
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 18 APRIL 2023

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), Cr K Duffy, Cr J Evans, Cr G Floyd (*audio visual link*), Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson (*audio visual link*), Cr G Power (Deputy Mayor), Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Community, Recreation and Cultural Services (Andrews), Director Technical Services, Manager Corporate Governance, Manager Water & Sewer

1.1 APOLOGIES

Nil.

RESOLVED - 23/134	Cr T Greenhalgh/Cr M McDonell
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That Cr S Peterson & Cr G Floyd attend the Council Meeting on 18 April 2023 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

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 Peterson declared a Non-Significant, Non-Pecuniary interest in item 5.3 – Feasibility and Impacts of Fishing in Suma Park Dam, as he owns property adjoining this facility.

1.5 OPENING PRAYER

Geoff Langdon of the Orange Presbyterian Church led the Council in Prayer.

The Mayor addressed Council on the recent passing of Mr Max Hazelton, Mr Colin Young, Mr Robin Edwards and Mr John Olsen, holding 1 minutes silence in their memory.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.37PM**5.3 – Feasibility and Impacts of Fishing in Suma Park Dam**

- Rodney Tonkin – Orange Trout Acclimatisation Society
- Steph O’Dea
- Vicky Frost

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.52PM**2 MAYORAL MINUTES**

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**RESOLVED - 23/135****Cr T Greenhalgh/Cr D Mallard**

That the Minutes of the Ordinary Meeting of Orange City Council held on 4 April 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 4 April 2023, noting an administrative error to be updated to Declarations noted in 1.4 – Declarations were made in item 6.3 – Road Closure Application – Part Cottonwood Way, Orange for Cr Kinghorne and Cr Peterson, not 6.4 Road Closure Application Part Road Reserve – Yackerboon Place.

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 NOTICE OF RESCISSION - STRATEGIC POLICY ADOPTION - POST EXHIBITION - ST19 MEDIA, ST20 COMMUNITY ENGAGEMENT, ST29 WATER & SEWER INFRASTRUCTURE**

TRIM REFERENCE: 2023/512

RESOLVED - 23/136**Cr K Duffy/Cr T Greenhalgh**

That Council rescind the following resolution of Council at its Meeting of 4 April 2023:

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

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 K Duffy, Cr T Greenhalgh

Absent: Cr G Power

THE RESCISSION MOTION ON BEING PUT WAS CARRIED

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Mileto asked what the impact of changing the wording in section 4.18 of the Media Policy would be.

*The Chief Executive Officer advised it would be a guidance note for Councillors.***RESOLVED - 23/137****Cr K Duffy/Cr T Greenhalgh**

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

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

5 GENERAL REPORTS**5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

TRIM REFERENCE: 2023/306

RESOLVED - 23/138**Cr J Whitton/Cr M McDonell**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 4 April 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 4 April 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 4 April 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 4 April 2023 be and are hereby confirmed as a true and accurate record of the proceedings.

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 G Power , Cr J Whitton

Against: Nil

Absent: Nil

MOTION**Cr K Duffy/Cr J Hamling**

That Council receive a report at its meeting of 16 May 2023 on the renaming of Huntley Road and Aerodrome Road to Hazelton Way.

AMENDMENT

That Council refer consideration of road renaming to honour the Hazelton family to the Airport Community Committee.

For: Cr J Hamling, 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 G Power , Cr J Whitton

Against: Cr K Duffy

Absent: Nil

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 23/139****Cr J Whitton/Cr J Evans**

That Council refer consideration of road renaming to honour the Hazelton family to the Airport Community Committee.

For: Cr J Hamling, 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 G Power , Cr J Whitton

Against: Cr K Duffy

Absent: Nil

5.2 STATEMENT OF INVESTMENTS - MARCH 2023

TRIM REFERENCE: 2023/331

RESOLVED - 23/140**Cr J Whitton/Cr K Duffy**

That Council resolves:

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

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 G Power , Cr J Whitton

Against: Nil

Absent: Nil

5.3 FEASIBILITY AND IMPACTS OF FISHING IN SUMA PARK DAM

TRIM REFERENCE: 2023/296

MOTION**Cr G Floyd/Cr S Peterson**

That Council resolves to:

- 1 Not permit land or water-based activity at Suma Park Dam at this stage;
- 2 Undertake a detailed Feasibility Study for introducing controlled access to Spring Creek Dam for passive watercraft (canoes and kayaks) and land-based fishing/fly casting considering the issues raised in this report and in consultation with the NSW of Primary Industry (Fisheries); and
- 3 Prepare such documentation as required to effect a change to the Plan of Management for Spring Ck Dam.

