
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 1 NOVEMBER 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 (*zoom*), 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, Acting Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Chief Financial Officer, Manager Development Assessment, Governance Officer

1.1 APOLOGIES

RESOLVED - 22/435

Cr J Whitton/Cr T Greenhalgh

That the apologies be accepted from Cr K Duffy for the Council Meeting of Orange City Council on 1 November 2022.

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: Nil

Absent: Cr Duffy

RESOLVED - 22/436

Cr D Mallard/Cr G Floyd

That Cr M McDonell be permitted to attend the Council meeting of Orange City Council on 1 November 2022 via audio visual link (*zoom*).

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: Nil

Absent: Cr Duffy

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 2.2 – Development Application DA140/2021(1) – Helipad – 360 Phoenix Mine Road as the applicant is a customer of his business.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in Items 2.4 Development Application DA98/2022(1) – Voluntary Planning Agreement and 2.5 Development Application DA98/2022(1) - 103 Prince Street as she made a submission on the Development Application.

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in PDC Item 2.4 and 2.5 – Development Application DA98/2022(1) – Voluntary Planning Agreement and DA - 103 Prince Street as the applicant is a sponsor of the Bloomfield Junior Rugby League Football Club where she is secretary and sponsorship coordinator.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in FPC Item 2.2 Small Donations and Grant Applications – part 1(a) and 1(b) as the applicant, Newcrest is his employer.

1.5 OPENING PRAYER

Bernadette Collins of the Shalom House of Prayer led the Council in Prayer.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.34PM

Speaker – Nick Chevalley spoke to PDC item 2.4 and 2.5, DA 98/2022 – 103 Prince Street, Orange.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.37PM**2 MAYORAL MINUTES****2.1 MAYORAL MINUTE - CENTRAL NSW JOINT ORGANISATION BOARD REPORT - OCTOBER 2022**

TRIM REFERENCE: 2022/2138

RESOLVED - 22/437**Cr J Hamling**

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.

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

Against: Nil

Absent: Cr K Duffy

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/438**Cr T Greenhalgh/Cr S Peterson**

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 record of the proceedings of the Council meeting held on 18 October 2022.

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: Nil

Absent: Cr K Duffy

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.43PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.56PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 CHRISTMAS/NEW YEAR RECESS 2022/23

TRIM REFERENCE: 2022/2005

RESOLVED - 22/471**Cr D Mallard/Cr T Greenhalgh**

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).

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: Nil

Absent: Cr K Duffy

Cr Greenhalgh left the meeting with the time being 8.03pm

5.2 CHRISTMAS/NEW YEAR EVENTS

TRIM REFERENCE: 2022/2147

RESOLVED - 22/472**Cr J Whitton/Cr T Greenhalgh**

That Council resolves:

- 1 To endorse the proposed program of civic events to be held in December to mark the festive season and New Year's Eve.
- 2 That the location of the Christmas tree be based on a community survey considering the options of Robertson park or civic precinct south court only.

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

Against: Nil

Absent: Cr K Duffy, Cr T Greenhalgh

Cr Peterson asked regarding New Years Eve and what the cost difference was between fireworks and a light show.

The Mayor highlighted the dangers to the environment, animals, closeness of residential dwellings now at the site and the possibility of introduced environmental bans (e.g. fire ban). *The Director Corporate Commercial Services advised that traditionally the lights are more expensive but the plan is around combining a laser show and concert with light installations, making it sound and light spectacular.*

5.3 ADOPTION OF COUNCIL'S ORGANISATIONAL STRUCTURE

TRIM REFERENCE: 2022/2095

RESOLVED - 22/473**Cr G Power/Cr G Floyd**

- 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

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

Against: Nil

Absent: Cr K Duffy, Cr T Greenhalgh

Cr Greenhalgh returned to the meeting with the time being 8.05 pm

5.4 CODE OF CONDUCT COMPLAINT REPORTING 2020/21

TRIM REFERENCE: 2022/2091

RESOLVED - 22/474**Cr J Whitton/Cr G Power**

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

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: Nil

Absent: Cr K Duffy

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

TRIM REFERENCE: 2022/2072

RESOLVED - 22/475**Cr G Power/Cr J Evans**

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

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: Nil

Absent: Cr K Duffy

QUESTION TAKEN ON NOTICE**Cr S Peterson**

Cr Peterson asked for a personal breakdown of expenses and facilities of Councillors be provided.

