
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 6 SEPTEMBER 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

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Chief Financial Officer, Manager Corporate Governance, Executive Support Officer, Manager Communications & Engagement, Manager Operations, Manager Engineering Services

1.1 APOLOGIES

Nil.

RESOLVED - 22/315	Cr M McDonell/Cr S Peterson
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That Cr T Greenhalgh be permitted to attend the Council meeting of Orange City Council on 6 September 2022 via audio visual link (zoom).

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

Against: Nil

Absent: 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

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in the Finance Policy Committee Meeting Item 2.2 part 3 – Small Donations & Grants – Applications for Consideration (Round 1) as she is a member of the Donation Applicant - Compassionate Friends.

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in the Planning and Development Committee Meeting Item 2.5 – Development Application DA65/2022(1) – 13 Borrodell Drive as she resides nearby.

Cr Hamling declared a Significant Non-Pecuniary Interest in the Infrastructure Policy Committee Meeting Item 3.1 as he is a staff member of Orange High School.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in the Planning & Development Committee Meeting Item 2.2 - Development Application DA154/2022(1) – 61B Moulder Street as the applicants are known to her.

Cr Kinghorne declared a Significant Pecuniary Interest in the Planning & Development Committee Meeting Item 2.4 as the Development Application DA218/2021(1) – 46 Shiralee Drive as her husband's business has undertaken soil testing on this site.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in the Planning & Development Committee Meeting Item 2.5 - Development Application DA65/2022(1) – 13 Borrodell Drive as the she resides nearby.

Cr Kinghorne declared a Significant Pecuniary Interest in the Planning & Development Committee Meeting Item 2.7 - Development Application DA231/2022(1) – 12 and 13 Cameron Place as her husband's business has undertaken testing on this site.

1.5 OPENING PRAYER

Reverend Robert McKean of the Orange Presbyterian Church led the Council in Prayer.

RESOLVED - 22/316

Cr J Whitton/Cr G Power

That the following Late Items be permitted to be considered at the Council Meeting of 6 September 2022:

Council Meeting

5.2 – Lords Place South Draft Design Concept

Closed Council Meeting

6.3 – Health Administration Corporation Agreement

6.4 – Land Acquisition.

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 OPEN FORUM AT 6.35PM

Crime Trends

Chief Inspector Peter Atkins addressed Council on Crime in Orange and the Community Safety Meeting to be held Tuesday 13 September 2022 at 10am.

Prostate Cancer Awareness Month

Charlie Everett address Council on Prostate Cancer Awareness.

Planning & Development Committee Item 2.2 – Development Application DA 154/2022(1) – 61B Moulder Street

Ian Carter addressed Council on his concerns for the development.

Sally Sutherland addressed Council on the proposed development.

Planning & Development Committee Item 2.6 – Development Application DA 387/2021(1) – 26 Lysterfield Road

Jenny Somerset addressed Council on her concerns for the development.

Infrastructure Policy Committee Item 3.1 – Traffic & Parking at the Intersection of Byng and Hamer Streets

Richard Thomas address Council on his concerns on traffic and parking in Byng & Hamer Sts.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.08PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 22/317****Cr K Duffy/Cr G Floyd**

That the Minutes of the Ordinary Meeting of Orange City Council held on 16 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 16 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

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.09PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 9.13PM

Cr S Peterson left the room and re-joined the meeting via audio visual link (zoom) with the time being 9.14pm

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 PUBLIC MEETING - CRIME IN ORANGE

TRIM REFERENCE: 2022/1719

RESOLVED - 22/360**Cr K Duffy/Cr J Hamling**

- 1 That Council promote the Central West Police District Crime meeting to be held 13 September 2022 at the Orange Regional Gallery Theatre at 10am by various means.
- 2 That Council make representations to the NSW Attorney General and NSW Government to maintain the integrity of the Parental Responsibilities Act.

