
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 21 FEBRUARY 2023

COMMENCING AT 6.34PM

1 INTRODUCTION

ATTENDANCE

Cr G Power (Deputy Mayor), 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, Executive Support Officer

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

1.1 APOLOGIES

RESOLVED - 23/034

Cr J Whitton/Cr J Evans

That the apologies be accepted from Cr Jason Hamling (leave) and Cr Kevin Duffy (conference), for the Council Meeting of Orange City Council on 21 February 2023.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr Peterson conducted an Acknowledgement of Country.

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

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in item 5.2 – Use of Redmond Place Hanger by the Rural Fire Service as he is the chair of OCTEC Pty Ltd who has recently donated equipment to the Rural Fire Service in Orange.

Cr Greenhalgh a Non-Significant Non-Pecuniary Interest in item 5.2 – Use of Redmond Place Hanger by the Rural Fire Service as her late brother in law was the former captain of the Canobolas Zone.

Cr Evans Non-Significant Non-Pecuniary Interest in item 5.2 – Use of Redmond Place Hanger by the Rural Fire Service as a number of clubs are customers of his business.

Cr Mallard declared a Significant Non-Pecuniary Interest in item 5.7 – Palliative Care Hospice in Orange as this relates to March 2023 state election priorities in which he is a candidate.

Cr Mileto a Significant Non-Pecuniary Interest in item 5.7 – Palliative Care Hospice in Orange as this relates to March 2023 state election priorities in which he is a candidate.

Cr Kinghorne declared a Significant Pecuniary Interest in item 6.1 – Sale Proposed Lot 404, 38 Astill Drive Orange as her husband has undertaken work for the company subject of the report.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in item 6.1 – Sale Proposed Lot 404, 38 Astill Drive Orange as his employer has a building nearby and a business associate has property in this area.

1.5 OPENING PRAYER

There was no opening prayer.

THE DEPUTY MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.40PM**5.2 – Use of Redmond Place Hanger by the Rural Fire Service**

Lisa Cobb – Canobolas Lions Club

Peter Fuge – Canobolas Lions Club

Len Banks – Rotary Club of Orange

Ian Sutherland – Orange Rural Fire Brigade

James Deering – Rural Fire Service/Rotary Orange Daybreak

5.7 – Palliative Care Hospice in Orange

Jenny Hazelton – Orange Push for Palliative Care

THE DEPUTY MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.09PM**2 MAYORAL MINUTES**

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 23/035****Cr J Whitton/Cr T Greenhalgh**

That the Minutes of the Ordinary Meeting of Orange City Council held on 7 February 2023 (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 7 February 2023.

For: Cr G Power, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

RESOLVED - 23/036**Cr F Kinghorne/Cr S Peterson**

That item 5.7 – Palliative Care Hospice in Orange be moved to be heard earlier in the agenda as the next item.

Cr Mileto & Cr Mallard left the meeting with the time being 7.10pm

5.7 PALLIATIVE CARE HOSPICE IN ORANGE

TRIM REFERENCE: 2023/157

CR MALLARD DECLARED A SIGNIFICANT NON-PECUNIARY INTEREST ON THIS AS THIS RELATES TO MARCH 2023 STATE ELECTION PRIORITIES IN WHICH HE IS A CANDIDATE, LEFT THE CHAMBER AND DID NOT PARTICIPATE IN DISCUSSION OR VOTING ON THIS ITEM.

CR MILETO A SIGNIFICANT NON-PECUNIARY INTEREST ON ITEM AS THIS RELATES TO MARCH 2023 STATE ELECTION PRIORITIES IN WHICH HE IS A CANDIDATE, LEFT THE CHAMBER AND DID NOT PARTICIPATE IN DISCUSSION OR VOTING ON THIS ITEM.

RESOLVED - 23/037**CR M MCDONELL/CR G FLOYD**

THAT COUNCIL RESOLVES TO:

- 1 NOTE THE REPORT ON THE PALLIATIVE CARE HOSPICE IN ORANGE;
- 2 SUPPORT THE ESTABLISHMENT OF A PALLIATIVE CARE HOSPICE IN ORANGE; AND
- 3 INCLUDE THIS INITIATIVE AS AN ELECTION PRIORITY IN THE LEAD UP TO THE NSW GOVERNMENT ELECTION.

FOR: CR G POWER, CR J EVANS, CR G FLOYD, CR T GREENHALGH, CR F KINGHORNE, CR M MCDONELL,

CR S PETERSON, CR J WHITTON

AGAINST: NIL

ABSENT: CR J HAMLING, CR K DUFFY, CR T MILETO, CR D MALLARD

CR MILETO & CR MALLARD RETURNED TO THE MEETING WITH THE TIME BEING 7.20PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - WORKING WITH CHILDRENS CHECK

TRIM REFERENCE: 2023/209

MOTION

Cr S Peterson/Cr T Greenhalgh

That a Working with children check be mandatory as part of induction documents for Councillors from the next election.

