
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 20 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, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Executive Support Officer

The Orange Male Voice Choir sang the national Anthem.

The Mayor paid tribute to Queen Elizabeth II and held 1 minute silence in her memory.

The Orange Male Voice Choir sang God Save the King.

1.1 APOLOGIES

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 Evans declared a Significant Non-Pecuniary Interest in item 5.10 – Orange Region Destination Management Plan – 2022-2026 Post Exhibition and Orange 360 Funding Agreement as his business is a member of Orange 360.

Cr Hamling declared a Significant Non-Pecuniary Interest in item 5.10 – Orange Region Destination Management Plan – 2022-2026 Post Exhibition and Orange 360 Funding Agreement as he is on the board of Orange 360.

Cr Power declared a Significant Non-Pecuniary Interest in item 5.10 – Orange Region Destination Management Plan – 2022-2026 Post Exhibition and Orange 360 Funding Agreement as he is on the board of Orange 360.

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

4.2 - Notice of Motion - Blue Trees and Benches Project

Bernadette Allen addressed Council on the importance of the Blue Trees and Benches Project

5.10 - Draft Orange Region Destination Management Plan 2022-2026

Uncle Neil Ingram Sr addressed Council on his concerns for Mt Canobolas Mountain Bike Track on Gaanha-bula being included in the Destination Management Plan.

Dr Andrew Rawson addressed Council on his concerns for Mt Canobolas Mountain Bike Track on Gaanha-bula being included in the Destination Management Plan.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.53PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/369

Cr J Whitton/Cr F Kinghorne

That the Minutes of the Ordinary Meeting of Orange City Council held on 6 September 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 6 September 2022, noting the change to Declarations 2 & 4 of Cr Kinghorne which are Significant Pecuniary Interests.

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

4.1 NOTICE OF MOTION - SMALL DONATIONS AND GRANTS PROGRAM 2023/2024

TRIM REFERENCE: 2022/1789

RESOLVED - 22/370**Cr S Peterson/Cr J Evans**

That the consideration of funding allocations for the Small Donations and Grants Program be deferred until an expedited review of the program has been undertaken, with a report to be provided to Council on the outcome of the review.

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 - BLUE TREES AND BENCHES PROJECT

TRIM REFERENCE: 2022/1777

RESOLVED - 22/371**Cr T Mileto/Cr K Duffy**

That Council fund and perform the installation of the Blue Benches for Suicide Prevention in Council owned Parks and Reserves as determined by the working party.

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 T Mileto**

Cr Mileto asked for a time frame for funds to be available and the Blue Benches to be installed by staff.

4.3 NOTICE OF MOTION - ENGAGING DEVIANT YOUTH TO PREVENT CRIME

TRIM REFERENCE: 2022/1799

RESOLVED - 22/372**Cr T Mileto/Cr J Hamling**

That Council investigate assisting in the development of crime prevention interventions and opportunities of implementing a program to engage youth to prevent crime.

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 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2022/1312

RESOLVED - 22/373**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 6 September 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 6 September 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 6 September 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Sport and Recreation Policy Committee at its meeting held on 6 September 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 6 September 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 6 That the Minutes of the Finance Policy Committee at its meeting held on 6 September 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 7 That the Minutes of the Services Policy Committee at its meeting held on 6 September 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

5.2 DEVELOPMENT APPLICATION DA 154/2022(1) - 61B MOULDER STREET

TRIM REFERENCE: 2022/1805

RESOLVED - 22/374**Cr J Hamling/Cr J Whitton**

That Council consents to development application DA 154/2022(1) for Dwelling Alterations and Additions (two storey) at Lot 15 DP 1273424 - 61B Moulder Street, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

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 2021/22 FINANCIAL STATEMENTS

TRIM REFERENCE: 2022/1661

RESOLVED - 22/375**Cr K Duffy/Cr G Floyd**

That Council resolves:

- 1 That Council resolve to authorise the Mayor, Chairperson of Finance Policy Committee, Chief Executive Officer and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose and Special Purpose Financial Statements in order for Council's Auditors to conduct the audit and upon completion of the audit, issue an audit statement in accordance with section 413(2)(c) of the Local Government Act 1993.
- 2 Council refers the General Purpose and Special Purpose Financial Statements to the Audit Office of NSW for audit.
- 3 That Council's Auditor be invited to present the Audit Report to Council.

