



ORDINARY COUNCIL MEETING

AGENDA

1 NOVEMBER 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, 1 November 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.

1	INTRODUCTION.....	4
	1.1 Apologies and Leave of Absence	4
	1.2 Livestreaming and Recording	4
	1.3 Acknowledgement of Country.....	4
	1.4 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests.....	4
	1.5 Opening Prayer	4
	COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM.....	4
	COUNCIL MEETING RESUMES	4
2	MAYORAL MINUTES	5
	2.1 Mayoral Minute - Central NSW Joint Organisation Board Report - October 2022	5
3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	21
	3.1 Minutes of the Ordinary Meeting of Orange City Council held on 18 October 2022	22
	COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES.....	32
	Planning and Development - Chaired by Cr Jeff Whitton.....	32
	Employment and Economic Development – Chaired By Cr Tony Mileto – NO ITEMS	32
	Infrastructure - Chaired by Cr Jack Evans	32
	Sport and Recreation - Chaired by Cr Tammy Greenhalgh – NO ITEMS	32
	Environmental Sustainability - Chaired by Cr David Mallard	32
	Finance - Chaired by Cr Kevin Duffy	32
	Services - Chaired by Cr Melanie McDonell.....	32
	COUNCIL MEETING RESUMES	32
4	NOTICES OF MOTION/NOTICES OF RESCISSION.....	32
	Nil.	

5	GENERAL REPORTS	33
5.1	Christmas/New Year Recess 2022/23	33
5.2	Christmas/New Year Events	37
5.3	Adoption of Council's Organisational Structure	39
5.4	Code of Conduct Complaint Reporting 2020/21	43
5.5	Provision of Expenses and Facilities to Councillors - Half Yearly Report	45
5.6	Strategic Policy Reviews	47
6	CLOSED MEETING - SEE CLOSED AGENDA.....	51
6.1	Minutes of the Audit Risk and Improvement Committee Meeting of 23 August 2022	53
6.2	Land Matter	55
6.3	Old Saleyards Subdivision.....	57
6.4	Lease Endeavour Oval to Emus Rugby Club	59
6.5	Submission Redactions 1 November 2022	61
7	RESOLUTIONS FROM CLOSED MEETING	62

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

2.1 MAYORAL MINUTE - CENTRAL NSW JOINT ORGANISATION BOARD REPORT - OCTOBER 2022

RECORD NUMBER: 2022/2138

MAYORAL MINUTE

The Chief Executive Officer and I attended the Central NSW Joint Organisation Board meeting and roundtable with Ministers on Wednesday 12 and Thursday 13 October 2022 in Sydney. This Mayoral Minute provides a summary of those meetings and attaches minutes for your information.

RECOMMENDATION

That Council note the report from the Mayor on the Central NSW Joint Organisation Board meeting of 12 October 2022, the roundtable with Ministers on 13 October 2022 and provide feedback to CNSWJO on its draft Statement of Strategic Regional Priority.

Jason Hamling

MAYOR

SUPPORTING INFORMATION

Wednesday 12 October Board Meeting and advocacy with Shadow Ministers

The CNSWJO Board met in Sydney in the LGNSW Boardroom and the following Shadow Ministers joined via zoom:

- Mr Greg Warren, MP, Member for Campbelltown, Shadow Minister for Local Government, Shadow Minister for Veterans, and Shadow Minister for Western Sydney
- Ms Jenny Aitchison, MP, Member for Maitland, Shadow Minister for Regional Transport and Roads
- The Hon. Mick Veitch, MLC, Shadow Minister for Regional NSW, Shadow Minister for Agriculture, and Shadow Minister for Western NSW
- The Hon Rose Jackson, MLC, Shadow Minister for Water, Housing and Homelessness

The day included an address from Mr Scott Phillips Chief Executive of Local Government NSW.

Follow up with the various portfolios is underway with a suggested round table be undertaken in region in preparedness before the State election.

Importantly, given the feedback from the Conference in region 25 August, a familiarisation for Rose Jackson, Shadow Minister for Water is planned for the near future.

Thursday 13th of October Round Table with Ministers

The JO Board met at Parliament for its eighth round table discussion with State Ministers, hosted by local Member for Bathurst, the Hon Paul Toole Deputy Premier. Ministers included:

- The Hon Bronnie Taylor MLC, Minister for Women, Regional Health and Mental Health
- The Hon Kevin Anderson, Minister for Lands and Water, Hospitality and Racing and Member for Tamworth
- The Hon Paul Toole, Deputy Premier Minister for Regional New South Wales and Police and Member for Bathurst
- The Hon Sam Farrow MLC, Minister for Regional Transport and Roads
- The Hon James Griffin, Minister for Environment and Heritage, Member for Manly
- The Hon Steph Cooke MP, Minister for Emergency Services and Resilience, Flood Recovery and Member for Cootamundra
- The Hon Wendy Tuckerman MP, Minister for Local Government and Member for Goulburn
- The Hon Dugald Saunders, MP, Minister for Agriculture, Western New South Wales and Member for Dubbo

Advocacy over both days was for the Board's policy position leading into the upcoming State election including:

- on the ground help with roads given the consistent and ongoing rain damage;
- flood mitigation, air space and future water security at Wyangala,
- biosecurity offsets and the flow on affect for development in region- General Managers will have a workshop with Departmental representatives
- NSW Treasury Common Plan Assumptions and their negative impacts on building NSW Government hospitals, schools and associated services as the population data is much smaller than actual population in region;
- Essential Energy;
- Red Fleet and other legislation that makes little or no sense but has significant impacts on Local Government;
- Flexibility from government given delays on grant delivery due to skills shortages, escalating costs and supply chains; and
- a safe swift and secure link between Central NSW and Sydney.

