The modified development will be contrary to development controls requiring tree protection in Scenic Areas and Ploughmans Valley. However, Council's Manager City Presentation advises that due to the advanced state of decline in health, there is no opportunity to retain the Pin Oak. Conditions for replacement planting and maintenance will mitigate the tree loss and assist to reinstate the landscape character in Borrodell Drive.

Matters of compliance with the original development consent, including the demise of the tree, are separate considerations to that of the application that is before Council. In accordance with normal Council procedures, Council staff will continue to investigate the condition of the tree in order to determine whether any further regulatory action is required.

The role of Council at this point in time is to determine the application to modify the original development consent by either approval or refusal subject to Council assessment.

An amended Notice of Approval is attached.



Figure 1 - locality plan

## DECISION FRAMEWORK

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

**Orange Local Environment Plan 2011** – The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

**Orange Development Control Plan 2004** – the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each

planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

#### **DIRECTOR'S COMMENT**

The proposal involves the removal of a significant Pin Oak tree on proposed Lot 1 that was originally required by condition of consent to be retained and protected as a part of planned subdivision. I note that the applicant submits that the subject tree has been in decline for the last few years citing the drought as the most likely cause of the trees demise.

Advice received indicates that the health of the Pin Oak is such that the tree cannot be saved and should be removed in order not to result in a significant safety issue into the future.

I support the recommendation that approval be granted in this case to remove the subject tree, subject to the inclusion of conditions of consent requiring replacement planting, and ongoing maintenance measures to protect the replacement specimens for Council's consideration. I consider that the recommended conditions are not unreasonably onerous given that the conditions reflect the intent of the original consent to provide and maintain the tree lined streetscape of Borrodell Drive.

It is recommended that the application to modify the consent is supported subject to the recommended conditions of consent in the attached Notice of Determination.

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage".

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY AND GOVERNANCE IMPLICATIONS**

Nil

#### **RECOMMENDATION**

**That Council consents to modify the development application DA 304/2007(1) for *Subdivision (nine lot residential) and Demolition (tree removal)* at Lot 22 DP 791830 - 5 Borrodell Drive, Orange pursuant to the conditions of consent in the attached Notice of Approval.**

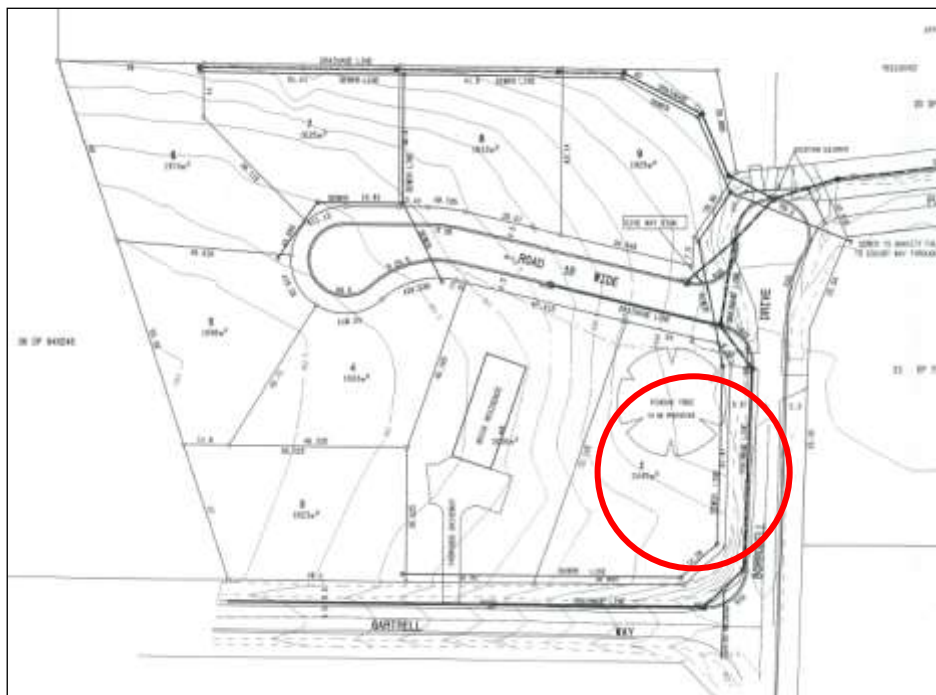
**FURTHER CONSIDERATIONS**

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**

Application has been made to modify development consent DA 304/2007(1).

The original development involves subdivision of the parent parcel to create nine (9) residential lots ranging in area between 1,603-3,058sqm and one (1) new road. A significant Pin Oak tree on proposed Lot 1 was to be retained by conditions of development consent. The approved plan of subdivision is shown here (see Figure 2).



**Figure 2 – approved subdivision plan DA 304/2007(1); Pin Oak highlighted**

The modified development now seeks to remove the subject Pin Oak. The applicant submits that the tree has died.

Consent is sought to modify the development consent by deleting the following Conditions:

***Prior to the Issue of a Construction Certificate -***

- (6) *The applicants shall provide a plan and description of how the large Pin Oak tree within proposed Lot 1 will be protected during subdivision construction. All works on site shall be undertaken in accordance with the stamped approved plan.*

***Prior to the Issue of a Subdivision Certificate -***

- (3) *A Restriction as to User under Section 88B of the NSW Conveyancing Act 1979 shall be created on the title of proposed Lot 1 requiring the retention of the large existing mature Pin Oak tree.*

**MATTERS FOR CONSIDERATION UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****Section 4.55 Modification of consents – generally**

Section 4.55(2) is applicable and states in part:

- (2) **A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, *modify the consent if* -**
- (a) *it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (b) *it has **consulted with the relevant Minister, public authority or approval body** (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
  - (c) *it has **notified the application** in accordance with -*
    - (i) *the regulations, if the regulations so require, or*
    - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
  - (d) *it has **considered any submissions** made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into **consideration** such of the matters referred to in **Section 4.15(1)** as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

In consideration of the requirements of Sections 4.55:

- It is accepted that development as modified is substantially the same as the development for which the consent was originally granted.
- The modified development does require consultation with a Minister, public authority or approval body.
- The modified development is notified development pursuant to Section 107 of the *Environmental Planning and Assessment Regulation 2021* and Council's Community Participation Plan 2019. The modified development was notified in the prescribed manner. Five (5) submissions were received. The issues raised in the submissions are addressed in the following sections of this report.
- The relevant matters under Section 4.15(1) are considered below.

**Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

Pursuant to Section 1.7:

*This Act has effect subject to the provisions of Part 7 of the [Biodiversity Conservation Act 2016](#) and Part 7A of the [Fisheries Management Act 1994](#) that relate to the operation of this Act in connection with the terrestrial and aquatic environment.*

Applications for modified consent are subject to biodiversity assessment under Section 1.7. In consideration of this section, the development is not likely to impact terrestrial and aquatic environments. In this regard:

- The subject and adjoining lands are not identified as biodiversity sensitive on the Orange LEP 2011 [Terrestrial Biodiversity Map](#).
- The proposal does not involve removal of native vegetation [a Pin Oak is not native to Australia]. Clearing thresholds prescribed by regulation are not relevant to the application.
- The proposal is not likely to have a significant effect on threatened species, nor impact endangered ecological communities:
  - the site is developed for a rural residential parcel and contains a modified landscape character with introduced species
  - the proposal does not involve clearing of native vegetation
  - due to the current health of the subject Pin Oak, the tree is unlikely to provide important habitat for native fauna. The development does not involve removal of natural or built features that would provide habitat for native fauna. Council's Manager City Presentation raised no objection to the proposal in relation to fauna habitat.

