



ORDINARY COUNCIL MEETING

AGENDA

6 DECEMBER 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, 6 December 2022** commencing at **6.30PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8106.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

1.5 OPENING PRAYER

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

2.1 LGNSW ANNUAL CONFERENCE - OCTOBER 2022

RECORD NUMBER: 2022/2337

MAYORAL MINUTE

I attended the LGNSW Annual Conference in the Hunter Valley Sunday 23 October – Tuesday 25 October 2022 with Councillors Duffy, Floyd, Kinghorne, Mallard, McDonnell and Whitton. I provide this summary for Council’s information and noting.

RECOMMENDATION

That the information contained in this Mayoral Minute on the LGNSW Annual Conference be acknowledged.

Jason Hamling

MAYOR

SUPPORTING INFORMATION

My take on the Local Government conference:

I attended a session on the Sunday afternoon on Building a new resilient LG sector.

I was interested to hear about asset renewals for Local Government and how to deliver messaging to ratepayers about certain topics or projects using all platforms of media and creating positive conversation around issues.

Monday 24 October was Motions day. A varied array of motions were up for debate including rate pegging, red fleet, cat control to name a few, I also visited the trade hall talking to several exhibitors about the products they had on display including playground equipment, Government accounting systems, caravans etc

Monday night was the Gala Dinner inside the Hope Estate winery shed. It was a spectacular event and a great opportunity to network. We had former Orange Councillor Gavin Priestley seated at our table.

Tuesday 25 October was the last day of the conference which saw a panel of Shadow Ministers and current Government Ministers discussing issues relevant to the upcoming election. Both sides are committed to looking into the Code of Conduct, road funding was also on the list of priorities for both sides.

Councillors Kinghorne and Floyd have provided additional information on the conference as attached to this Mayoral Minute.

ATTACHMENTS

- 1 Councillor Report - LGNSW Annual Conference - Cr Glenn Floyd, 2022/2430 [↓](#)
- 2 Councillor Report - LGNSW Annual Conference - Cr Frances Kinghorne, 2022/2263 [↓](#)

COUNCIL MEETING**6 DECEMBER 2022**

COUNCILLOR REPORT - LGNSW ANNUAL CONFERENCE

RECORD NUMBER: 2022/2430

AUTHOR: Glenn Floyd, Cr

I would just like to take a quick opportunity to thank the staff of Orange City Council for the opportunity and the behind-the-scenes logistics, to enable myself and the other Councillors to attend the LGNSW conference in the Hunter Valley recently.

As a first-time Councillor and first LGNSW conference attendee, I look upon these opportunities as one of growth as a Councillor and a chance to arm myself with the tools I need to serve the community better.

The experiences, new friendships, exchange of knowledge across LGAs and access to Government ministers is invaluable not only to me as a first-time participant but I am sure everyone at the conference learns new skills and comes away a better councillor for their efforts.

I would also like to thank the Cessnock Council and the Mayor, Cr Jay Suvaal, Cr Darriea Turley the LGNSW president, The Ministers, the many entertaining guest speakers and the staff of the Crown Plaza and Hope Estate for their critical efforts in the success of the conference and I look forward to the next one in Parramatta next year.

COUNCIL MEETING**6 DECEMBER 2022**

COUNCILLOR REPORT - LGNSW ANNUAL CONFERENCE

RECORD NUMBER: 2022/2263
AUTHOR: Frances Kinghorne, Cr

The following summary for Council's information covers conference highlights, notable learnings, possible implementations and benefits to the community.

Sunday 23 October – Workshops

I attended the 'Universal Urban Design and Local Government – creating welcoming, vibrant, safe and inclusive communities' workshop. This covered the principles and history of universal design and reinforced the idea that inclusive design should involve input from potential users, and aims for continuous improvement, to exceed minimum standards, should be incorporated into the scope of works, and, done well, achieves outcomes in relation to respect, equity, participation, sustainability and responsibility.

Crime prevention, in this context, can be enhanced with appropriate design. Input from a range of potential users, including different demographics, can help to highlight possible safety issues. The key points were access control, target hardening, image, maintenance and activity support.

The goal is to reduce opportunities for crime, and by attracting more visitors to the space, passive surveillance is increased – a useful crime deterrent. If an area is attractive and well maintained it is less likely to be vandalised.

An example used is the 'Everyone can Play' program, incorporating the principles of 'Can I get there?, Can I play?, Can I Stay?'

