
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 16 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 (zoom), Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor), Cr J Whitton

Chief Executive Officer, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Chief Financial Officer, Manager Communications and Engagement, Executive Support Manager, Executive Support Officer

1.1 APOLOGIES

Nil.

RESOLVED - 22/300	Cr M McDonell/Cr J Whitton
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That Cr F Kinghorne be permitted to attend the Council meeting of Orange City Council on 16 August 2022 via audio visual link (zoom).

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

Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

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

Nil.

THERE WAS NO OPEN FORUM.

The Chief Executive Officer introduced the new Chief Financial Officer, Veronica Webb.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/301

Cr J Whitton/Cr T Greenhalgh

That the Minutes of the Ordinary Meeting of Orange City Council held on 2 August 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 2 August 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

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2022/1311

RESOLVED - 22/302

Cr K Duffy/Cr D Mallard

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 2 August 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Employment and Economic Development Policy Committee at its meeting held on 2 August 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Infrastructure Policy Committee at its meeting held on 2 August 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 2 August 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Finance Policy Committee at its meeting held on 2 August 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 6 That the Minutes of the Services Policy Committee at its meeting held on 2 August 2022 be and are hereby confirmed as a true and accurate record of the proceedings.

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 for clarification on the Clergate Road situation – costs, start and finish dates and additionally asked what is happening with the awnings on Summer Street damaged by fire last year.

The Director Technical Services responded that the Clergate Road request for quotation closes this week. The scope is being re-written and we will go to tender by October and then closing and award the tender in December.

The Director Development Services added in relation to the Summer Street fire, three of the shops are subject to recent DA's to repair the awnings and the main café is subject to an emergency order and started this week on removal of burnt material. Structural works will be commencing soon.

QUESTION TAKEN ON NOTICE

Cr J Whitton

Cr Whitton asked who is responsible for removing the burnt out car at Gosling Reservoir that is now sitting on its side. Concern raised as it is near to the family area.

5.2 BUSINESS ENTERPRISE CENTRE - CENTRAL NSW LIMITED CONSTITUTION CHANGE

TRIM REFERENCE: 2022/1441

RESOLVED - 22/303**Cr J Whitton/Cr J Evans**

That Council resolves to:

- 1 Support the amendments to the Business Enterprise Centre – Central NSW limited (known as Biz HQ) to:
 - a) Establish a new membership class entitled “General Membership”
 - b) Amend Council Rights to be non-voting members.
- 2 Acknowledge the resignation of the CEO and Deputy Mayor as Directors of the Board of the Business Enterprise Centre – Central NSW limited effective 23 May 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

Cr Evans asked for some background on why these changes are occurring to BizHQ.

The Chief Executive Officer advised the management of BizHQ changed around a year ago. The organisation looked at the core business and agreed it is not really under the control of Councils therefore would change the constitution removing all Councils as the primary members and take us out of the governance of the organisation.

Cr Evans asked if Council intended to take up general membership.

The Chief Executive Officer advised yes, it is in our interest to do so.

5.3 PROPOSED RECYCLING GATE FEE INCREASE AND NEW VISY SUPPLY AGREEMENT INCLUDING DEED OF VARIATION OF FORMAL INSTRUMENT OF AGREEMENT - WASTE COLLECTION AND RECYCLING PROCESSING SERVICES

TRIM REFERENCE: 2022/1469

RESOLVED - 22/304**Cr D Mallard/Cr G Power**

That Council agrees to accept the proposed increase in gate fee and conditions of the attached Supply Agreement between JR & EG Richards Pty Ltd and Visy Paper Pty Ltd and endorse application of the Council Seal to the attached Second Deed of Variation of Formal Instrument of Agreement – Waste Collection and Recycling Processing Services.

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 it is the same as what we are doing now other than the price and how we have previously gone with targets they set, noting the over compaction rates in the agreement.

The Director Technical Services answered yes, it is the same as we are currently doing, just the gate fee change, and yes we have met all targets required of us.

Cr Whitton stated we need to be sure what impact will be from budget point of view if increase accepted.

The Chief Executive Officer advised it will come out of Waste Fund with total increase of \$6,000 per year.

Cr Whitton commented that we are paying for the service and we are also giving up 50% on return of bottles asking what is in it for us.

The Director Technical Services commented that it continues diversion from landfill, we do not have a viable economic use for mixed recyclables at this time.

QUESTION TAKEN ON NOTICE**Cr J Whitton**

Cr Whitton asked with the few dollars increase to the gate recycling charge, what tonnage do we normally do and what would be the increased impact onto the ratepayers.

RESOLVED - 22/305**Cr K Duffy**

That Item 5.4 Motions – LGNSW Annual Conference be heard and voted on in seriatim.

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 MOTIONS - LGNSW ANNUAL CONFERENCE

TRIM REFERENCE: 2022/1322

RESOLVED - 22/306**Cr M McDonell/Cr D Mallard**

That Council submits the State Environmental Planning Policy Motion to the LGNSW Annual Conference.

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

RESOLVED - 22/307**Cr K Duffy/Cr J Whitton**

That Council submits the unused State Land Block Motion to the LGNSW Annual Conference noting the new wording as: That Local Government NSW Conference call upon the State Government to release necessary percentage of State land under its control for social and affordable housing.

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

RESOLVED - 22/308**Cr D Mallard/Cr K Duffy**

That Council submits the Cat Containment Amendments to the Companion Animals Act Motion to the LGNSW Annual Conference.

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

MOTION**Cr D Mallard/Cr M McDonell**

That Council submits the Regulated Phase-Out of New Petrol and Diesel Vehicles Motion to the LGNSW Annual Conference.