Based on the foregoing consideration, a Biodiversity Assessment Report is not required, and the modified proposal suitably satisfies the relevant matters at Section 1.7.

***Provisions of any environmental planning instrument S4.15(1)(A)(I)*****REPEALED ORANGE LOCAL ENVIRONMENTAL PLAN 2000**

The original development was made under Orange LEP 2000. The modified proposal will not alter the original assessment under the repealed plan, except as provided below.

**Clause 17 Scenic Area**

The subject land is contained within a mapped Scenic Area. Clause 17 applies and states in part:

- (3) *Before granting consent for development of land within a scenic area, the consent authority must be satisfied that the proposed development will blend into the landscape through the use of appropriate siting and design, external materials and colours, and by retaining existing trees, including remnant vegetation, and enhancing the skyline when viewed either from the urban area of Orange or from public places in the vicinity of the land.*

The modified development will be contrary to Clause 17 which requires tree retention in the Scenic Areas. However given the state of decline of the subject tree it is recommended that the tree is removed.

**Clause 41 Urban Residential Zone – general considerations**

Clause 41 applies and states in part:

*Consent may be granted for development on land within Zone 2 (a) only if, in the opinion of the consent authority:*

- (a) the development would be compatible with the existing and likely future character and amenity of the residential locality in terms of:*
  - (i) its scale, bulk, design, appearance, height, siting and landscaping.*

The modified development will have adverse visual impacts on the residential locality. The landscape character of the site and setting will be altered by removal of the Pin Oak. The subject tree is a significant landscape feature in the Borrodell Drive streetscape.

**ORANGE LOCAL ENVIRONMENTAL PLAN 2011 (AS AMENDED)**

The original development was made and not determined before the commencement of Orange LEP 2011.

Clause 1.8A is applicable and states:

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

Pursuant to this clause, the provisions of Orange LEP 2011 do not apply to the modified development.

**STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

SEPP (Vegetation in Non-Rural Areas) 2017 was repealed on 28 February 2022 and replaced with SEPP (Biodiversity and Conservation) 2021. The repealed SEPP was in force at the date of lodgement of the modification application. The applicable parts of the repealed SEPP are considered here.

**Section 9 Vegetation to which Part applies**

- (1) This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.*

**Section 10 Council may issue permit for clearing of vegetation**

- (1) A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State.*
- (2) A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.*

The Pin Oak is a prescribed tree pursuant to DCP 2004-0, and Council's approval is required to remove the tree.

***Provisions of any draft environmental planning instrument that has been placed on exhibition 4.15(1)(A)(ii)***

There are no Draft EPIs on exhibition at present.

***Provisions of any development control plan s4.15(1)(a)(iii)*****DEVELOPMENT CONTROL PLAN 2004****Part 7 Development in Residential Zones**

The original development was subject to the Planning Outcomes at *Part 7.2: Residential Subdivision in Ploughmans Valley*. The modified development will remain consistent with the Planning Outcomes, excepting the following:

6. *Subdivision design retains significant landscape features and minimises disturbance to natural vegetation, landform and overland-flow paths.*

The modified proposal involves removal of a significant landscape feature and will be contrary to the DCP intent. The applicant has sought approval to remove the subject tree given its condition.

**Part 0 Transitional Provisions****Scenic Areas**

The subject land is contained within a former Scenic Area under Part 0.4.1 applies. This Part prescribes the following Planning Outcome:

**PO 0.4-1 INTERIM PLANNING OUTCOMES - SCENIC AREAS**

- 1 Development blends into the landscape through the use of appropriate siting, design, external materials and colours, retention of trees including remnant vegetation, establishing of new trees, and enhancing the skyline when viewed either from the urban area of Orange or from public places in the vicinity of the land.

The modified development will be contrary to the Planning Outcome which requires tree retention in the Scenic Areas. The visual amenity of the site and setting will be adversely altered by the proposal.

**Tree Preservation**

The modified proposal involves tree removal and Part 0.4-2 applies. This Part prescribes the following Planning Outcomes:



**PO-0.4-2 INTERIM PLANNING OUTCOMES - TREE PRESERVATION**

- 1 Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent
- 2 This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.
- 3 This clause also applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height (refer AS4970-2009 for measurement guidelines).
- 4 Notwithstanding IPO-4(3) this clause does not apply to species indicated as exempt in the tree preservation table.
- 5 An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information
  - The location, size, species and condition (i.e. diseased, healthy, etc)
  - A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species
  - The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative
  - Whether a replacement tree or trees should be planted
  - The location, size and species of any trees proposed to replace those intended for removal
  - The owners consent to the application being lodged
  - Any other relevant information regarding the tree to be removed (i.e. photographs)

In consideration of the Planning Outcomes, the subject Pin Oak is a prescribed tree under the DCP, as it has a trunk diameter equal to or greater than 300mm at breast height.

An arborist report was submitted in support of the modified proposal (The Tree Surgeon, 8 February 2022). The report finds:

*'The tree is all but dead. The large tree is over 80 years old and until 2018 was in good health. Over the past three (3) years, the tree has undergone a rapid decline in health. The cause of this tree's death is uncertain, as there has been no change in soil level... The tree is becoming brittle and small branches are beginning to fall haphazardly. Recent high winds have dislodged more branches. It is for reasons of safety... that [the applicant] seeks permission from Council to have the tree removed.'*

Council's Manager City Presentation (MCP) has reviewed the submitted arborist report and inspected the subject tree. MCP advises:

*'The subject tree is in extremely poor health, with 95% dieback to the canopy. The remaining foliage is deformed and under significant stress.'*

*'There is no current and immediate danger of limb failure or whole of tree failure. The tree is affected by longstanding deadwood. The decay and readiness of limb failure of this timber predates a significant event.'*

Council's MCP further advises:

*'There is no prospect of the subject tree re-establishing its former grandeur.'*

*The appearance of canopy dieback to the subject tree is extreme with isolated and deformed leaf shoots to extremities of the lower canopy.'*

*There is evidence of structural limb cambial tissue dehydration and shedding of bark as a result; meaning whole of branch death. Pruning such large diameter limbs, in a tree*

*under significant stress, will result in a pollard specimen. The pruning wounds will not heal and decay of the tree's structure will commence resulting in a structurally unsound and very unaesthetic specimen.'*

On this basis, the health of the Pin Oak is such that the tree cannot be saved and should be removed. The Modification Application may be determined by approval. To mitigate the tree loss, new Conditions are included on the recommended Modified Notice of Approval requiring:

- replacement planting on proposed Lot 1 of two (2) Pin Oak trees
- the replacement Pin Oaks to have a minimum 500L container size at planting with a trunk height of greater than 5m and a trunk calliper of 80mm or greater
- tree removal and planting to be undertaken by a qualified arborist
- the provision of a vegetation management plan (**VMP**) for the trees. The condition requiring that the VMP:
  - be prepared by a qualified arborist and submitted for council's approval prior to the issue of a subdivision certificate
  - detail the steps to be taken to ensure the protection of the trees during the development phase and steps to be taken to ensure the trees establish and steps to be taken if they do not establish
  - outlines steps to ensure the ongoing maintenance of the trees
  - require the retention of the trees for the natural life of the trees
  - be implemented and complied with by the developer (such that if the developer fails to comply with the plan, Council could take necessary enforcement action).
- a Section 88B Restriction as to User to be created on the title of proposed Lot 1 requiring perpetual retention of the replacement trees for the natural life of the trees and compliance with the VMP.
- That the subdivision certificate not be issued until 12 months post planting of the replacement Pin Oaks

It is noted that the size of the replacement trees is consistent with Council's practice when significant trees are damaged. It is considered reasonable to require two replacement trees be planted, having regard to the age and former significance of the tree, and the site's location in the then Scenic Area. It will take many years for the replacement trees to offer the scenic and amenity values previously provided by the removed Pin Oak.