Consideration is made of the ease of accessibility, inclusiveness and diversity of play equipment, shade, seating and amenities, visual appeal, and safety. The inclusion should extend to all open space, and encompasses themes of 'Connecting, Discovery, and Celebration. The ultimate goal is to make everyone feel welcome respected and included.

Presentation on the NSW Floods Enquiry

The authors of the paper that considered the recent floods in NSW gave this presentation, which was quite interesting. Many of their suggestions and recommendations were aimed at other levels of government but there were some relevant to local government.

1. Make a flood history for each land holding to be available to prospective purchasers.
2. Restrict options for new construction in flood prone areas
3. For each Council to have a dedicated staff member to be an emergency response officer. This could be shared between councils in regional areas. Council areas that did have this position in place did manage better during and after the recent floods.

Presentation on Lifeline Australia

John Brogden presented this session, which was quite interesting. Notable points were that, during the Covid lockdowns, calls to Lifeline actually fell – the assumption was that this was because of the increased income support.

COUNCIL MEETING**6 DECEMBER 2022**Councillor Report - LGNSW Annual Conference

However the call volume now exceeds pre Covid levels. He also said that the main circumstance precipitating a call to Lifeline is loneliness – sad! Not sure how relevant this was to local government but maybe all the lonely people can rent out their spare rooms to assist with the housing crisis. Two birds, one stone.

Monday 24th October

This was voting day with around 160 motions debated in total. I thought there was a lot of politics, self-promotion, and city versus country rhetoric with some of the speakers and the motions. The main motions that I thought were relevant to Orange Council were those relating to housing availability (a problem across the whole state), skills shortages, the planning portal, cybersecurity, cats, swimming pools, e-scooters, real estate agents as councillors, pensioner rates rebates, renewable energy initiatives, and a fascinating suggestion that a system equivalent to ‘parliamentary privilege’ be available during council meetings – wouldn’t that be interesting?

There were lots of trade exhibitors, which were mostly targeted to Council staff or to Councillors who are more interested in technical things than I am.

There was a conference dinner, which was grossly overpriced, and any networking opportunities were limited by the very loud (good but loud) music – great for dancing but not so good for talking. I did, however bump into 3 people who were in my year at Sydney Uni, which was unexpected and quite nice.

Tuesday 25th October

There was a panel discussion on the future of local government. I accept that some people may have found this useful but I didn’t. There was a lot of politics and a woefully inadequate time allocated for questions.

The next session, by Simon Kuestenmacher, on ‘Reimagining our Future Workforce’ was the highlight of the conference for me. He was incredibly entertaining and informative, with tips to help us understand potential workers based on their demographic classification so that we can be better at attracting and keeping staff. I can recommend to the councillors who weren’t able to attend, to watch some of his YouTube videos. Great to learn while laughing one’s head off.

Other Reflections

I really enjoyed the opportunity to bond a bit more with the other Councillors from Orange – also had a fun road trip there and back (thanks Cr Whitton and Cr Hamling). It was nice to meet some people from other areas, although I’m not sure that I will ever be a master networker.

Thanks to Orange City Council for the opportunity to attend.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 15 November 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 15 November 2022.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 15 November 2022

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 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

6.2 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 16 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 November 2022.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - Chaired by Cr Jeff Whitton

Employment and Economic Development – Chaired By Cr Tony Mileto

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation - Chaired by Cr Tammy Greenhalgh

Environmental Sustainability - Chaired by Cr David Mallard

Finance - Chaired by Cr Kevin Duffy

Services - Chaired by Cr Melanie McDonell

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - RATES NOTICE BREAKDOWN AND EXPENDITURE ATTACHMENT

RECORD NUMBER: 2022/2406

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 6 December 2022:

MOTION

That future Rates Notices include a breakdown demonstrating how Rates are spent and additionally how total Council expenditure is spent.

BACKGROUND

Ratepayers expect transparency about how their rates are spent. Other Councils and levels of Government have easy to interpret information explaining this as part of their rates notices or receipts. This would help to demonstrate the variety of different work Council is involved in on the community's behalf. It also would give a more informed basis for community discussion about modifying where money is spent if desired.

When doing this, separating how rates are spent from expenditure of other external sources of income such as external grants would be of further benefit as such expenditure is less under our direct control for potential modification.

Some examples are attached for reference.

