
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 18 OCTOBER 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 Communications and Engagement, Manager Corporate Governance, Executive Support Officer, Manager Communications & Engagement

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

Nil.

THERE WAS NO OPEN FORUM

2 MAYORAL MINUTES

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/424**Cr S Peterson/Cr G Floyd**

That the Minutes of the Ordinary Meeting of Orange City Council held on 4 October 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 4 October 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

MATTER ARISING

Cr K Duffy

Cr Duffy requested a report be provided to Council on the current mowing contract for Council land.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil.

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2022/1313

RESOLVED - 22/425**Cr J Whitton/Cr T Greenhalgh**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 4 October 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 4 October 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 4 October 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 4 October 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 4 October 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 4 October 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 4 October 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 STATEMENT OF INVESTMENTS - SEPTEMBER 2022

TRIM REFERENCE: 2022/1983

RESOLVED - 22/426**Cr K Duffy/Cr G Floyd**

That Council resolves:

- 1 To note the Statement of Investments as of 30 September 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 requested further information on what is contained in the internally and externally restricted funds.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne noted that \$38mil of Councils investments are included in BBB rated investments with an average return of 1.42%, and that AAA investments had a 4.2% return and asked what Councils position is on these investments.

5.3 PRELIMINARY INVESTIGATION INTO THE PROVISION OF PUBLIC WI-FI IN THE CBD OF ORANGE

TRIM REFERENCE: 2022/1935

RESOLVED - 22/427**Cr S Peterson/Cr J Hamling**

That Council:

- 1 Resolves to support Option 3 - Hybrid solution using Telstra free Wi-Fi, 3rd party Wi-fi and Council networks in that Option 3 provides the best value for money and meets the requirements of the scope for coverage of free public Wi-Fi and the requirements of security and simplicity.
- 2 Directs staff to bring forward a funding proposal to the next available quarterly 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

5.4 LORDS PLACE SOUTH CONCEPT PLAN

TRIM REFERENCE: 2022/1904

RESOLVED - 22/428**Cr J Evans/Cr T Greenhalgh**

That Council resolves to:

- 1 Adopt and Implement the Draft Lords Place South Concept Plan.
- 2 Adopt and Implement the recommendations of the GHD Parking Study.
- 3 Engage with Lords Place South businesses to minimise impacts where possible during the construction phase.
- 4 Review the changes to the street after 18 months.
- 5 That Council receive a report on the use of the dining decks every 6 months during the trial period.
- 6 That appropriate signage be erected to provide for un-timed parking in Lords Place after 6pm.
- 7 That Council receive a report on the possibility of consistent 2 hour parking in McNamara Street and surrounds.

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

Against: Cr K Duffy, Cr F Kinghorne, Cr J Whitton

Absent: Nil

Cr Mileto asked for an update on the development of Ophir Carpark.

The Chief Executive Officer advised Council will receive a report at the next Council Meeting in relation to the Ophir Carpark.

Cr McDonell asked if the line marking in Lords Place south of Kite Street was included in this upgrade.

The Director Technical Services stated that part 2 of the recommendation was to adopt the GHD parking study, which included line marking.

Cr McDonell asked if the upgrade should go ahead, were there plans for an upgrade to the roundabout at the intersection of Lords Place and Kite Street.

The Director Technical Services stated part of concept includes an upgrade to the roundabout for pedestrian safety.

Cr Duffy asked for clarification around parking contributions and whether contributions paid would be refunded as well as whether new contributions would be required when development occurs in Lords Place.

The Director Development Services stated there is a parking contribution plan that does not provide for parking contributions to be refunded. Future development is assessed in accordance with the contribution plan in force.

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 - 22/429**Cr J Whitton/Cr J Evans**

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 Construction of Tree Pits - Lords Place South

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 Proposed Sale 94 Woodward Street

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.

6.3 Tender - Lake Canobolas Water and Sewer Pipelines Construction

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 Head Design Consultancy - Orange Sports Precinct

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.

6.5 Submission Redactions 18 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.

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 7.25pm.

The Mayor declared the Ordinary Meeting of Council resumed at 7.37pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 CONSTRUCTION OF TREE PITS - LORDS PLACE SOUTH

TRIM REFERENCE: 2022/1905

RESOLVED - 22/430

Cr D Mallard/Cr G Floyd

That subject to the Lords Place South project proceeding and being adopted at the Council Meeting of 4 October 2022:

- 1 That Council decline to accept any tender for Lords Place South Tree Pits (Tender F3844-3) due to the changed timeframe of the works.
- 2 That due to the limited time available to deliver the project Council's Chief Executive Officer be authorized to enter into negotiations with Citygreen Systems Pty Ltd considering the revised timeframe and changed scope of worked mentioned within this report.
- 3 That Council's Chief Executive Officer be authorized to enter into a contract with Citygreen Systems Pty Ltd, subject to successful negotiations on the revised scope of works.
- 4 That Council affix the Council seal to any contract documents required.

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

6.2 PROPOSED SALE 94 WOODWARD STREET

TRIM REFERENCE: 2022/2008

MOTION

Cr D Mallard/Cr M McDonell

That Council resolves:

- 1 To subdivide 94 Woodward Street into two separate lots in accordance with the terms contained in this report.
- 2 That staff investigate options for social and affordable housing on the vacant lots and provide a report to Council.
- 3 That Council advertise and sell the lot containing the original homestead.

AMENDMENT**Cr K Duffy/Cr G Floyd**

That Council resolves:

- 1 To subdivide 94 Woodward Street into two separate lots in accordance with the terms contained in this report.
- 2 To advertise and sell the subdivision in accordance the terms contained in this report.

For: Cr K Duffy

Against: 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

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 22/431****Cr D Mallard/Cr M McDonell**

That Council resolves:

- 1 To subdivide 94 Woodward Street into two separate lots in accordance with the terms contained in this report.
- 2 That staff investigate options for social and affordable housing on the vacant lots and provide a report to Council.
- 3 That Council advertise and sell the lot containing the original homestead.

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 TENDER - LAKE CANOBOLAS WATER AND SEWER PIPELINES CONSTRUCTION

TRIM REFERENCE: 2022/2024

RESOLVED - 22/432**Cr M McDonell/Cr G Floyd**

That Council resolves:

- 1 That the Chief Executive Officer enter into a contract with Utilstra Pty Ltd for the Lake Canobolas Water and Sewer Pipelines Construction (F3461) for the amount of \$1,729,745 (excl. GST);
- 2 That the use of Council's seal be authorised on relevant contractual documents.

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 HEAD DESIGN CONSULTANCY - ORANGE SPORTS PRECINCT

TRIM REFERENCE: 2022/2036

RESOLVED - 22/433**Cr T Mileto/Cr T Greenhalgh**

That Council resolves:

- 1 That the tender by Brewster Hjorth Architects Pty Ltd in the recommended tender amount of \$1,624,425.00 (including GST), be accepted for Contract No. 10051411 for Orange Sports Precinct Head Design Consultancy; and
- 2 That a provision is made for contingency of 10% of the contract value.

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

6.5 SUBMISSION REDACTIONS 18 OCTOBER 2022

TRIM REFERENCE: 2022/2025

RESOLVED - 22/434**Cr M McDonell/Cr J Evans**

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 7.40PM

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 18 October 2022.