
ORANGE CITY COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE
ON 6 APRIL 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, 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, Acting Director Technical Services (Theakstone), Acting Manager Corporate Governance (Constantine), Chief Financial Officer, Executive Support Officer, Sustainability Officer.

1.1 APOLOGIES

RESOLVED - 21/084

Cr S Munro/Cr S Nugent

That the apologies be accepted from Cr S Romano for the Council Meeting of Orange City Council on 6 April 2021.

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

Against: Nil

Absent: Cr Romano

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 McRae declared a Significant Non-Pecuniary interest in item 5.4 – Orange Harness Racing Club Funding, as a relative is the President of Orange Harness Racing.

Cr McRae declared a Significant Pecuniary interest in item PDC2.3 – Planning Proposal to Amendment to the Orange Local Environmental Plan 2011 – Eastside Precinct, as she owns property in the precinct.

Cr McRae declared a Significant Pecuniary interest in item PDC2.6 – Orange Development Control Plan 2004 – Former Orange Base Hospital – West End Precinct, as she owns a business in the precinct.

Cr Whitton declared a Significant Pecuniary Interest in item PDC2.7 - Orange Local Environmental Plan 2011 – Planning Proposal for a Heritage Amendment, as he owns property in the vicinity.

Cr Mileto declared a Non-Significant Non-Pecuniary interest in item PDC2.8 – Development Application DA111/2020(1) – 12 Green Lane, as he owns property in the area of this development.

Cr Hamling declared a Non-Significant Non-Pecuniary interest in item PDC2.8 – Development Application DA111/2020(1) – 12 Green Lane, as he owns property in the area of this development.

Cr Turner declared a Significant Non-Pecuniary interest in item PDC2.10 – Development Application DA494/2020(1) – 6 Lysterfield Road, as he is a member of the JRPP who have discussed this item.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.04PM.

OPEN FORUM

Environmental Policy Committee – Item 2.1 – Climate Change Policy and Management Plan

Cyril Smith outlined his support for the policy and management plan in general but noted concern that the report did not properly address the issue of effluent management.

Council – Item 5.1 – Extraordinary Council Meeting

Cyril Smith – outlined his support for the meeting.

Kate Hook – Futuring Orange, requested that the meeting be more inclusive for the public and afford appropriate time for members of the public to ask questions and receive answers.

Sport and Recreation Policy Committee Meeting - Item 2.1 – Rescue Tubes

Chris Brayley outlined the benefits of remote rescue tubes.

Planning and Development Committee Meeting - Item 2.6 – Orange Development Control Plan 2004 – Former Orange Base Hospital – West End Precinct

Caroline Myers – DPIE (via zoom) outlined key issues with the proposed development which are also identified in a written submission to Council.

Planning and Development Committee Meeting - Item 2.8 – Development Application DA 111/2020(1) - 12 Green Lane

Alyce Kiese – Shaw Reynolds Lawyers outlined her concerns for the development on behalf of Mr Wood and Ms Ferris.

Michael Truloff outlined his support for the development.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.40PM.

LATE ITEMS – ITEM 5.5 – FUTURE CITY IMPLEMENTATION**RESOLVED - 21/085****Cr S Nugent/Cr G Taylor**

That Council permit the addition of the late item 5.5 - Future City Implementation.

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

Against: Nil

Absent: Cr Romano

2 MAYORAL MINUTES**2.1 MAYORAL MINUTE - NATIVE ARBORETUM - BIODIVERSITY OFFSETS**

TRIM REFERENCE: 2021/491

RESOLVED - 21/086**Cr R Kidd/Cr J Whitton**

That Council resolves:

- 1 That the information contained in this Mayoral Minute be acknowledged.
- 2 That staff determine the likely demand for future sports fields and also investigate options for use of the previous NDR Sports Precinct Site as:
 - a. A Native Arboretum with associated infrastructure; or
 - b. An Endangered Ecological Community block capable of creating biodiversity offsets such as an open White Box - Yellow Box - Blakely's Red Gum Grassy Woodland; or
 - c. A Carbon Bank via intensive native plantings.
- 3 That a report be provided to Council detailing these findings.

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

Against: Nil

Absent: Cr Romano

2.2 MAYORAL REPORT - CENTRAL NSW JO BOARD MEETING - 11 MARCH 2021

TRIM REFERENCE: 2021/528

RESOLVED - 21/087**Cr J Whitton/Cr G Taylor**

That the information contained in this Mayoral Minute be acknowledged.

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

Against: Nil

Absent: Cr Romano

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 21/088****Cr J Hamling/Cr S Munro**

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

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

Against: Nil

Absent: Cr Romano

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.53PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 9.30PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS**5.1 UPCOMING EXTRAORDINARY MEETING**

TRIM REFERENCE: 2021/577

RESOLVED - 21/116**Cr J Whitton/Cr S Munro**

That Council resolves the date of an Extraordinary Council Meeting of 27 April 2021 at 7pm or the next available date to discuss and determine DA 464/2020(1) – Demolition (Tree Removal) – 1610 Forest Road and Lot 209 Forest Road.

