



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**7 MARCH 2023**

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** on **Tuesday, 7 March 2023** commencing at **6.30PM**.

David Waddell

**CHIEF EXECUTIVE OFFICER**

For apologies please contact Administration on 6393 8106.

## 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.

## **COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM**

## **COUNCIL MEETING RESUMES**

**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 21 February 2023 (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 21 February 2023.

**ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 21 February 2023

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# 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

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### 1 INTRODUCTION

#### ATTENDANCE

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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

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##### 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

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

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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Cr Peterson conducted an Acknowledgement of Country.

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

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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.

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**1.5 OPENING PRAYER**

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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 McDonell, 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.*

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**5.4 PROJECT ACTIVITIES UPDATE FEBRUARY 2023**

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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 McDonnell, 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 16 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 21 February 2023.



**COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES**

Planning and Development - Chaired by Cr Jeff Whitton

Employment and Economic Development – Nil Items

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation – Nil Items

Environmental Sustainability – Nil Items

Finance - Chaired by Cr Kevin Duffy

Services - Chaired by Cr Melanie McDonell

**COUNCIL MEETING RESUMES**

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## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - PROPOSAL TO MOVE PLANNING & DEVELOPMENT COMMITTEE

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RECORD NUMBER: 2023/269

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 7 March 2023:

#### MOTION

**That the Planning & Development Policy Committee meeting be held with the Council Meeting on the third Tuesday of the month to better distribute length of papers for pre-reading.**

#### BACKGROUND

Council meeting papers can tally well over 1000 pages which need to be read prior to council meetings. The policy committee meetings held on the first council meeting of the month significantly inflate the total amount of pages.

Holding the planning subcommittee meeting on the third Tuesday of the month would redistribute the amount of pages hopefully increasing the quality of pre-reading that is possible.

This would also reduce the risk of missing important information buried within the quantity of. To demonstrate totals I include the last four months of 2022 below

6th September 1096 pages

20th September 269 pages

4th October 391 pages

18th of October 212 pages

1st of November 1506 pages

15th of November 148 pages

6th of December 1675 pages

20th of December 295 pages

Signed Cr Steven Peterson

#### STAFF COMMENT

Councillors have had a big first year with no reports for nearly 2 months after the Local Government Elections, so hit the ground running in the first half of the year. Councillors then also felt the load of the end of their first year which included many elements requiring adoption during that first year of the term.

While it is noted that the Planning & Development Policy Committee often includes a large number of reports, holding this meeting on the first Tuesday allows of all Policy Committees to be held together.

**4.1 Notice of Motion - Proposal to Move Planning & Development Committee**

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Councillors are members of, at times multiple, Community Committees whose papers and minutes are provided during the Policy Committees. While the Committee paper may appear to include a larger number of pages, reading of those papers, in a lot of cases, has already been undertaken during the community committee process.

Council has also received a large number of strategic policies to be renewed during this period, these have also added to the paper being larger. The work continues on the policy structure, as a previously recommendation adopted from the ARIC.

Council is required to hold 10 Council Meetings per year as required by section 365 of the Local Government Act. We currently hold 22 meetings per year.

**FINANCIAL/RESOURCING IMPLICATIONS**

In facilitating these meetings, staff resources are required to produce reports and the agenda on a specific schedule to ensure they meet the requirements set out in the Code of Meeting Practice. At the conclusion of the meetings, staff facilitate the creation of the minutes and commence work on the next meeting at the same time. The resourcing to produce papers for 2 large meetings per month (instead of a 1 large and 1 smaller meeting), will be significantly increased in an already stretched governance resourcing space, leaving little time for anything other than work related to the business paper.

**POLICY AND GOVERNANCE IMPLICATIONS**

A change to the committee meeting structure will require an update to be made to the Code of Meeting Practice, exhibited for public comment and adopted by Council.



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**4.2 NOTICE OF MOTION - GREYHOUND PRECINCT IN ORANGE**

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RECORD NUMBER: 2023/276

I, **CR JEFF WHITTON** wish to move the following Notice of Motion at the Council Meeting of 7 March 2023:

**MOTION**

**That Council will work with Greyhound Racing NSW and GBOTA (Greyhound Breeders, Owners and Trainers Association) to establish a Greyhound track and precinct in Orange.**

**BACKGROUND**Benefits

**Economic benefits:** Establishing a Greyhound Precinct in Orange will attract tourism dollars as well as support local businesses such as hotels, restaurants, and shops. The track and precinct can become a popular attraction for visitors and locals alike, leading to increased economic growth in the area.

**Cultural significance:** Orange has a rich history with Greyhound racing, with many families having multiple generations of trainers in their family. By establishing a Greyhound track and precinct, the city can preserve and promote this cultural significance, as well as attract new trainers to the area.

