



ORDINARY COUNCIL MEETING

AGENDA

2 MARCH 2021

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 WITH AN OPTION OF ONLINE CONFERENCING PLATFORM ZOOM DUE TO COVID-19 REQUIREMENTS** on **Tuesday, 2 March 2021** commencing at **7.00PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8218.

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.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 16 February 2021 (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 16 February 2021.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 16 February 2021

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 16 FEBRUARY 2021

COMMENCING AT 7.00PM

1 INTRODUCTION

ATTENDANCE

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 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), Chief Financial Officer (*Zoom*), Executive Support Manager, Water & Sewer Strategic Manager.

1.1 APOLOGIES

RESOLVED - 21/040

Cr J Hamling/Cr S Munro

That the apologies be accepted from Cr S Romano for the Council Meeting of Orange City Council on 16 February 2021.

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

Against: Nil

Absent: Cr Romano

1.2 LIVESTREAMING AND RECORDING

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

1.3 OPENING PRAYER

Pastor Kate Thornley of the Uniting Church Wontama led the Council in Prayer.

1.4 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country

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

Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.03PM

OPEN FORUM**Item 5.6 – Orange Retail Industry – Request for Funding to Deliver Hearts for Orange Program 2021**

Amanda Spalding outlined reasons the application should be supported.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.08PM

GOOD NEWS

The Chief Executive Officer read the good news:

Emily Cahill and pound staff received thanks for their work helping a local family.

The City of Orange Eisteddfod thanked Council staff for their assistance in a COVID Safe Eisteddfod.

The School of Rural Health thanked the Mayor for attending and welcoming students to Orange.

The Mayor added that it is great for Orange to welcome 30 new students studying with University of Sydney's School of Rural Health and was pleased to be attending a lunch on Thursday to celebrate the first 30 cohort of students completing their full degree in Orange as part of the CSU University of Western Sydney School of Medicine.

The Mayor also added the new organisation UGL taking over from John Holland for the NSW Rural Rail Network was welcome news for the city as it will be the base for the network centre.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 21/041****Cr J Whitton/Cr S Munro**

That the Minutes of the Ordinary Meeting of Orange City Council held on 2 February 2021 (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 2 February 2021.

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

Against: Nil

Absent: Cr Romano

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 ORANGE REGIONAL CONSERVATORIUM AND PLANETARIUM FUNDING SHORTFALL

TRIM REFERENCE: 2021/110

MOTION**Cr R Turner/Cr K Duffy**

That staff prepare a report for the next Council meeting on how shortfalls in funding for the proposed Orange Regional Conservatorium and Planetarium can be funded through Council reserves or borrowings.

AMENDMENT**Cr R Kidd/Cr J Hamling**

- 1 That staff prepare a report for the next Council meeting on how shortfalls in funding for the proposed Orange Regional Conservatorium and Planetarium can be funded through Council reserves or borrowings.
- 2 That the Conservatorium and Planetarium be included in the 2021/2022 Budget Process.

CR TURNER WITHDREW HIS MOTION

THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION.

THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED.

RESOLVED - 21/042**Cr R Turner/Cr R Kidd**

- 1 That staff prepare a report for the next Council meeting on how shortfalls in funding for the proposed Orange Regional Conservatorium and Planetarium can be funded through Council reserves or borrowings.
- 2 That the Conservatorium and Planetarium funding be included in the 2021/2022 Budget Process.

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

Against: Nil

Absent: Cr Romano

4.2 NORTHERN DISTRIBUTOR ROAD AND TELOPEA WAY INTERSECTION

TRIM REFERENCE: 2021/156

RESOLVED - 21/043**Cr G Taylor/Cr J Whitton**

- 1 That Council investigate the feasibility, viability, costs and funding options for the construction of a roundabout to replace the current traffic lights on the corner of the Northern Distributor Road and Telopea Way.
- 2 That a report be provided to Council, inclusive of a pedestrian access option.

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

Against: Nil

Absent: Cr Romano

4.3 CYCLE LOOP - HUNTLEY AND FOREST ROADS

TRIM REFERENCE: 2021/179

Cr Whitton declared an interest during discussion on this item as a property owner in the area identified, left the meeting and did not participate in voting on this item.

