



ORDINARY COUNCIL MEETING

AGENDA

4 APRIL 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, 4 April 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 March 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 March 2023.

ATTACHMENTS

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

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

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - Chaired by Cr Jeff Whitton

Employment and Economic Development – Chaired By Cr Tony Mileto – NO ITEMS

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation - Chaired by Cr Tammy Greenhalgh – NO ITEMS

Environmental Sustainability - Chaired by Cr David Mallard – NO ITEMS

Finance - Chaired by Cr Kevin Duffy

Services - Chaired by Cr Melanie McDonell

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - RECOGNITION FOR FRIDGY'S FOR EUGOWRA TEAM AND OTHER BUSINESSES, GROUPS, INDIVIDUALS WHO ASSISTED IN FLOOD RAVAGED CENTRES

RECORD NUMBER: 2023/372

I, **CR GLENN FLOYD** wish to move the following Notice of Motion at the Council Meeting of 4 April 2023:

MOTION

That Council resolves to:

- 1 Acknowledge in the Chamber the outstanding work of Mr David Conyers and the Fridgy's for Eugowra team, while also acknowledging the work of the many other individuals, groups and businesses from Orange that have helped flood ravaged centres across the Central West.
- 2 Contact Cabonne Council to discuss the opportunity for both Councils jointly, to show gratitude for this outstanding work in the form of a framed Certificate of Appreciation or similar (eg community BBQ) or both, for Mr Conyers and the Fridgy's for Eugowra team and support groups.

BACKGROUND

David Conyers set up a team of apprentice and general tradesman to install air-conditioning units in every flood effected house and building in Eugowra. For over two months now David and the team have installed up to 120 units across Eugowra. Also installing new kitchens and other home improvements when required. 100% of materials and labour have been donated free of charge. They have received a \$35,000 donation from Rotary for the A/C units and over \$130,000 worth of household goods from other businesses around the central west, including the following Orange and affiliated businesses, Tilstons, Standard Supply Company, TLE Orange, Heat Craft Orange as well as the many tradies from Orange that gave up a weekend or three to assist.

It is widely accepted that this initiative is the biggest investment of time and resources in the removal, clean up and installation of air-conditioning units to a town ever undertaken in Australia and possibly the world and it's happening right on our doorstep. All up, over \$350,000 in capital has been thrown into this venture and it has been made possible by overwhelming community generosity and people giving up their time to help others in time of desperate need.

Knowing the solid relationship Orange has with Eugowra and its people, the very least we can do, as a Council and community, is commend Mr Conyers, the Fridgy's for Eugowra and the Orange and Central West businesses and tradies in a holistic way, with a token of our appreciation.

Signed Cr Glenn Floyd

5 GENERAL REPORTS

5.1 COMMUNITY ENGAGEMENT SURVEY

RECORD NUMBER: 2023/435

AUTHOR: Nick Redmond, Manager Communications & Engagement

EXECUTIVE SUMMARY

Orange City Council has joined with Cowra Shire, Oberon and Weddin Shire councils as part of a Central NSW Joint Organisation procurement to undertake a Community Engagement Survey as mandated by the Office of Local Government's Integrated Planning and Reporting (IP&R) Framework.

The Orange Community Strategic Plan 2032 (CSP) *"documents the aspirations and priorities of our community. It sets out a long-term vision for the region to 2032 and identifies the key priorities and strategies for achieving this"*.

This survey will:

- Set benchmarks around how those aspirations and priorities are being met by Orange City Council.
- Measure community satisfaction with Council's services and facilities, and
- identify any other key issues from residents and visitors to the city.

As part of the procurement a regional opportunities report will be provided from the surveys and reporting to provide options that inform decisions around how councils, the JO and other stakeholders can individually and collectively undertake engagement in line with the Local Government Act. In short this will allow the benchmarks set in the survey results to be tested overtime.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "14.3. Provide opportunities for widespread and quality engagement, and where appropriate, shared decision-making".

FINANCIAL IMPLICATIONS

The project is funded within existing Corporate and Commercial Services budgets. A cost estimate can be given in a closed session so as not to fetter the procurement process that is currently under way.

POLICY AND GOVERNANCE IMPLICATIONS

Under the draft Community Engagement Strategic Policy which is recommended for adoption at this meeting:

- *Council must consult when it wants to identify community issues, needs and priorities.*

RECOMMENDATION

That the report by the Manager of Communications and Engagement be acknowledged.

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

Under the Integrated planning and Reporting Framework each Council is required to create a strategy for how they will engage the community in creating and reviewing their Community Strategic Plan.

Through this Community Survey the aim is to seek feedback from residents of participating member councils Local Government Area (LGA) regarding the services and facilities provided by councils.

The Community Survey will broadly:

- Set benchmarks around how those aspirations and priorities in the Community Strategic Plan are being met by Orange City Council.
- Measure community satisfaction with Council's services and facilities.
- Identify any other key issues from residents and visitors to the city.
- Enable benchmarking of council performance.
- Identify and prioritise services/ facilities most in need of attention, including maintenance standards.
- Assess and establish levels of importance for a variety of local issues to residents within the LGA.

