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# ORANGE CITY COUNCIL

## MINUTES OF THE

## ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 15 SEPTEMBER 2020

COMMENCING AT 7.00PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr R Kidd (Mayor), Cr G Taylor (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom),  
Cr T Mileto, Cr S Munro, Cr S Nugent, Cr S Romano, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond),  
Director Development Services, Director Community, Recreation and Cultural Services,  
Director Technical Services, Acting Manager Corporate Governance (Constantine), Manager  
Financial Services (Zoom), Executive Support Manager.

#### 1.1 APOLOGIES

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Nil

#### 1.2 LIVESTREAMING AND RECORDING

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

#### 1.3 OPENING PRAYER

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Pat Farrelly of the Ever Upward Church Led the Council in Prayer.

#### 1.4 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted the acknowledgement of Country.

#### 1.5 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr J McRae declared a Significant Pecuniary Interest in item 5.9 - Orange LEP Amendment 26  
- Forest Road Retail Precinct - as she is business owner and also owns commercial property in  
the CBD.

Cr R Kidd declared a Non-Significant Non-Pecuniary Interest in item 4.2 Notice of Motion -  
Donation of Unspent Catering Money, as his wife is a volunteer on a number of the  
organisations noted in the report.

Cr T Mileto declared a Non-Significant, Non-Pecuniary interest in item 5.9 - Orange LEP  
Amendment 26 - Forest Road Retail Precinct - as his family owns property in the CBD.

Cr J Whitton declared a Significant Non-Pecuniary Interest in item 5.8 - COVID-19 - Orange  
360 Response - Post-Exhibition - as he is on the board of Orange 360.

Cr R Kidd declared a Significant Non-Pecuniary interest in item 5.8 - COVID-19 - Orange 360 Response - Post-Exhibition - as he is on the board of Orange 360.

## 2 MAYORAL MINUTES

Nil

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.06PM.**

### OPEN FORUM

*Item 5.8 COVID-19 - Orange 360 Response - Post-Exhibition*

Caddie Marshall & Peter Robson from Orange 360 addressed Council on Destination Marketing, Road to Recovery.

*Item 5.9 Orange LEP Amendment 26 – Forest Road Retail Precinct*

Kate Gray outlined her concerns relating to the proposed retail precinct.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.19PM.**

## 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### RESOLVED - 20/305

Cr J Whitton/Cr S Munro

That the Minutes of the Ordinary Meeting of Orange City Council held on 1 September 2020 (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 September 2020.

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - EXHIBITION PUBLIC CONSULTATION

TRIM REFERENCE: 2020/1642

### RESOLVED - 20/306

Cr T Mileto/Cr J Whitton

That the exhibition period for all significant projects and initiatives include public information sessions in the first half of the exhibition period.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Taylor, Cr Turner, Cr Whitton

Against: Cr Romano

Absent: Nil

Cr Kidd asked how we would determine how to apply this to applications.

*The Chief Executive Officer stated that we will prepare a policy to cover matters to be considered for exhibition information sessions.*

**QUESTION TAKEN ON NOTICE**

Cr Taylor requested that information be provided on the cost of providing information sessions to the public during the exhibition periods.

**4.2 NOTICE OF MOTION - DONATION OF UNSPENT CATERING MONEY**

TRIM REFERENCE: 2020/1750

*Cr Kidd declared a Non-Significant, Non-Pecuniary interest in this item as his wife is a volunteer for a number of organisations noted in the report, remained in the chamber but did not participate in discussion or voting on this item.*

**RESOLVED - 20/307**

**Cr J Hamling/Cr J Whitton**

That the monies normally spent on catering for the last 4 Council meetings be donated to food based charities in Orange with the addition of LMB (Let's Make Better) to those listed in the Notice of Motion.

FOR: CR DUFFY, CR HAMLING, CR MCRAE, CR MILETO, CR MUNRO, CR NUGENT , CR ROMANO, CR TAYLOR, CR TURNER, CR WHITTON

AGAINST: NIL

ABSENT: CR KIDD

**5 GENERAL REPORTS****5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

TRIM REFERENCE: 2020/1702

**RESOLVED - 20/308**

**Cr S Nugent/Cr R Turner**

- 1 That the resolutions made by the Planning and Development Committee at its meeting held on 1 September 2020 be noted.
- 2 That the resolutions made by the Employment and Economic Development Policy Committee at its meeting held on 1 September 2020 be noted.
- 3 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 1 September 2020 be noted.
- 4 That the resolutions made by the Sport and Recreation Policy Committee at its meeting held on 1 September 2020 be noted.
- 5 That the resolutions made by the Environmental Sustainability Policy Committee at its meeting held on 1 September 2020 be noted.
- 6 That the resolutions made by the Finance Policy Committee at its meeting held on 1 September 2020 be noted.
- 7 That the resolutions made by the Services Policy Committee at its meeting held on 1 September 2020 be noted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**5.2 STATEMENT OF INVESTMENTS - AUGUST 2020**