***Provisions prescribed by the regulations s4.15(1)(a)(iv)***

The modified development is not inconsistent with any provision prescribed by Regulation.

***The likely impacts of the development s4.15(1)(b)***

The impacts of the modified development are generally consistent with those considered for the original development, except as provided below.

**Visual Impacts**

As variously outlined in the foregoing sections of this report, the proposed tree removal will alter the landscape setting for the site and streetscape. Conditional replacement planting and maintenance will mitigate the tree loss to a reasonable standard.

***The suitability of the site s4.15(1)(c)***

There are no aspects of the development site that are considered unsuitable for the proposed modified development.

***Any submissions made in accordance with the act s4.15(1)(d)***

The modified development is Notified Development in accordance with Council's Community Participation Plan 2019. The modified development was notified in the prescribed manner. At the completion of the notification period, five (5) submissions had been received. The issues raised in the submissions are outlined below.

- *The landmark tree should be retained.*

It is concurred that the subject tree is a significant specimen. However, it is considered that the poor health of the tree cannot warrant its retention. Conditional replacement planting of new specimens and maintenance will be undertaken.

- *Neighbourhood bores have not impacted other trees in the locality (as suggested in the submitted Tree Report).*

There is no evidence to suggest that the health of the tree has been affected by neighbourhood groundwater bores.

- *Investigations should be undertaken to determine the source of the tree failure and enable preventative steps to prevent further tree failure in the neighbourhood.*

Preliminary investigations into the health of the tree have been undertaken as part of the assessment of this application. This matter is however beyond the scope of the assessment of the application before Council.

- *The tree has progressively failed in the past two years.*

Recent failure of the tree is accepted.

- *The recent drought has not adversely affected other trees in the neighbourhood (as suggested in the submitted Tree Report).*

It is acknowledged that the landscape setting in the neighbourhood has not been unreasonably impacted by the recent drought.

- *A stronger protection order is required over the tree should it be retained.*

Conditions are included on the Modified Notice of Approval requiring protection of the replacement trees via a vegetation Management Plan.

- *Investigation and testing should be undertaken to determine the cause of the tree's decline, which may be associated with disease or introduced chemicals.*

Preliminary investigations into the health of the tree have been undertaken as part of the assessment of this application.

- *Historic owners of the property could be consulted in relation to the history of the tree.*

This consultation may be undertaken on Council's resolution, however is beyond the scope of the application before Council.

- *The tree could be restored to health and retained.*

Council's Manager City Presentation advises there is no opportunity to retain the tree. Pruning works would not heal and the decay of the tree's structure would commence, resulting in a structurally unsound and very 'unaesthetic' specimen. It is a preferred outcome to require replacement planting with two mature specimens.

- *Other trees have been removed from the development site in recent years.*

This matter does not relate to the modified development. The removed trees may or may not have been protected by Tree Preservation Order (TPO) (see DCP 2004-0 above). It is difficult for Council to investigate/enforce this matter post-tree removal.

- *The supporting subdivision plan does not include servicing details.*

The modified development does not relate to servicing of the proposed subdivision. The supporting subdivision plan was indicative only to denote the subject Pin Oak. The original development consent requires all utility services be provided to the proposed lots, including sewer, water, stormwater, access, electricity, telecommunications and footpaths.

#### ***Public interest s4.15(1)(e)***

The modified proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc. that have not been considered in this assessment.

#### **COMMENTS**

This report and the attached Modified Notice of Approval are partly informed by Council's Manager City Presentation.

#### **SUMMARY**

Modified consent is sought to remove a significant Pin Oak from an approved residential subdivision at 5 Borrodell Drive.

The health of the Pin Oak is such that the tree cannot be saved and should be removed. To mitigate the tree loss, new Conditions are included on the Modified Notice of Approval requiring replacement planting, and maintenance measures to protect the replacement specimens.

The modified development will be contrary to development controls requiring tree protection in Scenic Areas and Ploughmans Valley. Conditions for replacement planting and maintenance will mitigate the tree loss and assist to reinstate the landscape character in Borrodell Drive.

**ATTACHMENTS**

- 1 Notice of Approval, D22/22849 [↓](#)
- 2 Submissions, D22/20313 [↓](#)
- 3 Tree Surgeon report, D22/20314 [↓](#)

	<b>ORANGE CITY COUNCIL</b> Development Application No <b>DA 304/2007(2)</b> NA22/223 Container PR1671
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**NOTICE OF DETERMINATION  
OF A DEVELOPMENT APPLICATION  
(AS MODIFIED)**

issued under the *Environmental Planning and Assessment Act 1979*  
Section 81(1)

**Development Application**

Applicant Name:	Martin Gleeson Pty Limited
Applicant Address:	PO Box 1154 ORANGE NSW 2800
Owner's Name:	Mr GM Gleeson and Ms PM Erhart
Land to Be Developed:	Lot 22 DP 791830 - 5 Borrodell Drive, Orange
Proposed Development:	Subdivision (nine lot residential)

**Building Code of Australia  
building classification:**

Not applicable

**Determination**

Made On:	17 May 2022
Determination:	<b>CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:</b>

<b>Consent to Operate From:</b>	6 September 2007
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<b>Consent to Lapse On:</b>	6 September 2012
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**Terms of Approval**

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (8) To minimise the impact of development on the environment.

**Conditions**

- (1) The development is to be carried out generally in accordance with:
    - (a) **Plan/s numbered 32301A2**
    - (b) statements of environmental effects or other similar associated documents that form part of the approval
- as amended in accordance with any conditions of this consent.**

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 304/2007(2)**

2

**Conditions (cont)**

**PREScribed CONDITIONS**

- (1) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (2) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier prior to the issuing of a Construction Certificate.
- (2) A water and soil erosion control plan is to be submitted to Orange City Council or an Accredited Certifier for approval prior to the issuing of a Construction Certificate. The control plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
- (3) Proposed lots are to be provided with interlot stormwater drainage, including those lots abutting public land, where the surface of the entire lot cannot be drained to the kerb and gutter at the lot frontage. A grated stormwater pit is to be constructed within each lot provided with interlot stormwater drainage. Engineering plans for this drainage system are to be approved by Orange City Council or an Accredited Certifier prior to the issuing a Construction Certificate.
- (4) All stormwater from the site is to be collected and piped to the existing stormwater system. The stormwater system is to be designed to cater for the total catchment. Orange City Council or an Accredited Certifier, prior to issuing a Construction Certificate, is to approve engineering plans for this drainage system.

Where stormwater crosses land outside the lot it favours, an easement to drain water is to be created about the works. All easements are to be in accordance with the Orange City Council Development and Subdivision code.

Overland flowpaths to cater for stormwater flows up to the 100 years ARI event are to be provided throughout the subdivision.

- (5) A water reticulation analysis by "Watsys" or other Council-approved equivalent flow-modelling computer program, is to be carried out on any proposed water-reticulation system for the development. A professional engineer or other Council-approved person is to carry out the analysis. The analysis is to be submitted to the Principal Certifying Authority for approval with engineering plans prior to the issuing of a Construction Certificate.