The scope includes the following:

1. Survey Design - each participating member council will have input into the design of a survey that will ensure community engagement and cultural relativity to meet the desired reporting outcomes. Regional questions may be added to each survey.
2. Survey Delivery - each participating member council will require the successful respondent to ensure the survey is completed with a statistically valid sample of community respondents and that the chosen delivery method enables maximum responses. Each council survey will need to be adaptable to meet the needs of the target community with varied methods of delivery to ensure statistically valid results, which will provide the ability to benchmark and report.
3. Reporting and analysis - survey results are to be collated and analysis on the findings is to be provided in the form of a final report for each of the four participating member councils. The results are to be clear and able to be interpreted in a way that enables councils to benchmark performance as well as use to influence Community Strategic and Engagement Plans.
4. One regional opportunities report – this report will provide a collated summary on the broader assessment and findings from the above surveys and reporting and will

5.1 Community Engagement Survey

provide options that inform decisions around how councils, the JO and other stakeholders can individually and collectively undertake engagement in line with the Local Government Act and

- Be contextualised by the Integrated Planning and Reporting Framework.
- Provide advice on cost savings and other benefits of a collaborative and aggregated approach.
- Provide any other advice as the Provider sees fit to optimise outcomes.

The RFQ timetable guide is as follows but could be subject to change depending on the outcomes of the procurement:

Item	Timeframe
RFQ opens	Wednesday 15 March 2023
RFQ closes	Wednesday 29 March 2023, 2PM
RFQ Evaluation	Early April 2023
Contract negotiations	Early April 2023
Report to Council/Contract signing	Early to Mid-April 2023
Contract commences	1 May 2023
Project concludes	30 June 2023
Contract concludes	31 August 2023

5.2 STRATEGIC POLICY ADOPTION - POST EXHIBITION

RECORD NUMBER: 2023/376

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents policies for the adoption of Council. The policies have been on public exhibition for a period of 28 days and no submissions were received during the exhibition period. The below policies are now recommended for adoption:

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

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors, required by Legislation or Regulation and/or have an impact on the Orange community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to adopt the following policies:

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

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**Policies for Adoption**

The following policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of at least 28 days to allow for Council and public review and submissions.

ST19 – Media

The Media policy is based on the Model policy issued by the Office of Local Government. The policy is not mandatory, and Councils can adapt the policy for our own purposes. If adopted, the policy will operate to supplement the provisions of the adopted Code of Conduct.

Reference	Update
General	<ul style="list-style-type: none"> • New Policy

ST20 – Community Engagement

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering of Policies commenced – New Numbering ST20, Previously ST049. • Condensed Policy information to remove any information covered in the Social Media and Media policies. • Operational Information on how Community Engagement is to be undertaken through specific mechanisms has been removed from Strategic Policy into an Operational Procedure.

ST29 – Water & Sewer Infrastructure

Reference	Update
General	<ul style="list-style-type: none"> • Combination of Water and Sewer policies - no major changes to the content: <ul style="list-style-type: none"> • ST125 – Working on Council’s Water & Sewer Infrastructure • ST129 – Water Supply Infrastructure Services • ST130 – Sewer Infrastructure Policy • Separation of Operational procedures out of the Strategic Policy.

ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST19 - Media, D23/6710 (Under Separate Cover)
- 2 FOR ADOPTION - Strategic Policy - ST20 - Community Engagement, D23/6711 (Under Separate Cover)
- 3 FOR ADOPTION - Strategic Policy - ST29 - Water & Sewer Infrastructure, D23/7720 (Under Separate Cover)

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 Western Water Strategy - Memorandum of Understanding

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 Design and Construction of Glenroi Skate Park

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 Road closure application - Part Cottonwood Way 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.

6.4 Road Closure Application Part Road Reserve - Yackerboon Place 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.

6.5 Minutes of the Audit Risk and Improvement Committee Meeting 28 February 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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.6 Submission Redactions 4 April 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 WESTERN WATER STRATEGY - MEMORANDUM OF UNDERSTANDING

RECORD NUMBER: 2023/318

AUTHOR: Wayne Beatty, Water and Sewerage Strategic Manager

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 (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 DESIGN AND CONSTRUCTION OF GLENROI SKATE PARK

RECORD NUMBER: 2023/460

AUTHOR: Rachel Porter, Project Administration Officer

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 (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 ROAD CLOSURE APPLICATION - PART COTTONWOOD WAY ORANGE

RECORD NUMBER: 2023/382

AUTHOR: Shirley Hyde, Legal and Property Officer

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 (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.4 ROAD CLOSURE APPLICATION PART ROAD RESERVE - YACKERBOON PLACE ORANGE

RECORD NUMBER: 2023/402

AUTHOR: Shirley Hyde, Legal and Property Officer

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 (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 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 28
FEBRUARY 2023**

RECORD NUMBER: 2023/431

AUTHOR: Rachelle Robb, Director Corporate & Commercial Services

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.6 SUBMISSION REDACTIONS 4 APRIL 2023

RECORD NUMBER: 2023/442

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