



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**16 MAY 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, 16 May 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.

### **1.5 OPENING PRAYER**

## **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 2 May 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 2 May 2023.

**ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 2 May 2023

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# ORANGE CITY COUNCIL

## MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 2 MAY 2023

COMMENCING AT 6.30PM

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### 1 INTRODUCTION

#### ATTENDANCE

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer, Manager Development Assessments

#### 1.1 APOLOGIES

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Nil.

#### 1.2 LIVESTREAMING AND RECORDING

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

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor 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 Kinghorne declared a Significant Non-Pecuniary Interest in PDC item 2.5 and 2.6 Development Application DA98/2022(1) – 103 Prince Street, as she owns property and business in the area.

Cr McDonell declared a Non-Significant, Non-Pecuniary Interest in PDC item 2.5 and 2.6 Development Application DA98/2022(1) – 103 Prince Street, as she works at a Medical Centre in the area, remained in the Chamber.

Cr Greenhalgh declared a Non-Significant, Non-Pecuniary Interest in PDC item 2.5 and 2.6 Development Application DA98/2022(1) – 103 Prince Street, as the developer is a Sponsor for the Junior Football Club she is a committee member of.

Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in IPC item 2.1 Minutes of the City of Orange Traffic Committee 11 April 2023 as he lives in the area of a discussed Club runs.

Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in FPC Item 2.1 – Small Donations and Grants as he is the Country President of the Economic Council of India.

Lead by Cr Duffy, the Chamber observed a minutes silence to acknowledge the passing of the Mayor's Father.

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

**PDC Item 2.6 – Development Application DA98/2022(1) – 103 Prince Street**

- Caroline Myers, NSW Department Planning and Environment
- Paul French, Verde Property Group

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.44PM**

## **2 MAYORAL MINUTES**

Nil

## **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED - 23/147**

**Cr J Whitton/Cr D Mallard**

That the Minutes of the Ordinary Meeting of Orange City Council held on 18 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 18 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**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 8.09PM**

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - 16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

TRIM REFERENCE: 2023/606

**RESOLVED - 23/167****Cr D Mallard/Cr M McDonell**

That Council resolves to participate in the 16 Days of Activism against Gender-Based Violence from 25 November to 10 December 2023, with staff to develop appropriate communications, events and/or programs and identify opportunities to partner with other services and organisations in this campaign.

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 expertise Council staff have to value add to other Organisations.

*Acting Chief Executive Officer advised the role of Council will be bringing Community Organisations into a working party to work, engage and campaign with Organisations and Community Groups to highlight the campaign and be a leader and voice against domestic violence.*

## 5 GENERAL REPORTS

### 5.1 UPDATE ON OUTSTANDING AND COMPLETED RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE, MATTERS ARISING AND NOTICES OF MOTION

TRIM REFERENCE: 2023/305

**RESOLVED - 23/167****Cr J Whitton/Cr J Evans**

That the information provided in the report on Outstanding and Completed Resolutions, Questions Taken on Notice, Matters Arising and Notices of Motion 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Mallard asked for an update on Local Housing Summit as stakeholders keen to be involved.

*Director Development Services advised hold up with Regional Housing Strategy with State Government. Liaising with Blayney and Cabonne as we want to put altogether. They are progressing with drafting of plan, we are awaiting this to be provided to set date and will advise when we have been provided.*

**MATTER ARISING****Cr S Peterson**

That a briefing/discussion be arranged to discuss learnings from neighbouring Council's

around increased rates and to gain more information.

**QUESTION TAKEN ON NOTICE****Cr J Whitton**

Cr Whitton asked for an update be provided on report of commissioning and installing a bronze statue as a tribute to families who have lost family members in services to their Country.

**QUESTION TAKEN ON NOTICE****Cr K Duffy**

Cr Duffy asked for an update on his request for information concerning Lords Place and planning regulations for building platforms in floodways and the status of a past resolution in regard to parking outside of marked lines.

**5.2 PROGRESS REPORT - OPERATIONAL PLAN 2022/2023 (DELIVERY PLAN YEAR 1) - SIX MONTHS FROM 1 JULY TO 31 DECEMBER 2022**

TRIM REFERENCE: 2023/458

**RESOLVED - 23/168****Cr J Whitton/Cr G Floyd**

That the Progress Report - Operational Plan 2022/2023 (Delivery Program Year 1) – Six Months from 1 July to 31 December 2022 be noted.

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 - 23/169****Cr J Whitton/Cr T Greenhalgh**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**6.1 Submission Redactions 2 May 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

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

The Mayor declared the Ordinary Meeting of Council resumed at 8.41PM.

**7 RESOLUTIONS FROM CLOSED MEETING**

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

**6.1 SUBMISSION REDACTIONS 2 MAY 2023**

TRIM REFERENCE: 2023/608

**RESOLVED - 23/170****Cr T Greenhalgh/Cr S Peterson**

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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**THE MEETING CLOSED AT 8.45PM**

This is Page Number 5 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 2 May 2023.

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - FIRST NATION CULTURE TRAINING

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RECORD NUMBER: 2023/634

I, **CR GERALD POWER** wish to move the following Notice of Motion at the Council Meeting of 16 May 2023:

#### MOTION

**That Council include First Nation Culture Training for Councillors as part of the induction and training program conducted during their elected term.**

#### BACKGROUND

I wish to put forward this motion for First Nation Cultural training for Councillors and appropriate Staff (as nominated by the Chief Executive Officer).

The training to be conducted after each Orange Local Government Election and included as part of induction/training offered for all councillor's during the term elected with the aim of the training to provide the tools to move forward in reconciliation process of understanding of Aboriginal and Torres Strait Islanders in Oranges LGA.

#### Training to include:

- Local Protocols
- On Country Sacred Sites
- Cultural Safe practises.

#### Outcomes:

1. Have improved local knowledge of Stories, Sites and Protocols
2. Recognise the important spirituality in Aboriginal and Torres Strait Islanders
3. Comprehend the trauma felt by the stolen generation in the community

Signed Cr Gerald Power





## 4.2 NOTICE OF MOTION - ACTIVE KIDS VOUCHERS

RECORD NUMBER: 2023/657

I, **CR TAMMY GREENHALGH** wish to move the following Notice of Motion at the Council Meeting of 16 May 2023:

### MOTION

That Orange City Council resolves to:

- 1 Support local Children and Sporting Clubs by writing to the NSW Government to implore them to extend the funding for the Active Kids Voucher which will expire in June 2023.
- 2 Write to our fellow regional Councils encouraging them to lobby the NSW Government to seek an extension to the Active Kids Program.