The reticulation system is to be designed to supply a peak instantaneous demand by gravity of 0.15 L/s/tenement at a minimum residual head of 200kPa.

- (6) (deleted)

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 304/2007(2)**

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3

**Conditions (cont)****Prior to the issue of a construction certificate (cont)**

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- (7) The development's stormwater design is to include the incorporation of stormwater retention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to the 100 year ARI frequency, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments. Where appropriate, the spillway design capacity is to be determined in accordance with the requirements of the Dam Safety Committee.

The design of the detention storage is to be undertaken using the ILSAX rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates. The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council or an Accredited Certifier upon application for a Construction Certificate.

Alternatively a payment of \$1,878.66 per lot is to be paid to Council, prior to the issuing of a Construction Certificate, for the construction of an off-site stormwater retention basin. Payments are indexed in accordance with Council's Management Plan current at the time of issue of a Construction Certificate.

- (8) The owner's consent of Lots 19 and 20 DP 791830, agreeing to the construction of stormwater mains and open drains within those lots, is to be provided to Orange City Council prior to the issuing of a Construction Certificate.

**PRIOR TO WORKS COMMENCING**

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- (1) The approved water and soil erosion control plan is to be implemented prior to construction work commencing.

**DURING CONSTRUCTION/SITEWORKS**

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- (1) All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (2) All excavated material is to be removed from the site in an approved manner and disposed of lawfully to an authorised disposal area.
- (3) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm on Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.



**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 304/2007(2)**

4

**Conditions (cont)****During construction/siteworks (cont)**

- (4) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (5) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.
- The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
- (6) A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.
- (7) Dual water and sewerage reticulation is to be provided to every lot in the proposed residential subdivision in accordance with the Orange City Council Development and Subdivision Code.
- (8) Concrete footpaths, a minimum of 1.2m wide, are to be constructed on one side of all through streets and in cul-de-sacs where a pathway is located at the cul-de-sac bowl.
- Construction work is to be to the requirements and standards of the Orange City Council Development and Subdivision Code.
- (9) Gartrell Way and Borrodell Drive are to be designed to have a carriageway width of 11 metres and 4.5 metre footpaths.
- (10) Gartrell Way and Borrodell Drive are to be reconstructed for the full frontage of the proposed development. This work is to include road pavement reconstruction to the centreline, pavement surfacing (asphalt) to the centreline, kerb and gutter construction and footpath on the development side of the roads.

Pavement designs for Gartrell Way and Borrodell Drive are to be supplied from a NATA registered laboratory as per the Orange City Council Development and Subdivision Code and the roads are to be classified as Local Access Roads with a traffic loading is to be  $3 \times 10^5$  ESA.

A pavement design for the proposed cul-de-sac is to be supplied from a NATA registered laboratory as per the Orange City Council Development and Subdivision Code and the road is to be classified as Local Cul-de-sac with a traffic loading is to be  $2 \times 10^4$  ESA.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

- (1) Application shall be made for a Subdivision Certificate under Section 109(1)(d) of the Act.
- (2) The payment of \$40,909.92 is to be made to Council in accordance with Section 94 of the Act and the Orange Contributions Plan 1999 towards the provision of the following public facilities:

Community Facility	@ \$297.89 x 8 additional lots	2,383.12
Local Open Space	@ \$1,317.39 x 8 additional lots	10,539.12
Sportsgrounds	@ \$308.00 x 8 additional lots	2,464.00
Distributor Roads	@ \$592.09 x 8 additional lots	4,736.72
Road Improvements	@ \$529.35 x 8 additional lots	4,234.80
Street Trees	@ \$40.60 x 8 additional lots	324.80
Drainage Retention	@ \$1,878.66 x 8 additional lots	15,029.28
Waste Management	@ \$149.76 x 8 additional lots	1,198.08
<b>TOTAL</b>		<b>\$40,909.92</b>

(Condition (2) continued over page)

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 304/2007(2)**

5

**Conditions (cont)**

**Prior to the issue of a subdivision certificate (cont)**

(2) (cont)

The contribution will be indexed at 1 January each year in accordance with the 1999 Development Contributions Plan. This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

(3) (deleted)

New Conditions:

(3a) The Pin Oak on proposed Lot 1 shall be removed by a qualified arborist.

(3b) Two (2) replacement Pin Oaks (*Quercus palustris*) with minimum 500L container size at planting shall be planted at the Borrodell Drive site frontage of proposed Lot 1. The replacement trees shall have a trunk height of greater than 5m and a trunk calliper of 80mm or greater). Replacement tree planting shall be undertaken by a qualified arborist and be to the satisfaction of the Manager City Presentations.

(3c) The applicant shall prepare and submit a Vegetation Management Plan (**VMP**) to Orange City Council for the replacement Pin Oak trees. The VMP shall:

- be prepared by a qualified arborist and be submitted for the approval of the Manager Development Assessments prior to the issue of a Subdivision Certificate
- detail the steps to be taken to ensure the protection of the trees during the development phase and steps to be taken to ensure the trees establish and steps to be taken if they do not establish
- outline steps to ensure the ongoing maintenance of the trees
- require the retention of the trees for the natural life of the trees
- be implemented and complied with by the developer (such that if the developer fails to comply with the plan, Council could take necessary enforcement action).

(3d) A Section 88B Restriction as to User shall be registered on the title of proposed Lot 1 requiring compliance with the approved Vegetation Management Plan VMP and retention of the replacement Pin Oaks for the natural life of the trees.

3(e) The Subdivision Certificate for any lot within the subdivision shall not be issued until:

- (1) twelve (12) months post-planting of the replacement Pin Oaks (evidence of the date of planting will be required), and
  - (2) after the relevant period specified above has expired a qualified arborist has prepared a report that is submitted to Council confirming that the Vegetation Management Plan has been implemented and the replacement Pin Oaks are in good health and vigour, and
  - (3) a letter is issued by Council confirming that the report adequately addressed the requirements of this condition and that the condition has been satisfied.
- (4) Prior to the issuing of the Subdivision Certificate, a Surveyor's Certificate or written statement is to be provided to the Principal Certifying Authority, stating that the buildings within the boundaries of the proposed Lot 2 comply in respect of the distances of walls from boundaries.
- (5) A geotechnical investigation is to be carried out within each proposed building envelope by a NATA-registered laboratory, in order to classify the soil of proposed Lot 1 and 3-9 in accordance with the Australian Standard 2870 - "Residential Slab and Footings Construction" Code. This report is to be provided to the Principal Certifying Authority prior to the issuing of the Subdivision Certificate.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 304/2007(2)**

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6

**Conditions (cont)**

<b>Prior to the issue of a subdivision certificate (cont)</b>
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- (6) A Certificate of Compliance, from Orange City Council under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- Orange City Council will require the payment of contributions for water, sewer and drainage works prior to the issuing of a Certificate of Compliance. In accordance with Council policy, the contributions are currently \$6,335.40 per lot (8 lots) for water supply headworks and \$3,392.60 per lot (9 lots) for sewerage headworks. Contributions are indexed in accordance with Council's Management Plan current at the time of the issuing of a Subdivision Certificate.
- (7) Certification from Telstra, stating that telecommunication systems comply with Australian Standards, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (8) Certification from Country Energy, stating that electricity and street lighting systems comply with Country Energy's Networks Division Customer Connection Policy NP11.1, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (9) An easement to drain sewage and to provide Council access for maintenance of sewerage works a minimum of 2.0 metres wide is to be created over the proposed sewerage works. The Principal Certifying Authority is to certify that the easement is in accordance with the Orange City Council Development and Subdivision Code prior to the issuing of a Subdivision Certificate.
- (10) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater retention basin comply with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (11) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate stating that all works relating to connection of the development to Council assets, works on Public Land, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions.
- (12) A Maintenance Security Deposit, in accordance with the provisions and requirements of the Orange City Council Development and Subdivision Code, is to be provided to Orange City Council prior to the issuing of a Subdivision Certificate.
- A Certificate of Compliance, from Orange City Council, certifying that the maintenance security deposit has been paid, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (13) The existing residence is to be connected to the proposed reticulated sewer. The existing tank is to be accurately located and indicated on the submitted engineering plans. The septic tank is to be excavated and disposed of at a licensed landfill and the absorption trench is to be drained and the voids limed and backfilled with clean compacted material.
- Evidence of such work is to be provided to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (14) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of a Subdivision Certificate, unless stated otherwise.