Review of the CNSWJO Strategy

Under the Local Government Act, CNSWJO must review its strategy each term. The mandated Statement of Strategic Regional Priority is due in December 2022. The Draft Statement of Strategic Regional Priority was provided for member feedback via email 14 October seeking a response by 17 November. Please find the Draft SSRP on the following pages. Adoption of the SSRP will be at the meeting of 24 November in Forbes.

The Regional PlaceMat

Members will recall the CSP project with the Regional Leadership Executive seeking better engagement with State agencies including better data to inform Council strategic work. Please request previous reports in this regard. Where an ongoing program making improvements to the successful last round of work has been reported to the Board and recommendations going forward adopted, a component of this project has been “Our PlaceMat.”

Our PlaceMats have been designed with and for every member Council with the purpose of having informed, benchmarked conversations with community as Councils progress various strategies, particularly CSPs. Repeating the process every Council term will show trends.

The Regional PlaceMat is benchmarked against NSW data and will be used as advocacy collateral and a data source for key stakeholders. Please find following the Regional PlaceMat the Board approved.

Now that the data sets have been finalised, it is intended that a check-in meeting be held as part of GMAC for a 20 minute session.



CENTRAL NSW
JOINT ORGANISATION

Statement of Strategic Regional Priorities

Our Vision for the Central NSW region

Prosperous communities, dynamic local government, a collaborative and strong region – when one Council succeeds, we all succeed.

Principal functions - how we will deliver our priorities

Strategic planning and priority setting
Intergovernmental collaboration
Leadership and advocacy

Who we are

Member councils: Bathurst Regional Council, Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Oberon Council, Orange City Council, Parkes Shire Council, and Weddin Shire Council.

Associate members: Central Tablelands Water, Upper Macquarie County Council, Regional Development Australia – Central West, Regional NSW

Strategic alignment

Our priorities align with the following:

- [Community Strategic Plans](#) and [Local Strategic Planning Statements](#) of member councils
- NSW Government 20 Year Regional Economic Vision and Regional Economic Development Strategies
- Regional Plan: NSW Government Central West and Orana Regional Plan
- Central West and Orana Regional Transport Plan
- The Regional Water Strategies for the Lachlan and Macquarie
- The Central West Destination Management Plan
- The Central West Food and Fibre Strategy

For more detail on strategic alignment please go to www.centraljo.nsw.gov.au/reports-policies/

Please go to <https://www.centraljo.nsw.gov.au/reports-policies/> for more detail on the region's priorities and programs we will be putting in place to implement them.

Our key strategic initiatives

Priority One: Leveraging our successful collaboration
1.1 Driving efficiencies and effectiveness saving Councils money
1.2 Building capacity across our Councils
1.3 Working well with other peak agencies
Priority Two: Regional prosperity through better infrastructure and services
2.1 Initiatives to grow population and increase the visitor economy in the context of locational preference factors
2.2 Regional industry and population growth planning
2.3 Advocacy and initiatives on skills and housing shortages
2.4 Leveraging the region's endowments and opportunities: <ul style="list-style-type: none"> a. Critical minerals and mining b. Circular economy and net zero c. Activation precincts including Parkes SAP d. Inland Rail e. Pattern of settlement; liveability, proximity to capital cities and ports f. Agriculture
Priority Three: Advocate for better infrastructure and services in health and ageing
Priority Four: Telecommunications
Priority Five: Regional Transport Planning and Infrastructure Prioritisation
5.1 Transport connectivity planning
5.2 Infrastructure prioritisation including the CNSWJO Matrix
Priority Six: Regional Water Security and Productive Water
6.1 Regional Water network planning and best practice skills development
6.2 Productive Water
Priority Seven: Transition to a sustainable, secure, and affordable energy future
7.1 Energy Efficiency and Emissions Reduction
7.2 Circular Economy
7.3 Environment
7.4 Understanding our energy (fuel and electricity) security, capacity and scalability.

Key Stakeholders
<p>Key regional partners: NSW and National Farmers, Business NSW, Arts OutWest, Destination Network Central West, and Charles Sturt University</p> <p>Key stakeholders in the other tiers of government we seek to collaborate with in our delivery: Agencies and regulators within the NSW and Federal governments that manage local government, planning, heritage, energy, health, education, regional economic development and tourism, water, infrastructure, and transport. Local members of parliament across the region.</p> <p>Key Local Government industry stakeholders: Our member councils, Local Government NSW, Country Mayors, Australian Local Government Association, and other JOs.</p>

Photo credit: Geagle Productions - Weddin Mountains Region



www.centraljo.nsw.gov.au



CENTRAL NSW REGION OUR STATISTICAL SNAPSHOT 2022

ABOUT THIS SNAPSHOT OF CENTRAL NSW

This Snapshot provides a non-exhaustive summary of information about the Central NSW Region (CNSW) at a point in time. It helps our local community, government and other decision-makers to understand where some of the opportunities and challenges exist in the region.