### BACKGROUND

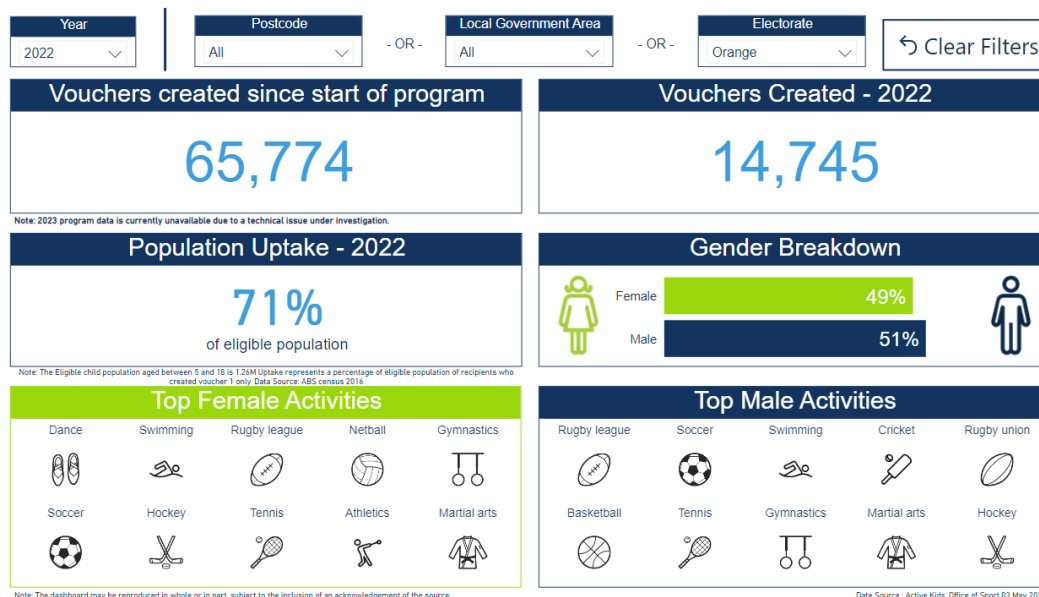
Data from the NSW Population Health Survey shows that 75 per cent of children in NSW are not meeting the daily recommended level of physical activity, which is 60 active minutes each day. With 44 per cent of children spending more than two hours a day on sedentary leisure activities, the Active Kids program plays a crucial role in shifting physical activity behaviours of children and instilling healthy lifestyle habits.

Further, 22 per cent of children aged 5-16 years are reported as being overweight or obese.

The Active Kids program, launched in 2018, aimed to increase participation of school-enrolled children in sport and physical activity by providing parents with vouchers to help cover the cost of registration and membership fees. Active Kids is funded until June 2023.

The program provides parents, guardians and carers of school age children \$100 to help fund sporting and recreational activities.

Since its inception in 2018 the Active Kids Voucher has been used as follows:



**4.2 Notice of Motion - Active Kids Vouchers**

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Talking to my fellow JRLFC 74.4% of parents used the voucher to enrol in Rugby League.

Central West Gym Sports had 70% of children use the voucher for term 1.

This voucher has been incredibly popular as it breaks down the barriers for children to participate in sport. With the increased pressure on household expenses now more than ever we need the governments assistance. As a parent we should not have ask our children to choose between a summer and a winter sport.

Signed Cr Tammy Greenhalgh

**STAFF COMMENT**

Since 2018 the active kids voucher has reduced the cost for children to participate in sport and other structured activities by more than \$6.5M. It has also increased the activity of children.

Council also accepts the voucher for participation in learn to swim program which reduces the cost for learn to swim lessons.

**FINANCIAL/RESOURCING IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

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**4.3 NOTICE OF MOTION - EMERGENCY SERVICES LEVY**

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RECORD NUMBER: 2023/661

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 16 May 2023:

**MOTION**

- 1 That Council contact the Treasurer, the Minister for Local Government, the Minister for emergency services and the State member to express our concern at the vastly increased cost of the emergency services levy. We feel it is unprofessional to have this change at short notice without consultation. This can only have an impact on Council projects, staffing or services.**
- 2 That we ask the New South Wales government to restore the Emergency Services Levy subsidy for the coming financial year and additionally that we ask the new Government to consult and examine how to make emergency services funding and Local Government overall self-sustaining financially in the future.**
- 3 That Orange City Council support advocacy work on this issue from LGNSW.**
- 4 That Council expresses these concerns to the Independent Pricing and Regulatory Tribunal (IPART).**

**BACKGROUND**

We have been told that the increase in the Emergency Services Levy, which was subsidised by the previous Government, will be a quarter million dollar hit to Orange Council's bottom line. Given council's appropriate plan to have a budget out of deficit there inevitably will be a flow on effect in terms of projects, service delivery or staffing. Our duty as Orange Councillors must be to push back against this change through our elected state representatives.

The statewide Levy has increased from 143 million to 219 million dollars, a 53.1% increase, so definitely a huge unplanned change completely above IPART rate peg increases.

In my limited time on Council, I can see that the Local Government sector as a whole is not financially sustainable. We are relying on frequent ad hoc grants to fund the services we are supposed to provide. We should take the opportunity to ask this new Government if they will be visionary and brave enough to rectify this system problem. Both to fund Emergency Services and Local Government responsibilities overall.

Signed Cr Steven Peterson

**STAFF COMMENT**

Staff will adjust the Draft budget, correspond as directed and follow the strong lead of LGNSW.

**FINANCIAL/RESOURCING IMPLICATIONS**

The Draft budget will need adjusting to accommodate this emerging budget situation.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil



## **5 GENERAL REPORTS**

### **5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

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RECORD NUMBER: 2023/307

AUTHOR: Janessa Constantine, Manager Corporate Governance

#### **EXECUTIVE SUMMARY**

Council's Policy Committees (Planning and Development Committee, Employment and Economic Development Policy Committee, Infrastructure Policy Committee, Sport and Recreation Policy Committee, Environmental Sustainability Policy Committee, Finance Policy Committee and Services Policy Committee) have delegation to determine matters before those Committees with the exception of items that impact on Council's Delivery/Operational Plan.

This report provides minutes of the Policy Committees held this month. Resolutions made by the Committees are presented for adoption or amendment by Council.

#### **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**

Nil

#### **RECOMMENDATION**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 2 That the Minutes of the Employment and Economic Development Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 3 That the Minutes of the Infrastructure Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 4 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 5 That the Minutes of the Finance Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 6 That the Minutes of the Services Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.**

**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****Planning and Development Policy Committee**

At the Planning and Development Policy Committee meeting held on 2 May 2023, all resolutions were made under delegation, and the minutes are presented for adoption.

**Employment and Economic Development Policy Committee**

At the Employment and Economic Development Policy Committee meeting held on 2 May 2023, all resolutions were made under delegation, and the minutes are presented for adoption.

**Infrastructure Policy Committee**

At the Infrastructure Policy Committee meeting held on 2 May 2023, all resolutions were made under delegation, and the minutes are presented for adoption.

**Environmental Sustainability Policy Committee**

At the Environmental Sustainability Policy Committee meeting held on 2 May 2023, all resolutions were made under delegation, and the minutes are presented for adoption.

**Finance Policy Committee**

At the Finance Policy Committee meeting held on 2 May 2023, all resolutions were made under delegation, and the minutes are presented for adoption.

**Services Policy Committee**

At the Services Policy Committee meeting held on 2 May 2023, all resolutions were made under delegation, and the minutes are presented for adoption.

**ATTACHMENTS**

- 1 PDC 2 May 2023 Minutes, 2023/639 [↓](#)
- 2 EEDPC 2 May 2023 Minutes, 2023/644 [↓](#)
- 3 IPC 2 May 2023 Minutes, 2023/645 [↓](#)
- 4 ESPC 2 May 2023 Minutes, 2023/646 [↓](#)
- 5 FPC 2 May 2023 Minutes, 2023/647 [↓](#)
- 6 SPC 2 May 2023 Minutes, 2023/648 [↓](#)

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## ORANGE CITY COUNCIL

MINUTES OF THE

### PLANNING AND DEVELOPMENT COMMITTEE

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

ON 2 MAY 2023

COMMENCING AT 6.46PM

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## 1 INTRODUCTION

### ATTENDANCE

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer, Manager Development Assessments

### APOLOGIES AND LEAVE OF ABSENCE

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Nil.