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 STATEMENT OF INVESTMENTS - AUGUST 2022

TRIM REFERENCE: 2022/1748

RESOLVED - 22/376**Cr K Duffy/Cr S Peterson**

That Council resolves:

- 1 To note the Statement of Investments as of 31 August 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

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked that information be provided in relation to the Statement of Investment report on why half of Council's investment are invested in 1 year terms at the lowest interest rate.

5.5 FEES CHARGED FOR CARL SHARPE CRICKET CENTRE

TRIM REFERENCE: 2022/1710

RESOLVED - 22/377**Cr D Mallard/Cr G Floyd**

That Council acknowledge the report on Fees Charged for the Carl Sharpe Cricket Centre.

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

5.6 AUSTRALIAN AIRPORTS ASSOCIATION CONFERENCE & INDUSTRY EXPO - 15-17 NOVEMBER 2022

TRIM REFERENCE: 2022/1743

RESOLVED - 22/378**Cr K Duffy/Cr G Floyd**

That Councillor's J Evans and Councillor G Whitton attend the 2022 Australian Airports Association Annual Conference 15-17 November 2022 in Adelaide.

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 what the tangible benefits are for Orange and how we measure the value of conference like this.

The Chief Executive Officer stated that the assessment is up to Councillor's and Council staff. Councillors come back with ideas and as we are heading to master plan for the airport this would be good knowledge.

The Director Technical Services stated it keeps us at the forefront of the knowledge out there. Orange is on the cusp of going to an airport where we have security control and screening and there is an informal value by forming networks amongst other operators.

Cr Whitton added that in having Councillors attend the conference, it shows CASA we understand the obligations in law of running an airport and this aides in lobbying when it comes to funding.

5.7 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS - 1-3 NOVEMBER 2022

TRIM REFERENCE: 2022/1749

RESOLVED - 22/379**Cr J Whitton/Cr J Evans**

That Councillor K Duffy attend the 2022 National Local Roads and Transport Congress 01-03 November 2022 in Tasmania.

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 what the benefit of this conference is for Council.

The Director Technical Services stated that a lot of it is around lobbying and these conferences have historically been instrumental in changes to regional roads and federal assistance grants where previously given for higher traffic roads.

5.8 REPORT ON COMMUNITY CONSULTATION ON THE FUTURE OF ORANGE FUNCTION CENTRE

TRIM REFERENCE: 2022/1703

RESOLVED - 22/380

Cr G Floyd/Cr J Hamling

That Council resolves:

- 1 To note the report; and
- 2 That Staff provide a report on upgrades and costs that could be delivered to enable the Function Centre to continue to service the community need outlined in 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

Cr Greenhalgh asked after the Function Centre Masterplan that was to go on exhibition.

The Director Community, Recreation & Cultural Services stated that we are trying to ascertain what is to be included in the masterplan and then we can develop costings to go with it.

Cr Mileto asked by not seeking to meet commercial needs for hosting conferences, wouldn't including this give a clearer picture of what the costings will be.

The Director Community, Recreation & Cultural Services stated that the building is 60 years old and is a function centre not a conference centre and that in its current form it is not fit for purpose as a conference centre.

Cr McDonell asked if Council had historically thought the function centre met the needs of conferences.

The Director Community, Recreation & Cultural Services stated conference organisers have not been seeking out the function centre because it is not fit for that purpose in its current form.

Cr Greenhalgh asked if the function centre had AV equipment would that assist.

The Director Community, Recreation & Cultural Services stated that it is good for community groups and schools however it needs to be a very different venue to what it is now if it is going to be a conference centre.

5.9 ORANGE REGIONAL CONSERVATORIUM PHILANTHROPIC CAMPAIGN

TRIM REFERENCE: 2022/1782

RESOLVED - 22/381**Cr M McDonell/Cr G Floyd**

That Council endorse the proposed Orange Regional Conservatorium Philanthropic Strategy items as detailed in 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

Cr Evans, Cr Hamling and Cr Power left the meeting with the time being 8.04pm

In the absence of the Mayor and Deputy Mayor, Cr Whitton assumed the role of chairperson

5.10 ORANGE REGION DESTINATION MANAGEMENT PLAN 2022-2026 POST EXHIBITION, AND ORANGE 360 FUNDING AGREEMENT

TRIM REFERENCE: 2022/1786

Cr Evans declared a Significant Non-Pecuniary Interest in this item as his business is a member of Orange 360, left the chamber and did not participate in discussion or voting on this item.

Cr Hamling declared a Significant Non-Pecuniary Interest in this item as he is on the board of Orange 360, left the chamber and did not participate in discussion or voting on this item.