Signed Cr Steven Peterson

STAFF COMMENT

Council staff will ensure that an attachment will be included in next year's (2023/2024) rates notices to include a break up of how rates are expended to the different programs within Councils framework. It would be prudent to report this in next year's draft budget papers to ensure transparency.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

ATTACHMENTS

- 1 Example - City of Ryde, [D22/75492](#)
- 2 Example - Australian Government Tax Receipt, [D22/75493](#)
- 3 Example - Burdekin Shire Council, [D22/75494](#)

4.2 NOTICE OF MOTION - GAANHA-BULA - MOUNT CANOBOLAS MOUNTAIN BIKE TRAILS

RECORD NUMBER: 2022/2409

We, **CR GERALD POWER, CR DAVID MALLARD AND CR MELANIE MCDONELL** wish to move the following Notice of Motion at the Council Meeting of 6 December 2022:

MOTION

That Council resolves not to carry out any further work toward the State Significant Development proposal to develop the Mount Canobolas Mountain Bike Trails, in light of the economic priorities and challenges facing Council in addition to the potential environmental and cultural heritage impacts associated with the proposal.

BACKGROUND**Economic priorities and challenges**

At present, Council is working to deliver other major projects (e.g., the Sporting Precinct and the Conservatorium and Planetarium) and is faced with significant financial challenges due to rising inflation, escalations in construction costs, and the impact of ongoing severe weather events.

Rather than directing further resources into work on this additional project that even its proponents acknowledge would need to measure up against strict assessment requirements relating to its impact on a sensitive and iconic area within our region, we suggest that Council should resolve that we will no longer progress the State Significant Development proposal.

Expenditure and progress from previous Council work on the proposal

In previous terms of Council, Orange City Council has spent hundreds of thousands of dollars in addition to staff resources directed to preliminary work toward seeking approval to develop a network of mountain bike trails on Gaanha-bula / Mt Canobolas.

This work has resulted in the issuing of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the assessment of the development proposal as State Significant Development.

Progressing toward a development application would involve further resources and expenditure

The SEARs require a considerable amount of further work to be done and money to be spent in order to reach the stage of submitting a development application for assessment. The Budget documents adopted by this Council earlier in the year included forward planning for \$1.5 million of expenditure in 2023-24, and even bringing a proposal to Council to approve expenditure on the next stages of work to meet the SEARs and prepare a development application will involve considerable work by Council staff.

Seeking approval of the project would be costly and uncertain of success

The project is being assessed as a State Significant Development because it is costly (capital investment value greater than \$10 million) and involves significant environmental risks (development in an area of state significance).

In addition to the considerable costs associated with preparing an application for approval the project (in the context of the other economic issues noted above), significant concerns have been raised by conservation organisations, members of the First Nations community and the broader public that the proposed mountain bike trails would have significant impacts on the natural environment and Wiradjuri cultural heritage, which would make it inappropriate for the project to proceed.

Rather than continue to allocate resources and funds to work on advancing the application for this costly and uncertain project, Council can choose not to progress it and focus our strategic attention and resources on delivering other major projects and activities for the benefit of Orange's community and our regional economy.

Signed Cr Gerald Power

Signed Cr David Mallard

Signed Cr Melanie McDonell

STAFF COMMENT

Council Staff are aware of and note the Planning Secretary's Environmental Assessment Requirements (SEARs) to progress the application.

Council staff also note the objections of the Gaanha-bula Action Group expressed through correspondence with Council and in a meeting with Council on 11 July 2022 and note the requirements for further investigations to identify and avoid areas of cultural significance.

There is no Budget allocation included in Councils 10 Year Financial plans for the conduct of these works as stated in the Notice of Motion.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.3 NOTICE OF MOTION - STATEMENT FROM THE HEART

RECORD NUMBER: 2022/2412

I, **CR GERALD POWER** wish to move the following Notice of Motion at the Council Meeting of 6 December 2022:

MOTION

That Council resolves:

- 1 To support the Uluru Statement from the Heart and its call for a First Nations Voice to Parliament protected by the Constitution;**
- 2 To promote and support the campaign for a “Yes” vote in a referendum on a Voice; and**
- 3 That Council write to the Federal Member for Calare seeking his support for the referendum and to support the “Yes” campaign.**

BACKGROUND

The Uluru Statement from the Heart is an invitation to the Australian people from First Nations Australians. It asks Australians to walk together to build a better future by establishing a First Nations Voice to Parliament enshrined in the Constitution, and the establishment of a Makarrata Commission for the purpose of treaty making and truth-telling.