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr Kinghorne declared an interest in PDC Item 2.6 Development Application – DA98/2022(1) – 103 Prince Street as she owns property and a business in the area.

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in item 2.6 Development Application DA98/2022(1) – 103 Prince Street, as she is employed at a Medical Centre nearby.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in item 2.6 Development Application DA98/2022(1) – 103 Prince Street, as the MAAS group are a sponsor of the Junior Football Club she is a committee member of.

**MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE****2 MAY 2023****2 GENERAL REPORTS****2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL**

TRIM REFERENCE: 2023/478

**RESOLVED - 23/148****Cr J Evans/Cr K Duffy**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

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 Duffy noted residents along Courallie Drive have said works and noises at all hours regarding demolition at number 14 and he asked if a DA for an extension would come through, the authority we have over what can be built there and it be used for.

*Director Development Services advised staff would investigate the site and come back to Council. There is a lot to work through with group homes and State Planning Legislation.*

**2.2 PLANNING PROPOSAL - SHIRALEE - REZONING HAWKE LANE PARK**

TRIM REFERENCE: 2023/575

**RESOLVED - 23/149****Cr K Duffy/Cr G Power**

- 1 That Council support the planning proposal and forward the matter to the NSW Department of Planning and Environment for a Gateway Determination.
- 2 That, subject to a favourable gateway determination, staff commission any additional studies or information required to enable the proposal to proceed to agency and public consultation with such work to be at the proponents cost.

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 how many additional housing blocks this will create and how will this affect flood mitigation and flow on effect to dams in Orange.

*Director Development Services advised creates an additional 8 blocks with subdivision and reshape of dam. The dam is permanently emptied, wall taken down removing flood risk. Under the development control plan and the master plan for Shiralee Estate there are a sequence of detention ponds downstream from the estate to drain the area, like other wetlands projects.*



**MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE****2 MAY 2023**

Cr Mileto followed up asking if Council is responsible for water once it leaves dam.

*Director Technical Services said once the development has been approved and constructed Council is responsible for all the stormwater. Detention basin creates excess capacity, Council is confident of systems in place being adequate to handle water that will come out.*

Cr Mallard asked when the subdivision was approved would they have been required to have a dedicated certain amount for public space.

*Director Development Services advised the master plan for site allowed a small pocket park that was not dedicated to Council, would have had to purchase at low value to Council.*

Cr Mallard ask if this site had been assessed for possible uses area, for example an off leash dog park.

*Director Development Services advised not for this area, but Shiralee has good open space network. Will be bringing back in future a planning proposal for consideration.*

**2.3 PLANNING PROPOSAL (POST EXHIBITION) - 2 HANRAHAN PLACE - ADDITIONAL PERMITTED USE - CAR WASH**

TRIM REFERENCE: 2023/583

**RESOLVED - 23/150****Cr T Mileto/Cr G Floyd**

That Council resolves:

- 1 To proceed with and establish an Additional Permitted Use (APU) for a carwash facility on Lot 87 DP 1167633 known as 2 Hanrahan Place, Orange.
- 2 That staff forward the matter to Parliamentary Counsel for formal drafting.
- 3 To authorise the Chief Executive Officer to formally make the plan once Parliamentary Counsel advice has been received.

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

**2.4 DEVELOPMENT APPLICATION DA 80/2023(1) - 2 TROOPER PLACE, CLIFTON GROVE**

TRIM REFERENCE: 2023/588

**RESOLVED - 23/151****Cr J Hamling/Cr T Greenhalgh**

That Council consents to development application DA 80/2023(1) for Secondary Dwelling at Lot 165 DP 251390 - 2 Trooper Place, Clifton Grove pursuant to the conditions of consent in the attached Notice of Approval.

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

**MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE****2 MAY 2023**

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*Cr Kinghorne left the meeting with the time being 6.59pm*

**2.5 DEVELOPMENT APPLICATION DA 98/2022(1) - VOLUNTARY PLANNING AGREEMENT  
- 103 PRINCE STREET**

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TRIM REFERENCE: 2023/590

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she owns property and a business in the area, left the chamber and did not participate in voting or discussion on this item.

Cr McDonell declared a Non-Significant, Non-Pecuniary Interest in this item as she works at a Medical Centre in the area, remained in the Chamber.

Cr Greenhalgh declared a Non-Significant, Non-Pecuniary Interest in this item as the developer is a Sponsor for the Junior Football Club she is a committee member of, remained in the Chamber.

**RESOLVED - 23/152****Cr D Mallard/Cr S Peterson**

- 1 That Council authorises the Chief Executive Officer (CEO) to enter into an amended Voluntary Planning Agreement (VPA) and execute the VPA on behalf of Council.
- 2 That the CEO be authorised to negotiate on behalf of Council and agree to any variations to the VPA prior to execution that may be considered appropriate.
- 3 That Council advise the Western Region Planning Panel (WRPP) of its decision with respect to the Letter of Offer to amend the existing VPA and request the WRPP, if they were of a mind to support the Development Application, that they consider a consent condition that requires the applicant to register an amended VPA on the title prior to the operation of the consent.

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

Against: Nil

Absent: Cr F Kinghorne

**2.6 DEVELOPMENT APPLICATION DA 98/2022(1) - 103 PRINCE STREET**

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TRIM REFERENCE: 2023/589

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she owns property and a business in the area, left the chamber and did not participate in voting or discussion on this item.

Cr McDonell declared a Non-Significant, Non-Pecuniary Interest in this item as she works at a Medical Centre in the area, remained in the Chamber.

Cr Greenhalgh declared a Non-Significant, Non-Pecuniary Interest in this item as the developer is a Sponsor for the Junior Football Club she is a committee member of, remained in the Chamber.

## MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE

2 MAY 2023

**RECOMMENDATION**

That Council resolves:

- 1 That the information contained in the report by Andrew Crump Town Planning for Development Application DA 98/2022(1) - proposed Multi Dwelling Housing (16 dwellings) and Subdivision (three lot residential - Torrens title) (Stage 1); and Residential Flat Building (60 apartments) and Recreation Area (public park) (Stage 2) - 103 Prince Street, Orange be acknowledged.
- 2 That Council determine whether or not it makes a submission upon this application not the Western Regional Planning Panel (WRPP).

**AMENDMENT****Cr K Duffy****That this item be dealt with in Seriatim.****The Amendment did not proceed in the absence a seconder.****RESOLVED - 23/153****Cr G Floyd/Cr G Power**

That Council resolves:

- 1 That the information contained in the report by Andrew Crump Town Planning for Development Application DA 98/2022(1) - proposed Multi Dwelling Housing (16 dwellings) and Subdivision (three lot residential - Torrens title) (Stage 1); and Residential Flat Building (60 apartments) and Recreation Area (public park) (Stage 2) - 103 Prince Street, Orange be acknowledged.
- 2 That Council make a favourable submission of support for development application DA 98/2022(1) – proposed Multi Dwelling Housing and Subdivision – 103 Prince Street application to the Western Regional Planning Panel (WRPP).

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

Against: Nil

Absent: Cr F Kinghorne

Cr Mileto sought clarification on height of penthouses and affect to building opposite.

*Director Development Services advised the penthouses are one full floor above the DPI building next door. There is a separation from edge of building next door and penthouses set back from driveway of DPI. In excess of standard architectural design separation in development control plan.*

Cr Mileto asked after potential to have bicycle lane through there.