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

Against: Nil

Absent: Cr Romano

5.2 DRAFT DELIVERY PROGRAM 2018/2019 TO 2021/2022 AND OPERATIONAL PLAN 2021/2022

TRIM REFERENCE: 2021/452

RESOLVED - 21/117**Cr S Nugent/Cr S Munro**

That Council resolves:

- 1 To place the draft Operational Plan 2021/2022 and draft Budget 2021/2022 (including draft Statement of Revenue Policy 2021/2022 and draft Fees and Charges 2021/2022) and updated draft resourcing strategies Long Term Financial Plan 2021/2022 to 2030/2031 and Workforce Management Plan 2021/2022 to 2023/2024 and Asset Management Strategy 2022-2041 on public exhibition for a minimum of 28 days with the addition of a Picket Fence to Spring Hill Recreation Ground to be included in the Councillor Budget Bids.
- 2 To adopt Strategic Policy ST009 – Revenue and Pricing and Strategic Policy ST007 – Asset Management which have not had any changes since their last adoption.

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

Against: Nil

Absent: Cr Romano

5.3 LEASE TO ORANGE KART CLUB AND FORMER TROTTING TRACK FUTURE USE

TRIM REFERENCE: 2021/477

RESOLVED - 21/118**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 That Council vary the current lease to the Orange kart Club to include the whole of Lot 501 DP 1254834.
- 2 That permission be granted for the use of the common seal on all necessary documentation in relation to the lease.
- 3 That Council support the Orange Kart Club to secure external funding for existing activities.
- 4 That Council continue discussions with the Orange Kart Club around a potential expansion of activities.

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

Against: Nil

Absent: Cr Romano

5.4 ORANGE HARNESS RACING CLUB FUNDING

TRIM REFERENCE: 2021/578

Cr McRae declared a Significant Non-Pecuniary interest in this item as a family member is the president of Orange Harness Racing, left the chamber and did not participate in the discussion or voting on this item.

RESOLVED - 21/119**Cr R Kidd/Cr J Hamling**

That Council resolves:

- 1 That the report by the Acting Director Corporate and Commercial Services be acknowledged.
- 2 That the first and second funding instalment payments of \$10,000 plus GST each for the 2020/2021 financial year be cancelled.
- 3 That the first funding instalment payment of \$10,000 plus GST for the 2021/2022 financial year be cancelled.
- 4 That approval be granted for the use of the Council Seal on any necessary documentation if required.

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

Against: Nil

Absent: Cr Romano, Cr McRae

5.5 FUTURE CITY IMPLEMENTATION

TRIM REFERENCE: 2021/657

RESOLVED - 21/120**Cr J Hamling/Cr S Munro**

That Council resolves to:

- 1 Endorse the taxi rank remaining in its existing position and the marked zebra pedestrian crossing being moved to midblock in Lords Place.
- 2 Endorse removing the proposed new loading zone, reducing the pop-up shops to one and removing a number of street trees from the design to minimise the loss of parking in McNamara Street.

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

Against: Cr Duffy

Absent: Cr Romano

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the Chief Executive Officer, 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 - 21/121**Cr S Munro/Cr J Whitton**

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 of 26 February 2021

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 Tender - Future City - Byng Street and Lords Place Streetscape Rehabilitation

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 Submission Redactions

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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 10.04pm

The Mayor declared the Ordinary Meeting of Council resumed at 10.10pm.

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 OF 26 FEBRUARY 2021

TRIM REFERENCE: 2021/595

RESOLVED - 21/122**Cr K Duffy/Cr R Turner**

- 1 That Council acknowledge the reports presented to the Audit Risk & Improvement Committee at its meeting held on 26 February 2021.
- 2 That Council determine recommendations {3.7} from the minutes of the Audit Risk & Improvement Committee meeting of 26 February 2021.

3.7

*1. That the ARIC Annual Report for the year Ended 31 December 2020 be approved.**2. That the report be presented to Council subject to any amendments approved by the Committee at its meeting of 26 February 2021.*

- 3 That the remainder of the minutes of the Audit Risk & Improvement Committee at its meeting held on 26 February 2021 be adopted.

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

Against: Nil

Absent: Cr Romano

6.2 TENDER - FUTURE CITY - BYNG STREET AND LORDS PLACE STREETScape REHABILITATION

TRIM REFERENCE: 2021/603

RESOLVED - 21/123**Cr S Nugent/Cr S Munro**

That Council resolves to:

- 1 That subject to agreement on insurance clauses and a satisfactory financial capacity review; that Council enter into a contract with Awcon Pty Ltd for the Byng Street and Lords Place Streetscape Rehabilitation Tender F2971-13 for the amount of \$1,337,400 (Ex GST).
- 2 Grant permission to the Chief Executive Officer 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 Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Nugent, Cr Taylor, Cr Turner, Cr Whitton, Cr McRae, Cr Munro

Against: Nil

Absent: Cr Romano

6.3 SUBMISSION REDACTIONS

TRIM REFERENCE: 2021/594

RESOLVED - 21/124**Cr J Hamling/Cr S Munro**

That the information in this report be acknowledged.

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

Against: Nil

Absent: Cr Romano

THE MEETING CLOSED AT 10.12PM

This is Page Number 10 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 6 April 2021.