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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE WITH AN OPTION OF ONLINE  
CONFERENCING PLATFORM ZOOM DUE TO COVID-19 REQUIREMENTS

ON 17 NOVEMBER 2020

COMMENCING AT 7.02PM

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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 Nugent, Cr J Whitton

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

#### 1.1 APOLOGIES

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**RESOLVED - 20/407**

**Cr S Nugent/Cr J Hamling**

That the apologies be accepted from Cr S Romano & Cr R Turner for the Council Meeting of  
Orange City Council on 17 November 2020.

#### 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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Kate Cathcart of the Salvation Army led the Council in Prayer.

#### 1.4 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted an Acknowledgement of Country.

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

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Nil

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE  
CONDUCT OF THE OPEN FORUM AT 7.05PM.**

**OPEN FORUM**

Item 5.7 - DA423/2019(1) – 643 Mitchell Highway (Electricity Generating Works – Solar Farm)

Mr Dean Collett spoke against the development.

Mr Paul Brouwers spoke against the development.

Ms Melanie McDonnell spoke in support for the development.

Mr Robert Green spoke against the development.

Mr John Dowler spoke against the development, and thanked staff for their assistance in particular the Director Development Services, Senior Planner (Crump) and the Customer Service Team.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.38PM****2 MAYORAL MINUTES****2.1 RADIO CHRISTMAS CAROLS NIGHT**

TRIM REFERENCE: 2020/2273

**RESOLVED - 20/408****Cr R Kidd/Cr K Duffy**

That Council engage Southern Cross Austereo "SCA" for the purpose of holding a specific radio Christmas Carols night.

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****RESOLVED - 20/409****Cr J Hamling/Cr J Whitton**

That the Minutes of the Ordinary Meeting of Orange City Council held on 3 November 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 3 November 2020.

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

**4 NOTICES OF MOTION/NOTICES OF RESCISSION****4.1 CIVIC RECEPTION - JACK WIGHTON**

TRIM REFERENCE: 2020/2258

**RESOLVED - 20/410****Cr K Duffy/Cr G Taylor**

That Council hold a Civic Reception for Jack Wighton.

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

**RESOLVED - 20/411****Cr G Taylor/Cr J Whitton**

That an apology be accepted from Cr S Munro (7.50pm) for the Council Meeting of Orange City Council on 17 November 2020.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

**4.2 ESTABLISH ANOTHER RETURN AND EARN BIN IN ORANGE**

TRIM REFERENCE: 2020/2274

**RESOLVED - 20/412****Cr G Taylor/Cr J Whitton**

That Council approach the relevant authorities about establishing a third Return and Earn Bin in Orange and that Council identify an appropriate location/site for this Bin.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

**4.3 DEFENCE AGAINST SLANDER AND LIBEL**

TRIM REFERENCE: 2020/2294

**RESOLVED - 20/413****Cr K Duffy/Cr J Whitton**

That staff procure an external legal briefing for Council in closed session on legalities around defence against slander and libel by individuals and external organisations against staff and Councillors.

FOR: CR KIDD, CR DUFFY, CR HAMLING, CR TAYLOR, CR WHITTON

AGAINST: CR MILETO, CR NUGENT, CR MCRAE

ABSENT: CR ROMANO, CR TURNER, CR MUNRO

**\*\*CR MCRAE LEFT THE MEETING WITH THE TIME BEING 8.04PM\*\***

## 5 GENERAL REPORTS

### 5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2020/2255

**RESOLVED - 20/414****Cr J Hamling/Cr S Nugent**

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

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Nugent, Cr Taylor, Cr Whitton

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro, Cr McRae

*\*\*Cr McRae returned to the meeting with the time being 8.05pm\*\**

### 5.2 STATEMENT OF INVESTMENTS - OCTOBER 2020

TRIM REFERENCE: 2020/2224

**RESOLVED - 20/415****Cr K Duffy/Cr J Whitton**

That Council resolves:

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

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

### 5.3 UPDATE ON OUTSTANDING RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE AND NOTICES OF MOTIONS.

TRIM REFERENCE: 2020/2272

**RESOLVED - 20/416****Cr S Nugent/Cr K Duffy**

That the information provided in the report by the Acting Director Corporate and Commercial Services on Outstanding and Completed Notices of Motion, Questions of Notice and Matters arising be acknowledged.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

Cr McRae asked for a date on the Cadia Effluent Briefing.

*The Chief Executive Officer stated a briefing will be held 6pm Tuesday 1 December 2020.*

Cr Nugent asked where the Tree Bonds Investigations were up to.