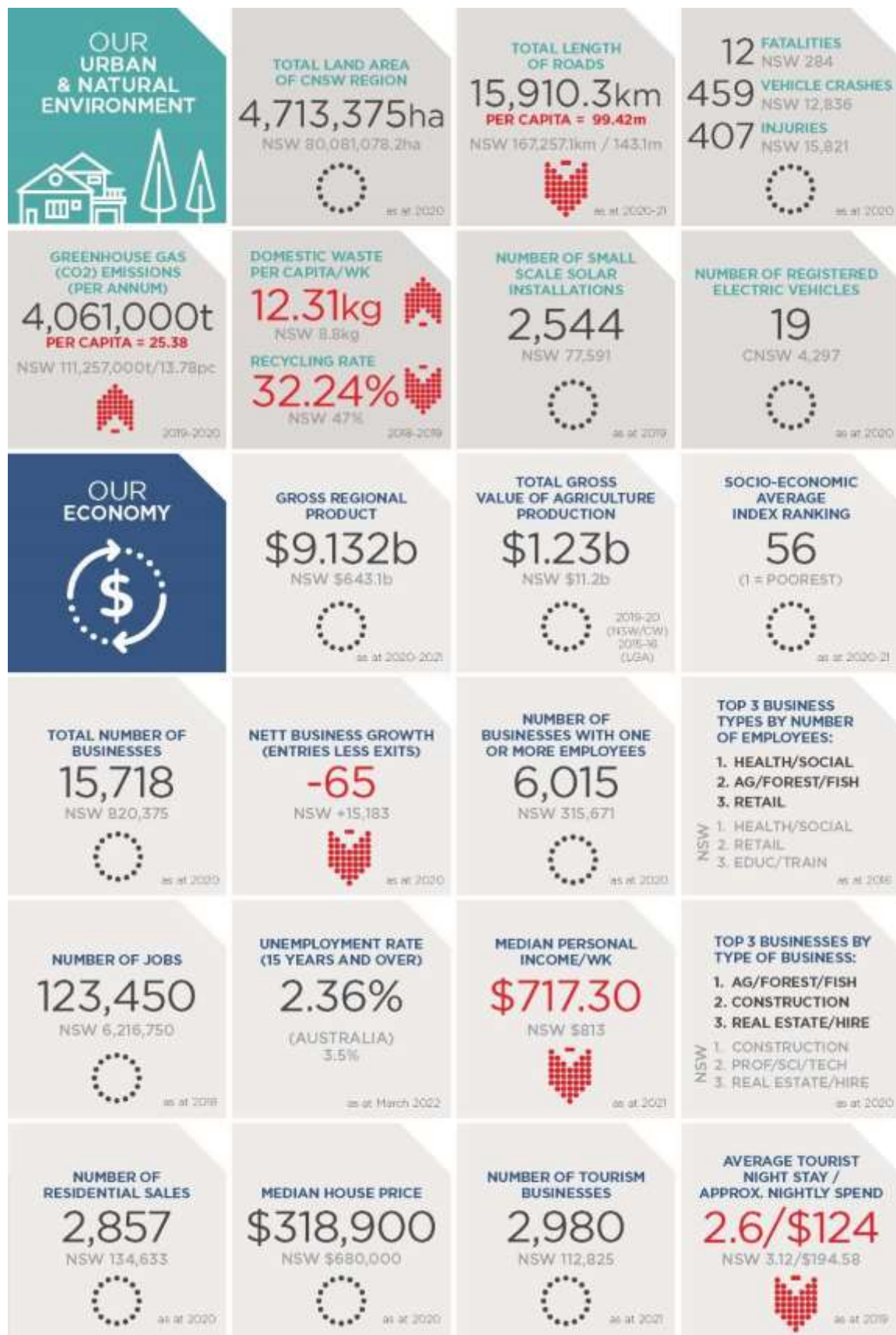
It is intended that this Snapshot will be updated with contemporary data ahead of each local government election (usually every four years) to provide a state comparison and will be available to the region to inform the review of the Statement of Strategic Regional Priority. Information on how to read this document is provided on the back page.

**CENTRAL NSW
JOINT ORGANISATION**

Central NSW Joint Organisation (CNSWJO) provides strong cohesive leadership that aligns all tiers of government to deliver our region's community derived strategic priorities. CNSWJO has co-ordinated this project.

Our member councils Bathurst Regional Council, Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Oberon Council, Orange City Council, Parkes Shire Council, and Weddin Shire Council all have unique strengths and weaknesses which shape their individual opportunities and challenges, as does the region.










HOW TO READ THIS DOCUMENT

The data included has been collated under four themes which reflect the quadruple bottom line: community, economy, urban and natural environment, and community leadership.

For the purposes of this analysis the Central NSW region includes the ten local government areas of Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Oberon, Orange, Parkes and Weddin has been compared to the same data for NSW.

The data included for CNSW is reflected as follows:

-  Indicates CNSW data is comparable with the state as a whole (for a comparison is not useful).
-  CNSW data shows a **higher result** which is **positive** compared to the state average.
-  CNSW data shows a **lower result** which is **positive** compared to the state average.
-  CNSW data shows a **higher result** which is **negative** compared to the state average.
-  CNSW data shows a **lower result** which is **negative** compared to the state average.

SOURCING THE DATA

This Snapshot relies on data from a number of sources. These data sets are updated with varying frequency. The most recent and up-to-date data is included in the summary (and the date of its publication is provided in each data cell). This means that some data is older than others. The primary sources of data used in this Snapshot include:

- Australian Bureau of Statistics
- NSW Bureau of Crime Statistics and Research
- Transport for NSW road safety statistics
- SnapshotClimate.com.au
- NSW Health
- NSW Electoral Commission
- Destination NSW
- NSW Office of Local Government Comparative Report



FOR EXAMPLE: This data tile demonstrates there is a much lower rate of homelessness in CNSW which is a **positive** result compared to the rate of homelessness per 100,000 people in NSW.