RESOLVED - 21/044**Cr S Munro/Cr J Hamling**

That staff investigate the feasibility of a safe off road or shoulder cycle loop on Huntley and Forest Roads.

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

Against: Nil

Absent: Cr Romano, Cr Whitton

Cr Whitton left the meeting with the time being 8pm

Cr Whitton returned to the meeting with the time being 8.04pm

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

TRIM REFERENCE: 2020/2571

RESOLVED - 21/045**Cr G Taylor/Cr S Munro**

- 1 That the resolutions made by the Planning and Development Committee at its meeting held on 2 February 2021 be noted with a correction to item 2.6 Esso Park – Options Testing. Cr Turner voted against this motion.
- 2 That the resolutions made by the Employment and Economic Development Policy Committee at its meeting held on 2 February 2021 be noted.
- 3 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 2 February 2021 be noted.
- 4 That the resolutions made by the Environmental Sustainability Policy Committee at its meeting held on 2 February 2021 be noted.
- 5 That the resolutions made by the Finance Policy Committee at its meeting held on 2 February 2021 be noted.
- 6 That the resolutions made by the Services Policy Committee at its meeting held on 2 February 2021 be noted.

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

Against: Nil

Absent: Cr Romano

Cr Turner noted that in item 2.6 of the Planning and Development Committee of 2 February 2021, he voted against this item. An update will be made to these minutes

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

TRIM REFERENCE: 2021/234

RESOLVED - 21/046**Cr S Nugent/Cr S Munro**

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 Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Romano

Cr Mileto asked for an update on house numbers being placed on kerbs to enable easy identification of houses for emergency services in particular.

The Director Development Services stated that Orange Christian School previously used this as a fundraiser however with the increase in privately certified application it is harder to monitor, so this will be approached with a new advertising campaign.

Cr Whitton requested a report from the CEO on the location of defibrillators across the city.

The Chief Executive Officer advised a Notice of Motion can be provided for the next meeting.

5.3 STATEMENT OF INVESTMENTS - JANUARY 2021

TRIM REFERENCE: 2021/25

RESOLVED - 21/047**Cr K Duffy/Cr S Munro**

That Council resolves:

- 1 To note the Statement of Investments as at 31 January 2021.
- 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 Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Romano

The Mayor congratulated the Chief Financial Officer and his staff for their efforts. He also requested in future that it would be beneficial to provide an explanation in the report on the differences in the funds.

5.4 STRATEGIC POLICY REVIEW

TRIM REFERENCE: 2020/1925

RESOLVED - 21/048**Cr S Nugent/Cr J Whitton**

That Council resolves to:

- 1 Place the following policies on public exhibition for a period of 28 days:
 - ST010 – Code of Conduct - Staff
 - ST110 – Code of Conduct - Councillors, Committee Members, Delegates of Council and Council Advisors.
 - ST039 – Gifts & Benefits
- 2 That the policies be referred to the Councillor Policy Review Committee for comment.

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

Against: Nil

Absent: Cr Romano

5.5 PROJECTS ACTIVITIES FEBRUARY 2021

TRIM REFERENCE: 2021/8

RESOLVED - 21/049**Cr J Hamling/Cr S Munro**

That the information in the report on Projects be acknowledged.

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

Against: Nil

Absent: Cr Romano

5.6 ORANGE RETAIL INDUSTRY - REQUEST FOR FUNDING TO DELIVER HEARTS FOR ORANGE PROGRAM 2021

TRIM REFERENCE: 2021/24

MOTION**Cr K Duffy/Cr S Munro**

That Council resolves:

- 1 To acknowledge the report by the Manager Business Development.
- 2 That Council not approve the \$50,000 request by Regional Life Group Pty Ltd under the banner of Hearts Of Orange.

AMENDMENT**Cr S Nugent/Cr R Turner**

That Council resolves:

- 1 To acknowledge the report by the Manager Business Development.
- 2 That upon receipt of a more detailed submission from Hearts for Orange the matter be returned to Council.
- 3 To approve the hosting of a Retail Business Forum.