*The Director Development Services stated the Orange DCP is currently set for review and the tree bond investigation will be part of this review, due to commence in January 2021 with a draft DCP back to Council in the next 6 months.*

Cr Nugent requested an update on Caldwell House.

*The Director Development Services advised that the Planning Panel had not yet determined the matter and an update is expected by the end of the year.*

Cr Mileto raised the issue of garbage bins at Elephant Park.

*The Director Technical Services stated that information will come to Councillors.*

#### 5.4 PROJECT ACTIVITIES NOVEMBER 2020

TRIM REFERENCE: 2020/2214

**RESOLVED - 20/417****Cr K Duffy/Cr J Hamling**

That the information in the report on Capital Projects be acknowledged.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

Cr Hamling asked if the NDR Roundabout at Hill Street was on schedule.

*The Director Technical Services stated that it was on schedule and due to be completed before Christmas. In addition a submission had been made to TfNSW to change the traffic light cycle to ease congestion at the intersection of Telopea Way.*

Cr Hamling asked when the Cricket Centre of Excellence would be opened.

*The Chief Executive Officer advised it is near complete and due to be officially opened pending the availability of the Hon. Sam Faraway.*

#### 5.5 QUARTERLY BUDGET REVIEW AND PROGRESS REPORT - QUARTER 1 OF 2020/2021

TRIM REFERENCE: 2020/2160

**RESOLVED - 20/418****Cr J Whitton/Cr S Nugent**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget and performance indicators review for July 2020 to September 2020 be acknowledged.
- 2 The bank reconciliation statement be acknowledged.
- 3 To adopt unfavourable variations in the consolidated overall cost to council arising from the September 2020 quarterly review amounting to \$250,009.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

Cr Nugent asked why the unrestricted current ratio is not included in the quarterly review.

*The Manager Financial Services advised that the unrestricted current ratio is included in the annual report but it can be included in the quarterly review if required. The current ratio is 228% for the general fund and 233% for consolidated for the 2019/20 year.*

Cr Nugent noted that the operating ratio, own source and debt service seemed to be tracking worse in this quarter compared to the original budget and if there were any reasons for it.

*The Manager Financial Services advised that because of the quarterly revision, this has caused the ratios to slightly worsen.*

Cr Nugent asked if there had been any indication of residents struggling to pay rates from COVID.

*The Manager Financial Services stated that there had been no increase in payment arrangement enquiries.*

Cr Whitton stated that the P&L statement has all the information required and should be read by all Councillors. He also asked for an explanation of what an internal transfer is.

*The Manager Financial Services stated that attachment 2 of the report shows the operating result by directorate and by fund. Consolidated has no internal transfer line as internal transfers always balance to zero. However if you were to look at the general, water and sewer funds there is an amount shown on each reflecting the use of resources between funds. Added together you will see they balance back to the zero shown in Consolidated.*

**5.6 ORANGE LOCAL ENVIRONMENTAL PLAN - AMENDMENT 27 - POST EXHIBITION REPORT**

TRIM REFERENCE: 2020/1887

**RESOLVED - 20/419****Cr J Hamling/Cr K Duffy**

- 1 That Council note the contents of this report and resolve to support the proposal in principal subject to the following.
- 2 That staff liaise with the proponent to prepare a Development Control Plan/masterplan for the site, to then be exhibited for 28 days and addressing:
  - Urban design outcomes with respect to the presentation of the site to the frontages of Leeds Parade and the Northern Distributor Road
  - Measures to address potential acoustic impacts emanating from the site
  - Pedestrian and cyclist linkages and permeation of and through the site
  - Size, height and number limits on the extent of pylon signs, as well as appropriate and preferred locations for such signs
  - Excavation in, above, below or adjacent to the rail corridor – to protect the integrity, safety and efficiency of rail operations
  - Traffic management and assessment of impacts to the rail overbridge on the Northern Distributor Road
  - Stormwater management to ensure that discharge of stormwater is not to exceed the pre-development levels
  - Fencing of the rail corridor to ensure and protect public safety
  - Lighting and external finishes to be designed not to interfere with the safe and orderly operation of the rail corridor
  - Access to rail corridor land to be prohibited without express written permission of the relevant rail authorities.
- 3 That the DCP masterplan also be provided to both John Holland Rail and Roads and Maritime Services for comment and that upon completion of the DCP exhibition the matter be reported back to Council to consider any remaining issues before finalisation of the plan.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

### 5.7 DEVELOPMENT APPLICATION DA 423/2019(1) - 643 MITCHELL HIGHWAY (ELECTRICITY GENERATING WORKS - SOLAR FARM)

TRIM REFERENCE: 2020/2115

#### MOTION

Cr S Nugent/Cr T Mileto

That Council resolves:

- 1 That the information contained in the report for development application DA 423/2019(1) for Electricity Generating Works (solar farm) at Lot 200 DP 1194585 – 643 Mitchell Highway Orange be acknowledged.
- 2 That Council makes a submission in line with the staff recommendations for development application DA 423/2019(1) for Electricity Generating Works (solar farm) at Lot 200 DP 1194585 – 643 Mitchell Highway Orange to the Western Regional Planning Panel.