THE MOTION ON BEING PUT WAS LOST

FOR: CR G FLOYD, CR M MCDONELL, CR S PETERSON

AGAINST: CR G POWER, CR J EVANS, CR T GREENHALGH, CR F KINGHORNE, CR D MALLARD, CR T MILETO, CR J WHITTON

ABSENT: CR J HAMLING, CR K DUFFY

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/231

RESOLVED - 23/038

Cr D Mallard/Cr M McDonell

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 7 February 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Infrastructure Policy Committee at its meeting held on 7 February 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 7 February 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Finance Policy Committee at its meeting held on 7 February 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Services Policy Committee at its meeting held on 7 February 2023 be and are hereby confirmed as a true and accurate record of the proceedings.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

5.2 USE OF REDMOND HANGAR BY RURAL FIRE SERVICE

TRIM REFERENCE: 2022/2389

Cr Whitton declared a Non-Significant Non-Pecuniary Interest on this item as he is the chair of OCTEC Pty Ltd who has recently donated equipment to the Rural Fire Service in Orange.

Cr Greenhalgh a Non-Significant Non-Pecuniary Interest on this item as her late brother in law was the former captain of the Canobolas Zone.

Cr Evans Non-Significant Non-Pecuniary Interest on this item as a number of clubs are customers of his business.

MOTION**Cr T Greenhalgh/Cr J Whitton**

That Council agree to entertain the request from the Rural Fire Service to repurpose the Redmond Place Hangar for the sole use of the Orange Rural Fire Brigade, request the various Service Groups to vacate and request Council staff to prepare a subsequent report on the best mechanism to hand over the Redmond Place Hangar to the Orange Rural Fire Brigade.

AMENDMENT**Cr T Mileto/Cr M McDonell**

That Council write to the State Government seeking funding to establish another RFS location in Orange and that until additional funding or a response is received current arrangements will continue.

For: Cr G Power, Cr J Evans, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Cr T Greenhalgh

Absent: Cr J Hamling, Cr K Duffy

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON PUT WAS CARRIED****RESOLVED - 23/039****Cr T Mileto/Cr M McDonell**

That Council write to the State Government seeking funding to establish another RFS location in Orange and that until additional funding or a response is received current arrangements will continue.

For: Cr G Power, Cr J Evans, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Cr T Greenhalgh

Absent: Cr J Hamling, Cr K Duffy

Cr Whitton sought clarification on the meaning of the word 'entertain' in the motion.

The Chief Executive Officer advised that it meant yes, we will support the request, but we want staff to prepare a report for Council to advise how best to do this, for example give, leave, sell, pay rates, outgoings etc.

5.3 STRATEGIC POLICY REVIEWS

TRIM REFERENCE: 2022/2498

MOTION**Cr G Floyd/Cr T Greenhalgh**

That Council resolves to place the following policies on public exhibition for a minimum period of 28 days:

- ST18 - Social Media
- ST19 - Media
- ST20 - Community Engagement
- ST29 - Water & Sewer Infrastructure

AMENDMENT**Cr D Mallard/Cr M McDonell**

- 1 That Council resolves to place the following policies on public exhibition for a minimum period of 28 days:
 - ST19 - Media
 - ST20 - Community Engagement
 - ST29 - Water & Sewer Infrastructure
- 2 That Council defers ST18 – Social Media being placed on exhibition until such time as Councillors have had a briefing on the policy.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON PUT WAS CARRIED****RESOLVED - 23/040****Cr D Mallard/Cr M McDonell**

- 1 That Council resolves to place the following policies on public exhibition for a minimum period of 28 days:
 - ST19 - Media
 - ST20 - Community Engagement
 - ST29 - Water & Sewer Infrastructure
- 2 That Council defers ST18 – Social Media being placed on exhibition until such time as Councillors have had a briefing on the policy.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

Cr Kinghorne asked how different the Community Engagement policy is to the one in place now and how will we communicate this.

The Director Corporate and Commercial Services advised there are no changes to the policy, and the strategy is to develop an engagement plan to build up surety on the engagement spectrum.

5.4 PROJECT ACTIVITIES UPDATE FEBRUARY 2023

TRIM REFERENCE: 2023/49

RESOLVED - 23/041**Cr D Mallard/Cr T Greenhalgh**

That the information in the report on Projects be acknowledged.

For: Cr G Power, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

Cr Evans asked regarding new footpath on Bathurst Road at Lucknow, if there an estimated timeframe and if information be filtered to the Lucknow Community Committee.

The Director Technical Services advised he could not provide a timeframe, but clarified a works authorisation deed was applied for with TfNSW, before progressing that works authorisation deed requires approval as works are on land a state highway goes through. The Manager Communications & Engagement will share with Community Committee as he is part of this committee. Various businesses including the Lucknow Skin Shop & Boot barn have been consulted.

Cr McDonnell asked if previous design work for this area was usable and could it be completed by end of financial year.

The Director Technical Services advised plenty has been done, but Council needs authorisation from TfNSW which may have additional requirements. We will need to get the works authorisation deed and then some structures moved or modified. If we receive the works authorisation deed within next month it could be completed in this financial year, however we applied last year and still awaiting approval.