*Director Development Service said initially there was roadway/path down site which was key point pushed back by planning panel. Technical Engineering staff reviewed, and while preference would be for pedestrian way, shared zone with speed bumps, reduced speed limits and appropriate signage will be managed.*

Cr McDonell noted it would be good opportunity for designers to come up with something unique to Orange landscape.

**MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE****2 MAY 2023**

Cr Duffy noted the additional traffic and raised concerns of parking and asked if effect of parking has been considered.

*Director Development Services advised parking has been considered against standards of Development Control Plan. With the reduction in number of units, makes parking scheme better. Combination of Tenant and Visitor parking, plan is a mixture of these with focus on tenant parking.*

*Cr Kinghorne returned to the room with the time being 7.14pm*

**THE MEETING CLOSED AT 7.15PM**

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## **ORANGE CITY COUNCIL**

### **MINUTES OF THE EMPLOYMENT AND ECONOMIC DEVELOPMENT POLICY COMMITTEE**

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

**ON 2 MAY 2023**

**COMMENCING AT 7.15PM**

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## **1 INTRODUCTION**

### **ATTENDANCE**

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer

### **APOLOGIES AND LEAVE OF ABSENCE**

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Nil.

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

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Nil.

**MINUTES OF EMPLOYMENT AND ECONOMIC DEVELOPMENT POLICY COMMITTEE 2 MAY 2023**

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**2 COMMITTEE MINUTES****2.1 MINUTES OF THE ECONOMIC DEVELOPMENT COMMUNITY COMMITTEE MEETING  
22 FEBRUARY 2023**

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TRIM REFERENCE: 2023/567

**RESOLVED - 23/154****Cr G Floyd/Cr F Kinghorne**

- 1 That Council acknowledge the reports presented to the Economic Development Community Committee at its meeting held on 22 February 2023.
- 2 That the minutes of the Economic Development Community Committee at its meeting held on 22 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**2.2 MINUTES OF THE ECONOMIC DEVELOPMENT COMMUNITY COMMITTEE MEETING  
12 APRIL 2023**

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TRIM REFERENCE: 2023/568

**RESOLVED - 23/155****Cr D Mallard/Cr J Evans**

- 1 That Council acknowledge the reports presented to the Economic Development Community Committee at its meeting held on 12 April 2023.
- 2 That Council determine recommendations 3.2 from the minutes of the Economic Development Community Committee meeting of 12 April 2023.
  - 3.2 *That the Committee recommend that Council adopt the Orange Rail Action Group position of seeking to achieve the following for the region:*
    1. *That the Bathurst Bullet be extended to Orange, including Opal Card ticketing.*
    2. *A morning day-return service from Dubbo to Sydney via Orange using the Bullet 2 pathway and timetable; and*
    3. *Staged Fast Rail track upgrades to reduce travel time from Sydney to Orange and Dubbo.*
- 3 That the remainder of the minutes of the Economic Development Community Committee at its meeting held on 12 April 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**THE MEETING CLOSED AT 7.21PM**

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**ORANGE CITY COUNCIL****MINUTES OF THE****INFRASTRUCTURE POLICY COMMITTEE****HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE****ON 2 MAY 2023****COMMENCING AT 7.23PM**

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**1 INTRODUCTION****ATTENDANCE**

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer

**APOLOGIES AND LEAVE OF ABSENCE**

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Nil.

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

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Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in IPC item 2.1 Minutes of the City of Orange Traffic Committee 11 April 2023 as he lives in the area of a discussed Club runs.

## MINUTES OF INFRASTRUCTURE POLICY COMMITTEE

2 MAY 2023

## 2 COMMITTEE MINUTES

## 2.1 MINUTES OF THE CITY OF ORANGE TRAFFIC COMMITTEE 11 APRIL 2023

TRIM REFERENCE: 2023/585

Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in this item as he lives in the area listed under point 2, 3.1 and remained in the Chamber.

**RESOLVED - 23/156****Cr S Peterson/Cr T Mileto**

- 1 That Council acknowledge the reports presented to the City of Orange Traffic Committee at its electronic meeting held on 11 April 2023.
- 2 That Council determine recommendations 3.1 and 3.2 from the minutes of the City of Orange Traffic Committee electronic meeting of 11 April 2023.
  - 3.1 *Orange Runners Club – Club Runs – Hiney Road, Bargwanna Road and Emu Swamp Road 2023*
    - *That Council approve the following club run events subject to the attached Conditional Approval.*
    - *Hiney Road - 30 July 2023, 17 September 2023;*
    - *Gosling Creek including Bargwanna and Buttle Roads - 27 August 2023, 29 October 2023;*
    - *Bargwanna Road - 24 September 2023;*
    - *Emu Swamp Road - 1 October 2023.*
  - 3.2 *Event – Orange Show – 13 May 2023*
    - 1 *That Council support the temporary reduction of the speed limit on Leeds Parade (Phillip to Margaret), Phillip Street (Leeds to Noreen) and Margaret Street (Leeds to Mirral) to 40 km/h during 13 May 2023.*
    - 2 *That Council support the temporary lifting of No Stopping restrictions for 300m on the railway side of Leeds Parade between Margaret Street and Phillip Street during 13 May 2023.*
    - 3 *That the costs of implementing these measures by Council staff be borne by the applicant.*
- 3 That the remainder of the minutes of the City of Orange Traffic Committee at its electronic meeting held on 11 April 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 McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Mayor Hamling noted the high numbers of attendance for Anzac Day March and Services.

**QUESTION TAKEN ON NOTICE****Cr J Whitton**

Cr Whitton noted with regards to the Orange Show, the reduced speed limits, but asked if there was nominated parking for the Show.



**MINUTES OF INFRASTRUCTURE POLICY COMMITTEE****2 MAY 2023****3 GENERAL REPORTS****3.1 CURRENT WORKS**

TRIM REFERENCE: 2023/573

**RESOLVED - 23/157****Cr S Peterson/Cr M McDonell**

That the information provided in the report on Current Works 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Duffy asked where the funds for the Lords Place watermain renewal were coming from.

*Director Technical Services advised the watermain renewal is coming out of water fund not general fund or Future City funding.*

**QUESTION TAKEN ON NOTICE****Cr K Duffy**

Cr Duffy asked for an updated on total costings for Future Cities/Lords Place project so far.

Cr Mileto raised concern around potholes on the road near the access to Spring Creek Dam and the lack of access for people using it as a recreational area, asked if there is funding to repair.

*Director Technical Services advised the damage to road was not from any significant disasters and occurred prior to that, therefore was not eligible for funding under natural disasters. Looking to seek funding for repair of crossing through another State grant fund.*

**QUESTION TAKEN ON NOTICE****Cr T Mileto**

Cr Mileto asked that Council inspect the potholes leading down to the gate at Spring Creek Dam.

**QUESTION TAKEN ON NOTICE****Cr D Mallard**

Cr Mallard asked if it would be possible to get gas consumption in the Current Works report similar to the energy usage/electrical consumption.

Cr Kinghorne noted concern that the painting of the green/yellow swirls on Lords Place lose some perspective of the step up over gutter making it a trip hazard, and asked if the parallel parking spaces were standard width.

Cr Greenhalgh noted she had been approached by a Member of Public who has a vision impairment who had found the gutter difficult to navigate with the painted swirls.