The voice to Parliament will be a Constitutionally-enshrined body of First Nations with a direct line to Federal Parliament, able to influence laws and policies that affect First Nations communities first-hand – at the point they originate. A constitutional Voice is both symbolic and substantive recognition.

A Voice to Parliament is not within the Parliament. A Voice would be a body to advise on law and policy to the Parliament and the Government of the Day.

A Voice will mean the Government will have better quality information about First Nations communities and issues, delivered directly by a body of First Nations representatives. Detailed and nuanced information from communities themselves will result in better quality laws and policies. This will mean resource allocation is more accurately targeted. Better laws mean improved outcomes - across all metrics, including health, housing, criminal justice and education.

Signed Cr Gerald Power

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

ATTACHMENTS

- 1 Uluru Statement from the Heart, [D22/75896](#)

**4.4 COUNCILLOR REPORT - 2030 AND BEYOND - ADAPTATION FOR OUR FUTURE:
CONFERENCE REPORT - CR MELANIE MCDONELL**

RECORD NUMBER: 2022/2303

AUTHOR: Melanie McDonell, Cr

EXECUTIVE SUMMARY

This report covers content and highlights of the 2030 and Beyond – Adaptation for our Future Conference held in Ultimo Sydney on 1st and 2nd November 2022. Approval for Cr McDonell to attend this Conference was granted by the CEO as timeframes did not allow for approval to be sought through a Council meeting. This report is provided in retrospect and submitted by Cr Melanie McDonell.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “16.1. Work in partnership with other Councils, regional organisations and State and Federal Governments”.

FINANCIAL IMPLICATIONS

The registration fee for this conference was \$330 and two-nights of accommodation totalling \$477.00. These funds were taken from the Councillor Conferences and Seminars budget.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the attendance by Cr McDonell at the 2030 and Beyond – Adaptation for our Future Conference on 1-2 November 2022 and this report 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**Program Highlights & Summary**

The conference was organised by NESP (National Environmental Science Program) Climate Systems Hub and NSW Government’s AdaptNSW.

Day One: National Forum: Presentations from Senator the Hon Jenny McAllister (Assistant Minister for Climate Change and Energy), and I attended the “*Healthy Living in a Hot World*” breakout session which featured a panel of experts from Griffith University, Sydney University, and University of Melbourne discussing the health impacts of a 2 to 3 degree warmer world, and outlined adaptation measurement systems which are being rolled out across Queensland Health.

4.4 Councillor Report - 2030 and Beyond - Adaptation for our Future: Conference Report - Cr Melanie McDonell

The second breakout I attended covered “Nature-based Solutions for Adaptation” with presentations from experts from James Cook University (JCU), the CSIRO, University of Melbourne, Sydney Institute of Marine Science (SIMS) and Wageningen University and Research, the Netherlands. Although very interesting, I had hoped it would at least touch on the issue from a regional perspective, however the content focused solely on metropolitan and coastal adaptation. It was interesting to hear about the work that is being undertaken, but I was hoping to bring something back that we could incorporate into OCC strategy and action.

Day Two: AdaptNSW Forum: The second day was NSW-focused adaptation. Presentations from Catherine Kerr (Office of Energy and Climate Change, NSW Treasury), the Hon Matt Kean (NSW Treasurer and Minister for Energy), and Professor Mary O’Kane AO.

The first breakout session of the day was “The Adaptation Challenge for Local Government”.

Presentations by Tiffany Correggia (Senior Project Officer, OECC, NSW Treasury), Scott Baker (‘Blueprint for a resilient southeast NSW’, Canberra Region JO), and Melinda Curtis (Regional Policy and Program Manager, Environment, Hunter JO).

The last breakout of the conference focused on “Climate Resilient Housing”, featuring great presentations from Sharanjit Padam (Principle, Climate & ESG Risk, Finity Group), Santina Camroux (Director Resilience Planning, Department of Planning and Environment), and Kate Cotter (CEO, Resilient Building Council of Australia).

The conference was worthwhile attending and I thank the CEO for approving my attendance on short notice, however I left the conference convinced that a similar event is necessary for those of us west of the Dividing Range, focusing on ‘regional’ NSW, so that we too can share our ideas and actions.

