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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 4 APRIL 2023

COMMENCING AT 6.30PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr J Hamling (Mayor)(*Audio Visual Link*), Cr K Duffy, 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

A/Chief Executive Officer (Maunder), Director Corporate and Commercial Services, Director Development Services, Director Technical Services, Manager Corporate Governance, Governance Officer, Manager Development Assessment

**RESOLVED - 23/088**

**Cr K Duffy/Cr J Evans**

That Cr Whitton chair the Council Meeting of 4 April 2023, as Cr Hamling (Mayor) is attending via Audio Visual Link.

For: Cr J Hamling, Cr K Duffy, 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 G Power

#### 1.1 APOLOGIES

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**RESOLVED - 23/089**

**Cr K Duffy/Cr J Evans**

That the apologies be accepted from Cr Gerald Power for the Council Meeting of Orange City Council on 4 April 2023.

For: Cr J Hamling, Cr K Duffy, 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 G Power

**RESOLVED - 23/090**

**Cr T Greenhalgh/Cr M McDonell**

That Cr J Hamling (Mayor) be permitted to attend the Council Meeting of 4 April 2023 via Audio Visual Link (*Teams*).

For: Cr J Hamling, Cr K Duffy, 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 G Power

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**1.2 LIVESTREAMING AND RECORDING**

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

**1.3 ACKNOWLEDGEMENT OF COUNTRY**

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The Chairperson conducted an Acknowledgement of Country.

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

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Cr Mileto declared a Significant Non-Pecuniary Interest in PDC item 2.2 Development Application DA265/2022(1) – 1 Summer Street and 160 Woodward Street, as his family has property in the vicinity of the subject site.

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in PDC item 2.5 Development Application DA314/2022(1) – Former DPI building – 159-179 Kite Street, as he lives nearby to the subject site.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in item 6.3 Road Closure Application – Part Cottonwood Way Orange as he is a member of the church who owns the subject land.

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in item 6.3 Road Closure Application – Part Cottonwood Way Orange as she owns property boarding the subject site.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.35PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.39PM**

**2 MAYORAL MINUTES**

Nil

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED - 23/091**

**Cr K Duffy/Cr G Floyd**

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

For: Cr J Hamling, Cr K Duffy, 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 G Power

**RESOLVED - 23/092****Cr K Duffy/Cr G Floyd**

That Council be provided with a report containing detailed costings and designs for the next stage of the Southern Feeder Road (SFR).

For: Cr J Hamling, Cr K Duffy, 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 G Power

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.46PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.56PM**

## **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**

TRIM REFERENCE: 2023/372

**RESOLVED - 23/124****Cr G Floyd/Cr T Greenhalgh**

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.

For: Cr J Hamling, Cr K Duffy, 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 G Power

## **5 GENERAL REPORTS**

### **5.1 COMMUNITY ENGAGEMENT SURVEY**

TRIM REFERENCE: 2023/435

**RESOLVED - 23/125****Cr S Peterson/Cr D Mallard**

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

For: Cr J Hamling, Cr K Duffy, 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 G Power

Cr Kinghorne asked what constitutes a statistically valid response.

*The Director Corporate & Commercial Services advised it is the amount of responses to a survey base on the number of our population and meeting a percentage of the population number, to be obtained from a consultant once engaged.*

## 5.2 STRATEGIC POLICY ADOPTION - POST EXHIBITION

TRIM REFERENCE: 2023/376

### RESOLVED - 23/126

Cr M McDonell/Cr J Whitton

- 1 That Council resolves to adopt the following policies:
  - ST19 - Media
  - ST29 - Water & Sewer Infrastructure
- 2 That Council resolves to defer the following policy for further consultation and engagement:
  - ST20 - Community Engagement

### THIS ITEM WAS RESCINDED AT THE COUNCIL MEETING OF 18 APRIL 2023 – 23/136

For: Cr J Hamling, , 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, Cr K Duffy

Absent: Cr G Power

Cr Evans asked for details on time frames for when Engagement should occur.