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 Greenhalgh left the meeting with the time being 9.31 pm

Cr Greenhalgh returned to the meeting with the time being 9.33pm

4.2 UKRAINIAN FRIENDSHIP CITY

TRIM REFERENCE: 2022/1696

RESOLVED - 22/361**Cr M McDonell/Cr T Mileto**

That Council refer back to the Sister Cities Committee to investigate and provide options for a Ukrainian city with which to establish a Friendship City relationship.

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 PROJECT ACTIVITIES SEPTEMBER 2022

TRIM REFERENCE: 2022/954

RESOLVED - 22/362**Cr J Whitton/Cr G Power**

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 Peterson asked how the order is decided for footpaths, example of Byng street provided. *The Director Technical Services advised locations of high use such as being closer to schools is a reason why it is decided for both sides such in this case.*

Cr Floyd asked for further information on defects to be rectified on Forest Road from the Hospital to Cadia Road.

The Director Technical Services stated the preparation of the final seal was not done to satisfaction. The contractor took it on their own risk to proceed with the final seal which has held up well and patches are to be rectified at contractors expense.

Cr Duffy asked for an update on Clergate Road.

The Director Technical Services advised Council have completed the earthworks for preparation for the water main relocation. It will go out to tender with a new scope towards the end of September early October.

Cr Mallard asked if there had been any progress updates on planning for the Housing Summit.

The Director Development Services advised we will know a date soon.

5.2 LORDS PLACE SOUTH DRAFT CONCEPT DESIGN

TRIM REFERENCE: 2022/1700

RESOLVED - 22/363

Cr D Mallard/Cr M McDonell

That the Lords Place South concept design be exhibited for 21 days.

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 the difference was for on being on exhibition 14 days or 28 days.

The Chief Executive Officer stated it was around urgency given the grant situation.

The Director Technical Services advised the draft design has been in community for 21 days already but we have not been taking comments on it. It is important to hear the feedback, 14 days is appropriate as it has been in community already.

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 - 22/364**Cr J Whitton/Cr G Power**

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 Contract - Orange Sewage Treatment Plant Inlet Works Upgrade - Construct and Install

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 6 September 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.

6.3 Health Administration Corporation Agreement

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

6.4 Acquisition of Land

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.

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 Closed Meeting at 9.52pm.

The Mayor declared the Ordinary Meeting of Council resumed at 10.16pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 CONTRACT - ORANGE SEWAGE TREATMENT PLANT INLET WORKS UPGRADE - CONSTRUCT AND INSTALL

TRIM REFERENCE: 2022/1677

RESOLVED - 22/365

Cr K Duffy/Cr J Whitton

That Council resolves:

- 1 To enter into a contract with Precision Civil Infrastructure Pty Ltd for the Orange STP Inlet works upgrade construct & install (F3900) – with alternate electrical cabling and retaining wall for the amount of \$6,201,945 ex GST;
- 2 That the use of Council's Seal be authorised on relevant contractual documents;
- 3 That an additional amount of \$2,100,000 to facilitate the project be funded from sewer fund reserves.

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 6 SEPTEMBER 2022

TRIM REFERENCE: 2022/1698

RESOLVED - 22/366

Cr D Mallard/Cr M McDonell

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

6.3 HEALTH ADMINISTRATION CORPORATION AGREEMENT

TRIM REFERENCE: 2022/1742

RESOLVED - 22/367

Cr J Whitton/Cr J Hamling

That the CEO be delegated to finalise the matter with the Health Administration Corporation as per the conclusion of this 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

6.4 ACQUISITION OF LAND

TRIM REFERENCE: 2022/1779

RESOLVED - 22/368**Cr J Whitton/Cr D Mallard**

- 1 That the information in the report by the Chief Executive Officer on Land Acquisition be acknowledged.
- 2 That the Chief Executive Officer be granted authority to exercise his delegation as detailed in the report.
- 3 That should Council acquire this site the land be classified operational.
- 4 That should Council acquire the site authority be granted to affix the Common Seal of Council to all documentation relating to the purchase.

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

Against: Cr T Greenhalgh, Cr T Mileto

Absent: Nil

THE MEETING CLOSED AT 10.18PM

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 6 September 2022.