
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 7 MARCH 2023

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), 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 (Deputy Mayor), Cr J Whitton

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

1.1 APOLOGIES

RESOLVED - 23/048

Cr K Duffy/Cr M McDonell

That the apologies be accepted from Cr Jack Evans (leave) for the Council Meeting of Orange City Council on 7 March 2023.

For: Cr J Hamling, 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 Evans

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 Kinghorne declared a significant non-pecuniary interest in PDC Items: 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road; PDC Item 2.3 Orange Local Environmental Plan – Amendment 33 – Rosedale Gardens; and PDC Item 2.4 Orange Local Environmental Plan – Planning Proposal – 274 Leeds Parade as her husband's environmental consultancy firm has undertaken work at these sites.

Cr Mileto declared a less than significant, non-pecuniary interest in PDC Item 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road as he is the President of Orange Ex-Services Soccer Club but will stay in the Chamber and vote on this item.

Cr Greenhalgh declared a significant non-pecuniary interest in PDC Item 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road as she is a family friend with CEO of the Ex-Services Club and they are a major sponsor of Bloomfield football club of which she is the Secretary.

Cr Mallard declared a non-significant non-pecuniary interest in PDC Item 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road as he is a member of the OESC but will remain in the Chamber and vote on this item.

Cr Hamling declared a non-pecuniary, non-significant interest in Item 2.1 (1) Request for sponsorship Housing Plus as Housing Plus is a tenant of one of the buildings that OCTEC owns and Cr Hamling is on the Board of OCTEC and will leave the Chamber and not vote on this item.

Cr Whitton declared a non-pecuniary, non-significant interest in FPC Item 2.1 (1) Request for sponsorship Housing Plus as Housing Plus is a tenant of one of the buildings that OCTEC owns and Cr Whitton is on the Board of OCTEC and will leave the Chamber and not vote on this item.

Cr Hamling declared a non-pecuniary interest in FPC item 2.2 (2) Small Donations & Grants Program as he is a member of Orange City Rugby Club and will be leaving the room and will not vote on this item.

Cr Mileto declared a significant non-pecuniary interest in Item 4.2 Notice of Motion – Greyhound Precinct in Orange as he is the Nationals Candidate for the upcoming state election and he feels it not appropriate and will leave the Chamber for this item.

Cr Mallard declared a non-significant, non-pecuniary interest in Item 4.2 Notice of Motion – Greyhound Precinct in Orange as he is a State Election candidate but sees that tonight there is no significant conflict of interest as the decision is in relation to whether OCC wishes to proceed but does not relate to election priorities or election campaign.

The Mayor thanked fellow Councillors for their support during his recent leave of absence.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.36PM

PDC Item 2.2 – DA 293/2022(1) – Ex-Services Country Club, Lot 205 Forest Road

Graham Gentles – Orange Ex-Services Club

John Carpenter – Cancer Care West

4.2 Notice of Motion – Greyhound Precinct in Orange

Allan Hilzinger – Greyhound Precinct in Orange

Chip Howitt – Canobolas Motorcycle Club

Phil Donato

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.12PM

RESOLVED - 23/049**Cr J Hamling/Cr J Whitton**

That item 4.2 – Notice of Motion – Greyhound Precinct in Orange be moved to be heard earlier in the agenda as the next item.

For: Cr J Hamling, 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 Evans

Cr Mileto left the meeting with the time being 7.14pm

4.2 NOTICE OF MOTION - GREYHOUND PRECINCT IN ORANGE

TRIM REFERENCE: 2023/276

Cr Mileto declared a less than significant, non-pecuniary interest in this item as he is the Nationals Candidate for the upcoming State election.

MOTION**Cr J Whitton/Cr K Duffy**

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.

AMENDMENT**Cr S Peterson/Cr M McDonell**

That Council work with Greyhound Racing NSW and GBOTA to establish a Greyhound track and precinct in Orange but that the former trotting tracking be excluded from consideration for the Greyhound Centre of Excellence.

For: Cr D Mallard, Cr S Peterson, Cr M McDonell

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr G Power, Cr J Whitton

Absent: Cr J Evans

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 23/050**Cr J Whitton/Cr K Duffy**

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.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Cr D Mallard, Cr M McDonell

Absent: Cr J Evans

Cr Mileto returned to the meeting with the time being 7.35pm

A brief recess was called to allow for members of the Public to vacate the Chamber.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 23/051

Cr M McDonell/Cr S Peterson

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 record of the proceedings of the Council meeting held on 21 February 2023.

For: Cr J Hamling, 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 Evans

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.38PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.24PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

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

TRIM REFERENCE: 2023/269

MOTION

Cr S Peterson/Cr G Floyd

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.

THE MOTION ON BEING PUT WAS LOST

For: Cr S Peterson

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power , Cr J Whitton

Absent: Cr J Evans

Cr Mallard asked for more information on the financial and resourcing implications.

Director Corporate and Commercial Services advised the current structure was traditionally managed as a large paper and small paper each month. The routine enables us to have heavier/lighter weeks to do other tasks and not have majority of time spent just on Council papers where a resource would be focussed on Business papers only.

Cr McDonell asked if Friday briefing sessions could allow time for planning matters.

Director Development Services advised we certainly could include notes on DA matters in the Friday briefing sessions.

5 GENERAL REPORTS

5.1 LORDS PLACE SOUTH - USE OF OUTDOOR PARKLETS

TRIM REFERENCE: 2023/268

RESOLVED - 23/052**Cr D Mallard/Cr G Power**

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.

For: Cr J Hamling, 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 Evans

Cr Duffy highlighted Orange picked up 5 awards recently under Tidy Towns and Roger Smith was commended for his efforts.

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 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 - 23/068**Cr K Duffy/Cr T Greenhalgh**

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.

For: Cr J Hamling, 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 Evans

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.39PM.

The Mayor declared the Ordinary Meeting of Council resumed at 8.42PM

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 SUBMISSION REDACTIONS 7 MARCH 2023

TRIM REFERENCE: 2023/64

RESOLVED - 23/069

Cr K Duffy/Cr G Floyd

That the information in this report be acknowledged.

For: Cr J Hamling, 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 Evans

THE MEETING CLOSED AT 8.45PM

This is Page Number 6 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 7 March 2023.