Water

Please request the full report that provides updates on advocacy by the region across multiple fronts in the strategic water planning and management space, including;

The Town Water Risk Reduction Program (TWRRP) has sought to work in partnership with the Local Water Utility (LWU) sector to reform the regulatory framework and, in response to a report by the NSW Auditor General, its management of this framework in support of LWUs.

As previously reported, the CNSWJO and some member Councils have been actively engaged throughout the course of this 2-year program to try and shape a fit-for-purpose framework that will deliver on the requirements of Councils and their communities as well as the state government and its regulatory agencies in the delivery of local water utility services. There has been a huge amount of work leading up to the release in July of the new Regulatory and Assurance Framework. With this completed, DPE Water are now focusing their efforts on the development of guidance to support the implementation of the new framework and on finalising reports from pilot projects including the CNSWJO pilot to codesign a potential regional approach to local water utility strategic planning.

The CNSWJO, together with Mayor Bill West representing LGNSW, have continued to participate in the TWRRP Stakeholder Advisory Panel and through this, discussions on various aspects of the program including the development of guidance notes, strategies on training and skills and an alternate funding model.

Concurrently, the state government continues to work on its suite of strategic water management plans including the development of the Regional Water Strategies for the Lachlan and Macquarie -Castlereagh catchments and on the rollout of actions from its 20-year State Water Strategy. This includes the release of a public consultation draft NSW Groundwater Strategy and work with the CNSWJO on a regional water loss management program under its Water Efficiency Program and Framework.

The Water report provides advice on submissions made through the Executive on draft guidance notes including for the Quality Assurance Framework and on Incident and Emergency Management for LWUs and seeks their endorsement.

It also sought the Board's endorsement of the submission made through the Executive on the Draft NSW Groundwater Strategy and for the final report on the CNSWJO Town Water Risk Reduction Program pilot to codesign a potential regional approach to local water utility strategic planning approved under the hand of the Chair.

A status update was provided on the CNSWJO Regional Water Loss Management Centres Project to codesign with DPE a JO level Regional Water Loss Management Centres approach to reduce non-revenue water and achieve greater water efficiencies for communities.

A separate Briefing Note No. 13 distributed by email and provided as an attachment to the Board details other consultative processes underway notably with regard to the Lachlan and Macquarie -Castlereagh Regional Water Strategies and the review of the Water Sharing Plan for the Macquarie-Bogan catchment.

Regional Submissions

Members have forwarded requests for the JO to lodge submissions, where all advice provided is within existing policy. All are available on the CNSWJO website at <https://www.centraljo.nsw.gov.au/submissions/>

The Board has approved and/or endorses submissions for the

- a. Town Water Risk Reduction Program (TWRRP) proposed incident and emergency management framework for local water utilities, the TWRRP Quality Assurance framework for the department’s regulation and assurance of local water and the DPE Water Draft NSW Groundwater Strategy;
- b. Town Water Risk Reduction Program pilot to codesign a potential regional approach to local water utility strategic planning
- c. AEMO on the region’s discontent regarding unaccounted for energy where the current trajectory sees an increase in member councils’ electricity bills of a total close to \$300k per year.

Value to members

A snapshot of the value to members of the various activities undertaken by the JO for their members in the context of the CNSWJO Strategic Plan follows.

VALUE FOR MEMBERS 2020/2021	FY 19/20	FY 20/21	FY 21/22	FY 22/23
SUBMISSIONS	20	23	16	4
PLANS, STRATEGIES AND COLLATERAL	26	12	3	4
GRANTS SEEKING	3	3	0	
GRANT FUNDING RECEIVED	\$215k	\$736k	0	\$1.7m
COMPLIANCE	13	9	11	1
DATA	6	3	1	11
MEDIA INCLUDING SOCIAL MEDIA	13	18	25	2
COST SAVINGS	\$1.87m	\$2.2m	\$2.1m	
REPRESENTATION	147	159	210	33
OPPORTUNITIES COUNCILS HAVE BEEN AFFORDED	35	102	101	30

Savings

The following chart shows the savings achieved by member councils through aggregated procurement and programming net of JO costs. An explanation of the meaning of each column has been reported previously and is available on request. The chart reflects the total savings for the 21/22 financial year.



ATTACHMENTS

- 1 Central NSW JO Board Meeting Minutes - 12 October 2022, D22/67043

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 18 October 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 18 October 2022.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 18 October 2022

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.

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 – NO ITEMS

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation - Chaired by Cr Tammy Greenhalgh – NO ITEMS

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

Nil.

5 GENERAL REPORTS

5.1 CHRISTMAS/NEW YEAR RECESS 2022/23

TRIM REFERENCE: 2022/2005

AUTHOR: Rachelle Robb, Director Corporate & Commercial Services

EXECUTIVE SUMMARY

This report seeks approval to close The Civic Centre, Giyalang Ganya, Orange City Library and Works Depot for the Christmas period from Monday 26 December 2022 to Monday 2 January 2023 (inclusive) and for Council to delegate authority to the Mayor, Chairperson of the Planning and Development Committee and the Chief Executive Officer to determine development applications and planning matters (except matters that cannot be delegated under Section 377(1) of the Local Government Act) over the recess period.