CR DUFFY WITHDREW HIS MOTION.**THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION.****THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED.****RESOLVED - 21/050****Cr S Nugent/Cr R Turner**

That Council resolves:

- 1 To acknowledge the report by the Manager Business Development.
- 2 That upon receipt of a more detailed submission from Hearts for Orange the matter be returned to Council.
- 3 To approve the hosting of a Retail Business Forum.

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

Against: Cr Duffy, Cr Munro

Absent: Cr Romano

Cr Hamling left the chamber with the time being 840pm and returned to the chamber with the time being 841pm

5.7 WATER UPDATE - CALENDAR YEAR IN REVIEW

TRIM REFERENCE: 2021/70

RESOLVED - 21/051

Cr S Nugent/Cr R Turner

That the information contained within the report on Water Update - Year in Review be noted.

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

Against: Nil

Absent: Cr Romano

The Mayor thanked staff for the work put in to the Water reports.

Cr Taylor asked for an update to be provided on the current dam levels.

The Water and Sewerage Strategic Manager advised that there is currently a 61.9% combined storage with Spring Creek Dam and Suma Park Dam. That Spring Creek Dam was actually at 100% capacity and overflowing.

5.8 STATE GOVERNMENT WATER PLANNING

TRIM REFERENCE: 2021/229

RESOLVED - 21/052

Cr J Hamling/Cr S Munro

That the information contained in the report on Water Planning be noted.

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

Against: Nil

Absent: Cr Romano

Cr Turner asked if the Ulmarrah Dam was 60km upstream from Burrendong, if it would reach Long Point Crossing and why wouldn't a dam be built at Long Point.

The Director Technical Services stated that it is located close to Long Point Crossing. The dam is part of the State Water Strategy on exhibition for the next 6 weeks.

RESOLVED - 21/053

Cr S Nugent/Cr J McRae

That each recommendation in item 5.9 Questions On Notice – Water Projects, be dealt with in seriatim.

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

Against: Cr Turner

Absent: Cr Romano

5.9 - 1 QUESTIONS ON NOTICE - WATER PROJECTS

TRIM REFERENCE: 2021/230

RESOLVED - 21/054**Cr S Munro/Cr G Taylor**

That the information included in the report on Water Projects be noted.

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

AGAINST: NIL

ABSENT: CR ROMANO

5.9 - 2 QUESTIONS ON NOTICE - WATER PROJECTS

TRIM REFERENCE: 2021/230

RESOLVED - 21/055**CR J WHITTON/CR J MCRAE**

THAT IAN LAW'S UPDATE REPORT ON OPTIONS FOR RECYCLED WATER BE PRESENTED TO COUNCIL IN A BRIEFING.

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

AGAINST: CR MUNRO

ABSENT: CR ROMANO

5.9 - 3 QUESTIONS ON NOTICE - WATER PROJECTS

TRIM REFERENCE: 2021/230

RESOLVED - 21/056**CR S NUGENT/CR J WHITTON**

THAT LOCAL PROJECTS FOR INCREASED WATER SECURITY BE PRIORITISED IN LINE WITH THE IWCM STRATEGY PROCESS AND UPDATE

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

AGAINST: NIL

ABSENT: CR ROMANO

5.9 - 4 QUESTIONS ON NOTICE - WATER PROJECTS

TRIM REFERENCE: 2021/230

RESOLVED - 21/057**CR K DUFFY/CR S MUNRO**

THAT COUNCIL ENDORSE THE INCLUSION OF ULMARRAH DAM IN THE MACQUARIE-CASTLEREAGH REGIONAL WATER STRATEGY AND ENCOURAGE THE ORANA JOINT ORGANISATION TO SUPPORT THE STRATEGY.