**Sport promotion:** The establishment of a Greyhound track and precinct can also help promote the sport of Greyhound racing, generating interest among people who may have never been exposed to it before. This can lead to the growth of the sport, which can have a positive impact on the Greyhound community as a whole.

Signed Cr Jeff Whitton

**STAFF COMMENT**

Council staff have conducted online and in person meetings with the CEO of NSW Greyhound Breeders, Owners and Trainers' Association (GBOTA), Mr Allan Hilzinger and his senior staff.

Those discussions centred on possible sites for the establishment of a Greyhound Centre of Excellence (CoE) should Bathurst not be an option. The CoE would include a running track, Veterinary Centre, Greyhound Administration Centre and ancillary facilities.

GBOTA required approximately 20-25 acres (8-10 Hectares) for the construction of the centre and were provided with possible sites which included:

- Former trotting track
- Former sports precinct site on NDR
- Land adjacent to the Orange Airport
- Within Towac Park
- Private site

**4.2 Notice of Motion - Greyhound Precinct in Orange**

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Of the possible sites provided the GBOTA preference was for the former Trotting Track.

The GBOTA preference is to own the land that the CoE is constructed upon.

The estimated capital investment by GBOTA for the construction of the CoE is \$15 Million.

The operational costs of the facility would be met by GBOTA.

**FINANCIAL/RESOURCING IMPLICATIONS**

See above. It should be noted that any work related to pursuing the possible establishment of a greyhound park would be undertaken in addition to, or instead of work programs identified in the Operational and Delivery Plans, and the Orange Region Destination Management Plan 2022-2026

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil at this stage.

## 5 GENERAL REPORTS

### 5.1 LORDS PLACE SOUTH - USE OF OUTDOOR PARKLETS

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RECORD NUMBER: 2023/268

AUTHOR: Rachelle Robb, Director Corporate & Commercial Services

#### EXECUTIVE SUMMARY

As part of the Future City Lords Place South upgrade shared spaces grant funding of \$500,000, dining decks will be installed in the shared spaces to encourage people to gather and dine in Lords Place South.

To encourage businesses to activate these dining decks this report requests Council to allow businesses to put their dining furniture on and use the decks exclusively, at no cost during the 12-month trial period. Businesses who activate these dining decks will enter into an agreement with Council and will be responsible for the cleaning of the dining decks, their furniture and public liability.

A business can only activate and have exclusive use of one dining deck in the shared space.

#### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "9.4. Develop a vibrant civic and commercial precinct as a centre for the community".

#### FINANCIAL IMPLICATIONS

Nil

#### POLICY AND GOVERNANCE IMPLICATIONS

Nil

#### RECOMMENDATION

**Council resolves to allow businesses in Lords Place South to put their dining furniture on and use dining decks in the shared space exclusively, at no cost during the 12-month trial period, in accordance with the terms contained in this report.**

#### 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

As part of the Future City Lords Place South upgrade shared spaces grant funding of \$500,000, dining decks will be installed in the shared spaces to encourage people to gather and dine in Lords Place South.

**5.1 Lords Place South - Use of Outdoor Parklets**

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To encourage businesses to activate these dining decks this report requests Council to allow businesses to put their dining furniture on and use the decks exclusively, at no cost during the 12-month trial period. Businesses who activate these dining decks will enter into an agreement with Council and be responsible for the cleaning of the dining decks, their furniture and public liability.

A business can only activate and have exclusive use of one dining deck in the shared space.

Council has engaged with owners of a number of establishments in Lords Place South who are interested in activate the dining decks in the shared space for exclusive use. The dining decks will become an extension of their outdoor dining areas.

The upgrade of Lords Place South and delivery of the shared spaces including dining decks as per the approved concept plan for a 12-month trial period is a Council project.

As these dining decks have not been initiated by licensees and to encourage their use to trial the shared spaces concept, it is considered appropriate to allow use of these additional areas for the trial period, at no additional cost to businesses.

Under Council's current fees and charges the rent for use of public places including street furniture is \$83.60 per m2 per annum and for an outdoor dining area licence \$45.95 per annum. The licensees pay a fee for the outdoor dining areas they currently use, however until the completion of the trial, it is recommended no additional fees be charged.



## **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 Submission Redactions 7 March 2023**

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.



**6.1 SUBMISSION REDACTIONS 7 MARCH 2023**

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RECORD NUMBER: 2023/64

AUTHOR: Janessa Constantine, Manager Corporate Governance

**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 (e) information that would, if disclosed, prejudice the maintenance of law.

**7 RESOLUTIONS FROM CLOSED MEETING**