Cr Peterson referred to the Cook Park refurbishment and noted nothing was included about the Bird Aviary.

The Director Community, Recreation and Cultural Services advised staff have commenced work on this but are yet to consult the Community and how it might impact the Cook Park master plan.

Cr Peterson asked regarding upgrade of CBD and artworks, whether Councillors can discuss and vote on artworks being considered.

The Director Technical Services advised as part of the process there was an expression of interest and Councillors were briefed last year. The next public art proposal would be Kathmandu Lane, this is privately owned but open for public use. The committee has met and recommendation/s are being formed for a follow up Councillor briefing.

5.5 UPDATE ON OUTSTANDING AND COMPLETED RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE, MATTERS ARISING AND NOTICES OF MOTION

TRIM REFERENCE: 2023/67

RESOLVED - 23/042**Cr G Floyd/Cr T Greenhalgh**

That the information provided in the report on Outstanding and Completed Resolutions, Questions Taken on Notice, Matters Arising and Notices of Motion be acknowledged.

For: Cr G Power, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

Cr Mallard noted the 10 Local Housing Strategy actions from PDC 7 June 2022 need to be put back on future reports, and asked where we were up to regarding organising and timing of a Local Housing summit.

The Director Development Services advised he is meeting with State Government Department of Planning and Regional NSW and that no funding was available unless a Regional Housing Strategy in place. The Executive Leadership Team is currently working on how to progress the strategy, and will in better position to continue plans after this week's meetings with the State, Department of Planning and also Regional NSW.

Cr Greenhalgh sought an update on Bins4Blokes and the installation of blue seats.

The Director Technical Services advised the budget review was approved and the bins have been ordered.

The Director Community, Recreation and Cultural Services advised sites have been agreed and we are in process of having slabs installed and seats will follow.

Cr Greenhalgh asked where Function Centre report was up to.

The Director Community, Recreation and Cultural Services advised the report is in progress and hopes to have it to Council in the next 4 weeks.

Cr Floyd asked for an update on the progress of NRL Clubs bringing games to Orange.

The Director Community, Recreation and Cultural Services advised discussions are still occurring with local clubs at this stage.

Cr Kinghorne followed up request from July 2022 regarding statistics on empty Government houses.

The Director Development Services advised he has requested information from Department of Housing about vacant houses and lots and will provide this once received.

5.6 STATEMENT OF INVESTMENTS - DECEMBER 2022 AND JANUARY 2023

TRIM REFERENCE: 2023/78

RESOLVED - 23/043**Cr D Mallard/Cr G Floyd**

That Council resolves:

- 1 To note the Statement of Investments for the periods December 2022 and January 2023.
- 2 To adopt the certification of the Responsible Accounting Officer.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked for further information on the cost is of engaging Imperium Markets to develop, implement and manage our investments portfolio, whether we happy with what they are doing and what is our strategy regarding investments.

5.8 QUARTERLY BUDGET REVIEW - QUARTER 2 OF 2022/2023

TRIM REFERENCE: 2023/162

RESOLVED - 23/044**Cr D Mallard/Cr T Greenhalgh**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget and performance indicators review for October 2022 to December 2022 be acknowledged.
- 2 To adopt favourable variations in the consolidated overall cost to council arising from the December 2022 quarterly review amounting to \$555,314.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

5.9 EVENTS SPONSORSHIP PROGRAM - APPLICATION FOR CONSIDERATION

TRIM REFERENCE: 2023/167

RESOLVED - 23/045**Cr G Floyd/Cr D Mallard**

That Council resolves to sponsor \$1000 to City of Orange Veterans Golf Incorporated for the Central West Veterans Week of Golf Tournament, 5-10 March 2023.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

MATTER ARISING**Cr T Mileto**

Cr Mileto asked that Council look into addressing the recurring illegal fireworks in North Orange particularly around the potential to start a fire.

QUESTION TAKEN ON NOTICE**Cr T Mileto**

Cr Mileto asked regarding tree damage following weather events and who is liable if the nature strip tree causes damage to cars or houses.

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 - 23/046**Cr T Greenhalgh/Cr J Evans**

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 proposed Lot 404, 38 Astill 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.

For: Cr G Power, 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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy

The Deputy Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.24pm

The Deputy Mayor declared the Ordinary Meeting of Council resumed at 9.00pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 SALE PROPOSED LOT 404, 38 ASTILL DRIVE ORANGE

TRIM REFERENCE: 2022/2587

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband has undertaken work for the company subject of the report, left the chamber and did not participate on discussion or voting on this item.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in this item as his employer has a building nearby and a business associate has property in the area.

RESOLVED - 23/047

Cr D Mallard/Cr M McDonell

That Council does not approve the extension of the Call Option termination date and place the property back onto the open market and arrange a boundary adjustment with the animal shelter.

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

Against: Nil

Absent: Cr J Hamling, Cr K Duffy, Cr F Kinghorne

THE MEETING CLOSED AT 9.01PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 21 February 2023.