*The Director Corporate & Commercial Services advised it is about the approach of engagement. More detailed information can be provided to Councillors at a briefing on 21 April 2023 when discussing community engagement, the media and social media policy's. This is generally not contained in the strategic policy, but is included in operational plans.*

## 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 - 23/127****Cr M McDonell/Cr S Peterson**

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.

For: Cr J Hamling, Cr K Duffy, 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 G Power

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.13pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.27pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 WESTERN WATER STRATEGY - MEMORANDUM OF UNDERSTANDING

TRIM REFERENCE: 2023/318

#### RESOLVED - 23/128

Cr G Floyd/Cr T Greenhalgh

That Orange City Council:

- 1 Partner with Centennial by entering into a Memorandum of Understanding (draft Attachment 1 to this report) for the Western Water Strategy Project.
- 2 Grant authority to affix the Council Seal on any document as required.

For: Cr J Hamling, Cr K Duffy, 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 G Power

### 6.2 TENDER FOR THE DESIGN AND CONSTRUCTION OF GLENROI SKATE PARK

TRIM REFERENCE: 2023/460

#### RESOLVED - 23/129

Cr D Mallard/Cr M McDonell

That Council resolves:

- 1 That the Tender F3540-4 for the Design and Construction of Glenroi Skate Park be awarded to Haley Constructions Pty Ltd for their tendered price of \$429,846.51 (Ex GST).
- 2 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 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 G Power

**6.3 ROAD CLOSURE APPLICATION - PART COTTONWOOD WAY ORANGE**

TRIM REFERENCE: 2023/382

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in this item as he is a member of the church who owns the subject land and remained in the chamber for discussion and voting on this item.

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in this item as she owns property boarding the subject site and remained in the chamber for discussion and voting on this item.

**RESOLVED - 23/130****Cr D Mallard/Cr M McDonell**

That Council resolves:

- 1 To advertise the proposed road closure in accordance with the requirements of the Crown Land Management Act.
- 2 That Council's Chief Executive Officer be given delegation to finalise determination for the road closure of part Cottonwood Way Orange post exhibition.
- 3 To grant approval for the use of the Council Seal on any necessary documentation.

For: Cr J Hamling, Cr K Duffy, 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 G Power

**6.4 ROAD CLOSURE APPLICATION PART ROAD RESERVE - YACKERBOON PLACE ORANGE**

TRIM REFERENCE: 2023/402

**RESOLVED - 23/131****Cr K Duffy/Cr S Peterson**

That Council resolves:

- 1 To advertise the proposed road closure in accordance with the requirements of the Crown Land Management Act.
- 2 That Council's Chief Executive Officer be given delegation to finalise the sale of the road closure of part Yackerboon Place Orange post exhibition.
- 3 To grant approval for the use of the Council Seal on any necessary documentation.

For: Cr J Hamling, Cr K Duffy, 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 G Power

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

TRIM REFERENCE: 2023/431

**RESOLVED - 23/132****Cr K Duffy/Cr F Kinghorne**

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 28 February 2023.
- 2 That Council determine recommendation 4.5 & 4.20 from the minutes of the Audit, Risk & Improvement Committee of 28 February 2023:
  - 4.5 (1) *That Strategic Policy - ST15 - Risk Management be placed on public exhibition for a period of 28 day.*
  - 4.5 (2) *That Council approve the Risk Appetite Statements as endorsed by the ARIC.*
  - 4.20 *That Council acknowledges the ARIC Annual Report for the year ending 31 December 2022.*
- 3 That the remainder of the minutes of the Audit, Risk & Improvement Committee at its meeting held on 28 February 2023 be adopted.

For: Cr J Hamling, Cr K Duffy, 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 G Power

**6.6 SUBMISSION REDACTIONS 4 APRIL 2023**

TRIM REFERENCE: 2023/442

**RESOLVED - 23/133****Cr T Greenhalgh/Cr M McDonell**

That the information in this report be acknowledged.

For: Cr J Hamling, Cr K Duffy, 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 G Power

**THE MEETING CLOSED AT 8.33PM**

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 4 April 2023.