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

AGAINST: CR MCRAE, CR NUGENT

ABSENT: CR ROMANO

6 CLOSED MEETING

Nil

THE MEETING CLOSED AT 9.08PM

This is Page Number 14 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 16 February 2021.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 COMMUNITY AUTOMATIC EXTERNAL DEFIBRILLATOR LOCATIONS

RECORD NUMBER: 2021/285

I, **CR JEFF WHITTON** wish to move the following Notice of Motion at the Council Meeting of 2 March 2021:

MOTION

That Council;

- 1 Create community awareness location maps of existing Automated External Defibrillators (AEDs).
- 2 Investigate a location app for AEDs.
- 3 Arrange community promotion to have businesses and other groups locate AED in their business or facilities for community access.
- 4 Investigate funding opportunities to assist in placing AEDs in strategic locations where there are zero AEDs nearby / community high use location in the accessible areas.

BACKGROUND

Statistics for survival for those who suffer a heart attack outside a hospital or no access to an AED is 9%.

Signed Cr Jeff Whitton

FINANCIAL IMPLICATIONS

There will be some promotional costs in relation to this Notice of Motion but can be managed within existing budgets and resources.

There are some existing AED locator apps. The investigation will include assessing these for their coverage of Orange and how they may assist.

If the investigation identifies a requirement for new AED locations the matter will come back to Council with budget implications or other options for installation.

SUPPORTING INFORMATION

- NSW Health [Guide for Consumers: Cardiac Arrest and Defibrillators](#) (attached)
- **Grants** – The NSW Office of Sport's [Local Sport Defibrillator Grant Program](#) allocates \$4 million over four years to assist sporting clubs and Councils across NSW in the purchase and maintenance of AEDs. Grants are available up to 50 per cent of the AED package (\$1,300 per package). Applications close **12 April 2021**. We anticipate applying in this round.

ATTACHMENTS

- 1 Guide for Consumers: Cardiac Arrest and Defibrillators, D21/9174 [↓](#)



health.nsw.gov.au

A guide for consumers

Cardiac Arrest and Defibrillators



What is cardiac arrest?

Cardiac arrest is the term given to the sudden loss of heart function. The heart is no longer pumping blood and oxygen around to the vital organs of the body. A cardiac arrest is different to a heart attack where a person is awake and has symptoms such as pain in the chest, difficulty breathing, nausea or feeling light-headed. If a person is experiencing a heart attack or more serious cardiac arrest, call Triple Zero (000) immediately for an ambulance.

Signs of a cardiac arrest are present when a person is:

- Unconscious
- Unresponsive
- Has no pulse
- Has absent or abnormal breathing

How common is cardiac arrest?

Over 33,000 people experience an out of hospital cardiac arrest in Australia every year. Less than 9% will survive. For every minute that passes after a person has a cardiac arrest, the chance of survival decreases. Quick action could save a life.

What actions can be taken to survive an out of hospital cardiac arrest?

Anyone can try to save the life of someone who has experienced a cardiac arrest by acting quickly to restore the heart beat with CPR and defibrillation.

If you believe someone has suffered a cardiac arrest, take immediate action:

- Call Triple Zero (000) for an ambulance

- Push hard and fast in the centre of the chest to start CPR
- Shock using a defibrillator as soon as possible to restart the heart, if one is available

What is cardiopulmonary resuscitation (CPR)?

Cardiopulmonary resuscitation (CPR) is the technique of chest compressions combined with rescue breathing. Early CPR saves lives. The Australian and New Zealand Committee on Resuscitation recommends that bystander CPR be actively encouraged. Resuscitation using the steps DRSABCD should be followed for cardiac arrest and is taught in all first aid courses in Australia. It is important that first aid skills are up to date.

Further information is available on the Australian Government's healthdirect website at: <https://www.healthdirect.gov.au/how-to-perform-cpr>

What is a defibrillator?

A defibrillator (known as an automated external defibrillator or AED) is a small, portable device designed to deliver a controlled electrical shock to a person experiencing certain cardiac arrhythmias. Defibrillators must be used in conjunction with CPR.

Remember:

- Anyone can use a defibrillator – they have verbal and visual instructions to guide you.
- You cannot hurt someone by using a defibrillator.
- A defibrillator only shocks a person who is in cardiac arrest.

