
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 7 FEBRUARY 2023

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

Cr G Power (Deputy 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 J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Governance Officer

In the absence of Mayor Jason Hamling, Deputy Mayor Gerald Power chaired the Meeting.

1.1 APOLOGIES

RESOLVED - 23/001

Cr J Whitton/Cr T Greenhalgh

That the apologies be accepted from Cr Jason Hamling (leave) for the Council Meeting of Orange City Council on 7 February 2023.

For: 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: Cr J Hamling

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor conducted an Acknowledgement of Country.

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

Cr Peterson declared a Significant Non-Pecuniary Interest in Finance Policy Committee Item 2.1 Events Sponsorship Program – Applications for Consideration – part 2 as he is the Clinical Governance Board Member for Wangarang Industries Pty Ltd.

Cr Evans declared a Significant Non-Pecuniary Interest in Item 5.1 Leave of Absence as the request is in relation to his absence.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in Closed Agenda Item 6.1 Road Closure Application – Part Carwoola Drive Orange as she resides nearby.

THERE WERE NO REGISTERED SPEAKERS AND NO OPEN FORUM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 23/002

Cr J Whitton/Cr M McDonell

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 December 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 20 December 2022.

For: 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: Cr J Hamling

THE DEPUTY MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.34PM

THE DEPUTY MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.00PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 NOTICE OF MOTION - ACKNOWLEDGEMENT OF COUNTRY**

TRIM REFERENCE: 2023/72

RESOLVED - 23/021

Cr S Peterson/Cr J Whitton

That individual Councillors be able to volunteer to deliver the Acknowledgement of Country during the second Council Meeting of each month.

For: 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: Cr K Duffy

Absent: Cr J Hamling

Cr Evans left the meeting with the time being 8.15pm

5 GENERAL REPORTS

5.1 LEAVE OF ABSENCE

TRIM REFERENCE: 2023/71

Cr Evans declared a Significant Non-Pecuniary Interest in this item as the request is in relation to his absence, left the Chamber and did not participate in discussion or voting on this item.

RESOLVED - 23/022

Cr M McDonell/Cr J Whitton

That a Leave of Absence be granted to Cr Jack Evans for the period Wednesday 1 March 2023 to Friday 31 March 2023.

For: Cr K Duffy, 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: Cr J Hamling, Cr J Evans

Cr Evans returned to the meeting with the time being 8.17pm

5.2 LGNSW RURAL AND REGIONAL SUMMIT - NOMINATIONS FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2023/40

RESOLVED - 23/023

Cr G Floyd/Cr T Greenhalgh

That the Deputy Mayor will attend the LGNSW Rural and Regional Summit on 20 February 2023.

For: 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: Cr J Hamling

5.3 NATIONAL GENERAL ASSEMBLY - 2023 - OPENING OF CALL FOR MOTIONS

TRIM REFERENCE: 2023/39

RESOLVED - 23/024

Cr D Mallard/Cr M McDonell

That any proposed motions for the National General Assembly 2023 to be put in writing and submitted to Chief Executive Officer by Thursday 23 February 2023 for inclusion in a further report to the 7 March 2023 Council meeting for determination before submission.

For: 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: Cr J Hamling

5.4 CENTRAL NSW JOINT ORGANISATION - ORANGE CITY COUNCIL PLACEMAT AND REPORT - NOVEMBER 2022

TRIM REFERENCE: 2023/66

RESOLVED - 23/025**Cr M McDonell/Cr D Mallard**

That Council:

- 1 Note the 'Our PlaceMat' Report.
- 2 Note the 'PlaceMats' purpose is to have an informed conversation with the community about their aspirations, particularly for their Community Strategic Plan.
- 3 Acknowledge that the 'PlaceMats' use publicly provided data and as such can rapidly date.
- 4 Note that repeating the process will show change and ultimately trends.
- 5 Commend to the CNSWJO Board that it repeat the process in good time for the next round of Integrated Planning and Reporting; and
- 6 Continue to advocate, including through the CNSWJO for better recognition of Integrated Planning and Reporting.

For: 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: Cr J Hamling

5.5 DETERMINATION OF REFERENDUM - NUMBER OF COUNCILLORS - LOCAL GOVERNMENT ELECTION

TRIM REFERENCE: 2022/2213

RESOLVED - 23/026**Cr M McDonell/Cr G Floyd**

That Council retain the current number of 12 Councillors.