This has been standard practice in past years to ensure the development application processes and deadlines are managed and that staff are able to take a break over the Christmas period.

Traditionally, this is a quiet time for Council, however some services continue to operate, and staff are on-call in the event of an emergency. Council Meetings are also not generally held in January. The first meeting in 2023 is proposed for 7 February 2023.

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

The delegation of authority to the Mayor, Chairperson of the Planning and Development Committee and the Chief Executive Officer will be in accordance with the Local Government Act 1993. Matters unable to be considered by this delegation will be referred to the next meeting after the recess period, scheduled for 7 February 2023.

RECOMMENDATION

That Council resolves:

- 1 The Civic Centre, Giyalang Ganya, Orange City Library and Works Depot close down for the Christmas period from Monday 26 December 2022 to Monday 2 January 2023 (inclusive).
- 2 During the period 26 December 2022 to 27 January 2023, Council delegate its function to determine development applications and planning matters, with the exception of matters that cannot be delegated under the Local Government Act 1993 or the Environmental Planning and Assessment Act 1979, in circumstances where it is unreasonable to defer consideration of the matter, to the Mayor, Chairperson of the Planning and Development Committee, and the Chief Executive Officer (so that the Chief Executive Officer and either the Mayor OR the Chairperson of the Planning and Development Committee, are available to determine matters).

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service Delivery	<p>Keeping the close down period to a minimum and having essential services on call will ensure services continue to be provided to the community. Council's after hours service Alarm Australia will refer matters to on call staff as required.</p> <p>The proposed delegation over the recess period will ensure the timely determination of applications and planning matters over this period, ensuring Council's level of service can be maintained. This will also ensure that applicants are not unreasonably delayed.</p>
Employees	<p>Employees will be able to enjoy a closedown period between Christmas and New Year. This is also an effective tool in managing work/life balance and leave balance levels.</p>
Stakeholders	<p>The closedown will be advertised to the community.</p>

SUPPORTING INFORMATION

This year Christmas Day falls on a Sunday, and the gazetted public holidays are Sunday 25 December 2022, Monday 26 December 2022, Tuesday 27 December 2022, Sunday 1 January 2023 and Monday 2 January 2023.

Based on the gazetted public holidays the following is recommended for consideration for Council to close services including the Civic Centre, Giyalang Ganya and the Works Depot for the three days on Wednesday 28 December, Thursday 29 December and Friday 30 December 2022.

5.1 Christmas/New Year Recess 2022/23

Date	NSW Gazetted Public Holidays	Recommended Shut Down
Sunday, 25 December 2022	Christmas Day Public Holiday	
Monday, 26 December 2022	Boxing Day Public Holiday	
Tuesday, 27 December 2022	Additional Public Holiday	
Wednesday, 28 December 2022		Close down day*
Thursday, 29 December 2022		Close down day
Friday, 30 December 2022		Close down day
Saturday, 31 December 2022	N/A	N/A
Sunday, 1 January 2023	New Year's Day Public Holiday	
Monday, 2 January 2023	Additional Public Holiday	

**Note: The union picnic day public holiday is proposed on this date for financial members of the USU, DEPA and LGEA.*

As in previous years arrangements for services are proposed as follows:

- The Visitor Information Centre will be open except Christmas Day.
- The Caravan Park will be open, with a staff member on call Christmas Day (office closed).
- The Library will be closed 25-27 December 2022 & 1-2 January 2023, with restricted hours on 28, 29, 30 and 31 December 2022.
- The Aquatic Centre will be open except Christmas Day and half day Boxing Day with an earlier close at 6pm on Christmas Eve and New Year's Eve. On Boxing Day & New Year's Day the Aquatic Centre will be open Public Holiday Hours 12pm-6pm.
- The Resource Recovery Centre will be open except Christmas Day with waste collections to remain unchanged.
- Councils Water Treatment Plant and Waste Water Treatment Plant will operate on a skeleton crew during this time similar to weekend and normal public holiday operation.
- Children's Services generally close for a two to three week period with specific closures detailed below:

Centre/Service	Last day Children	Last day for Staff	Staff first day	First Day Children
Courallie	Thursday 22 December 2022	Friday 23 December 2022 - 4 hours only	Monday 16 January 2023	Wednesday 18 January 2023
Yarrowong			Monday 9 January 2023	Wednesday 11 January 2023
Spring Street		Thursday 22 December 2022	Monday 9 January 2023 (FDC Office will reopen)	FDC – As per contracted FDC educator
Family Day Care				

5.1 Christmas/New Year Recess 2022/23

Before and After School Care and Vacation Care	Tuesday 20 December 2022	Tuesday 20 December 2022	Wednesday 4 January 2023	Wednesday 4 January 2023 <i>Vacation Care Starts</i>
Occasional Care	Thursday 22 December 2022	Thursday 22 December 2022	Thursday 12 January 2023	Monday 16 January 2023

Under the Leave Policy and Procedure all employees, excluding casuals, will be able to accumulate time as part of their normal flexible working hours or rostered day off arrangements to be taken during the Christmas Closedown period (subject to an operational need to work the additional hours). In circumstances where an employee does not have the required accumulated time, pro-rata annual leave shall be granted or leave without pay.

Council staff working at Civic Centre, Gyalang Ganya, Orange City Library and the Works Depot would be required to take a maximum three days leave during the closedown, and Council's normal after-hours service would operate during that period.

