
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 6 DECEMBER 2022

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Director Corporate and Commercial Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Governance Officer, Senior Planner (Hicks), Manager Development Assessment.

1.1 APOLOGIES

Nil

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

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

Cr Kinghorne declared a Significant Pecuniary Interest in PDC Item 2.2 Development Application DA392/2021(1) – 6-8 Callawa Street, as her Husband's business has undertaken work at this site.

Cr Evans declared a Significant Pecuniary Interest in Closed Item 6.3 – Tenders for Clergate Road Stages 2 and 3 as the applicant is a customer of his business.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.1 – Items approved under delegated authority as he is an OCTEC Board member.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.1 – Items approved under delegated authority as he is an OCTEC Board member.

Cr Hamling declared a Significant Pecuniary Interest in FPC Item 2.2 Small Donations and Grant Applications – part 1 as he is a member of Staff at Orange High School.

Cr Hamling declared a Significant Non-Pecuniary Interest in FPC Item 2.2 Small Donations and Grant Applications – part 8 as he has family employed at Glenroi Heights Public School.

Cr Floyd declared a Significant Pecuniary Interest in FPC Item 2.2 Small Donations and Grant Applications – part 6 as the applicant, Newcrest is his employer.

1.5 OPENING PRAYER

Greg Blanch of the Orange Evangelical Church led the Council in Prayer.

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

The following members of the public addressed Council in the Open Forum:

PDC Item 2.2 – DA 392/2021 (1) – 6-8 Callawa Street, Orange

Rod Fragar

Gary Arthur

Amber Gunn spoke

ESPC Item 2.2 – Minutes of the Parks, Trees and Waterways Community Committee 13 October 2022

Margie Totman

Sue Duchnaj

Tony Ford spoke

Council Agenda Item 4.2 – Notice of Motion – Gaanha-bula, Mount Canobolas Mountain Bike Trail

Scott Turner

Rodney Farrell

Council Agenda item 4.2 – Notice of Motion – Statement from the Heart

Kishaya Delaney

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.12PM

2 MAYORAL MINUTES

2.1 LGNSW ANNUAL CONFERENCE - OCTOBER 2022

TRIM REFERENCE: 2022/2337

RESOLVED - 22/494

Cr K Duffy/Cr G Floyd

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

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

Against: Nil

Absent: Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 22/495**Cr J Whitton/Cr M McDonell**

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 record of the proceedings of the Council meeting held on 15 November 2022.

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

Against: Nil

Absent: Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.14PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 9.00PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - RATES NOTICE BREAKDOWN AND EXPENDITURE ATTACHMENT

TRIM REFERENCE: 2022/2406

RESOLVED - 22/527**Cr S Peterson/Cr T Mileto**

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

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2022/2409

MOTION**Cr G Power/Cr M McDonell**

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.

THE MOTION ON BEING PUT WAS LOST

For: Cr J Evans, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power,

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr T Mileto, Cr S Peterson, Cr J Whitton

Absent: Nil

MATTER ARISING**Cr K Duffy**

Cr Duffy requested that a full briefing for Councillors be held in March/April 2023 of where the Mountain Bike Trails proposal is up to.

4.3 NOTICE OF MOTION - STATEMENT FROM THE HEART

TRIM REFERENCE: 2022/2412

MOTION**Cr G Power/Cr M McDonell**

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.

AMENDMENT**Cr T Mileto/Cr T Greenhalgh**

That the Notice of Motion be deferred for a period of not more than 12-months to allow further consultation to occur where possible, with all Aboriginal Elders in the Orange LGA, and that more information also be provided to Council in relation to the statement moving forward, that would allow Councillors to make a more informed decision on the matter.

For: Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto

Against: Cr J Hamling, Cr J Evans, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 22/528****Cr G Power/Cr M McDonell**

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.

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

Against: Cr K Duffy, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto

Absent: Nil

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

TRIM REFERENCE: 2022/2303

RESOLVED - 22/529**Cr M McDonell/Cr J Hamling**

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.