*Director Technical Services advised the painting has not yet been completed. We are looking to highlight that curb edge to give delineation, and that yes the parallel parking spaces are to standard width.*

**THE MEETING CLOSED AT 7.32PM**

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**ORANGE CITY COUNCIL**

**MINUTES OF THE  
ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE**

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

**ON 2 MAY 2023**

**COMMENCING AT 7.33PM**

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**1 INTRODUCTION**

**ATTENDANCE**

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer

**APOLOGIES AND LEAVE OF ABSENCE**

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Nil.

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

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Nil.

**MINUTES OF ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE****2 MAY 2023****2 COMMITTEE MINUTES****2.1 MINUTES OF THE COMPANION ANIMALS COMMUNITY COMMITTEE 2 MARCH 2023**

TRIM REFERENCE: 2023/524

**RESOLVED - 23/158****Cr T Greenhalgh/Cr S Peterson**

- 1 That Council acknowledge the reports presented to the Companion Animals Community Committee at its meeting held on 2 March 2023.
- 2 That Council determine recommendations 3.1, 3.2 and 3.3 from the minutes of the Companion Animals Community Committee meeting of 2 March 2023.
  - 3.1 *That the figures on dog attacks reported at Bloomfield Park be presented to the next meeting.*
  - 3.2.1 *That Council enquire as to the costing of compostable dog refuse bags in place of the current biodegradable bags.*
  - 3.2.2 *That Council include planning for Dog Exercise areas in the early stages of subdivision planning.*
  - 3.3.1 *That the Customer Request and Pound Statistics report be accepted.*
  - 3.3.2 *That Council produce figures on the growth of companion animals' ownership in Orange in respect to identification and registration.*
- 3 That the remainder of the minutes of the Companion Animals Community Committee from its meeting held on 2 March 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Duffy asked what is happening with parking at the off leash area at Forbes Road and maintenance of the area.

*Cr Mallard advised the committee are discussing this and also additional sign posting particularly around the Lombardy Way access.*

Cr Mileto asked if there are any restricted dog breeds in residential areas and if they are registered.

*Director Development Services advised any dog needs to be registered. There are fee exemptions for working dogs. There is a list for restricted breeds and conditions around these such as being desexed and being kept in a cage, there are processes and restrictions for certain breeds. Director confirmed that details about registration and the keeping of animals is on Councils website.*

**QUESTION TAKEN ON NOTICE****Cr T Mileto**

Cr Mileto asked how many dogs there are registered in Orange.

## MINUTES OF ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE

2 MAY 2023

**2.2 MINUTES OF THE PARKS, TREES AND WATERWAYS COMMUNITY COMMITTEE 9 MARCH 2023**

TRIM REFERENCE: 2023/534

**RESOLVED - 23/159****Cr M McDonell/Cr S Peterson**

- 1 That Council acknowledge the reports presented to the Parks, Trees and Waterways Community Committee at its meeting held on 9 March 2023.
- 2 That Council determine recommendations 3.1 and 3.2 from the minutes of the Parks, Trees and Waterways Community Committee meeting of 9 March 2023.

*3.1 Items for Discussion**That the Parks, Trees and Waterways Community Committee:*

1. *Advise the Community Safety Committee about observation on environmental management social disfunction and behaviour and provide feedback to Council on how these matters can be handled.*
2. *Recommend to Council an increase in allocations for parks and trees to future maintain and improve colour city image.*
3. *Recommend that Council review the planned retention basin in North Orange and develop the basin as a constructed wetland with chain of ponds with the same storage capacity as that currently designed.*

*3.2 Moulder Park Masterplan**That the Parks, Trees and Waterways Community Committee acknowledge the status of the Moulder Park Masterplan and future upgrading plans.*

- 3 That the remainder of the minutes of the Parks, Trees and Waterways Community Committee from its meeting held on 9 March 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Duffy asked for an update on the Cook Park Bird Aviary.

*Director Community Recreation and Cultural Services said we have commenced investigation work, looking at practical difficulties with changes to the environment and how we can build into and expand existing structures. Reviewing other City examples such as a walk through aviary and reviewing practical difficulties around this such as training and requirements for volunteers looking after the animals.*

Cr Hamling discussed it would be good if there was any way for Council to facilitate when volunteers are willing to be involved with any required training.

**MINUTES OF ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE****2 MAY 2023**

Cr Evans asked if there was any new information into the Moulder Street Master plan.

*Director Community Recreation and Cultural Services advised the Masterplan has gone to the committee. For multi-use games area project (Rage Cage), submissions now closed, 3 were received, now finalising assessment will soon appoint for work to be undertaken. Some further investigations going into Splash Park with the design being refined before going to tender. Considerations being given to how we could incorporate other uses for area to be usable more months of the year.*

Cr Greenhalgh asked for an update on plan for Indoor Play Centre for this Winter.

*Director Community Recreation and Cultural Services advised we have not undertaken any work on this. Discussion with the Tennis Centre last year that they were open to this again as it worked for them. We still retain the equipment in container at Tennis Centre. We have ability to re-establish given nothing else has been established in broader community.*

**MATTER ARISING****Cr J Hamling**

Cr Hamling asked if Council can approach private businesses/out of town establishments in the creation of an indoor play centre and be proactive in reaching out to other regional centres about why we might not establish in a play centre in Orange.

**THE MEETING CLOSED AT 7.50PM**

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**ORANGE CITY COUNCIL****MINUTES OF THE****FINANCE POLICY COMMITTEE****HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE****ON 2 MAY 2023****COMMENCING AT 7.50PM**

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**1 INTRODUCTION****ATTENDANCE**

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer

**APOLOGIES AND LEAVE OF ABSENCE**

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Nil.

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

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Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in FPC Item 2.1 – Small Donations and Grants as he is the Country President of the Economic Council of India.

**MINUTES OF FINANCE POLICY COMMITTEE****2 MAY 2023****2 GENERAL REPORTS****2.1 SMALL DONATIONS AND GRANTS PROGRAM APPLICATIONS**

TRIM REFERENCE: 2023/596

Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in this item as he is the Country President of the Economic Council of India, remained in the Chamber.

**RESOLVED - 23/160****Cr D Mallard/Cr M McDonell**

That Council decides:

- 1 To donate \$2,500 to Orange Regional Malayalee Association for the conduct of the Southern Indian festival "Onam".

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 Greenhalgh commented on cost of the Orange PA hire for light and sound and that this should be included as part of the function centre, looking forward to receiving report.

Cr Evans noted that we have nearly expended the small donations and grants funding and asked where we were up to with Councillors Peterson's motion from last year regarding the report on the Small Donations Program coming into the new financial year.

*Director Corporate and Commercial Services advised the review is currently underway and we are working towards report before the end of the financial year. We have in current budget to come to Council and be exhibited the existing funding amount of \$64,000 for next financial year.*

Cr Duffy raised the fundraising efforts of a group of 5 ladies riding for "Kids for Wings" on pushbikes from Orange to Cowra to Parkes to Forbes and back to Mudgee. He will distribute the email he received to staff. He would like Council to resolve to provide \$1,000 small donation their efforts and have it under authority of Chief Executive Officer's delegation once they complete the required paperwork.

**RESOLVED - 23/161****Cr K Duffy/Cr G Floyd**

That Council donate \$1,000 to the group of ladies riding for "Kids for Wings" upon receipt of the full Small Donations paperwork and authorise Chief Executive Officer to approve under delegated authority.

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 7.57PM**

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**ORANGE CITY COUNCIL**

MINUTES OF THE

**SERVICES POLICY COMMITTEE**

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

ON 2 MAY 2023

COMMENCING AT 7.58PM

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**1 INTRODUCTION**

**ATTENDANCE**

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

Acting Chief Executive Officer (Greenham), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Governance Officer

**APOLOGIES AND LEAVE OF ABSENCE**

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Nil.