TRIM REFERENCE: 2020/1682

**RESOLVED - 20/309****Cr K Duffy/Cr S Romano**

That Council resolves:

- 1 To note the Statement of Investments as at 31 August 2020.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**5.3 REQUEST FOR FINANCIAL ASSISTANCE - ORANGE WINE MONTH**

TRIM REFERENCE: 2020/1681

**MOTION****Cr J Hamling/Cr T Mileto**

That Council resolves that funding of \$10,000 be made from the Event Sponsorship Program to Orange Region Vignerons Association for the sponsorship of the 2020 Orange Wine Month.

**AMENDMENT****Cr S Nugent/Cr J Whitton**

That Council resolves that funding of \$20,000 be made from the Event Sponsorship Program to Orange Region Vignerons Association for the sponsorship of the 2020 Orange Wine Month.

For: Cr Nugent

Against: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Absent: Nil

**THE AMENDMENT ON BEING PUT TO THE MEETING WAS LOST**

**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**

**RESOLVED - 20/310****Cr J Hamling/Cr T Mileto**

That Council resolves that funding of \$10,000 be made from the Event Sponsorship Program to Orange Region Vignerons Association for the sponsorship of the 2020 Orange Wine Month.

For: Cr Kidd, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Taylor, Cr Turner, Cr Whitton

Against: Cr Romano, Cr Duffy

Absent: Nil

**5.4 LOCAL STRATEGIC PLANNING STATEMENT 2020**

TRIM REFERENCE: 2020/1573

**RESOLVED - 20/311****Cr S Nugent/Cr G Taylor**

- 1 That Council acknowledge the contents of this report and attached submissions.
- 2 That Council resolve to adopt the LSPS subject to the changes detailed in the consolidated list of supported changes.
- 3 That the LSPS, updated with the endorsed changes, be forwarded to the Department of Planning Industry and Environment for finalisation and publication on the NSW planning portal.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Turner raised questions relating to Urban Farming and Greenfields and what that means for Council.

*The Director Development Services stated that many government departments contributed to this linking document and the DCP already addresses these matters.*

**5.5 PROJECTS ACTIVITIES SEPTEMBER 2020**

TRIM REFERENCE: 2020/1683

**RESOLVED - 20/312****Cr J Whitton/Cr K Duffy**

That the information provided in the report by the Chief Executive Officer on Capital Projects be acknowledged.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**MATTER ARISING**

Cr R Turner requested a report be provided to Council regarding the Orange Regional Conservatorium to reaffirm funding, estimate the value of the current Hill Street site and identify other funding options for the project.

**5.6 LGNSW CONFERENCE 2020 - LODGEMENT OF MOTIONS / ONLINE ATTENDANCE**

TRIM REFERENCE: 2020/1685

**RESOLVED - 20/313****Cr S Nugent/Cr S Munro**

That Council:

- 1 Identify motions under the motion categories provided by LGNSW to propose for consideration at the 2020 Local Government Annual Conference 2020.
- 2 That Councillors Kidd, Munro and Duffy attend online and be Councils voting delegates at the LGNSW Annual Conference 2020 online attendees for the LGNSW Annual Conference 2020.

*\*\*Part 2 of the recommendation was determined after item 5.12\*\**

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**5.7 DRAFT PLANNING AGREEMENT - LEP AMENDMENT 17 - TOWAC EQUINE PRECINCT**

TRIM REFERENCE: 2020/1689

**RESOLVED - 20/314****Cr J Hamling/Cr S Munro**

That Council:

- 1 Note that items 2, 3 below will override items 1 and 3 of the resolution of 17 March 2020 in relation to Towac Equine Precinct.
- 2 Instruct the Chief Executive Officer to place the Planning Agreement on public exhibition for 28 days.
- 3 Subject to there being no objections to the planning agreement, authorise the Chief Executive Officer to enter into the planning agreement and pursue finalisation of Amendment 17 with the Department of Planning, Industry and Environment.

For: Cr Kidd, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Taylor, Cr Turner, Cr Whitton

Against: Cr Duffy, Cr Romano

Absent: Nil

*The Chief Executive Officer stated that item 2 was removed and as a result the remaining items renumbered in the recommendation.***5.8 COVID-19 - ORANGE 360 RESPONSE - POST-EXHIBITION**

TRIM REFERENCE: 2020/1718

*Cr R Kidd declared a Significant Non-Pecuniary Interest in this item as a member on the board of Orange 360, left the chamber and did not participate in discussion or voting on this item.*

*Cr J Whitton declared a Significant Non-Pecuniary Interest in this item as a member on the board of Orange 360, left the chamber and did not participate in discussion or voting on this item.*

*In the absence of the Mayor, Cr G Taylor, the Deputy Mayor assumed the chair.*

**RESOLVED - 20/315**

**Cr S Nugent/Cr S Munro**

That Council increase funding by \$100,000 to TDO Ltd trading as Orange 360 for the purposes of COVID rebound initiatives and marketing.