FOR: CR J HAMLING, CR K DUFFY, CR J EVANS, CR G FLOYD, CR T GREENHALGH, CR F KINGHORNE,

CR D MALLARD, CR M MCDONELL, CR T MILETO, CR S PETERSON, CR G POWER, CR J WHITTON

AGAINST: NIL

ABSENT: NIL

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

TRIM REFERENCE: 2022/1317

RESOLVED - 22/530**Cr D Mallard/Cr M McDonell**

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.

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

Against: Nil

Absent: Nil

Cr Greenhalgh asked how many of the Beyond Blue benches are installed.

Cr Mileto advised the concrete pads are in process of going in as positions have been determined for 15 benches.

Cr Duffy asked in regards to the information on the lawn mowing contracts.

Chief Executive Officer advised the matter had been discussed with the Director Community, Recreation and Culture that specifications can and will be shared, but not the contracts.

MATTER ARISING**Cr S Peterson**

Cr Peterson requested that the information he requested on the benchmarking of fees and charges be followed up.

5.2 CONDUCT OF THE 2024 LOCAL GOVERNMENT ELECTION

TRIM REFERENCE: 2022/2214

RESOLVED - 22/531**Cr M McDonell/Cr G Floyd**

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.

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

Against: Nil

Absent: Nil

Cr Peterson asked if the pre-polling timing and specifications is determined elsewhere and was there to be a questions put to Councillors on a referendum to reduce the number of Councillors.

This Chief Executive Officer advised yes, specifications not determined locally and there is a report drafted that will come to Council 20 December 2022 or early 2023.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne requested information on costings for last Local Government election and the impact COVID had on these costings.

5.3 STRATEGIC POLICY REVIEWS

TRIM REFERENCE: 2022/2315

RESOLVED - 22/532**Cr M McDonell/Cr T Greenhalgh**

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

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

Against: Nil

Absent: Nil

5.4 STRATEGIC POLICY POST EXHIBITION ADOPTION

TRIM REFERENCE: 2022/2346

RESOLVED - 22/533**Cr G Floyd/Cr F Kinghorne**

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

FOR: CR J HAMLING, CR K DUFFY, CR J EVANS, CR G FLOYD, CR T GREENHALGH, CR F KINGHORNE,

CR D MALLARD, CR M MCDONELL, CR T MILETO, CR S PETERSON, CR G POWER, CR J WHITTON

AGAINST: NIL

ABSENT: NIL

6 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 - 22/534**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 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 WITHDRAWN - Evaluation of Submissions - NetWaste Tender for Processing of Garden Organics, Wood and Timber**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.

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

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 10.00pm

The Mayor declared the Ordinary Meeting of Council resumed at 10.08pm.

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 3 NOVEMBER 2022

TRIM REFERENCE: 2022/2355

RESOLVED - 22/535

Cr G Floyd/Cr F Kinghorne

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 3 November 2022.
- 2 That the minutes of the Audit, Risk & Improvement Committee at its meeting held on 3 November 2022 be adopted.

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2022/2402

THIS ITEM WAS WITHDRAWN.

6.3 TENDERS FOR CLERGATE ROAD STAGES 2 AND 3

TRIM REFERENCE: 2022/2408

RESOLVED - 22/536

Cr J Hamling/Cr K Duffy

That Council resolves to:

- 1 Not accept any tenders for Clergate Road upgrade stages 2 and 3;
- 2 Not invite fresh tenders as negotiations with the sole tenderer within budget should result in a contract being able to be entered into;
- 3 Enter into negotiations with the tenderer identified in this report to finalise terms, conditions and price with a view to entering into a contract for the Clergate Road Stage 2 and Stage 3 project;
- 4 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract for a value up to and including the budgeted amount;
- 5 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

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

Against: Nil

Absent: Nil

6.4 SUBMISSION REDACTIONS 6 DECEMBER 2022

TRIM REFERENCE: 2022/1819

RESOLVED - 22/537

Cr K Duffy/Cr G Power

That the information in this report be acknowledged.

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

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 10.10PM

This is Page Number 10 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 6 December 2022.