5 GENERAL REPORTS

5.1 REQUEST FOR WAIVING OF FEES - ORANGE CULTURAL CENTRE

RECORD NUMBER: 2021/227

AUTHOR: Shirley Hyde, Legal and Property Officer

EXECUTIVE SUMMARY

Council has been approached by one of the permanent users of the Orange Cultural Centre with a request that rental fees be waived for the period the centre could not be used due to COVID-19 Pandemic restrictions.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.2 Collaborate - Ensure financial stability and support efficient ongoing operation”.

FINANCIAL IMPLICATIONS

Should Council approve the waiving of fees for all permanent users of the facility for a period of 3 months Council revenue would decrease \$853. Should Council approve the waiving of rental for a period of 6 months as requested, Council revenue would decrease \$1,706.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council waive the fees for all permanent users of the Orange Cultural Centre for the period 25 March 2020 to 29 June 2020.

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

In an attempt to assist commercial businesses who leased Council owned property during the COVID-19 Pandemic a report was tabled at the Council meeting held on 7 April 2020 at which time Council resolved:

- 1 *That the report be acknowledged;*
- 2 *That Council waive rental on Council owned properties for the period 1 April 2020 to 30 June 2020;*
- 3 *Interest on outstanding rates be waived for the period 1 April 2020 to 30 June 2020; and*
- 4 *That Council encourages business property owners, where possible, to waive or defer rent for the period 1 April 2020 to 30 June 2020.*

5.1 Request for Waiving of fees - Orange Cultural Centre

That report specifically related to commercial businesses only.

Council has now been contacted by the Orange Lace Makers one of the permanent user of the Orange Cultural Centre requesting the waiving of rental fees for a period of six months.

Under Service NSW guidelines community facilities could not be accessed for a period of 3 months from 25 March 2020 to 29 June 2020. The decision to not use the facility outside of this period was a decision made by that group itself.

Council needs to consider whether it would be fair and reasonable to provide a waiving of fees for a community group who made their own decision to not use the facility for this period when commercial businesses were provided with a waiving of fees for the closed period of 1 April 2020 to 30 June 2020 only.

It is also considered that if Council resolves to waive fees it should be for a period of three months only and, it should consider the waiving of fees for all permanent users.

The permanent users of the facility are listed below with rental paid listed.

User	Rental for 3 month period	Rental for 6 month period
Orange Lace Makers	\$175	\$350
Orange Spinners & Handcraft Group	\$175	\$350
Orange Lapidary & Mineral Club	\$175	\$350
Orange Art Society	\$328	\$656

If other requests are made at other sites a report will come to Council.

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 Entering into Contracts for Inspection and Condition Assessment of Gravity Sewer and Stormwater Mains using CCTV

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 Lease office Carl Sharp Cricket Centre of Excellence

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 Sale Industrial Land - Lot 105 DP 1194589

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 Proposed Purchase Lot 1 DP 503021

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.

6.5 Land and Environment Proceedings

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 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.

6.1 ENTERING INTO CONTRACTS FOR INSPECTION AND CONDITION ASSESSMENT OF GRAVITY SEWER AND STORMWATER MAINS USING CCTV

RECORD NUMBER: 2021/123

AUTHOR: Joshua Barnes, Water and Sewer Engineer

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.

6.2 LEASE OFFICE CARL SHARP CRICKET CENTRE OF EXCELLENCE

RECORD NUMBER: 2021/131

AUTHOR: Shirley Hyde, Legal and Property Officer

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 SALE INDUSTRIAL LAND - LOT 105 DP 1194589

RECORD NUMBER: 2021/252

AUTHOR: Shirley Hyde, Legal and Property Officer

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 PROPOSED PURCHASE LOT 1 DP 503021

RECORD NUMBER: 2021/254

AUTHOR: Shirley Hyde, Legal and Property Officer

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.

6.5 LAND AND ENVIRONMENT PROCEEDINGS

RECORD NUMBER: 2021/261

AUTHOR: Nick Redmond, Acting Director Corporate and Commercial Services

REASON FOR CONFIDENTIALITY

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7 RESOLUTIONS FROM CLOSED MEETING