Notable Learnings & Possible Implementations

Key takeaways (Day 2, Breakout 1):

- Although sometimes seen as simply buzzwords, ‘resilience’ and ‘adaptation’ must be fundamental components of all aspect of Local Government, not just Environmental;
- There is some fantastic work being done by Joint Organisations on adaptation and resilience in the context of a changing climate;
- Hunter JO ‘Support package for Councils’ – designed to assist Councils to embed Climate Change action into all aspects of IP & R;
- Blacktown Council Sustainability Officer currently working on Urban Heat Island mitigation – possible learnings applicable to Orange;
- Climate Risk Ready Training Course – for Local Government – OCC staff would be recommended to complete;

Key takeaways (Day 2, Breakout 2):

- Housing affordability will worsen across the country, but more notable a greater impact on already-vulnerable households;
- Housing insurance will be increasingly expensive, and harder to obtain in the first place, especially for those in higher risk areas;

4.4 Councillor Report - 2030 and Beyond - Adaptation for our Future: Conference Report - Cr Melanie McDonell

- Home insurance premiums are higher in NSW than VIC solely due to the Emergency Services Levy applied in NSW;
- There are simple, fairly cost-effective methods of retrofitting existing homes to increase resilience to floods and bushfires;
- Those most at risk of losing homes and lives to these natural disasters are those who can least afford to rebuild or relocate to begin with;
- A clear message that we must be building better buildings **now**, especially homes, and especially when it comes to housing for people of lower socioeconomic status;
- Bushfire Building Council of Australia has free, complete and downloadable house plans designed for extreme weather and disaster resilience;

Benefits to the Community

- Improve OCC's efforts regarding climate adaptation and mitigation;
- In turn, helping the broader Orange community in their CC adaptation and mitigation steps;
- Ultimately, more liveable residential developments and urban areas long into the changing climatic future.

5 GENERAL REPORTS

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

RECORD NUMBER: 2022/1317

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

A list of updates on outstanding resolutions, questions taken on notice, matters arising and notices of motion is provided together for the information of Council. Only matters requiring action to be taken are noted in this report, including outstanding items from the previous Council term. A report is also provided to Council on those Actions completed since the report was last provided to Council. After items are reported in the Completed Actions Report, items are removed from this listing, however, are available for administrative purposes.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the information provided in the report by the Manager Corporate Governance on Outstanding and Completed Resolutions, Questions Taken on Notice, Matters Arising and Notices of Motion be acknowledged.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Attached is a listing of tasks requiring action or follow up by Council staff. This list identifies progress on decisions of Council, including Notices of Motion, Questions Taken on Notice and Matters Arising. Upon completion, items will be noted as such and removed after production to Council.

ATTACHMENTS

- 1 Outstanding Actions Report, [D22/77133](#)
- 2 Completed Actions Report, [D22/77144](#)

5.2 CONDUCT OF THE 2024 LOCAL GOVERNMENT ELECTION

TRIM REFERENCE: 2022/2214

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

The next Local Government election will be conducted in September 2024. This report recommends Council enter into an election arrangement contract with the NSW Electoral Commission.

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 NSW Electoral Commission will supply a quotation to conduct the election (including the election of a popularly elected Mayor). A further report is to be provided to Council once a quotation has been provided.

The 2021 Local Government Elections administered by the NSW Electoral Commission had a final costing of \$354,816.51. It was noted that impacts of COVID disruptions and extra COVID precautions impacted this costing, however part of this was absolved by the NSWEC.

In terms of funding, Council has \$110,000 allocated in 2022/23 and \$110,000 allocated in 2023/24, dropping to \$85,000 in 2024/25. The remaining funding will need to be allocated in the Delivery/Operational Plan.

POLICY AND GOVERNANCE IMPLICATIONS

The Local Government Act 1993 sets out the process for Council to appoint the NSW Electoral Commissioner to conduct the election.

Councils are required under the Local Government Act 1993 to resolve to enter into an election arrangement contract for the conduct of this election by 13 March 2023.