5.2 CHRISTMAS/NEW YEAR EVENTS

RECORD NUMBER: 2022/2147

AUTHOR: Tig Armstrong, Manager Economic Development

EXECUTIVE SUMMARY

The report provides an update to Council on the program of civic events to be held in December 2022 to mark the festive season and New Year's Eve. It includes an overview of the current program and suggested enhancement.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "11.2. Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all".

FINANCIAL IMPLICATIONS

Carols by Candlelight – will be funded from the existing annual budget of \$31,477

New Year's Eve – will be funded from the existing annual budget of \$11,878 and will be supplemented for this year only by an additional \$58,717, which is the balance of the Reconnecting Regional NSW grant (which also funded the Winter Fire Festival in the Park).

Civic Christmas Tree – in addition to the annual display of Christmas decorations, \$40,000 has been allocated from the Future Cities budget for the purchase of a 6-metre artificial Christmas tree.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council endorse the proposed program of civic events to be held in December to mark the festive season and New Year's Eve.

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

Council has an opportunity to enhance the Council-sponsored Christmas/New Year's Eve program in 2022. The proposed 'program of events' is as follows:

1. *Installation of the Christmas Tree* – the new six-meter, reusable Christmas Tree in South Court on, or just prior to the 1st of December. The tree will complement the existing Christmas decorations; the two Christmas baubles at the entrance to Robertson park and presents in the Rotunda, and will provide a spectacular line of sight from Summer Street to the Civic Precinct.

5.2 Christmas/New Year Events

2. *Lighting the tree* – it is proposed to hold an official ‘turning on of the Christmas tree lights’ in South Court to coincide with Carols by Candlelight on the 10th of December that would include carolling and visit from Sant.
3. *Carols by Candlelight* – as in previous years, a program of Carols will be curated by the Orange Regional Conservatorium of Music. Carols will be again held in the North Court.
4. *New Year’s Eve* – a combined light show, and live music event is proposed to be held in North Court. The light show will consist of light projections onto the Gallery extension wall and existing shade sails, which will integrate with live music, performed by local artists. There will be entertainment for children and teens, as well as food stalls; and of course New Year’s Eve Countdown. This is a free family event that will finish at 9pm and has been enhanced this year, through an additional \$58,717, which is the balance of the Reconnecting Regional NSW grant.

It is recommended Council endorses the proposed program of civic events to be held in December to mark the festive season and New Year’s Eve.

5.3 ADOPTION OF COUNCIL'S ORGANISATIONAL STRUCTURE

RECORD NUMBER: 2022/2095

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

Section 333 of the Local Government Act 1993 Act states that Council must review and may re-determine its Organisational Structure within twelve months of any Ordinary Election of Council.

This report provides an overview of the current organisation structure and senior staff positions within Council with no proposal to vary the structure or number of positions classified as senior staff.

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

Compliance with requirements of the Local Government Act Section 332-334.

RECOMMENDATION

- 1 That Council adopt the Organisational Structure shown in the report with the Directorates of:
 - Corporate and Commercial Services
 - Community, Recreation and Cultural Services
 - Technical Services
 - Development Services
- 2 That Council note the following current positions as Senior Staff:
 - Chief Executive Officer
 - Director Corporate and Commercial Services
 - Director Community, Recreation and Cultural Services
 - Director Technical Services
 - Director Development Services

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

Section 332 of the Local Government Act states inter alia:

A council must, after consulting the general manager, determine the following:

- *the senior staff positions within the organisation structure of the council,*
- *the roles and reporting lines (for other senior staff) or holders of senior staff positions*

Council can change its structure at any time but must consider the matter at least in the first year of the Council term.

The positions within the organisation structure of the Council are determined so as to give effect to the priorities set out in the Community Strategic Plan and Delivery Operational Plan of the Council which were adopted on 23 June 2022.

The position of Chief Executive Officer is classified as Senior Staff, as required by Section 334 of the Act. Previously Council has determined that its four Divisional Directors be classified as Senior Staff. It is not proposed to make any changes to the numbers of Senior Staff following a reduction of one Director Position in 2013.

Council has four Directorates within its organisational structure consisting of:

- Corporate and Commercial Services
- Community, Recreation and Cultural Services
- Technical Services
- Development Services

A four directorate structure for a Council of the dimensions of Orange City Council is a typical and traditional structure. Since the last review by Council in August 2013 there have been some minor changes to responsibility areas and reporting lines.

Council may recall in January 2021, that the CEO moved the Chief Financial Officer position to be a direct report to the CEO along with the Finance staff. Apart from this change, having operated with the current structure since August 2013 it is considered an appropriate structure and an appropriate distribution of functional responsibilities with some cost savings on structures which have a larger number of Directors.

The Directorates, Sections and their functional responsibilities of the organisation structure are attached to this report.

ATTACHMENTS

- 1 Organisation Structure - October 2022, D22/67500 [↓](#)

5.4 CODE OF CONDUCT COMPLAINT REPORTING 2020/21

RECORD NUMBER: 2022/2091

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report provides an update on the status of Code of Conduct Complaints received relating to Councillors and the Chief Executive Officer during the reporting period of 1 September 2020 – 31 August 2021. It should be noted that this reporting period fell within the tenure of the previously elected Council.

