

---

# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 15 NOVEMBER 2022

COMMENCING AT 6.30PM

---

### 1 INTRODUCTION

#### ATTENDANCE

---

Cr J Hamling (Mayor), Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor)

Chief Executive Officer, Director Corporate and Commercial Services (zoom), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Chief Financial Officer, Manager Corporate Governance, Governance Officer, Town Planner (McDermott)

#### 1.1 APOLOGIES

---

##### RESOLVED - 22/483

Cr G Floyd/Cr K Duffy

That the apologies be accepted from Cr Jeff Whitton, Cr Jack Evans and Cr Tammy Greenhalgh for the Council Meeting of Orange City Council on 15 November 2022.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

#### 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 Kinghorne declared a Significant Pecuniary Interest in item 6.1 Vegetation Management as her husband's business has undertaken soil testing at the site location.

Cr Mileto asked why item 6.1 – Vegetation Management was in the Closed Section of the meeting and asked that it be moved to the open meeting.

*The Director Development Services advised the report contained specific information and it is in the closed meeting section in the interest of retaining Council's legal privilege.*

Cr Hamling offered Council's wishes and thoughts to neighbouring towns suffering from devastating flood damage and extended any assistance needed.

*The Chief Executive Officer advised there is a Local Emergency Management Committee (LEMC) consisting of local Councils, police and emergency services. This committee meets regularly and structure emergency responses in situations such as what we are experiencing where emergency centres are pre-determined. Following a phone call with Acting General Manager of Cabonne Council, they will be requesting Orange to open landfill for the disposal of livestock.*

**RESOLVED - 22/484****Cr T Mileto/Cr S Peterson**

That the Chief Executive Officer reach out to Cabonne Shire Council General Manager and in consultation, Orange City Council provide available staff, vehicles and machinery to assist in the recovery efforts.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

Cr Kinghorne noted at the LG Conference that there was a designated disaster response person at each Council and asked if assistance in these matters get discussed at these meetings?

*The Chief Executive Officer stated that we have the LEMC, which has the services on it as well as Council staff and that yes assistance is discussed as well as predetermined emergency centres.*

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.49PM**

**Item 6.2 - Orange Regional Conservatorium and Planetarium**

Pam Ryan addressed Council on this matter.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.55PM**

**2 MAYORAL MINUTES**

Nil

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**RESOLVED - 22/484****Cr D Mallard/Cr S Peterson**

That the Minutes of the Ordinary Meeting of Orange City Council held on 1 November 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 1 November 2022.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

### 4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

### 5 GENERAL REPORTS

#### 5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2022/1314

**RESOLVED - 22/485****Cr M McDonell/Cr D Mallard**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 1 November 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Infrastructure Policy Committee at its meeting held on 1 November 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 1 November 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Finance Policy Committee at its meeting held on 1 November 2022 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Services Policy Committee at its meeting held on 1 November 2022 be and are hereby confirmed as a true and accurate record of the proceedings.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

**5.2 STRATEGIC POLICY REVIEWS**

TRIM REFERENCE: 2022/2183

**RESOLVED - 22/486****Cr F Kinghorne/Cr G Floyd**

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

- ST04 - Councillor Access to Information and Interaction with Staff
- ST05 - Records Management for Councillors
- ST13 - Cyber Security

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

**5.3 STATEMENT OF INVESTMENTS - OCTOBER 2022**

TRIM REFERENCE: 2022/2153

**RESOLVED - 22/487****Cr K Duffy/Cr G Floyd**

That Council resolves:

- 1 To note the Statement of Investments as of 31 October 2022.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

Cr Kinghorne asked about Council's investments being invested in BBB, and when this will be reviewed.

*The Chief Executive Officer advised we are working through the issue, have recently found a good sum of break cost on term deposits yielding us \$1.9m over 4 years. Further investigations are underway and work will continue to achieve the highest returns available.*

**5.4 DISABILITY INCLUSION ACTION PLAN 2022-2025**

TRIM REFERENCE: 2022/2177

**RESOLVED - 22/488****Cr S Peterson/Cr D Mallard**

That Council place on exhibition for a period of 28 days the Blayney Cabonne Orange Disability Inclusion Action Plan 2022-2025.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

Cr Peterson commended staff involved in making the Disability Inclusion Plan and the ethos behind it.