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

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Nil.



**MINUTES OF SERVICES POLICY COMMITTEE****2 MAY 2023****2 COMMITTEE MINUTES****2.1 MINUTES OF THE ORANGE HEALTH LIAISON COMMITTEE MEETING 7 FEBRUARY 2023**

TRIM REFERENCE: 2023/437

**RESOLVED - 23/162****Cr F Kinghorne/Cr T Greenhalgh**

- 1 That Council acknowledge the reports presented to the Orange Health Liaison Committee at its meeting held on 7 February 2023.
- 2 That the minutes of the Orange Health Liaison Committee from its meeting held on 7 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Peterson shared that Orange Palliative Hospice now has 5 beds.

**2.2 MINUTES OF THE COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE 27 FEBRUARY 2023**

TRIM REFERENCE: 2023/481

**RESOLVED - 23/163****Cr T Mileto/Cr G Power**

- 1 That Council acknowledge the reports presented to the Community Safety & Crime Prevention Committee at its meeting held on 27 February 2023.
- 2 That the minutes of the Community Safety & Crime Prevention Committee from its meeting held on 27 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**MINUTES OF SERVICES POLICY COMMITTEE****2 MAY 2023****2.3 MINUTES OF THE SPRING HILL COMMUNITY COMMITTEE 23 MARCH 2023**

TRIM REFERENCE: 2023/578

**RESOLVED - 23/164****Cr T Mileto/Cr T Greenhalgh**

- 1 That Council acknowledge the reports presented to the Spring Hill Community Committee at its meeting held on 23 March 2023.
- 2 That the minutes of the Spring Hill Community Committee from its meeting held on 23 March 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**2.4 MINUTES OF THE CLIFTON GROVE COMMUNITY COMMITTEE 30 MARCH 2023**

TRIM REFERENCE: 2023/579

**RESOLVED - 23/165****Cr T Greenhalgh/Cr G Floyd**

- 1 That Council acknowledge the reports presented to the Clifton Grove Community Committee at its meeting held on 30 March 2023.
- 2 That the minutes of the Clifton Grove Community Committee from its meeting held on 30 March 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

**MATTER ARISING****Cr J Whitton**

That Council review the possibility of hosting a Council Meeting at Villages such as Clifton Grove as used to be practice to support communities.

**MINUTES OF SERVICES POLICY COMMITTEE****2 MAY 2023****2.5 MINUTES OF THE LUCKNOW COMMUNITY COMMITTEE 13 APRIL 2023**

TRIM REFERENCE: 2023/599

**RESOLVED - 23/166****Cr G Floyd/Cr J Evans**

- 1 That Council acknowledge the reports presented to the Lucknow Community Committee at its meeting held on 13 April 2023.
- 2 That the minutes of the Lucknow Community Committee from its meeting held on 13 April 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 G Power, Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne asked if the footpath from Beasley Road to the existing footpath at 4613 Mitchell Highway is required where they note contributing from the Community funds to this total cost if required.

*Director Technical Services advised we are awaiting a final works authorisation deed from Transport for NSW which will inform the final design. The Community funding will be required to cover the cost with money Council allocated.*

Cr Mileto asked after who is liable for the Cherry container that encroaches onto the footpath and its move for safety concerns.

*Director Technical Services advised the owner is liable and understands our Works Engineer and Manager Communications and Engagement have met with the owner.*

*Director Development Services advised the owner has been written to by Manager Development Assessments raising issues of encroachment on land and signage and we are awaiting response. Will advise on timeframe given for response.*

Cr Mileto asked if containers like this requires a DA.

*Director Development Services advised under the State Environmental Planning Policy for exempt development you can have one shipping container in certain places. This was highlighted in the letter as this one does not have consent and is not on their land so does not comply.*

Cr Evans asked how the Committee present the report and write to the Minister for speed reduction of 60km/hr to 50km/hr.

*Director Technical Services advised to wait for a response from Transport for NSW before writing to Minister.*

**THE MEETING CLOSED AT 8.09PM**



**5.2 DEVELOPMENT APPLICATION DA 230/2022(1) - 33 MARAMBA ROAD**

RECORD NUMBER: 2023/653

AUTHOR: Summer Commins, Senior Planner

**EXECUTIVE SUMMARY**

Application lodged	18 July 2022 Amended details submitted 27 April 2023 145 STOP days
Applicant/s	Central Property Projects Pty Ltd
Owner/s	Orange Asset Holdings Pty Ltd
Land description	Lot 17 DP 1275461 - 33 Maramba Road, Orange
Proposed land use	Subdivision (six lot Torrens title and 13 lot Community title)
Value of proposed development	\$0

Council's consent is sought for residential subdivision of land at 33 Maramba Road, Orange (see locality at Figure 1).

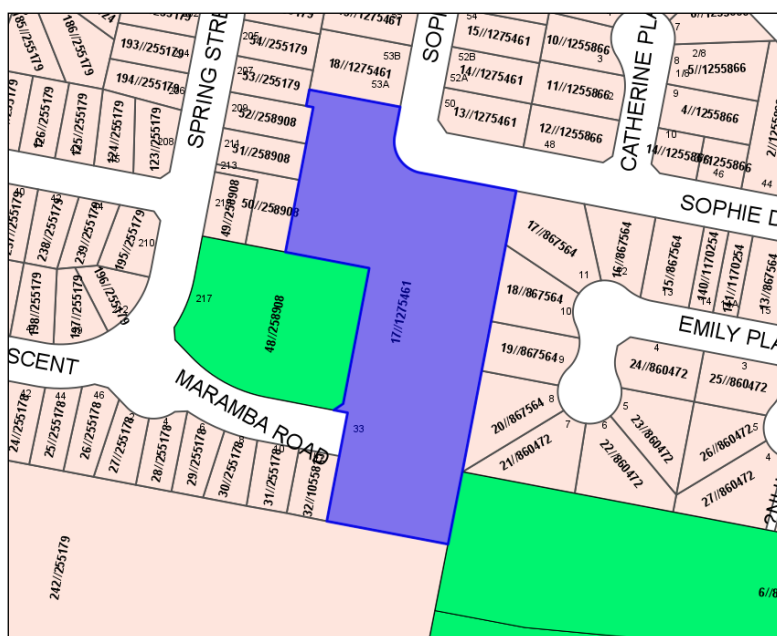


Figure 1 - locality plan

**DECISION FRAMEWORK**

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

**Orange Local Environment Plan 2011** - The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

**Orange Development Control Plan 2004** - the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

#### **DIRECTOR'S COMMENTS**

The proposed involves subdivision of the land to create six Torrens lots with frontage and access to Maramba Road and Sophie Drive; and 13 Community lots with frontage and access to a private road. Maramba Road will be slightly extended to the east and terminate in a cul-de-sac. The private road will connect to Sophie Drive. The proposed residential lots will range in area between 400m<sup>2</sup> and 1,092m<sup>2</sup>.

Key planning issues identified within the planning report relate to removal of vegetation, consideration of allotment sizes, the necessary provision of restrictions on the title of some of the lots to assist with the streetscape design and presentation of future dwellings, the extent of cut and fill across the site and traffic impact assessment.

The proposed development will satisfy Local and State planning controls. Impacts of the development are considered to be within acceptable limit, subject to mitigation conditions. Approval of the application is recommended.