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

Part 11 of the Procedures for the Code of Conduct sets out the information that is to be reported to Council and the Office of Local Government within 3 months of 30 September each year. Due to the delay from the COVID pandemic in the Local Government Elections being held and the subsequent swearing in of the new Council not occurring until February 2022, there was an initial delay in reporting to Council. A further administrative oversight then occurred which results in Council reporting to the Office of Local Government on 14 October 2022 for the period 1 September 2020 - 31 August 2021.

Other information is not included given the requirements of Part 12 of the Procedures, which require information about complaints and the management and investigation of complaints is to be treated as confidential and not disclosed publicly.

RECOMMENDATION

That the report on Code of Conduct Complaint Reporting 2020/21 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

This report provides statistics on Code of Conduct complaints against Councillors and the Chief Executive Officer, from 1 September 2020 – 31 August 2021.

5.4 Code of Conduct Complaint Reporting 2020/21

Required information	Current period
Total number of Code of Conduct complaints made about Councillors and the Chief Executive Officer under the Code of Conduct in the reporting period	4
Number of Code of Conduct complaints referred to a Conduct Reviewer	2
Number of Code of Conduct complaints finalised by a Conduct Reviewer at the Preliminary Assessment stage and the outcome of those complaints	2 No breaches found.
Number of Code of Conduct complaints investigated by a Conduct Reviewer	Nil
Number of Code of Conduct complaints investigated by a Conduct Review Committee	Nil
Without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under the Procedures	Nil
Number of matters reviewed by the Office of Local Government, and without identifying particular matters, the outcome of the reviews	1 No further action taken.
The total cost of dealing with Code of Conduct complaints made about Councillors and the Chief Executive Officer in the year from 1 September 2020 to 3 August 2021, including staff costs.	\$2,500 in Conduct Reviewer Fees plus approximately \$2,800 in staff costs.

5.5 PROVISION OF EXPENSES AND FACILITIES TO COUNCILLORS - HALF YEARLY REPORT

RECORD NUMBER: 2022/2072

AUTHOR: Catherine Davis, Executive Support Manager

EXECUTIVE SUMMARY

As per Strategic Policy ST020 *Councillors – Payment of Expenses and Provision of Facilities* a detailed report on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Meeting every six months and published in full on Council's website. This report is to include expenditure summarised by individual Councillor and as a total for all Councillors. Given we are in a new Council term which was announced in late December 2021, this report will cover figures from January 2022 – September 2022 to be as up to date as possible.

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

The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Orange City Council and as such all expenses and facilities are budgeted for annually.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the report on the Provision of Expenses and Facilities to Councillors be noted.

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 below figures incorporate the following during the period 01 January 2022 to 30 September 2022:

- monthly telephone charges
- attendance at Professional Development courses
- attendance at conferences
- corporate uniform contributions

Also included for information is the total amount incurred for the provision of the Councillor Induction as well as the provision of iPads and iPhones to Councillors.

Please note Councillor monthly allowances are not required to be reported here.

Please note all figures are exclusive of GST.

Period is inclusive of 01 January 2022 – 30 September 2022

Councillor	Expense incurred from 01 January 22 – 30 June 22	Expense incurred from 01 July 22 – 30 September 22	Total per Councillor
Cr Jason Hamling (Mayor)	\$5,376	\$1,828	\$7,204
Cr Gerald Power (Deputy Mayor)	\$2,689	\$262	\$2,951
Cr Kevin Duffy	\$5,137	\$2,865	\$8,002
Cr Tony Mileto	\$1,713	Nil	\$1,713
Cr Steven Peterson	\$438	\$1,200	\$1,638
Cr Glenn Floyd	\$204	\$1,306	\$1,510
Cr Tammy Greenhalgh	\$6,238	\$400	\$6,638
Cr David Mallard	\$2,384	\$1,679	\$4,063
Cr Melanie McDonell	\$5,784	\$2,586	\$8,370
Cr Jack Evans	\$2,138	\$2,718	\$4,856
Cr Frances Kinghorne	\$204	\$1,079	\$1,283
Cr Jeff Whitton	\$3,778	\$3,710	\$7,488
Councillor Induction	\$6,725	Nil	Nil
Provision of equipment, ie. Ipads and iPhones, iPhone services and data services Total for All Councillors	\$41,310	Above figures include monthly telephone charges	Above figures include monthly telephone charges
Total of Provision of Facilities and Expenses for Councillors during this period	\$84,118	\$19,633	\$103,751

5.6 STRATEGIC POLICY REVIEWS

RECORD NUMBER: 2021/1628

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council is required, under the Local Government Act, to adopt specific codes, policies or documents within 12 months of a Local Government Election. This report presents policies which have been reviewed and are recommended for placement on public exhibition for a period of 28 days:

- ST01 - Code of Conduct
- ST01.1 - Procedures for the Administration of the Code of Conduct
- ST02 - Code of Meeting Practice
- ST03 - Councillor Payment of Expenses and Provision of Facilities

During the exhibition period a Councillor briefing will be held to discuss and consider each of the policies. In order to comply with the adoption requirements, it is recommended Council place these policies on exhibition.

Following a review of Councils Policy Structure, over the coming months, Council will consider policies as they are updated and recommended for exhibition before adoption.

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

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors, required by Legislation or Regulation and/or have an impact on the Orange community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to place the following policies on public exhibition for a period of 28 days:

- **ST01 - Code of Conduct**
- **ST01.1 - Procedures for the Administration of the Code of Conduct**
- **ST02 - Code of Meeting Practice**
- **ST03 - Councillor Payment of Expenses and Provision of Facilities**

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**Policies for Exhibition**

The following policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of 28 day to allow for Council and public review and submissions.