#### AMENDMENT

Cr K Duffy/Cr J Hamling

That Council resolves:

- 1 That the information contained in the report for development application DA 423/2019(1) for Electricity Generating Works (solar farm) at Lot 200 DP 1194585 – 643 Mitchell Highway Orange be acknowledged.
- 2 That Council makes a strong submission of objection for development application DA 423/2019(1) for Electricity Generating Works (solar farm) at Lot 200 DP 1194585 – 643 Mitchell Highway Orange to the Western Regional Planning Panel.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Taylor, Cr Whitton

Against: Cr Nugent, Cr McRae

Absent: Cr Romano, Cr Turner, Cr Munro

**THE AMENDMENT BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION**

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

#### RESOLVED - 20/420

Cr K Duffy/Cr J Hamling

That Council resolves:

- 1 That the information contained in the report for development application DA 423/2019(1) for Electricity Generating Works (solar farm) at Lot 200 DP 1194585 – 643 Mitchell Highway Orange be acknowledged.
- 2 That Council makes a strong submission of objection for development application DA 423/2019(1) for Electricity Generating Works (solar farm) at Lot 200 DP 1194585 – 643 Mitchell Highway Orange to the Western Regional Planning Panel.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Taylor, Cr Whitton

Against: Cr Nugent, Cr McRae

Absent: Cr Romano, Cr Turner, Cr Munro

**5.8 REQUEST TO RETURN FINANCIAL ASSISTANCE - BANJO PATERSON FESTIVAL - NATIONAL BUSH POETRY CHAMPIONSHIPS - FEBRUARY 2020**

TRIM REFERENCE: 2020/2270

**RESOLVED - 20/421****Cr S Nugent/Cr K Duffy**

- 1 That Council resolves to accept the request to return funds of \$10,000 back into the Event Sponsorship Fund.
- 2 That \$2,000 be retained by the Rotary Club of Orange for the Banjo Paterson Festival Youth Poetry Competition.

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

AGAINST: NIL

ABSENT: CR ROMANO, CR TURNER, CR MUNRO

**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 - 20/422****Cr J Hamling/Cr T Mileto**

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 Sale 24 Astill Drive**

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.

**6.2 Proposed Sale Lot 1 DP 963093**

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 Water consumption charges 184 Huntley Road Spring Creek**

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 (b) the personal hardship of any resident or ratepayer.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 9.11pm

The Mayor declared the Ordinary Meeting of Council resumed at 9.20pm

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 SALE 24 ASTILL DRIVE

TRIM REFERENCE: 2020/2215

#### RESOLVED - 20/423

Cr K Duffy/Cr S Nugent

That Council resolves:

- 1 That Council sell 24 Astill Place Orange for the sum of \$740,160 inclusive of GST.
- 2 That the proceeds be applied to the Land Development Reserve.
- 3 That permission be granted for the use of the Council Seal on any relevant documentation.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

### 6.2 PROPOSED SALE LOT 1 DP 963093

TRIM REFERENCE: 2020/2218

**THIS ITEM WAS WITHDRAWN**

### 6.3 WATER CONSUMPTION CHARGES 184 HUNTLEY ROAD SPRING CREEK

TRIM REFERENCE: 2020/2260

#### RESOLVED - 20/424

Cr K Duffy/Cr S Nugent

- 1 That the water consumption charges from a major water leakage incorrectly raised on 184 Huntley Road Spring Creek based on readings from the master meter 02D004972 of \$25,658.50 be written off.
- 2 That the interest charges of \$6,280.05 levied on 184 Huntley Road Spring Creek also be written off due to the incorrect billing.
- 3 That an assessment number for meters 02D004972 and 14D000708 be created as "check meters" whereby readings will be recorded however charges will not be raised. Actual consumption charges for meters R98009835 and 10W000562 will then be able to be billed accurately in the future.

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

Against: Nil

Absent: Cr Romano, Cr Turner, Cr Munro

### THE MEETING CLOSED AT 9.20PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 17 November 2020.