5.6 STRATEGIC POLICY REVIEWS

TRIM REFERENCE: 2021/1628

RESOLVED - 22/476**Cr D Mallard/Cr J Evans**

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

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: Nil

Absent: Cr K Duffy

Cr Peterson asked in regards to ST03 – Councillor Payment of expenses and Provision of Facilities if the \$60k is inclusive of all conference costs or just for registration. Cr Peterson asked if a proforma report could be developed for approval for interstate travel to make it a useful tool.

The Chief Executive Officer advised it includes all costs and that a proforma will be developed.

Cr McDonnell asked if ST01 – Code of Conduct included anything specific on social media use.

The Director Corporate and Commercial Services advised there is a policy to come to Council on Communication and Engagement which includes Social Media use for Staff and Councillors.

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 - 22/477**Cr J Whitton/Cr T Greenhalgh**

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.

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

Against: Nil

Absent: Cr K Duffy

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.14pm

The Mayor declared the Ordinary Meeting of Council resumed at 8.51pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING OF 23 AUGUST 2022

TRIM REFERENCE: 2022/1724

RESOLVED - 22/478**Cr F Kinghorne/Cr G Power**

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 23 August 2022.
- 2 That Council determine recommendation 4.12 from the minutes of the Audit, Risk & Improvement Committee of 23 August 2022:
 - 1) *That the report on Council staff's position on RFS Assets be noted.*
 - 2) *That Council supports the ARIC position for showing care, control and maintenance and if the standard is not met that Council does not take on the RFS Assets.*
- 3 That the remainder of the minutes of the Audit, Risk & Improvement Committee at its meeting held on 23 August 2022 be adopted.

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: Nil

Absent: Cr K Duffy

6.2 LAND MATTER

TRIM REFERENCE: 2022/2123

RESOLVED - 22/479**Cr G Floyd/Cr D Mallard**

That Council resolves to advertise for Expressions of Interest for the development of the Ophir Carpark.

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: Nil

Absent: Cr K Duffy

6.3 OLD SALEYARDS SUBDIVISION

TRIM REFERENCE: 2022/2148

RESOLVED - 22/480**Cr T Greenhalgh/Cr S Peterson**

That Council resolves to endorse:

- 1 the redesign of the Old Saleyards site subdivision to reflect the EOI received,
- 2 the proposal to take the Old Saleyards site subdivision to market prior to 31 December 2022, selling individual lots 'off plan' through an appointed independent selling agent.

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

Against: Nil

Absent: Cr K Duffy

6.4 LEASE ENDEAVOUR OVAL TO EMUS RUGBY CLUB

TRIM REFERENCE: 2022/2124

RESOLVED - 22/481**Cr J Hamling/Cr T Mileto**

That Council resolves:

- 1 That Council enter a 25-year lease with a 25-year option of Endeavour Oval with Emus Rugby Club subject to approval by the Minister (as per section 47 of the Local Government Act).
- 2 That permission be granted for the use of the common seal on all necessary documentation in relation to the lease.

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

Against: Nil

Absent: Cr K Duffy

6.5 SUBMISSION REDACTIONS 1 NOVEMBER 2022

TRIM REFERENCE: 2022/1818

RESOLVED - 22/482**Cr T Mileto/Cr T Greenhalgh**

That the information in this report be acknowledged.

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

Against: Nil

Absent: Cr K Duffy

THE MEETING CLOSED AT 8.53PM

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 1 November 2022.