
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 21 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 (*via Teams*), Cr G Power (Deputy Mayor)

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance (*via Teams*), Executive Support Officer

1.1 APOLOGIES

RESOLVED - 23/070

Cr T Greenhalgh/Cr M McDonell

That the apologies be accepted from Cr Jack Evans (leave) for the Council Meeting of Orange City Council on 21 March 2023.

That Cr Steven Peterson be permitted to attend the Council Meeting of Orange City Council on 21 March 2023 via audio visual link (*Teams*).

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

RESOLVED - 23/071

Cr T Greenhalgh/Cr M McDonell

That Cr Steven Peterson be permitted to attend the Council Meeting of Orange City Council on 21 March 2023 via audio visual link (*Teams*).

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr McDonnell conducted an Acknowledgement of Country.

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

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in Item 5.4 – Development Application DA292/2022(1) – Orange Waratahs Sports Club – Orange Rugby Club – 34 and 36 Telopea Way as he is a member of Orange City Rugby Club.

Cr Mileto declared a Significant Non-Pecuniary Interest in Item 5.4 – Development Application DA292/2022(1) – Orange Waratahs Sports Club – Orange Rugby Club – 34 and 36 Telopea Way as he was involved in provision of funding to Orange City Rugby Club.

Cr Mileto declared a Significant Non-Pecuniary Interest in Item 6.2 – Tender for the construction of the Jack Brabham Female Changeroom as he is the president of Orange & District Football Association.

1.5 OPENING PRAYER

Rose Aguila and Lama Chewang of the Orange Buddhist Centre led the Council in Prayer.

Cr Hamling (Mayor) and Cr Duffy (Chair of the Tidy Towns Community Committee) presented an award to Roger Smith (Natural Resources Coordinator) from Keep Australia Beautiful NSW for his long standing contribution and support to Sustainable Communities and the Tidy Towns Program.

THERE WAS NO OPEN FORUM.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 23/072**Cr G Floyd/Cr G Power**

That the Minutes of the Ordinary Meeting of Orange City Council held on 7 March 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 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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/304

RESOLVED - 23/073**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 March 2023 be and are hereby confirmed as a true and accurate record of the proceedings noting a correction to the minutes that Cr Kinghorne did not vote on items 2.2, 2.3 and 2.4 as she had declared an interested and left the chamber for these items.
- 2 That the Minutes of the Infrastructure Policy Committee at its meeting held on 7 March 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Finance Policy Committee at its meeting held on 7 March 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Services Policy Committee at its meeting held on 7 March 2023 be and are hereby confirmed as a true and accurate record of the proceedings.

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

5.2 DISABILITY INCLUSION ACTION PLAN 2022-2025 - POST EXHIBITION

TRIM REFERENCE: 2023/217

RESOLVED - 23/074**Cr D Mallard/Cr G Power**

That Council adopt the Blayney Cabonne Orange Disability Inclusion Action Plan 2022-2025.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power

Against: Nil

Absent: Cr J Evans, Cr J Whitton

Cr Peterson endorsed the action plan and asked if the number of Council employees was proportionate to the percentage of the community who identify as having a disability.

The Directors Corporate & Commercial Services advised that data is not accounted for in relation to staff members however adjustments are made to assist staff with a disability on an individual basis.

5.3 DEVELOPMENT APPLICATION DA 237/2022(1) - 84 AND 94 WOODWARD STREET

TRIM REFERENCE: 2023/355

RESOLVED - 23/075**Cr K Duffy/Cr D Mallard**

That Council consents to development application DA 237/2022(1) for Subdivision (four lot consolidation), Subdivision (two lot residential), Boundary Adjustment and Demolition at Lot 4 Sec 1 DP 6662, Lot 1 DP 880736, Lot 11 DP 1248554, Lot 12 DP 1248554, Lot 13 DP 1248554 - 84 and 94 Woodward Street Orange, pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power

Against: Nil

Absent: Cr J Evans, Cr J Whitton

Cr Mallard asked if there was an update in relation to Social or Affordable Housing in relation to this site.