**QUESTION TAKEN ON NOTICE****Cr T Mileto**

Cr Mileto requested that Council look into concerns raised about the pool hoist not being adequate to lift all patrons into the pool and the changeroom hoist not working for some time.

Cr Kinghorne noted that these issues were discussed at the Ageing and Access Community Committee meeting and this is being reviewed.

**5.5 RENAMING OF LILY PLACE TO VIOLA PLACE**

TRIM REFERENCE: 2022/2186

**RESOLVED - 22/489****Cr M McDonell/Cr G Power**

That Council endorse the renaming of Lily Place to Viola Place with the Geographical Names Board and inform the residents of Lily Place.

FOR: CR J HAMLING, CR K DUFFY, CR G FLOYD, CR F KINGHORNE, CR D MALLARD, CR M MCDONELL,

CR T MILETO, CR S PETERSON, CR G POWER

AGAINST: NIL

ABSENT: CR J WHITTON, CR J EVANS, CR T GREENHALGH

CR KINGHORNE ASKED WHAT PROCEDURES WE HAVE IN PLACE TO PREVENT THE RENAMING ISSUE FROM HAPPENING AGAIN IN THE FUTURE.

*THE DIRECTOR TECHNICAL SERVICES ADVISED THE APPROVAL IS MANAGED AT THE GEOGRAPHICAL NAMING BOARD, WITH COUNCIL SUPPORTING DEVELOPERS THROUGH THE STREET NAMING PROCESS, AND IT WAS NOT IDENTIFIED AS AN ISSUE AT THE TIME OF NAMING.*

**MATTER ARISING****CR F KINGHORNE**

CR KINGHORNE REQUESTED THAT INFORMATION BE SOUGHT FROM THE GEOGRAPHIC NAMING BOARD ON THEIR PROCESSES FOR STREET NAMING.

**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 - 22/490****Cr M McDonell/Cr G Power**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**6.1 Vegetation Management**

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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Information contained in this paper is subject to legal professional privilege and is strictly confidential. Any disclosure of this paper, including a verbal disclosure of its content or conclusions, beyond Council officers directly involved in this matter may result in the loss of legal professional privilege and cause damage to the Council's legal and financial position. Councillors have a good faith duty to strictly maintain confidentiality of privileged communications, and any failure to do so may result in a penalty under section 664 of the Local Government Act 1993 and action under the Code of Conduct.

**6.2 Orange Regional Conservatorium and Planetarium**

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 Works In Kind Agreements for Rifle Range Road 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.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.13pm.

*\*Cr Kinghorne left the meeting with the time being 7.13pm and returned with the time being 7.20pm\**

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 VEGETATION MANAGEMENT

TRIM REFERENCE: 2022/2260

*Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's business has undertaken soil testing at the site location, left the chamber and did not participate in discussion or voting on this item.*

#### **RESOLVED - 22/491**

**Cr K Duffy/Cr G Floyd**

That Council resolves:

- 1 That the report from the Director of Development Services be noted.
- 2 That Council determine option 2 as detailed within the report as the preferred course of action.
- 3 That Council acknowledge that they have spent \$12,603.51 on this matter which does not include staff costs.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh, Cr F Kinghorne

### 6.2 ORANGE REGIONAL CONSERVATORIUM AND PLANETARIUM

TRIM REFERENCE: 2022/2265

#### **RESOLVED - 22/492**

**Cr K Duffy/Cr T Mileto**

That Council note the report on the Orange Regional Conservatorium and Planetarium and instruct staff to proceed to tender.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

### 6.3 WORKS IN KIND AGREEMENTS FOR RIFLE RANGE ROAD CONSTRUCTION

TRIM REFERENCE: 2022/2230

#### **RESOLVED - 22/493**

**Cr K Duffy/Cr T Mileto**

That Council endorse the Works In Kind Agreement for the Rifle Range Road Construction.

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

Against: Nil

Absent: Cr J Whitton, Cr J Evans, Cr T Greenhalgh

### THE MEETING CLOSED AT 7.38PM

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 November 2022.