ST01 – Code of Conduct

The Code of Conduct is based on the Model Code of Conduct issued by the Office of Local Government. Council must adopt a Code that incorporates the Mandatory provision of the Code of Conduct and may also incorporate Non-Mandatory or supplementary provisions. Non-Mandatory provisions or provisions which can be determined by Council are included in **Red** in the draft version of the Code for Consideration and decision of Council.

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – New Numbering as ST01. • Combination of Staff, Councillors, Committee Members, Delegates & Advisors Codes. • Code of Conduct was previously ST010 for Staff and ST110 for Councillors, Committee Members, Delegates & Advisors. • Updated Formatting. • Separation of the Procedures for the Administration of the Code of Conduct into a separate document. • Addition of 3.2 which formed part of the Code of Conduct for Staff in the previous version. • Addition of 4.6 (f) which formed part of the new version of the Model Code of Conduct. • Addition of note in 5.22 which formed part of the Code of Conduct for Staff in the previous version. • Removal of 6.2 (a) – that a gift or benefit less than \$10 in value need not be disclosed. It is prudent to disclose all gifts and benefits regardless of value. • Continuation of \$50 'token value' limit for gifts and benefits in 6.8. The Model Code provides for the token value to be lifted to \$100. Council has previously determined \$50 is sufficient token value and gifts and benefits above this amount should not be accepted.

	<ul style="list-style-type: none"> • Addition of 7.6(k) which forms part of the new version of the Model Code of Conduct.
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ST01.1 – Procedures for the Administration of the Code of Conduct

In adopting procedures for the administration of their adopted Codes of Conduct, Councils may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect. Provisions included in the draft version of the Procedures for the Administration of the Code of Conduct are mandatory provisions.

Reference	Update
General	<ul style="list-style-type: none"> • Separation of the Procedures for the Administration of the Code of Conduct into a separate document. • New Formatting to be updated during the exhibition period as required. • Procedures for the Administration of the Code of Conduct have remained the same in this version as the previous version adopted by Council and based on the Model.

ST02 – Code of Meeting Practice

The Code of Meeting Practice is based on the Model Code of Meeting Practice issued by the Office of Local Government. Council must adopt a Code that incorporates the Mandatory provision of the Model Meeting Code and may also incorporate Non-Mandatory or supplementary provisions. Non-Mandatory provisions are included in **Red** in the draft version of the Code for Consideration and decision of Council.

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – new numbering as ST02, previously ST050. • New Formatting to be updated during the exhibition period as required. • Updated Code to new version of the Model Code of Meeting Practice including provisions of attending meetings via Audio Visual Link. • Inclusion of 3.23 – Statement of Ethical Obligations – part of the new Model Code. • Update to section 18 limiting Council Meetings to finish by 9.30pm.

ST03 – Councillor Payment of Expenses and Provision of Facilities

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – New Numbering at ST03, previously ST020. • New Formatting • Update to 6.2 to remove specific amounts relating to incidental travel while attending training/conferences. • Update to 6.6 to \$4,000 per year/per Councillor instead of for all Councillors as this figure was unrealistic given travel costs associated with attending conferences etc. • Update to 6.7 & 6.8 to add the requirement of a report for Council after attendance. • Update 6.29 to \$5,000 per Councillor (from \$7,500) which makes up the

	<p>budgeted \$60,000 amount.</p> <ul style="list-style-type: none">• Update to 6.35 Council will provide an iPad to each Councillor for use during the Council Term.• Update to 9.1 to \$450/year in line with staff allocations.• Update to 10.6 from 1 officer to Executive Support Office.• Update to 11.13 claims for reimbursement are to be lodged within 28 days, previously 3 months.
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ATTACHMENTS

- 1 Draft - ST01 - Strategic Policy - Code of Conduct - For Exhibition, D22/68824 (Under Separate Cover) [⇒](#)
- 2 Draft - ST01.1 Procedures for the Administration of the Code of Conduct - For Exhibition, D22/69048 (Under Separate Cover) [⇒](#)
- 3 Draft - ST02 - Code Meeting Practice - For Exhibition, D22/69016 (Under Separate Cover) [⇒](#)
- 4 Draft - ST03 - Strategic Policy - Councillor Expenses and Facilities - For Exhibition, D22/69052 (Under Separate Cover) [⇒](#)

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 Minutes of the Audit Risk and Improvement Committee Meeting of 23 August 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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 Land Matter

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.

6.3 Old Saleyards Subdivision

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.

6.4 Lease Endeavour Oval to Emus Rugby Club

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 1 November 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 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF 23
AUGUST 2022**

RECORD NUMBER: 2022/1724

AUTHOR: Rachelle Robb, Director Corporate & Commercial Services

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 LAND MATTER

RECORD NUMBER: 2022/2123

AUTHOR: David Waddell, Chief Executive Officer

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 (d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.3 OLD SALEYARDS SUBDIVISION

RECORD NUMBER: 2022/2148

AUTHOR: Tig Armstrong, Manager Economic Development

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 (d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.4 LEASE ENDEAVOUR OVAL TO EMUS RUGBY CLUB

RECORD NUMBER: 2022/2124

AUTHOR: Shirley Hyde, Legal and Property Officer

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 (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 1 NOVEMBER 2022

RECORD NUMBER: 2022/1818

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