
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 2 AUGUST 2022

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

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

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

1.1 APOLOGIES

Nil

1.2 LIVESTREAMING AND RECORDING

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

1.3 WELCOME TO COUNTRY

Uncle Neil Ingram, Wiradjuri Elder conducted a Welcome to Country.

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

Cr Kinghorne declared a Significant Non-Pecuniary Interest in Item 2.3 of the Planning and Development Committee - Development Application DA 406/2021(1) – 267,293 and 297 Ploughmans Lane as her husband's business has undertaken environmental testing on this site.

Cr Whitton declared a Significant Pecuniary Interest in Item 2.1 of the Employment and Economic Development Policy Committee – Minutes of the Economic Development Community Committee meeting held 13 July 2022 as he is an owner of an Air BnB in the city.

Cr Hamling declared a Significant Non-Pecuniary Interest in Item 2.2 of the Finance Policy Committee – Additional Information – Teach Learn Grow's Application for Funding (Small Donations and Grants – Round 4) as family members are staff of Glenroi Public School.

1.5 OPENING PRAYER

Rosie Aguila of Orange Buddhist Centre led the Council in Prayer.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.36PM

PDC Item 2.3 - Development Application DA 406/2021(1) – 267,293 and 297 Ploughmans Lane

- Cyril Smith

Item 4.3 - Notice of Motion – Recognition of Wiradjuri Country.

- Uncle Neil, Wiradjuri Elder
- Euan Greer

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.48PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/293

Cr S Peterson/Cr F Kinghorne

That the Minutes of the Ordinary Meeting of Orange City Council held on 19 July 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 July 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 6.48PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.38PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - SLEEPBUS INITIATIVE

TRIM REFERENCE: 2022/1276

RESOLVED - 22/304**Cr J Evans/Cr T Greenhalgh**

That Council resolves:

- 1 To formulate a Working Party and a strategic plan with Sleepbus.org for the implementation of a Sleepbus service.
- 2 That Council engage with local businesses and fund-raising organisations to secure financial and in-kind assistance for the annual up-keep of the Sleepbus service.

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 - BINS4BLOKES

TRIM REFERENCE: 2022/1323

RESOLVED - 22/305**Cr T Greenhalgh/Cr M McDonell**

That Orange City Council resolves to support the BINS4Blokes initiative in our community by installing incontinence bins in male public toilet facilities and encouraging other local business to do the same by promoting the campaign on our social media platforms.

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 Duffy asked if this would require a budget submission.

The Acting Chief Executive Officer advised it will need a budget submission through the Quarterly review.

Cr Mallard asked what funding options would be available.

The Acting Chief Executive Officer advised this information will be brought back to Council.

4.3 NOTICE OF MOTION - RECOGNITION OF WIRADJURI COUNTRY

TRIM REFERENCE: 2022/1342

RESOLVED - 22/306**Cr G Power/Cr D Mallard**

- 1 That Council include "Wiradjuri Country" in its addresses.

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 sought clarification around the changing of stationery and a phasing in period as a new supply would need to be budgeted for prior to changing.

The Acting Chief Executive Officer advised it is Council's intent to utilise existing printed stationery first. Electronically, the change can be done immediately with a small administrative cost and change.

4.3 NOTICE OF MOTION - RECOGNITION OF WIRADJURI COUNTRY

MOTION

- 2 That Council supports the dual naming of Mt Canobolas to include its name in Wiradjuri language of Gaanha-Bula, should an application be lodged to the Geographical Names Board by OLALC.

AMENDMENT

- 2 That Council defers this item to allow for public consultation.

For: Cr K Duffy, Cr T Mileto

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

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 22/307

Cr G Power/Cr D Mallard

4.3 NOTICE OF MOTION - RECOGNITION OF WIRADJURI COUNTRY

- 2 That Council supports the dual naming of Mt Canobolas to include its name in Wiradjuri language of Gaanha-Bula, should an application be lodged to the Geographical Names Board by OLALC.

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 the Geographical Names Board seeks community input and exhibition for these applications or consider feedback.

The Acting Chief Executive Officer advised no, this is not their process.

4.4 NOTICE OF MOTION - MENTAL HEALTH

TRIM REFERENCE: 2022/1365

RESOLVED - 22/308**Cr G Floyd/Cr T Greenhalgh**

That Council resolves to:

- 1 Facilitate the addition to its website of a Mental Health page that contains a detailed list of Mental Health providers in the Orange LGA. Including details of services provided, emergency contacts, website addresses and details of nationally recognised bodies such as, Beyond Blue, Headspace, Lifeline etc if applicable.
- 2 Report to the chamber, costings and viability of such an upgrade to the website.

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 Peterson asked who is responsible for updating the information on mental health services. *The Acting Chief Executive Officer advised the Public Health Network is in the process of providing information for access for all as well as the body of work around keeping information up to date.*

4.5 NOTICE OF MOTION - WIFI IN THE CBD

TRIM REFERENCE: 2022/1433

RESOLVED - 22/309**Cr S Peterson/Cr J Hamling**

That Council be provided with a report as to costs and feasibility of free Wi-Fi being made available in the Orange CBD.

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 where Council currently provides Wi-Fi and how we promote this for users to access the free Wi-Fi__33.