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**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 304/2007(2)**

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**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.

Not applicable

- (2) General terms of other approvals integrated as part of this consent.

Not applicable

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**Right of Appeal**

If you are dissatisfied with this decision, section 97 of *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*\* Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

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**Disability Discrimination Act 1992:**

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

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**Disclaimer - S88B Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:**

**Name:** PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

**Date:** 18 May 2022

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DA 304/2007(2)

about:blank?compose

[Submission 1](#)

Re removal of tree 5 Borrodell drive .We the under signed object strongly to this land mark tree being removed . It stood through the longest drought in many years and was all right when the rain came then started to look sick a short time later and still has growth on all sides,all be it not much ,a good arbourist could prune the dead wood out to remove any danger to people under it and feed it or do what is needed to help it to survive .

I am the who put in a bore which is around 100 meters from the tree ,it is down 73 meters and at this time I have not put a pump on it or drawn any water from it so it could not affect the tree , my neighbours have had bores for years and draw all their garden water from them with no affect on the tree .We think it needs council experts inspect it and make there own assessment of the future of this tree.

We therefore are against rushing in and removing such a magnificent tree .

Regards  
email

Orange Phone

## Submission 2

**From:**  
**Sent:** Tuesday, 22 March 2022 2:20 PM  
**To:** Orange City Council  
**Subject:** DA 304/2007(2) – 5 Borrodell Drive, Orange (modification application)

Dear Council,

Thank you for the letter informing of a DA at 5 Borrodell Drive.

This submission is not against the welcomed development at the above property. Instead, it is a proposal to help the applicants to succeed with the development as originally planned.

It has been with sadness that residents of the neighbourhood have witness the slow dying of that spectacularly beautiful tree.

No wonder Council in their wisdom found it appropriate to have the tree protected - even though it took the space of at least one, and possibly two, building blocks.

It was a shame that nothing seems to have been done to save the tree since it began to look ill over the years.

However, all is not lost. There are still some green shoots on the tree.

I propose that council inform the owners that a good way of forestalling outlaying large sums on the chain sawing and removal of such a huge specimen, can be achieved by the following:

That the owners give the tree every chance, and therefore their original DA every opportunity, by providing council with the fee for council to engage an independent and qualified scientist, or appropriate body, to investigate the source of the tree's problem.

If there is a natural sickness causing the problem, then steps can be taken to reverse the problem. Secondly, neighbours can then be informed of the issue to allow the taking of preventative steps to safeguard their own trees.

The proviso of a fee from the owners to council – just one of many fees developers outlay to various professionals to fill requirements of a DA - will give the public confidence that a truly independent finding was sought.

Further, if it is discovered/uncovered that there is a tree-hater in the area armed with copious amounts of herbicide to generously apply to the tree, it is imperative that each neighbour be warned to be on the lookout for such a destructive person/s trespassing on their property to do damage. That way police can be informed if a vandal/s is on the loose.

I have had two trees that appear to be dying – if fact they began to fall ill at the same time as the tree at number 5. So, I am fully aware of the need for council to take such a sensible course of action.

If council staff, in the area to inspect the tree at No 5, feel the common sense need to include my two trees into any investigation of the tree under scrutiny, they can be found by following a line of sight from the dead tree through my property looking over the N-E of our city towards the distant range of hills.

Thank you for giving me the opportunity to be of help.

Sincerely,

## Submission 3

DA 304/2007(2)

We are writing as very concerned neighbours about the removal of a beautiful old PinOak tree at 5 Borrodell Drive. This tree has been in perfect health for the last 12 years we have lived and have many photos of it especially in autumn.

It seems very strange that when a subdivision has now been commenced, with this tree being on one of the blocks,

it is suddenly in very poor condition and has been slowly deteriorating over the last couple of years. We have spoken

to Mr. Gleeson about the condition of the tree over a period of time and he insists on blaming the drought.

There are

many trees in our yard and area that have survived the drought without constant watering so not sure why this tree has been affected so badly, very odd.

We would like to request that another independent tree expert inspects this tree and assess its condition as 2 opinions

would be better for the sake of the tree, not sure if this is a totally neutral report from Mr Smith regarding the health of this tree.

We know that with this tree gone it will improve the monetary value of the block substantially so financially a win for

both the developer and the tree surgeon from the removal of the tree.

We would like to see every effort being put into saving this tree rather than just chopping it down and a stronger protection order be placed on it for its future preservation.

Regards,

## Submission 4

ORANGE NSW 2800

March 28<sup>th</sup> 2022

Att: Summer Commins

Mark Hodges  
Director Development Services  
Orange City Council  
P.O.Box 35  
ORANGE NSW 2800

RE: DA 304/2007 (2)  
Lot 22 DP 791830 – 5 Borrodell Drive, Orange

Dear Mark,

In summary, we wish to raise several issues relating to this Development Application.

1. The removal of the dead oak tree which is the subject of a tree preservation order
2. Removal of other trees on the property at 5 Borrodell Drive
3. The sewerage and drainage plan for the D.A.
4. Services to the subdivision
5. Lack of sealed footpaths

1. The Oak Tree

- a. The history of the oak tree provided by the owner is inconsistent with the known history this block. Unfortunately Borry Gartrell is no longer living, and therefore unable to verify this account.
- b. We have lived at our current address 5 Borrodell Drive, since 1989, prior to the previous subdivision of this land. During the first few years we lived here, Borry, his mother (Mrs Dorothy Gartrell, also deceased), and Borry's siblings, told us many stories about the original property both before and since their family acquired it after WW2.
- c. Borry's widow and his sole surviving sibling David, both of whom live in this community, should be independently consulted about the history of the tree, and also other information about the property. The history of the tree and the original property form an important part of the history of Orange, which



3. The sewerage and drainage plan for the D.A.

- a. The subdivision plan for 5 Borrodell Drive on the council website was created in 2006. During a recent discussion with the son of the developer, he described significantly different sewerage and drainage routes to those shown on the plan.
- b. The subject plan relies upon the existence of a future public road starting at the cul-de-sac at the western end of Borrodell Drive. This proposed public road is on private property owned by other neighbours whom we understand have not offered to create a public road.
- c. We were told by the son of the developer that the sewer will run across the road from 5 Borrodell Drive to 11 Borrodell Drive, to connect to the sewerage lines in that subdivision. We were also told that the all the drainage from 5 Borrodell Drive is planned to run parallel to Borrodell Drive, running to the east towards Ploughman's Valley. As impacted neighbouring property owners, we respectfully submit that we and adjoining owners should be given an updated plan which shows all proposed changes to the originally approved development application.