For: Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner,

Against: Cr Duffy

Absent: Cr Kidd, Cr Whitton

*\*\*Cr Kidd and Cr Whitton returned to the meeting with the time being 8.39pm\*\**

*\*\*Cr Taylor left the meeting with the time being 8.39pm\*\**

**5.9 ORANGE LEP AMENDMENT 26 - FOREST ROAD RETAIL PRECINCT**

TRIM REFERENCE: 2020/1719

*Cr J McRae declared a Significant Pecuniary Interest in this item as a business owner and owner of commercial property in the CBD, left the meeting and did not participate in discussion or voting on this item.*

**MOTION**

**Cr J Hamling/Cr S Romano**

- 1 That Council note the contents of this report and resolve to proceed with the amendment to Orange Local Environmental Plan 2011 for Stage 1 only.
- 2 That the proponent be advised to prepare the formal LEP maps as required by the Gateway Determination, and that the matter then be referred on to the Department of Planning, Industry and Environment for finalisation.
- 3 That the proponent be advised that Council does not presently foresee a need or justification for Stage 2 in the coming years.

**CR HAMLING WITHDREW HIS MOVING OF THE MOTION**

**RESOLVED - 20/316**

**Cr J Hamling/Cr G Taylor**

That the matter be deferred to allow discussions with the proponent on reducing the scale of the rezoning.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr McRae

*\*\*Cr Taylor returned to the meeting with the time being 8.43pm\*\**

*\*\*Cr Romano left the meeting with the time being 8.58pm\*\**

*\*\*Cr Romano returned to the meeting with the time being 9.00pm\*\**

*\*\* Cr McRae returned to the meeting with the time being 9.09pm\*\**

#### **5.10 STRATEGIC POLICY REVIEW - ST142 - EVENTS ON COUNCIL OWNED/MANAGED LAND**

TRIM REFERENCE: 2020/1752

##### **RESOLVED - 20/317**

**Cr J Whitton/Cr S Nugent**

That Council adopts Strategic Policy – ST142 – Events on Council Owned/Managed Land.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

#### **5.11 PART 5 ENVIRONMENTAL ASSESSMENT SOUTHERN FEEDER ROAD STAGE 4**

TRIM REFERENCE: 2020/1758

##### **RESOLVED - 20/318**

**Cr R Turner/Cr S Munro**

That Council approves the Southern Feeder Road Project Stage 4 in accordance with its obligations and powers under Part 5 of the Environmental Planning & Assessment Act 1979.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent , Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

#### **QUESTION TAKEN ON NOTICE**

Cr Taylor requested a report be provided to Council on the availability of finance options while awaiting the approval of State/Federal funding for the Southern Feeder Road.



**5.12 2019/20 FINANCIAL STATEMENTS**

TRIM REFERENCE: 2020/1644

**RESOLVED - 20/319****Cr J Whitton/Cr S Munro**

- 1 That Council resolve to authorise the Mayor, Chairperson of Finance Policy Committee, Chief Executive Officer and Responsible Accounting Officer to sign the Statement by Council and Management for the General Purpose and Special Purpose Financial Statements in order for Council's Auditors to conduct the audit and upon completion of the audit, issue an audit statement in accordance with section 413(2)(c) of the Local Government Act 1993.
- 2 That Council's Auditor be invited to present the Audit Report to Council.

FOR: CR KIDD, CR DUFFY, CR HAMLING, CR MCRAE, CR MILETO, CR MUNRO, CR NUGENT , CR ROMANO, CR TAYLOR, CR TURNER, CR WHITTON

AGAINST: NIL

ABSENT: NIL

*\*\* DISCUSSION ON PART 2 OF THE RECOMMENDATION RELATING TO ITEM 5.6 OCCURRED AFTER ITEM 5.12 \*\**

**MATTER ARISING**

CR MUNRO REQUESTED A REPORT BE PROVIDED TO COUNCIL IN RELATION TO THE PROCEDURE TO ASSIST THOSE IN HARDSHIP AND WHAT COUNCIL HAS UNDERTAKEN TO DATE DURING THE COVID PERIOD IN RELATION TO RATES AND CHARGES.

**6 CLOSED MEETING**

No Items.

**THE MEETING CLOSED AT 9.30PM**

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 September 2020.