RECOMMENDATION

That Orange City Council resolves:

- 1 That pursuant to Sections 296(2) and 296(3) of the Local Government Act 1993, an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of the Council.**
- 2 That permission be granted for the use of the Council Seal on all relevant documents.**

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	The NSW Electoral Commission has conducted Local Government elections in Orange for many years and can provide a high level of service. Consideration of In-house management of the elections function or through an electoral services provided would have significant impact on Council staffing resources and the ability to deliver not only this service but others would be impacted if that course was determined.
Image and Reputation	The importance of ensuring the 2024 Local Government election is conducted efficiently and effectively is critical. It is considered that the experience of the NSW Electoral Commission offers the highest level of comfort for Council and the community that the process will be undertaken appropriately.

SUPPORTING INFORMATION

It is recommended that Council enter into an electoral arrangement with the NSW Electoral Commission. The Local Government Act requires Council to resolve its intentions at least 18 months prior to the election.

Councils are required under the Local Government Act 1993 to resolve to enter into an election arrangement contract for the conduct of this election by 13 March 2023.

As in previous elections, Council will share a Returning Officer with neighbouring Council(s) which may reduce some of the costs. Council staff will assist the NSWEC with setting up the Election Office at one of its own facilities where possible, which may provide further opportunities for cost savings.

Council does not have the resources to facilitate the Elections in-house. Council does have the alternate option of undertaking their election process through an Electoral Service Provider, however feedback received by Governance staff from Council's who have used these services have noted the onerous impact on Council staff in many aspects of this avenue of election administration.

It is recommended that Council resolve to enter into a contract with the NSW Electoral Commission for all election services including the election and any polls or referendum that may be decided. Upon the receipt of a quotation for the costing of the administration of the election, Council staff will further information to Council outlining those costings.

5.3 STRATEGIC POLICY REVIEWS

RECORD NUMBER: 2022/2315

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents policies which have been reviewed and are recommended for placement on public exhibition for a period of 28 days:

- ST06 - Statement of Business Ethics
- ST07 - Modern Slavery Prevention
- ST14 - Related Parties

Noting that in this instance the 28 days will run through the Christmas/New Year period, the exhibition period will be increased until 31 January 2023 to allow for sufficient exhibition.

Following a review of Councils Policy Structure, over the coming months, Council will continue to be provided with policies for consideration 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 minimum period of 28 days:

- **ST06 - Statement of Business Ethics**
- **ST07 - Modern Slavery Prevention**
- **ST14 – Related Parties**

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 at least 28 day to allow for Council and public review and submissions.

ST06 – Statement of Business Ethics

The Statement of Business Ethics for Council has not be updated for some years. The policy incorporates elements of the previous policy as well as those best practice elements from other NSW Councils. This policy incorporate major elements from a number of Council policies which are to be brought to the attention of those parties Council does business with.

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – New Numbering at ST06 • New Formatting • Re-Written policy based on the best practice across NSW Councils.

ST07 – Modern Slavery Prevention

The Modern Slavery Prevention policy is based on the Model policy issued by Local Government Procurement. The policy is a mandatory requirement for Council under the Modern Slavery Act. The Policy has been reviewed and endorsed by Council's internal Probity and Procurement Committee and Council's Audit, Risk and Improvement Committee.

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – New Numbering at ST07 • New Policy

ST14 – Related Parties

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – New Numbering at ST14 previously ST138 • Updated references to the Chief Executive Officer from General Manager. • Reformatting. • Update from 6 monthly reporting to yearly reporting due 30 June.

ATTACHMENTS

- 1 Draft - Strategic Policy - ST06 - Statement of Business Ethics, D22/76490 (Under Separate Cover)⇒
- 2 Draft - Strategic Policy - ST07 - Modern Slavery Prevention for Exhibition, D22/35872 (Under Separate Cover)⇒
- 3 Draft - Strategic Policy - ST14 - Related Parties for Exhibition, D22/75340 (Under Separate Cover)⇒

5.4 STRATEGIC POLICY POST EXHIBITION ADOPTION

RECORD NUMBER: 2022/2346

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 on public exhibition and are recommended for adoption. One submission was received during the exhibition period of 2 November 2022-30 November 2022.

- 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

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 adopt the following policies in accordance with the contents of this report:

- **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 Adoption**

The following policies have been reviewed and placed on public exhibition for a period of 28 day from 2 November 2022 to 30 November 2022. One submission was received during the exhibition period. The submission was in relation to the Code of Conduct and asked after the accuracy of “more than 40000 years of Wiradjuri care and stewardship” suggesting that this would more accurately reflected as more than 65000 years. Clarifications sought from the members of the Wiradjuri community confirmed that evidence is now providing for 65000 years however the wording of “custodians for over 40000 years” is acceptable. The submission also asked whether the use of Council resources under section 3.18 was in alignment with Councils Draft Operational Cyber Security framework in relation to lawful use and personal access. The Draft Cyber Security Framework is a lawful way of allowing people to have reasonable private use. Therefore both documents work in conjunction. Further work will be undertaken to align Operational Policies with the Code of Conduct as they are processed for CEO approval and clarify in any operational policies the expectations of staff in this regard.