The Planning and Development Committee/Council is required to determine this application as the proposal involves *'subdivision that would result in eleven or more lots being created without an existing DCP or prior endorsed subdivision concept plan,'* pursuant to Council's Declaration of Planning and Development Assessment Procedures and Protocols (October 2020).

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan Strategy "10.1. Engage with the community to ensure plans for growth and development are respectful of our heritage".

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY AND GOVERNANCE IMPLICATIONS**

Nil

#### **RECOMMENDATION**

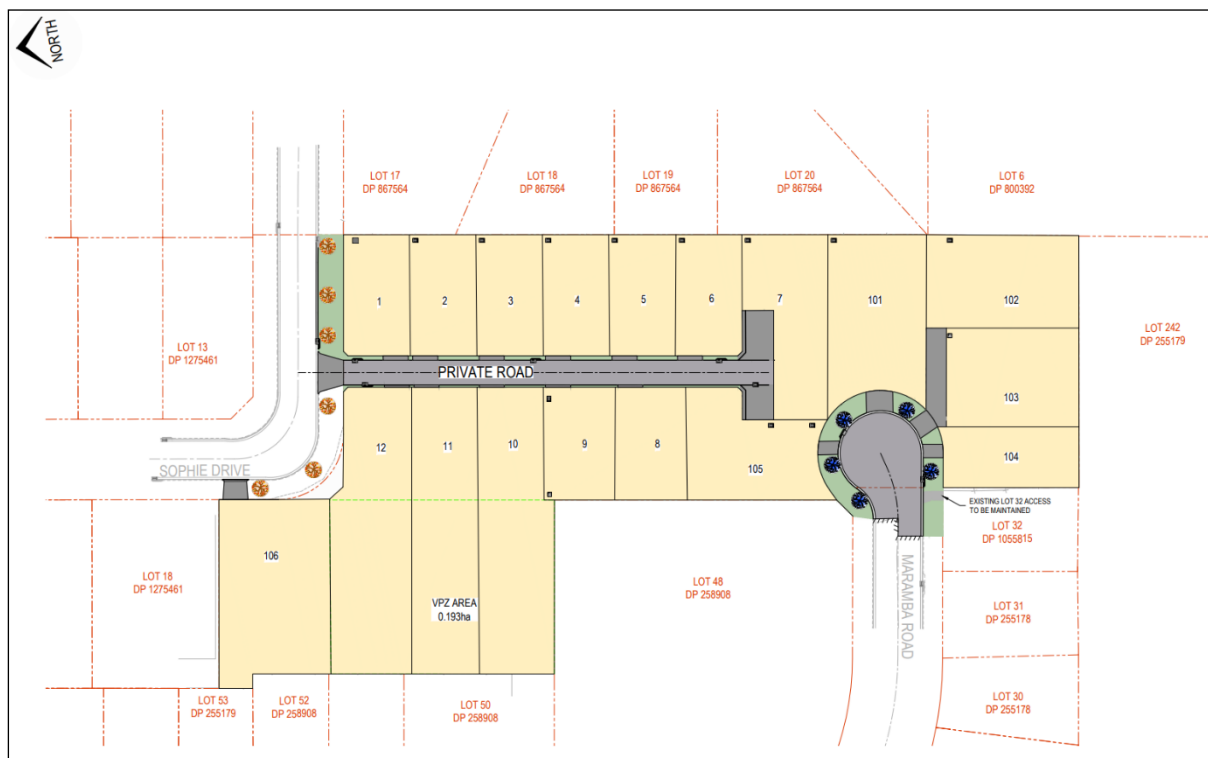
**That Council consents to development application DA 230/2022(1) for *Subdivision (six lot Torrens title and 13 lot Community title)* at Lot 17 DP 1275461 - 33 Maramba Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.**

## 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

The proposed involves subdivision of the land to create six Torrens lots with frontage and access to Maramba Road and Sophie Drive; and 13 Community lots with frontage and access to a private road. Maramba Road will be slightly extended to the east and terminate in a cul-de-sac. The private road will connect to Sophie Drive. The proposed residential lots will range in area between 400m<sup>2</sup> and 1,092m<sup>2</sup>. The proposal involves removal of 0.1ha of native vegetation and protection of remaining native vegetation on the development site. The proposed lots will be fully serviced to an urban standard.



**Figure 2 - proposed subdivision**

The following notable planning matters are considered in this assessment report:

- The proposal involves clearing of 0.1ha of native vegetation. A submitted Biodiversity Assessment concludes that the proposed subdivision is not likely to affect threatened species subject to Conditional mitigation strategies. Council's Manager City Presentation concurs with the findings and recommendations. The proposal will not trigger the Biodiversity Offset Scheme under the Biodiversity Conservation Act 2016.
- The development site is subject to User Restrictions relating to 'no build zones' in locations of native vegetation in the north and south extents. The authority to vary is Orange City Council. Native vegetation in the north extent will be retained in a nominated Vegetation Protection Zone. Native vegetation to the south of the development site will be removed in conjunction with this development consent.

- The development site is contained within a residential neighbourhood zoned R2 Low Density. The proposed *Standard* and *Compact* Lots are considered an acceptable density in this setting, noting the prevailing mixed lot sizes in the neighbourhood; the discrete subdivision layout removed from the adjoining cadastral pattern; and the future single dwelling built form.
- A maximum 2.5m of cut and fill will be required across the development site. The earthworks will result in a cut and filled site that will 'step' down the hill from Maramba Road to Sophie Drive. The smallest of the proposed lots will comprise site area of 400m<sup>2</sup>. Subject to considered dwelling design, the finished levels and proposed lot sizes may be acceptable in relation to overlooking, visual bulk and solar access. A submitted indicative dwelling footprint demonstrates same.
- All urban utility services are available and suitable subject to Conditional augmentation and extension.
- The proposed traffic arrangements comprising an extension to the Maramba Road cul-de-sac and private road connecting to Sophie Drive are acceptable to Council's Technical Services Division.
- The subject land is demonstrated as suitable for residential landuse from a contamination perspective.
- The subject land contains an overhead electricity powerline and power pole in the southern extent, nearby the proposed extension to Maramba Road cul-de-sac. Essential Energy raised no objections or concerns in relation to potential safety risks associated with the proposal.
- In order to improve streetscape activation and public domain impacts, a Conditional User Restriction will require primary dwelling frontage to the public roads for Lots 1 and 12 (Sophie Drive) and Lot 105 (Maramba Road).
- Section 7.11 development contributions are applicable to the proposed subdivision pursuant to the Orange Development Contributions Plan 2017. Section 64 headworks charges will also apply.

As outlined in this report, the proposed development will satisfy Local and State planning controls. Impacts of the development will be within acceptable limit, subject to mitigation conditions. Approval of the application is recommended.

The Planning and Development Committee/Council has delegation to approve the proposed development as the proposal involves '*subdivision that would result in eleven or more lots being created without an existing DCP or prior endorsed subdivision concept plan,*' pursuant to Council's Declaration of Planning and Development Assessment Procedures and Protocols (October 2020).

## THE PROPOSAL

The proposal involves residential subdivision of land at 33 Maramba Road. The land will be subdivided to create 6 Torrens lots and 13 Community Lots.

Torrens Lots 101-106 will have frontage and access Maramba Road (Lots 101-105) or Sophie Drive (Lot 106). Maramba Road will be slightly extended to the east and terminate in a cul-de-sac.