4. Services to the subdivision

This plan does not show the proposed location of electricity, phone and NBN lines, water supply, and street lighting for these new blocks.  
Is it proposed that these important items of infrastructure will be provided?

5. Lack of sealed footpaths

- a. No sealed footpaths are shown on the plans for 5 Borrodell Drive.
- b. Sealed and properly constructed footpaths are essential
  - to maintain proper and adequate amenity
  - for pedestrian safety with the increased vehicle traffic flow in the area as houses are built as proposed on the new blocks at 5 & 11 Borrodell Drive.
  - to allow access by people with prams, walking frames, and any other factors which limit their mobility,
  - to encourage physical activity in keeping with the healthy community to which Orange is aspiring.
- c. We respectfully request that council make the construction of properly constructed sealed footpaths a requirement for this subdivision, as it should be for all urban development.

should be recorded in perpetuity for the Orange community. This history is at imminent risk of being lost with the further subdivision of the Ploughman's Valley and the ageing of the people who remember its past.

- d. You will have noted that the letter from Bruce Smith, Arborist, indicates that the tree is unsalvageable and needs to be removed.
- e. We have a mature oak of similar age on our property, which is adjacent to 5 Borrodell Drive. Our oak tree has survived adverse factors and is currently thriving, despite no attention or watering apart from natural rainfall. When we moved here in 1989 the oak looked as if it was dying. An arborist was consulted, and the cause was determined to be severe hail damage to the tree trunk from the hailstorms which occurred in Orange in about 1987. Since then, the tree has recovered completely without any intervention.
- f. As you will note, the arborist Bruce Smith expressed uncertainty about the cause of the subject tree's death. We have concerns that the oak at 5 Borrodell Drive may have died of causes other than the drought, and wish to protect our tree from a similar fate. We request that prior to any tree removal of the subject oak tree, further investigation and testing be conducted by independent specialists, to determine other possible causes of death, such as disease or introduced chemicals. Such an investigation is well described in *Stoffel, Marcus et al (2020) When scientists become detectives, Heliyon Vol. 6 Issue 2, Feb 2020 (ScienceDirect)*. The full article can be found at <https://www.sciencedirect.com/science/article/pii/S2405844020302310>. It is also appropriate in the circumstances to undertake such an investigation.

## 2. Removal of other trees on the property at 5 Borrodell Drive

- a. Soon after the present owner purchased the subject property at 5 Borrodell Drive (around 2006) many mature radiata pines, which formed a windbreak along the entire western boundary, were removed. We are not certain whether native trees were removed around the time of that purchase.
- b. After the windbreak was removed, there was very significant change to the microclimate around our property, with increased heat in summer and stronger colder winds in winter. We suffered subsequent losses of three mature trees on our property, and associated significant cost of tree removal as a result.
- c. Since the present owners actually moved into the house on their property, several healthy and well established native and exotic trees have been removed. All were planted by the original owners of that property soon after the house was built in approximately 1990, and the trees were well established.

Sincerely yours,

2

**From:**[Submission 5](#)**Sent:** Thursday, 31 March 2022 3:48 PM**To:** Orange City Council**Subject:** Development Application DA 304/2007(2)

To Chief Executive Officer Orange City Council

Thank you for your letter dated the 16 March 2022. The letter refers to

DA 304/2007(2) - 5 Borrodell Drive Orange

Subdivision (Nine Lot Residential) and Demolition (Tree removal).

I have observed the significant Pin Oak tree from the road and it would appear to have green leaves appearing from significant sections of the tree.

I consider that it should be given considerably more time to recover and further examined by the Council to see if it can be saved.

With careful attention (watering, fertilising and pruning of dead sections) it may recover.

This is a magnificent tree and every endeavour should be made to save it.

Yours faithfully

THE TREE SURGEON  
BRUCE SMITH  
B.APP.SCI. HORTICULTURE  
DIPLOMA ARBORICULTURE  
MEMBER OF TCAA Since 2000

ORANGE NSW 2800

LICENCE No TCAA9410598



Mr Nigel Hobden,  
Manager City Presentation  
Orange City Council  
Byng str, Orange 2800.

Dear Nigel,

I am writing to you as an AQF 5 arborist seeking permission to remove a mature Pin Oak on behalf of my client Mr Gavin Gleeson.

The tree can be found a 5 Borrodell Place, and as the photographs below depict the tree is all but dead. This large tree is over 80 years old and until 2018 was in good health. Over the past 3 years the tree has undergone a rapid decline in health. The photo below was taken in January 2022.





The cause of this tree's death is uncertain, as there has been no change in soil level, and while a neighbour sank a bore around the same time as the start of the decline, this can not be proven as a contributing factor. Mr Gleeson is very disappointed to lose this significant tree.



Photo 2 shows the girth of this large and significant tree.

Photo 3 shows some epicormic shoots, but the tree cannot be saved.

The tree is becoming brittle and small branches are beginning to fall haphazardly. Recent high winds have dislodged more branches. It is for reasons of safety for his family that Mr Gleeson seeks permission from council to have the tree removed.

Yours sincerely

Bruce Smith  
The Tree Surgeon

8th February 2022



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**5.7 APPOINTMENT OF JOINT REGIONAL PLANNING PANEL (JRPP) MEMBERS**

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RECORD NUMBER: 2022/758

AUTHOR: Paul Johnston, Manager Development Assessments

**EXECUTIVE SUMMARY**

Joint Regional Planning Panels (JRPP) have been established across NSW, with the Western Panel established in September 2009. The JRPP is tasked with assessing major or significant development applications that meet a range of criteria. The structure of the JRPP consists of five (5) panellists, of which three (3) are appointed by the State, including the Chair, and the remaining two (2) are local panellists appointed by the relevant Council.

Council at its meeting held on 15 February 2022 nominated Councillor Jeff Whitton as the primary representative and Councillor Kevin Duffy as the alternate member. Council also resolved at its meeting its meeting on 15 March 2022 to call for expressions of interest from the community to fill the final position available on the panel. The call for expressions of interest was advertised in the CWD on 21 April 2022 and at the end of the nomination period Council received one (1) submission from Mr Allan Renike, who has extensive planning experience and has previously represented Council on the WRPP. It is recommended that Mr Renike be appointed to the WRPP as the second Council representative for the next three years.

**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**

Ensuring a full complement of local nominations for the JRPP will preserve local representation and accountability to the community.

**RECOMMENDATION**

**That Council appoint Mr Allan Renike to the Western Region Joint Regional Planning Panel for the next three years.**

**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 Joint Regional Planning Panel (Western and when it sits on an Orange LGA matter) is made up of three (3) State members not related to Orange City Council, and two (2) Council representatives (with a reserve 'alternate' representative also nominated in case one of the other representatives is unavailable). Council's representatives may be Councillors or members of the public, but at least one of the representatives must have expertise in a related field.

**Permanent non-Council Members**

The current JRPP sitting permanent non-Council related members are appointed by the Department of Planning and Environment. Current State members are: Garry Fielding (chair), Sandra Hutton and Graham Brown.

**Council Representatives**

Council may select three (3) people to represent the Council and community, two (2) primary representatives and an alternate. The primary representatives would be expected to participate in most cases, while the alternate can be called on should either of the two (2) primary representatives be unavailable or have a conflict of interest. Council at its meeting held on 15 February 2022 nominated Councillor Jeff Whitton as the primary member and Councillor Kevin Duffy as the alternate member. Council is now required to determine the final community representative on the planning panel.