The Director Corporate Commercial Services advised there is signage on and in Council buildings such as the Library.

4.6 NOTICE OF MOTION - UNINHABITED GOVERNMENT OWNED RESIDENTIAL DWELLINGS

TRIM REFERENCE: 2022/1471

RESOLVED - 22/310**Cr F Kinghorne/Cr M McDonell**

That Council Staff conduct an audit on the number and type of uninhabited Government owned residential dwellings in Orange and seek to determine the reasons for the lack of occupancy.

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 GENERAL REPORTS**5.1 DEVELOPMENT APPLICATION DA 121/2021(1) - (8.2 REVIEW OF DETERMINATION) - 46 KITE STREET**

TRIM REFERENCE: 2022/1396

RESOLVED - 22/311**Cr J Whitton/Cr D Mallard**

That Council resolves:

- 1 That pursuant to Section 8.2 of the Environmental Planning and Assessment Act, 1979, Review of Development Application DA 121/2021(1) be supported;
- 2 That pursuant to Section 8.4 of the Environmental Planning and Assessment Act, 1979, Council's Refusal Notice of Determination dated 27 July 2021 of Development Application DA 121/2021(1) for Carport Alterations (replace gate with roller door) at Lot 1 DP 84714, 46 Kite Street, Orange be changed; and
- 3 Council consents to Development Application DA 121/2021(1) for Dwelling house (external building, carport, and fencing alterations) at Lot 1 DP 84714, 46 Kite Street, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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

Against: Nil

Absent: Nil

Cr Kinghorne asked if the original problem around the idea of the roller door has been addressed now as this looked to be the issue in the submissions for the application.

The Director Development Services advised yes, submissions concerns were addressed.

5.2 2022 LGNSW ANNUAL CONFERENCE - COUNCILLOR ATTENDANCE/MOTIONS

TRIM REFERENCE: 2022/1296

RESOLVED - 22/312**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To select Cr Whitton, Cr McDonell, Cr Kinghorne, Cr Mallard, Cr Floyd and Cr Duffy to attend the LGNSW Annual Conference from 23-25 October 2022
- 2 That from those Councillors attending, Council selects Cr Whitton, Cr McDonell and Cr Kinghorne to be voting delegates.
- 3 That Councillors raise any motion(s) they wish to have included in the LGNSW Annual Conference by providing the motion(s) in writing to the Manager Executive Support by no later than 5pm Friday 5 August 2022 for inclusion in the next Council Meeting of 16 August 2022 for adoption before submission.

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

5.3 PROGRESS REPORT - OPERATIONAL PLAN 2021/2022 (DELIVERY PLAN YEAR 4) - SIX MONTHS FROM 1 JANUARY 2022 TO 30 JUNE 2022

TRIM REFERENCE: 2022/1440

RESOLVED - 22/313**Cr J Whitton/Cr G Floyd**

That the Progress Report - Operational Plan 2021/2022 (Delivery Program Year 4) – Six Months from 1 January 2022 to 30 June 2022 be noted.

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

Against: Nil

Absent: Nil

5.4 REGISTER OF DELEGATIONS - COUNCIL AND THE CHIEF EXECUTIVE OFFICER

TRIM REFERENCE: 2021/1467

RESOLVED - 22/314**Cr J Whitton/Cr J Evans**

That the Register of Delegations, as updated in July 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

5.5 WAIVING OF FEES - PUBLIC AMENITY

TRIM REFERENCE: 2022/1414

RESOLVED - 22/315**Cr D Mallard/Cr T Greenhalgh**

That Council resolves:

- 1 That Council waive the S64 Fees payable by Orange Waratahs Sports Club Limited for DA 114/2016(4) for the construction of public toilets and change room in the amount of \$ \$20,985.60 ex GST.
- 2 That Council confirms that resolution 21/433 to waive the S64 Fees payable by Orange Waratahs Sports Club Limited for DA 114/2016(3) is replaced by this resolution to waive the S64 Fees payable by Orange Waratahs Sports Club Limited for DA 114/2016(4) for the construction of public toilets and change room in the amount of \$20,394.23 ex GST.

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

CR D MALLARD, CR M MCDONELL, CR T MILETO, CR S PETERSON, CR G POWER, CR J WHITTON

AGAINST: NIL

ABSENT: NIL

6 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 - 22/316**Cr D Mallard/Cr T Greenhalgh**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Tenders for Clergate Road Upgrade Stage 2

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

6.2 Submission Redactions 2 August 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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.32pm.

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

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 TENDERS FOR CLERGATE ROAD UPGRADE STAGE 2

TRIM REFERENCE: 2022/1328

RESOLVED - 22/317**Cr K Duffy/Cr J Whitton**

That Council resolves to:

- 1 Not accept any of the tenders for the Clergate Road Upgrade Stage 2; and
- 2 Invite fresh tenders based on a revised scope of works.
- 3 Pre-purchase precast concrete drainage elements for the project.

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

Against: Nil

Absent: Nil

6.2 SUBMISSION REDACTIONS 2 AUGUST 2022

TRIM REFERENCE: 2022/1436

RESOLVED - 22/318**Cr M McDonell/Cr F Kinghorne**

That the information in this report 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

THE MEETING CLOSED AT 8.35PM

This is Page Number 10 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 2 August 2022.