Cr Power declared a Significant Non-Pecuniary Interest in this item as he is on the board of Orange 360, left the chamber and did not participate in discussion or voting on this item.

MOTION**Cr G Floyd/Cr S Peterson**

- 1 That Council endorse the 'Orange Region Destination Management Plan 2022 – 2026'
- 2 That Council approve an exemption from a public tender process in accordance with section 55 (3)(i) of the Local Government Act 1993, and approve the awarding of a contract for:
 - i. the provision of destination marketing services to TDO Ltd (trading as Orange360)

by reason of extenuating circumstances, noting that a satisfactory result for the City would not be achieved by inviting tenders at this time, as the loss of continuity of destination marketing services provided by Orange360 poses significant risks to the regional tourism economy and industry
- 3 That Council delegate the authority to the Chief Executive Officer to negotiate, administer and enter into any necessary documentation to give effect to the recommendation above.

AMENDMENT**Cr M McDonell/Cr T Greenhalgh**

That Council defer the consideration of the Orange Region Destination Management Plan 2022-2026 Post Exhibition and Orange360 Funding Agreement for the purpose of a Councillor briefing.

For: Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell

Against: Cr K Duffy, Cr G Floyd, Cr T Mileto, Cr S Peterson, Cr J Whitton

Absent: Cr G Power, Cr J Evans, Cr J Hamling

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 22/382****Cr G Floyd/Cr S Peterson**

- 1 That Council endorse the 'Orange Region Destination Management Plan 2022 – 2026'
- 2 That Council approve an exemption from a public tender process in accordance with section 55 (3)(i) of the Local Government Act 1993, and approve the awarding of a contract for:
 - i. the provision of destination marketing services to TDO Ltd (trading as Orange360)

by reason of extenuating circumstances, noting that a satisfactory result for the City would not be achieved by inviting tenders at this time, as the loss of continuity of destination marketing services provided by Orange360 poses significant risks to the regional tourism economy and industry
- 3 That Council delegate the authority to the Chief Executive Officer to negotiate, administer and enter into any necessary documentation to give effect to the recommendation above.

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

Against: Cr T Greenhalgh, Cr F Kinghorne, Cr M McDonell

Absent: Cr G Power, Cr J Evans, Cr J Hamling

Cr Duffy asked how much time has been spent on the Draft Management Plan.

The Director Corporate & Commercial Services stated that staff have been working on the Draft Management Plan since April.

Cr Duffy asked if Council was briefed by Orange 360.

The Director Corporate & Commercial Services stated that yes Council had been briefed.

Cr Mileto asked about the feedback from Blayney and Cabonne Councils during the process, stating it had not been conveyed to Councillors.

The Director Corporate & Commercial Services stated that feedback was received and considered from the Councils during the exhibition period.

QUESTION TAKEN ON NOTICE**Cr S Peterson**

Cr Peterson asked if the endorsement of the Destination Management Plan was deferred would it have to go back to the other Councils.

Cr McDonnell asked if it was a working document that would be updated.

The Director Corporate & Commercial Services stated that it was the final Destination Management Plan however any actions resulting from it would come to Council to determine.

Cr Kinghorne stated that the Rail Action Group made submissions but no changes were made. *The Director Corporate & Commercial Services stated that the submissions were received and considered.*

Cr Evans, Cr Hamling and Cr Power returned to the meeting with the time being 8.32pm and Cr Hamling resumed the chair

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 - 22/383

Cr G Floyd/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 Entering into Contracts for the Supply and Delivery of Bulk Fuel

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.

6.2 Submission Redactions 20 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.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, 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 8.35pm

The Mayor declared the Ordinary Meeting of Council resumed at 8.56pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 ENTERING INTO CONTRACTS FOR THE SUPPLY AND DELIVERY OF BULK FUEL

TRIM REFERENCE: 2022/1722

RESOLVED - 22/384

Cr G Floyd/Cr K Duffy

That Council resolves to:

- 1 Accept and sign a contract with the following organisations for the supply and delivery of bulk fuel:
 - Lowes Petroleum
 - Oilsplus Holdings Australia (pending resolution of insurances).
- 2 Advise the Central NSW Joint Organisation of its decision.

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 20 SEPTEMBER 2022

TRIM REFERENCE: 2022/1814

RESOLVED - 22/385

Cr K Duffy/Cr F Kinghorne

That the information in the report on Submission Redactions 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 8.58PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 20 September 2022.