AMENDMENT**Cr K Duffy/Cr D Mallard**

That Council resolves to:

- 1 Not permit land or water-based activity at Suma Park Dam at this stage;
- 2 Undertake a detailed Feasibility Study for introducing controlled access to Spring Creek Dam for passive watercraft (canoes and kayaks) and land-based fishing/fly casting considering the issues raised in this report and in consultation with the NSW of Primary Industry (Fisheries); and
- 3 Investigate options to improve existing facilities at Gosling Creek.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Cr M McDonell, Cr F Kinghorne

Absent: Nil

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON BEING PUT WAS CARRIED**

RESOLVED - 23/141**Cr K Duffy/Cr D Mallard**

That Council resolves to:

- 1 Not permit land or water-based activity at Suma Park Dam at this stage;
- 2 Undertake a detailed Feasibility Study for introducing controlled access to Spring Creek Dam for passive watercraft (canoes and kayaks) and land-based fishing/fly casting considering the issues raised in this report and in consultation with the NSW of Primary Industry (Fisheries); and
- 3 Investigate options to improve existing facilities at Gosling Creek.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Cr M McDonell, Cr F Kinghorne

Absent: Nil

Cr Mileto asked after the grant funding for research and the cost to Council.

The Chief Executive Officer advised that Council will receive a grant for scientific research and Fisheries will support the feasibility works. If a consultant was to be engaged it may be in the vicinity of \$50,000, however it is intended to be managed in-house.

Cr Whitton asked if there was a consideration of land classification changes.

The Chief Executive Officer advised there is no intention to change land classifications.

Cr Mallard noted Suma Park has a direct link to the Water Treatment Plant and Spring Creek Dam has a direct link to the Icely Road Treatment Plant and asked for clarification of the difference.

The Director Technical Services stated that Suma Park Dam was the Primary Water Source and the everyday draw for drinking water treated at the filtration plant. Spring Creek Dam (similar to Googong Dam) is a secondary water source not used on a day to day basis so it can be managed and not drawn from, leaving us with a choice. If both water sources were opened up to recreation that does not allow us an alternate option in a case of contamination for example.

Cr Mallard asked if Spring Creek Dam was opened to recreation and water was needed to be moved to the treatment plant what is in place to manage this.

The Director Technical Services advised that it is generally known in advance that water will need to be drawn. During periods of drought it is not draw until a baseline flow is held.

Cr Mallard asked if a feasibility study occurs what assessment of environmental and social risks is undertaken and will it draw on data collected previously.

The Chief Executive Officer advised that any action taken by Council requires a review of Environmental Factors under part 5 of the Environmental Protection Act, so if the feasibility study shows heavy infrastructure for example we would be obliged to do an environmental assessment before Council receives a further report. The consultant will look at the previous observations during the study.

5.4 BULKY WASTE COLLECTION 2023

TRIM REFERENCE: 2023/505

RESOLVED - 23/142**Cr K Duffy/Cr T Greenhalgh**

That Council acknowledge the outcomes of the 2023 Scheduled Domestic Bulky Waste Service.

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

QUESTIONS TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked for information to be provided to Council on the actual number of households that participated in the 2023 Domestic Bulky Waste Service, noting that the statistics provided showed a number of households may have had up to 3 collections for different waste items.

5.5 STRATEGIC POLICY REVIEW

TRIM REFERENCE: 2023/519

RESOLVED - 23/143**Cr K Duffy/Cr G Power**

That Council resolves to place Strategic Policy ST26 – Council-Related Development Applications – Managing Conflict of Interests on public exhibition for a minimum period of 28 days.

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

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 - 23/144**Cr T Greenhalgh/Cr G Power**

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 Girralang Biodiversity Credits - Delegated Authority

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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.51pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.09pm

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 GIRRALANG BIODIVERSITY CREDITS - DELEGATED AUTHORITY

TRIM REFERENCE: 2023/473

RESOLVED - 23/145**Cr T Greenhalgh/Cr J Whitton**

That Council resolves:

- 1 That Biodiversity credits be sold to generate income for Council.
- 2 That at least 20% of Council's CW209 credits be retained for its own future use.
- 3 That the Chief Executive Officer be given delegation to determine the most appropriate time to sell credits and the sale mechanisms to be used.
- 4 That the Chief Executive Officer be delegated authority to set the price of credits through consultation with the ELT and external consultants as applicable.
- 5 That funds generated from the sale of Biodiversity Credits be retained until Council has had an opportunity to workshop available options.

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 8.10PM

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 18 April 2023.