For: Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power , Cr J Whitton

Against: Cr S Peterson, Cr F Kinghorne, Cr K Duffy

Absent: Cr J Hamling

5.6 STRATEGIC POLICY ADOPTION - POST EXHIBITION

TRIM REFERENCE: 2023/58

RESOLVED - 23/027**Cr M McDonell/Cr T Greenhalgh**

That Council adopts the following Strategic Policies:

- ST06 – Statement of Business Ethics
- ST07 – Modern Slavery
- ST14 – Related Parties
- ST09 – Gifts & Benefits
- ST16 – Access to Information held by Council
- ST21 – Child Safe

For: 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: Cr J Hamling

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 Deputy 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 Deputy 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 - 23/028**Cr M McDonell/Cr D Mallard**

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 Road Closure Application - Part Carwoola Drive Orange

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 to Orange Hockey Incorporated - Hockey Centre Glenroi Oval

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 (a) personnel matters concerning particular individuals (other than councillors).

6.3 Proposed Acquisition of land - Footpath along Northern Distributor Road

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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.4 Tenders for Installation of Street Lighting for Clergate Road Upgrade

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 Southern Feeder Road Stage 4 & Shiralee Collector Road Stage 5 - Contract F3718

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.

For: 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: Cr J Hamling

The Deputy Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.48PM

The Deputy Mayor declared the Ordinary Meeting of Council resumed at 9.30PM

7 RESOLUTIONS FROM CLOSED MEETING

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

Cr Kinghorne left the meeting with the time being 8.49pm

6.1 ROAD CLOSURE APPLICATION - PART CARWOOLA DRIVE ORANGE

TRIM REFERENCE: 2023/61

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she resides nearby, left the Chamber and did not participate in the discussion or voting on this item.

RESOLVED - 23/029

Cr K Duffy/Cr J Whitton

That Council resolves:

- 1 To advertise the proposed road closure in accordance with the requirements of the Crown Land Management Act.
- 2 That Council's Chief Executive Officer be given delegation to finalise determination for the road closure of part Carwoola Drive, Orange post exhibition.
- 3 To proceed to sell that part of the road closed to the owner of 7 Carwoola Drive, subject to determination of any submissions received.
- 4 To grant approval for the use of the Council Seal on any necessary documentation.

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

Against: Nil

Absent: Cr J Hamling, Cr F Kinghorne

Cr Kinghorne returned to the meeting with the time being 8.51pm

6.2 LEASE TO ORANGE HOCKEY INCORPORATED - HOCKEY CENTRE GLENROI OVAL

TRIM REFERENCE: 2023/2

RESOLVED - 23/030

Cr D Mallard/Cr T Greenhalgh

- 1 That following compliance with the requirements of the Local Government Act, Council enter a lease of the Hockey Centre for a term of ten years with an option to renew for ten years under the terms contained herein.
- 2 That permission be granted to affix the Council seal on any documents necessary.

For: 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: Cr J Hamling

6.3 PROPOSED ACQUISITION OF LAND - FOOTPATH ALONG NORTHERN DISTRIBUTOR ROAD

TRIM REFERENCE: 2023/25

RESOLVED - 23/031**Cr D Mallard/Cr M McDonell**

That Council resolves:

- 1 To acquire approximately 750m² of part Lot 20 DP 1013978 for the construction of a footpath along the Northern Distributor Road.
- 2 That upon acquisition, the land be classified as Operational.
- 3 To delegate to the Chief Executive Officer such authority as may be necessary or convenient to give effect to this resolution, including without limitation the affixing of the Seal of the Council on any document if required.

For: 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: Cr J Hamling

6.4 TENDERS FOR INSTALLATION OF STREET LIGHTING FOR CLERGATE ROAD UPGRADE

TRIM REFERENCE: 2023/59

RESOLVED - 23/032**Cr T Mileto/Cr S Peterson**

That Council resolves to:

- 1 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Central West Power Constructions Pty Ltd for the installation of street lighting on the Clergate Road upgrade for the amount of \$370,597.37 plus GST;
- 2 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 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: Cr J Hamling

6.5 SOUTHERN FEEDER ROAD STAGE 4 & SHIRALEE COLLECTOR ROAD STAGE 5 - CONTRACT F3718

TRIM REFERENCE: 2023/57

RESOLVED - 23/033

Cr M McDonell/Cr J Whitton

- 1 That Council acknowledges the content of this report and endorses the contractual changes discussed that were brought about by delays in the authorisation of a grant fund change request.
- 2 That Council re-endorses entering into a contract with MAAS for the construction of F3718 - Southern Feeder Road Stage 4 and Shiralee Collector Road Stage 5.

For: 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: Cr J Hamling

THE MEETING CLOSED AT 9.33PM

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