**Consideration of the Expressions of interest**

An advertisement requesting expressions of interest for panel members on the Western Joint Regional Planning Panel was placed in the CWD on 21 April 2022. Council received (one) 1 expression of interest during the notification period. A summary of the submission received is provided below for Council's consideration:

**Expression of Interest - Mr Allan Renike**

Mr Allan Renike has expressed an interest to represent Orange City Council on the Western Region Joint Regional Planning Panel. Mr Renike has an extensive Town Planning background as outlined below.

- Associate Diploma in Town and Country Planning from Mitchell College of Advanced Education dated 24 September 1982.
- Employed by Orange City Council for 37 years from October 1979 until March 2016 (upon retirement). During his employment Mr Renike was employed as Deputy City Planner for seven (7) years, City Planner for 3.5 years and Manager Development Assessments for 23 years.
- Managed the Car Parking function of Council for 10 years.
- Staff representative on the City of Orange Traffic Committee.

Mr Renike has a thorough understanding of the Environmental Planning and Assessment Act 1979 and other Legislation related to Town Planning and has previously represented Orange City Council on the Western Joint Regional Planning Panel for the period between March 2018 and May 2022.



**5.7 Appointment of Joint Regional Planning Panel (JRPP) Members**

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Mr Renike is a long-term resident of Orange and has several demonstrated ties to various community sporting organisations within the City. A copy of Mr Renike's detailed submission to Council is attached for your further consideration.

It is recommended that Mr Renike is appointed as Council's community representative for the final position on the Western Region Joint Regional Planning Panel – JRPP for the next three (3) year period.

**ATTACHMENTS**

- 1 Submission - Allan Renike, D22/25433 [↓](#)

The Chief Executive Officer

Orange City Council

P.O. Box 35

ORANGE NSW 2800

ORANGE NSW 2800

27/4/2022

**RE: WESTERN JOINT REGIONAL PLANNING PANEL – EXPRESSIONS OF INTEREST**

Reference is made to the advertisement in the Central Western Daily dated 21 April 2022 on the subject matter.

I would like to express my interest to continue to represent Orange City Council on the Western Joint Regional Planning Panel.

I have an Associate Diploma in Town and Country Planning from Mitchell College of Advanced Education dated 24 September 1982. I worked for Orange City Council for 37 years from October 1979 until March 2016 (upon retirement) where I was employed as Deputy City Planner for 7 years, City Planner for 3.5 years and Manager Development Assessments for 23 years. For a period of around 10 years I also Managed the Car Parking function of Council and for many years I was a staff representative on the City of Orange Traffic Committee. I have a thorough understanding of the Environmental Planning and Assessment Act 1979 and other Legislation related to Town Planning and have a great interest in Planning Law. I was for many years a Corporate member of The Planning Institute Australia. I have attended short courses on Heritage and Urban Design.

I am Council's current appointed member (Expert) on the Western Joint Regional Planning Panel having being appointed in 2018. My current appointment is due to lapse on 1 May 2022. I am familiar with the operation of Joint Regional Planning Panels, having sat on the Panel to determine a number of applications during the above period and have had previous professional experience in representing Council when the JRPP determined applications for developments occurring within the Orange City Council area since the establishment of Joint Regional Planning Panels, by the State Government, during my employment with Council.

I was born in Orange and have for most of my life been a resident of Orange. I am a founding member of the Orange Waratah Sports Club, having served on the Board of Directors for 7 years when the licenced Club first opened, and am actively involved in carrying out voluntary work to assist the Club in preparing applications to Orange City Council and other Government Bodies. I am also a member of the Wentworth Golf Club where I also have carried out voluntary work that assisted the Club prior to its amalgamation with the Orange Ex-Services Club to prepare applications. I continue to take great interest in the operations of Orange City Council and regularly follow the progress of development proposals, Council meeting agendas and Council and community issues in the local press.

I have completed the Council Assessment Form which is attached.

I can be contacted on \_\_\_\_\_ if you have any queries upon this matter.

Yours Faithfully

Allan Renike



## JOINT REGIONAL PLANNING COMMITTEE ASSESSMENT FORM

### Introduction

Under section 2.13 of the Environmental Planning and Assessment Act (NSW) 1977 (EPAA) the Council is required to assess the eligibility of all persons who are nominated for consideration to become a Council appointed member of the Joint Regional Planning Panel. To assist in this assessment, the Council requests that each nominee completes this form and returns it to the Council by the due date along with a CV any other supporting documents. If you do not complete and return this form by the due date, it will be assumed that you have withdrawn your nomination.

### PROPERTY DEVELOPER OR REAL ESTATE AGENT

Are you a property developer or real estate agent as defined under the EPAA (see below)?

☐

Yes

☒

No

Please provide details of any development applications or modifications you have submitted to Orange City Council or another Council in the last 7 years.

Year	Application / Modification	Council	Value

### NOTES ON COMPLETING THIS SECTION

Under section 2.13 of the EPAA a person may not be nominated for consideration for appointment as a member of the JRPP if the person is a **property developer** within the meaning of section 53 of the *Electoral Funding Act 2018* or is a real estate agent.

For assistance, "property developer" is defined to include someone who carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit and has had:

- One planning application pending before the Council, or
- Three (3) or more planning applications that have been determined within the last 7 years.

For the purpose of this definition, property development does not need to be the main source of income, or the main activity, of the nominee. The requirement is only that the person "carries on a business" and that the business itself is "mainly concerned" with property development. In relation to a "planning application" this includes an application for consent, modification or similar and includes the development of land or any asset on that land.

### EXPERTISE

Do you have expertise in one of more of the following areas:

Check if 'Yes'	Expertise	Details (e.g. qualification, years of practice, practical experience)
<input checked="" type="checkbox"/>	Architecture	SOME TRAINING AND A LEVEL OF EXPERIENCE OF OVER 37 YEARS TO ADEQUATELY ASSESS AND DETERMINE DEVELOPMENT APPLICATIONS
<input checked="" type="checkbox"/>	Heritage	AS ABOVE




**ORANGE  
CITY COUNCIL**
**JOINT REGIONAL PLANNING COMMITTEE  
ASSESSMENT FORM**

<input checked="" type="checkbox"/>	Environment	AS ABOVE
<input checked="" type="checkbox"/>	Urban design	AS ABOVE
<input type="checkbox"/>	Land economics	
<input checked="" type="checkbox"/>	Traffic & transport	AS ABOVE
<input type="checkbox"/>	Law	
<input type="checkbox"/>	Engineering	
<input type="checkbox"/>	Tourism	
<input type="checkbox"/>	Government & public administration	

**NOTES ON COMPLETING THIS SECTION**

Under the EPAA at least one nominee must have expertise in one or more of the above.

**CONFLICT OF DUTY**

Could you have any duties in other roles (e.g. as an elected Councillor, officer or former officer or elected Councillor of a Council subject to the Western JRPP) that may conflict with your capacity to perform your duties on the JRPP?

