



ORDINARY COUNCIL MEETING

AGENDA

4 OCTOBER 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, 4 October 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.

1.5 OPENING PRAYER

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 September 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 20 September 2022.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 20 September 2022

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 McDonell 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 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 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.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - Chaired by Cr Jeff Whitton

Employment and Economic Development – Chaired By Cr Tony Mileto

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation - Chaired by Cr Tammy Greenhalgh

Environmental Sustainability - Chaired by Cr David Mallard

Finance - Chaired by Cr Kevin Duffy

Services - Chaired by Cr Melanie McDonell

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - HEART OF THE NATION SUPPORT

RECORD NUMBER: 2022/1881

I, **CR JEFF WHITTON** wish to move the following Notice of Motion at the Council Meeting of 4 October 2022:

MOTION

That Council resolves:

- 1 That Council support Heart of the Nation in their drive to have publicly available AED's in the community.**
- 2 That Council staff provide a report to Council on strategies to broaden the awareness and installation of AED's in Orange.**

BACKGROUND

Greg Page Recently visited Orange to promote Heart of the Nation Community program. The Goal of which is to have a publicly available AED within 200m (3 minutes) of each residence.

The program has an associated App that can be accessed by the public to identify locations that AEDs are available.

Signed Cr Jeff Whitton

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.2 NOTICE OF MOTION - SNAKE AWARENESS AND PREPAREDNESS

RECORD NUMBER: 2022/1893

I, **CR GLENN FLOYD** wish to move the following Notice of Motion at the Council Meeting of 4 October 2022:

MOTION

That Council resolves, by use of Council website to:

- 1 Display information on common snakes found in Orange and surrounding areas. List the following - contact details of snake catchers and affiliated bodies in the Orange area, First Aid treatment for snake bite and Emergency contact details in case of snake bite, rules and regulations around snake handling and welfare.**
- 2 Distribute similar snake information to the public in any other cost-effective manner possible.**

BACKGROUND

After being contacted by concerned residents over the past weeks about snake sightings and the use of social media showing deceased snakes next to shovels, I believe council has it in their best interest to distribute information about snakes. We are in for a bumper few seasons of snake breeding due to the recent heavy rains and flooding, along with mice plagues. These factors are creating perfect conditions for snakes and they are coming further into city areas to avoid the flooding.

Signed Cr Glenn Floyd

STAFF COMMENT

Council can update the website to include a link to the [NSW Poisons Information Centre](#)

The NSW Department of Planning and Environment has a snake information page that includes Jake Hansen as a snake handler for this region.

The page can be found at [Snakes | NSW Environment and Heritage](#)

With matters such as this it is preferred to use other government resources as those pages are more likely to be updated more regularly and it is beyond the knowledge base of Council.

The new Council page could be promoted through social media channels.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

5 GENERAL REPORTS

5.1 REGISTER OF DISCLOSURES - INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

RECORD NUMBER: 2022/1632

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report is submitted as prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct), advising of the requirement by the Chief Executive Officer to table at a meeting of Council, the Register of Returns disclosing interests of Councillors and Designated Persons.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Section 440AAB of the Local Government Act requires:

- (1) The general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under the code of conduct*
- (2) Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code of lodgement, or if the code does not specify a day, as soon as practical after the return is lodged.*

RECOMMENDATION

That Council resolves:

- 1 That the Register of Returns for the period 1 July 2021 – 30 June 2022 disclosing interests of Councillors and Designated Persons be made available on Council’s website with appropriate redaction.**
- 2 That the Register of Returns for the period 1 July 2021 – 30 June 2022 disclosing interests of Councillors and Designated Persons, as tabled, 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

The Local Government Act 1993 and Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) places specific obligations on Councillors, Council Delegates, Council Staff and other people involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Generally those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the disclosure of pecuniary interests at Council and Council committee meetings. The information contained in the register of returns may be corrected or updated by submitting a fresh return at any time.

Members of the public are entitled to inspect the Register of Returns free of charge. As a requirement of Guideline 1 from the Information & Privacy Commissioner, returns will be published on the Orange City Council website with appropriate redaction.

In September 2019, the Information & Privacy Commission (IPC) issued Guideline 1, which requires Council's to proactively publish returns of interest for designated staff and Councillors on its Website unless there is an overriding public interest against disclosure, in accordance with the Government Access (Public Interest) Act 2009 (GIPA).

Below are links to the IPC Guideline as well as the OLG circular.

<https://www.ipc.nsw.gov.au/information-access-guideline-1>

<https://www.olg.nsw.gov.au/council-circulars/19-21-release-of-ipc-guideline-1-returns-of-interests/>

Council must now ensure it complies with the requirement to publish the returns on its website for the last period, however in redacted form as we believe that your personal information should be protected. Your name will remain however addresses, signatures, loan information, properties and other information we consider personal and private will be redacted. This publishing will include your recently completed return.

It is proposed in including returns on our website, they will be located in the [Access to Information](#) area in 1 bulk document comprising Councillor & Designated Staff declarations.

Copies of the Returns will be tabled at this Council Meeting. If you wish to view your return before publishing please view the documents as tabled and if further information is required, please speak with the Manager Corporate Governance before Friday 7 October 2022 when it is anticipated they will be published.