Following feedback and minor changes from staff for administration purposes the following updates have been made to each of the policies for the adoption of Council.

ST01 – Code of Conduct

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. • Addition of 7.6(k) which forms part of the new version of the Model Code of Conduct.

ST01.1 – Procedures for the Administration of the Code of Conduct

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. • 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

A full listing of updates and changes are noted below. In the draft version these elements were included in Red for the Information of Council.

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – new numbering as ST02, previously ST050. • Formatting updated during the exhibition period. • A Speaker Registration form will be included with the policy when published. • Introduction – inclusion of clause relating to Community Committees • Inclusion of 3.2 in relation to Community Committee settings individual dates, times and locations for meetings. • Clause 3.10 – confirmation of 8 business days before meeting for Notices of Motion to be submitted, no change from previous Code. • Inclusion of Clauses 3.12 & 3.12 as part of the Model Code of Meeting Practice in relation to Notices of Motion and CEO reports if NOM's have Strategic, Legal Financial or Policy Implications. • Inclusion of 3.23 – Statement of Ethical Obligations – part of the new Model Code. • Inclusion of 3.33-3.38 in relation to Councillor Briefings, no change from previous code. • Inclusion of 4.1-4.26 – Open Forum, no change from previous code. • Inclusion of 5.13-5.14 – Quorum, no change from previous code. • Inclusion of 5.15-5.29 – Provisions for holding and attending meetings via Audio Visual Link, part of new Model Code. • Inclusion of 5.43 – Staff Attendance via Audio Visual Link managed by the CEO. • Clause 8.1 - Confirmation of Order of Business – minor reordering to match current practices. • Inclusion of 9.10 – Mayoral Minutes requiring expenditure, no change from previous code. • Inclusion of 10.9 – Motion requiring expenditure, no change from previous code. • Inclusion of 11.10 & 20.23 – all voting is recorded in the minutes, no change from previous code. • Inclusion of 13.1-13.7 – items by exception, no change from previous code. • Inclusion of 14.20 – Councillor obligations in Closed Meetings, part of the new Model Code. • Inclusion of 15.20-21 – Expulsion of Councillors via Audio Visual Link, part of

5.4 Strategic Policy Post Exhibition Adoption

	<p>the new Model Code.</p> <ul style="list-style-type: none"> • Inclusion of 16.2 – Councillor obligations for Conflicts of Interest attending via Audio Visual Link, part of the new Model Code. • Clause 17.10 – Notice to Alter/Rescind – retain all matters at 12pm the day after the meeting, no change from previous code. • Inclusion of 17.12-17.14 – Further clarifying Alter/Rescinding, part of the new Model Code. • Inclusion of 17.15-17.20 – correcting an error, no change from previous code. • Inclusion of 18.1-18.5 – limiting Council Meetings to finish by 9.30pm. • Inclusion of 19.2(a) & 20.22(a) – minutes to include names of Councillors attending via Audio Visual Link, part of new Model Code.
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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 • Inclusion of Expenses Claim Form • 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 budgeted \$60,000 amount. • 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.

ATTACHMENTS

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

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

6.2 Evaluation of Submissions - NetWaste Tender for Processing of Garden Organics, Wood and Timber

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 Tenders for Clergate Road Stages 2 and 3

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 Submission Redactions 6 December 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 3
NOVEMBER 2022**

RECORD NUMBER: 2022/2355

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 EVALUATION OF SUBMISSIONS - NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER

RECORD NUMBER: 2022/2402

AUTHOR: Wayne Davis, Manager Waste Services and Technical Support

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.

6.3 TENDERS FOR CLERGATE ROAD STAGES 2 AND 3

RECORD NUMBER: 2022/2408

AUTHOR: Mark Frecklington, Assistant Works Manager

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.

6.4 SUBMISSION REDACTIONS 6 DECEMBER 2022

RECORD NUMBER: 2022/1819

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