☐

Yes

☒

No

**NOTES ON COMPLETING THIS SECTION**

Under the EPAA, the Council has a responsibility to consider any conflict of duties that would be created for a nominee to the planning panel if they are in any way responsible or involved in the assessment and recommendation of a DA or a rezoning review to be determined by the Panel. The fact that a nominee may have a conflict of duties does not preclude a nomination unless the nominee would be unable to meaningfully participate in many of the decisions of the JRPP. Under the Code of Conduct for the JRPP, where a conflict of duties arises the member must not be involved in the decision. For elected Councillors, this means that if you become a member of the JRPP you must not be involved with, or participate in, any decision or vote of the elected Council with respect to a matter that is to be considered by the JRPP. If you do involve yourself, or participate, in a decision of the elected Council then you will be prevented by the JRPP Code of Conduct from subsequently participating in any decision relation to that application at the JRPP.

Attach an additional page if there is insufficient room in the space provided.

**DECLARATION**

I, ALLAN RENIKE, declare and attest that the information provided above is a true and correct to the best of my knowledge.

Signature

Date

27/4/2022

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**5.8 ADDITIONAL SPECIAL VARIATION 2022/2023 FINANCIAL YEAR**

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RECORD NUMBER: 2022/842

AUTHOR: Julie Murray, Financial Accountant

**EXECUTIVE SUMMARY**

At its meeting of 19 April 2022, Council considered and resolved to apply for the permanent additional special variation (ASV) to effectively raise the rate peg from 0.7 per cent to 2.5 per cent through the ASV mechanism.

This application was made to Ipart by the due date 29 April 2022. Upon review, Ipart have requested additional resolutions to comply with all components of the ASV application.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.2 Collaborate - Ensure financial stability and support efficient ongoing operation”.

**FINANCIAL IMPLICATIONS**

There are no additional financial implications outside the original report (attached)

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves:

- 1 To endorse the recommendation of 19 April 2022 resolution number 22/120 to apply for a permanent ASV.**
- 2 That Council acknowledge the additional income derived by the ASV is approximately \$620,000 in the 2022/2023 Financial year**
- 3 That the ASV is required to ensure Council’s continued financial sustainability after reasonable consideration of the impact on ratepayers and community in 2022/2023 and future years.**

**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**

Ipart have advised (10 May 2022) that additional resolutions are required to permit Council’s application for the ASV to proceed. These additional resolutions are required to be forwarded to Ipart by 25 May 2022.

All items in the additional resolutions are addressed in the original report of 19 April 2022.

**ATTACHMENTS**

- 1 CCL 19 April 2022 Additional Special Variation for the 2022/2023 Financial Year, D22/27065** [↓](#)

**COUNCIL MEETING****19 APRIL 2022**

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**5.6 ADDITIONAL SPECIAL VARIATION FOR THE 2022/2023 FINANCIAL YEAR**

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RECORD NUMBER: 2022/508

AUTHOR: Jason Cooke, Chief Financial Officer

**EXECUTIVE SUMMARY**

The Independent Pricing and Regulatory Tribunal NSW (IPART) in late 2021 announced the rate peg for the 2022/23 financial year would be 0.7 per cent plus a population adjustment factor for Orange City Council of zero.

In March 2022, IPART announced it will accept and process applications from Councils for and Additional Special Variation (ASV) up to the lower of 2.5 per cent or the assumed rate peg for 2022/23 exhibited in our 2021/22 Long Term Financial Plan (LTFP). In Orange City Council's case, 2.5 per cent was used in the 2021/22 LTFP and therefore it is proposed that an ASV application be submitted to IPART by the due date of 29 April 2022 to effectively increase the rate peg from 0.7 per cent to 2.5 per cent via the ASV mechanism.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

If Council does not apply or is unsuccessful in its application, there would be a reduction to the draft rates budget of approximately \$620,000 in 2022/23 that will not be recouped into the future, with a calculated compound loss of income of over \$7 million for the 10 year life of the LTFP.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council apply for a permanent Additional Special Variation of 2.5 per cent for 2022/23 under Section 508(2) of the Local Government Act 1993 to ensure Council's ongoing financial sustainability.**

**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**

In late 2021, IPART announced the rate peg for the 2022/23 financial year was set between 0.7 per cent and 5.0 per cent inclusive of a population growth factor. Orange City Council received a 0.7 per cent rate peg at the bottom of this range.

**COUNCIL MEETING****19 APRIL 2022****5.6 Additional Special Variation for the 2022/2023 Financial Year**

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The Office of Local Government and IPART recognise that, due to the delayed Council elections and the determination of the 2022/23 rate peg at a much lower rate than Councils had forecast for 2022/23 in their 2021/22 LTFPs, councils may not have had sufficient time to prepare special rate variation applications within the normal timeframe. This may mean Councils will not have sufficient funds to pay for required infrastructure and services. As such the NSW Government and IPART have agreed to a one-off ASV round for the 2022/23 financial year only.

For ASV applications made under the IPART Guidelines, Councils will need to provide IPART with the following information:

- Council's 2021-22 IP&R documentation identifying that council budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
- Where Councils are applying for a permanent special variation, in addition to the above information, the council's 2021-22 IP&R documentation identifying that the Council forecast an average Operating Performance Ratio (OPR) of 2 per cent or lower over the next 5 years or, alternatively, evidence of need, for example, but not limited to, that the council needs to maintain a higher OPR so it can meet its capital funding requirements; and
- Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
  - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
  - the additional income that Council will receive if the special variation is approved; and
  - why the special variation is required; and
  - that the Council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.

The ASV application process is a simpler more targeted application process than the normal special rate variation process. IPART will not require Councils to demonstrate community consultation or criteria outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for an ASV meets the requirements outlined above.

Under this ASV round of applications:

- IPART will accept applications until 29 April 2022;
- IPART will publish applications to enable community consultation for a period of at least three weeks; and
- IPART will notify councils of its decision no later than 21 June 2022.

The modelling required by IPART to be submitted with Council's application demonstrates that with the permanent ASV, the OPR is maintained at or around the benchmark level of 2 in each of the next ten years, however without any ASV the OPR drops significantly below the benchmark to at or around zero in each of the next ten years.

**COUNCIL MEETING****19 APRIL 2022****5.6 Additional Special Variation for the 2022/2023 Financial Year**

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Therefore, to ensure future financial sustainability and continuity of services to the community at current levels of service, it is recommended that Council apply for a permanent ASV of 2.5 per cent (including population growth) for 2022/23, which was the expected rate peg for 2022/23 used in the 2021/22 LTFP and the same assumption used in the 2022/23 draft budget.



**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 17 May 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 Proposed Lease Part 77 Kite Street 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 (a) personnel matters concerning particular individuals (other than councillors) and (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**6.3 Orange Sports Precinct Bulk Earthworks and Trunk Stormwater Drainage - RFT 10048031 - Tender Recommendation**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**6.4 Electricity Procurement - Update to Council**

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.

**6.1 SUBMISSION REDACTIONS 17 MAY 2022**

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RECORD NUMBER: 2022/641

AUTHOR: Janessa Constantine, 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 PROPOSED LEASE PART 77 KITE STREET ORANGE**

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RECORD NUMBER: 2022/412

AUTHOR: Rachelle Robb, Director Corporate &amp; Commercial Services

**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 (a) personnel matters concerning particular individuals (other than councillors) and (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



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**6.3 ORANGE SPORTS PRECINCT BULK EARTHWORKS AND TRUNK STORMWATER  
DRAINAGE - RFT 10048031 - TENDER RECOMMENDATION**

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RECORD NUMBER: 2022/819

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





**6.4 ELECTRICITY PROCUREMENT - UPDATE TO COUNCIL**

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RECORD NUMBER: 2022/840

AUTHOR: David Waddell, Chief Executive Officer

**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.

**7 RESOLUTIONS FROM CLOSED MEETING**