THE MOTION ON BEING PUT WAS LOST

For: Cr J Evans, Cr D Mallard, Cr M McDonell, Cr G Power, Cr J Whitton

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr S Peterson

Absent: Nil

MOTION**Cr D Mallard/Cr M McDonell**

That Council submits the Reducing the Impacts of Wood Heaters Motion to LGNSW Annual Conference.

THE MOTION ON BEING PUT WAS LOST.

For: Cr J Evans, Cr D Mallard, Cr M McDonell, Cr G Power

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr S Peterson, Cr J Whitton

Absent: Nil

Cr Hamling asked if cats are microchipped.

The Director of Development Services advised yes, it is part of the desexing program.

Cr Hamling asked if Rangers are able to return cats to their home.

The Director of Development Services stated they have to be identified and after a certain date there was a requirement to have them registered.

Cr Mallard commented that all cats and dogs must be microchipped before 12 weeks of age.

5.5 STATEMENT OF INVESTMENTS - JULY 2022

TRIM REFERENCE: 2022/1481

RESOLVED - 22/309**Cr K Duffy/Cr G Floyd**

That Council resolves:

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

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

5.6 CWCJO ELECTRICITY CONTRACT

TRIM REFERENCE: 2022/1551

RESOLVED - 22/310**Cr J Whitton/Cr D Mallard**

That the report of the Chief Executive Officer on the CWCJO Electricity Contract 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

Cr Whitton asked why this initiative could not be offered to the entire community of Orange.

The Chief Executive Officer advised the Environmental Sustainability Community Committee needs to consider this and provided the example that Parkes Council supported and gave incentives for Solar on rooftops of residential houses then bulk purchased.

Cr Whitton commented that there is a great opportunity as a buying mechanism, communities will start managing small grids themselves and asked if this something the CNSWJO is looking at.

The Chief Executive Officer stated the JO is looking at options with new providers. Council needs to decide how much it wants to do and the Environmental Sustainability Community Committee need to determine the direction.

5.7 LORDS PLACE SOUTH DRAFT CONCEPT DESIGN

TRIM REFERENCE: 2022/1614

MOTION**Cr D Mallard/Cr J Evans**

That Council resolves:

- 1 The Lords Place south concept design be exhibited for 14 days.
- 2 That a specialist consultant be engaged to provide options to manage parking changes in the precinct including:
 - Possible changes to time limits in the Ophir Car Park.
 - Possible changes to time limits in the nearby streets.
 - Options for short stay parking of 5, 10 or 15 minutes.
 - Improved connections to existing car parks.

AMENDMENT**Cr J Evans/Cr J Whitton**

That Council resolves:

- 1 The Lords Place south concept design be exhibited for 14 days.
- 2 That a specialist consultant be engaged to provide options to manage parking changes in the precinct including:
 - Possible changes to time limits in the Ophir Car Park.
 - Possible changes to time limits in the nearby streets.
 - Options for short stay parking of 5, 10 or 15 minutes.
 - Improved connections to existing car parks.
- 3 That Council be provided with a report on future traffic flow in the CBD as part of the Lords Place design concept.

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

Against: Cr J Hamling, Cr K Duffy, Cr T Greenhalgh, Cr F Kinghorne, Cr J Whitton

Absent: Nil

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON BEING PUT WAS LOST**

For: Cr J Evans, Cr D Mallard, Cr T Mileto, Cr G Power

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

Absent: Nil

FORESHADOWED AMENDMENT**Cr F Kinghorne/Cr J Whitton**

- 1 That the Lords Place South concept design project exhibition be deferred until such time as a specialist consultant be engaged to provide options to manage parking changes in the precinct including:
 - Possible changes to time limits in the Ophir Car Park.
 - Possible changes to time limits in the nearby streets.
 - Options for short stay parking of 5, 10 or 15 minutes.
 - Improved connections to existing car parks.

- 2 Council be provided with a report on future traffic flow in the CBD as part of the Lords Place design concept.

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 - 22/311

Cr D Mallard/Cr J Evans

- 1 That the Lords Place South concept design project exhibition be deferred until such time as a specialist consultant be engaged to provide options to manage parking changes in the precinct including:
- Possible changes to time limits in the Ophir Car Park.
 - Possible changes to time limits in the nearby streets.
 - Options for short stay parking of 5, 10 or 15 minutes.
 - Improved connections to existing car parks.
- 2 Council be provided with a report on future traffic flow in the CBD as part of the Lords Place design concept.

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 - 22/312**Cr M McDonell/Cr G Floyd**

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 Lease to Orange District Tennis Association - Total Park Tennis Centre

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 Works in Kind Agreement between MS Investments and Orange City 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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.05pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.35pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 LEASE TO ORANGE DISTRICT TENNIS ASSOCIATION - TOTAL PARK TENNIS CENTRE

TRIM REFERENCE: 2022/1524

RESOLVED - 22/313**Cr K Duffy/Cr G Floyd**

- 1 That following compliance with the requirements of the Local Government Act, Council enter a lease of Total Park Tennis Complex for a term of five-years with an option to renew for five-years under the terms contained herein.
- 2 That permission be granted to affix the Council seal on any documents necessary.

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 WORKS IN KIND AGREEMENT BETWEEN MS INVESTMENTS AND ORANGE CITY COUNCIL

TRIM REFERENCE: 2022/1549

RESOLVED - 22/314**Cr S Peterson/Cr J Evans**

That Council resolves:

- 1 That Council approve the works included in the Works In Kind agreement (F3934-1) between MS Investments and Council;
- 2 That Council authorise the affixing of Council's seal to the Works in Kind agreement;
- 3 That Council approve the value of the works as part satisfaction of the section 7.11 contributions as per the report.

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 8.40PM.

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 16 August 2022.