The Director Corporate & Commercial Services advised that at this stage it was about progressing the Development Application in order to put the property on the market then have the site considered for uses and a further report to come back to Council on its property portfolio.

Cr Mallard asked if there was concerns around heritage and only allowing 1 dwelling on each lot.

The Acting Director Development Services advised that land zoning will permit a variety of land uses and it would not be proper to limit the lots to 1 dwelling on land if it is covered by the existing LEP.

Cr Hamling & Cr Mileto left the meeting with the time being 6.54pm

5.4 DEVELOPMENT APPLICATION DA 292/2022(1) - ORANGE WARATAH SPORTS CLUB - ORANGE CITY RUGBY CLUB - 34 AND 36 TELOPEA WAY

TRIM REFERENCE: 2023/354

Cr Hamling declared a Significant Non-Pecuniary Interest in this item as he is a member of Orange City Rugby Club, left the chamber and did not participate in discussion or voting on this item.

Cr Mileto declared a Significant Non-Pecuniary Interest in this item as he was involved in the provision of funding to Orange City Rugby Club, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 23/076

Cr M McDonell/Cr K Duffy

That Council consents to development application DA 292/2022(1) for Recreation Facility (outdoor) (alterations and additions to grandstand, construction of amenities building and new lighting) at Lots 31 and 32 DP 1215943 - 34 and 36 Telopea Way, Orange, pursuant to the conditions of consent in the attached Notice of Determination.

For: Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power

Against: Nil

Absent: Cr J Evans, Cr J Whitton, Cr J Hamling, Cr T Mileto

Cr Kinghorne noted complaints relating to adhering to light restrictions and asked if this Development would impact those.

The Acting Director Development Services advised that there had been some complaints about air, light and sound pollution from the site and staff have been in contact with the club to remind them of the development consent in place. This Development Application is for a different part of the site and the consent outlines how lights are to be managed at this location.

Cr Hamling & Cr Mileto returned to the meeting with the time being 7.02pm

5.5 2023 NATIONAL GENERAL ASSEMBLY - NOMINATIONS FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2023/47

RESOLVED - 23/077

Cr J Hamling/Cr G Power

That Council resolves Councillors Hamling, Mallard, Duffy, Whitton and McDonell attend the National General Assembly 13-16 June, 2023 at the National Convention Centre, Canberra.

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

5.6 LGNSW DESTINATION AND VISITOR ECONOMY CONFERENCE 2023 - NOMINATIONS FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2023/50

RESOLVED - 23/078**Cr J Hamling/Cr G Power**

That Council resolve Councillors Hamling, Power and Mileto attend the 2023 Destination and Visitor Economy Conference to be held in Manly from 29-31 May 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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

5.7 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) 2023 NATIONAL CONFERENCE - NOMINATIONS FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2023/46

RESOLVED - 23/079**Cr J Hamling/Cr G Power**

That Council resolve Councillors Greenhalgh & McDonell will attend the 2023 Australian Local Government Women's Association (ALGWA) National conference in the Mornington Peninsula, Victoria from 17-20 May 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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

5.8 2023 FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE - NOMINATION FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2023/237

RESOLVED - 23/080**Cr T Greenhalgh/Cr G Power**

That Council nominate Councillors Floyd and Evans to attend The Floodplain Management Australia National Conference will be held at Luna Park, Sydney 23 – 26 May 2023, noting Cr Greenhalgh will be an alternate if either Councillor cannot attend.

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

5.9 NATIONAL GENERAL ASSEMBLY - PROPOSED MOTION - SOFT PLASTICS

TRIM REFERENCE: 2023/316

RESOLVED - 23/081**Cr D Mallard/Cr M McDonell**

That Council resolves to put the suggested Soft Plastics motion forward to the NGA as printed.

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

QUESTION TAKEN ON NOTICE**Cr D Mallard**

Cr Mallard asked for information to be provided to Councillors in relation to the receiving of soft plastics at the Resource Recovery Centre and the ability to recycle these to make other goods.