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

RECORD NUMBER: 2022/1316

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. 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. 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, [D22/58460](#)
- 2 Completed Resolutions Report, [D22/58534](#)

5.2 Update on Outstanding and Completed Resolutions of Council including Questions Taken on Notice, Matters Arising and Notices of Motion

OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

Meeting and Date	Resolution	Action Taken
Infrastructure Policy Committee 4/05/2021	RESOLVED - 21/130 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. Cr R Kidd/Cr K Duffy	The Director Technical Services stated that the lights on Bathurst Rd are a Transport for NSW asset. Discussions have commenced and have not been finalised but it is still on the agenda.
Council 17/08/2021	RESOLVED - 21/280 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. Cr G Taylor/Cr J Whitton	Council staff developing a Your Say site for consultation. Further consultation to be undertaken with organisations.
Council 5/10/2021	MATTER ARISING That a report be brought to Council detailing water usage data/statistics on usage around this time of year in comparison to previous years. Cr T Mileto	Report to be finalised and presented to Council.
Council 16/11/2021	RESOLVED - 21/446 That the information contained in this Mayoral Minute be acknowledged. That the matter of referendum on number of Orange City Councillors be put to the new council for consideration. Cr R Kidd/Cr T Mileto	Report to be provided to current Council later in the term - planned for 2023, once the newly formed Council has had the opportunity to understand the Council's needs to be able to make a well informed decision on this matter.
Council 5/04/2022	RESOLVED - 22/091 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. Cr J Whitton/Cr T Mileto	Council staff attended the Australian Defence Forces briefing. Agenda item on Economic Development Committee. Subcommittee to be formed following interest from EDC members.
Council 19/04/2022	RESOLVED - 22/114 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. Cr G Floyd/Cr J Hamling	Staff have approached a couple of Clubs with the possibility of future games to be scheduled.

OUTSTANDING ACTIONS FROM THE COUNCIL MEETINGS

	<p>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.</p> <p>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.</p> <p>6 That staff conduct similar discussions with all sporting codes.</p>	
Council 3/05/2022	<p>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.</p>	Following up on context of question taken on notice. Reviewing NSW Water Directorate published Digital Metering Guidelines in November 2021.
Council 17/05/2022	<p>RESOLVED - 22/141 Cr S Peterson/Cr J Evans That Council staff provide a report for Councillor's consideration into the feasibility and impacts of fishing in Suma Park Dam or other water sources (including Lake Canobolas and Gosling Creek), if a jetty was constructed.</p>	Report to be prepared for Council.
Planning and Development Committee 7/06/2022	<p>RESOLVED - 22/202 Cr T Mileto/Cr M McDonell That Council resolves:</p> <ol style="list-style-type: none"> 1 That Council engage a Level 5 AQF Arborist and conduct further investigations into the demise of a Pin Oak Tree at 5 Borrodell Drive Orange. 2 That Council encourage members of the community to report any information via Council's contact us page on its website. 3 That a nominated Council representative be present when the arborist takes a sample from the tree for testing. 	An Arborist has inspected the tree. Council is awaiting a report from the Arborist that details the findings of these investigations. This matter will be reported to Council once received.
Infrastructure Policy Committee 5/07/2022	<p>MATTER ARISING Cr T Greenhalgh Cr Greenhalgh asked if there was any road safety programme on offer to younger members of community, such as advanced driving courses citing the increase in fatal accidents this year (122). <i>The Director Technical Services advised this is a matter to be referred to the Road Safety Committee not Traffic Committee.</i></p>	Information being sought.
Finance Policy Committee 5/07/2022	<p>RESOLVED - 22/285 Cr D Mallard/Cr G Floyd That Council resolves funding for Round 2 Future City Assistance Fund as follows:</p> <ol style="list-style-type: none"> 1 To provide financial assistance of \$400.00 (ex-GST) from the Future City Assistance Fund to Bobbies Clothing (Refurbishment of Façade – 176 Summer Street, Orange). 	Awaiting works to be undertaken.

5.3 WELCOME TO SUMMER - ORANGE AQUATIC CENTRE

RECORD NUMBER: 2022/1891

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

EXECUTIVE SUMMARY

To celebrate the start of summer, it is proposed to open the Aquatic Centre free of charge on 3 December 2022 including making the use of inflatable equipment free of charge.

Council would also conduct a sausage sizzle on that day.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “2.2. Ensure the sporting and recreational facilities, programs and activities are accessible and affordable to support healthy lifestyle choices”.

FINANCIAL IMPLICATIONS

Estimated cost to Council to waive fees is \$2,000 for cash entry and \$1,000 for the cost of the sausage sizzle.

POLICY AND GOVERNANCE IMPLICATIONS

Council’s approval is required to waive fees and charges.

RECOMMENDATIONS

That Council resolves to:

- 1 Grant free entry to the Aquatic Centre for the Start of Summer 3 December 2022 and;**
- 2 Provide the use of inflatable equipment free of charge.**

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

To celebrate the start of summer it is proposed to open the Aquatic Centre free of charge on 3 December 2022 including making the use of inflatable equipment free of charge.

Council staff will also be conducting other activities including water obstacle course, free sausage sizzles and other water activities.

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 4 October 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.

6.1 SUBMISSION REDACTIONS 4 OCTOBER 2022

RECORD NUMBER: 2022/1816

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.

7 RESOLUTIONS FROM CLOSED MEETING