5.10 STATEMENT OF INVESTMENTS - FEBRUARY 2023

TRIM REFERENCE: 2023/314

RESOLVED - 23/082**Cr K Duffy/Cr M McDonell**

That Council resolves:

- 1 To note the Statement of Investments for the period February 2023.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne requested information be provided to Councillors on any impact on Council's investments due to the Credit Suisse and Silicon Valley Bank collapses.

5.11 REPORT FROM THE CEO - CENTRAL NSW JOINT ORGANISATION BOARD MEETING - 23 FEBRUARY 2023

TRIM REFERENCE: 2023/327

RESOLVED - 23/083**Cr G Floyd/Cr K Duffy**

That Council note the report from the CEO on the Central NSW Joint Organisation Board meeting 23 February and note the changes to the NSW Charter with the following additions and changes highlighted in yellow;

3.2 Associate Members

The following organisations are Associate Members of the Organisation as at February 2023: Central Tablelands County Council; Upper Macquarie County Council; and Lithgow City Council.

4.2 Non-Voting Representatives

iv. the Mayor of Lithgow City Council

v. the Chair of Upper Macquarie County Council

the General Managers of Member Councils [and of Central Tablelands County Council, Upper Macquarie Country Council and Lithgow City Council ...

4.7 Chairperson and Deputy Chairperson

Remuneration for the Chair of the Central NSW Joint Organisation is \$10,000 per annum and will increase in line with CPI and be paid quarterly in advance subsequent to Board meetings.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power

Against: Nil

Absent: Cr J Evans, Cr J Whitton

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 - 23/084**Cr G Floyd/Cr M McDonell**

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 Lease to Optus - Telecommunication facility Warrigal Place

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 Tender for the Construction of the Jack Brabham Female Changeroom

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 21 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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.19pm

The Mayor declared the Ordinary Meeting of Council resumed at 7.31pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Director Corporate & Commercial Services read out the following resolutions made in the Closed Meeting of Council.

6.1 LEASE TO OPTUS - TELECOMMUNICATION FACILITY WARRIGAL PLACE

TRIM REFERENCE: 2023/342

RESOLVED - 23/085**Cr K Duffy/Cr T Greenhalgh**

That Council resolves:

- 1 To enter a 25-year lease with Optus for their telecommunications tower on the Warrigal Place water reservoir. The first lease being five years and a further four, five-year consecutive leases as per the terms contained within this report.
- 2 To grant approval for the use of the Council Seal on any necessary documentation.

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

Cr Mileto left the meeting with the time being 7.20pm**6.2 TENDER FOR THE CONSTRUCTION OF THE JACK BRABHAM FEMALE CHANGEROOM**

TRIM REFERENCE: 2023/267

Cr Mileto declared a Significant Non-Pecuniary Interest in this item as he is the president of Orange & District Football Association, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 23/086**Cr M McDonell/Cr D Mallard**

- 1 That Council not accept the tender for F832-6 Construction of the Jack Brabham Park Female Changeroom as the tender submission exceeded the available funds for this component of the project.
- 2 That Council enter into negotiations with local contractors to deliver the project within the available budget.
- 3 That if Council cannot engage a local contractor to complete the works within the available budget that Council seek quotations from sub-contractors for the delivery of the project.
- 4 That should quotations be obtained that allow the construction within available budget, Council will act as the head contractor and directly engage the appropriate subcontractors to complete the works within available funding.
- 5 That Council approve the Chief Executive Officer, or delegated officer, to enter into standard contracts for a value up to and including the budgeted amount.
- 6 That permission be granted for the use of the Council Seal on any relevant document as required.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power

Against: Nil

Absent: Cr J Evans, Cr J Whitton, Cr T Mileto

Cr Mileto returned to the meeting with the time being 7.29pm

6.3 SUBMISSION REDACTIONS 21 MARCH 2023

TRIM REFERENCE: 2023/356

RESOLVED - 23/087

Cr K Duffy/Cr T Greenhalgh

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

Against: Nil

Absent: Cr J Evans, Cr J Whitton

THE MEETING CLOSED AT 7.33PM

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