## 5.2 Development Application DA 230/2022(1) - 33 Maramba Road

The proposed Torrens lots will range in area between 412m<sup>2</sup> and 990m<sup>2</sup>. The lots will be of regular shape and configuration, however, Lots 102 and 103 will be battleaxe parcels with shared access handles to Maramba Road.

Community Lots 1-12 will have frontage and access to a private roadway (Community Lot) connecting to Sophie Drive. The residential lots will range in area between 400m<sup>2</sup> and 1092m<sup>2</sup>. The lots will be of regular shape and configuration. Proposed Community Lots 10-12 will contain a Vegetation Protection Zone (as outlined below). Excluding the Vegetation Protection Zone, the developable area of Lots 10-12 will be in the order of 400m<sup>2</sup>.

The proposed Torrens and Community lots will be vacant and are intended for future residential development. The proposed lots will be fully serviced to an urban standard.

The proposed subdivision plan is shown here (see Figure 3).

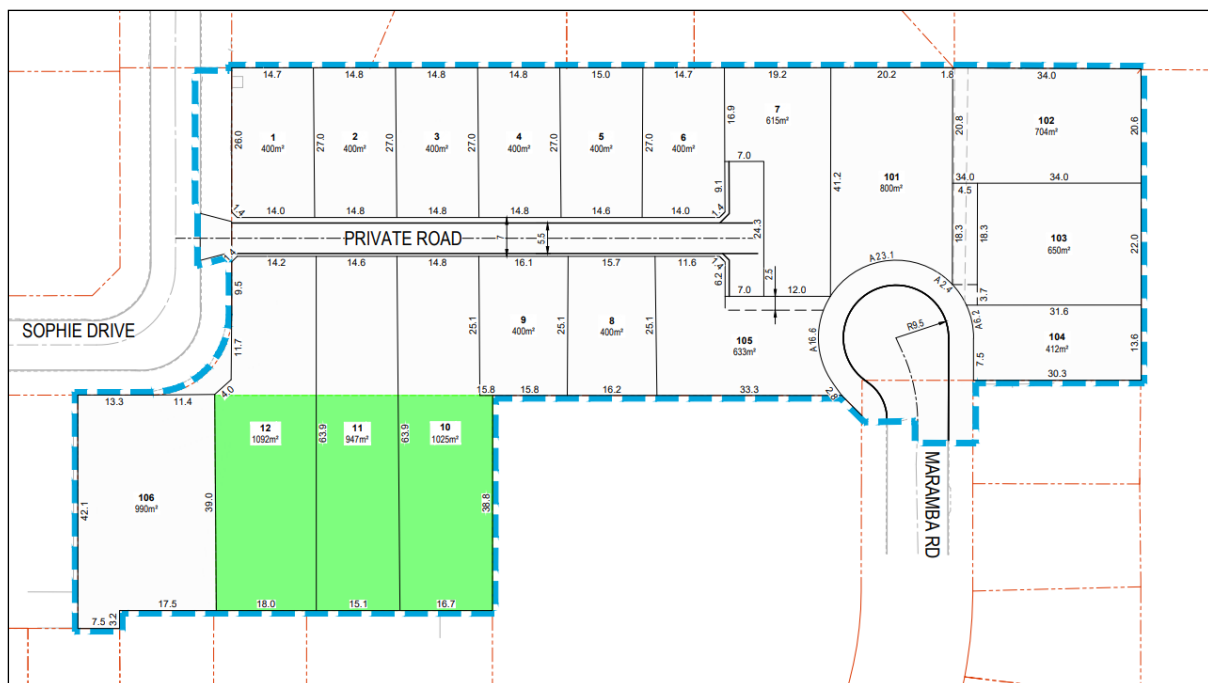


Figure 3 - proposed subdivision

Earthworks will be required to create level building pads for the development site. A maximum 2.5m of cut and fill will be variously required across the site as depicted below (see Figure 4).

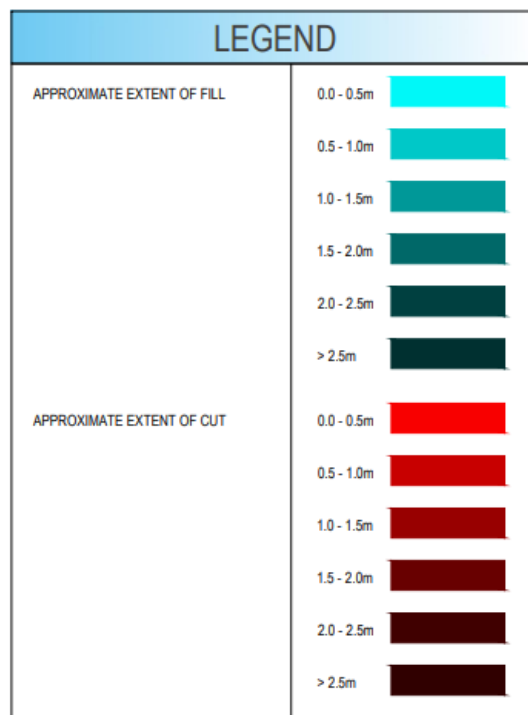


Figure 4 - proposed earthworks

The proposed finished levels are demonstrated in the north-south section through the site (see Figure 5).

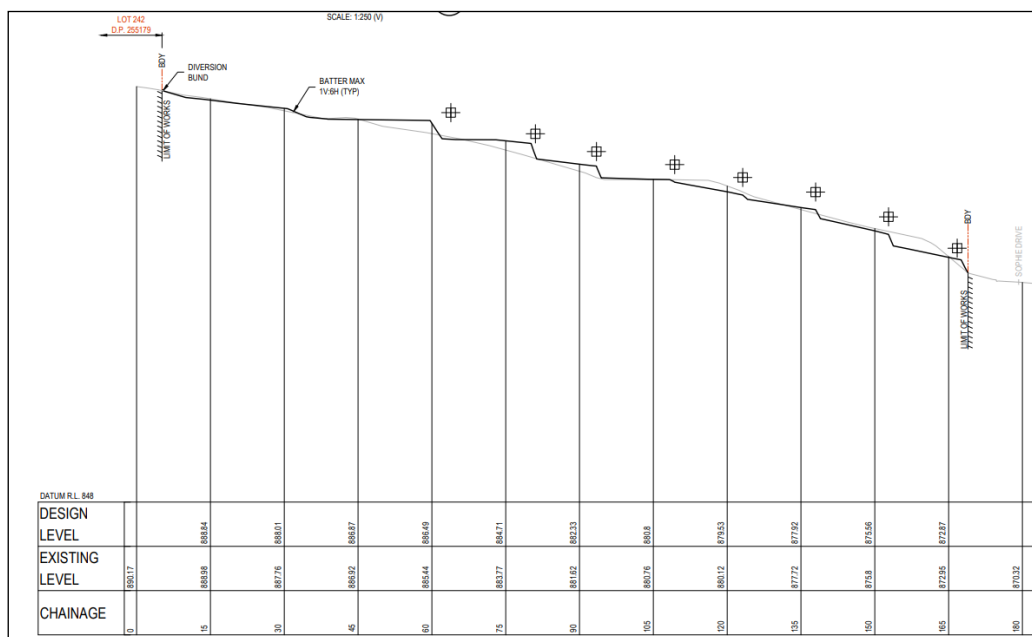


Figure 5 - site section

The proposed civil works involve tree removal and retention, as depicted below (see Figure 6). A maximum 0.1ha of native vegetation will be removed from the southern extent. Proposed Community Lots 10, 11 and 12 will include a nominated Vegetation Protection Zone as denoted in green in Figure 2 above.

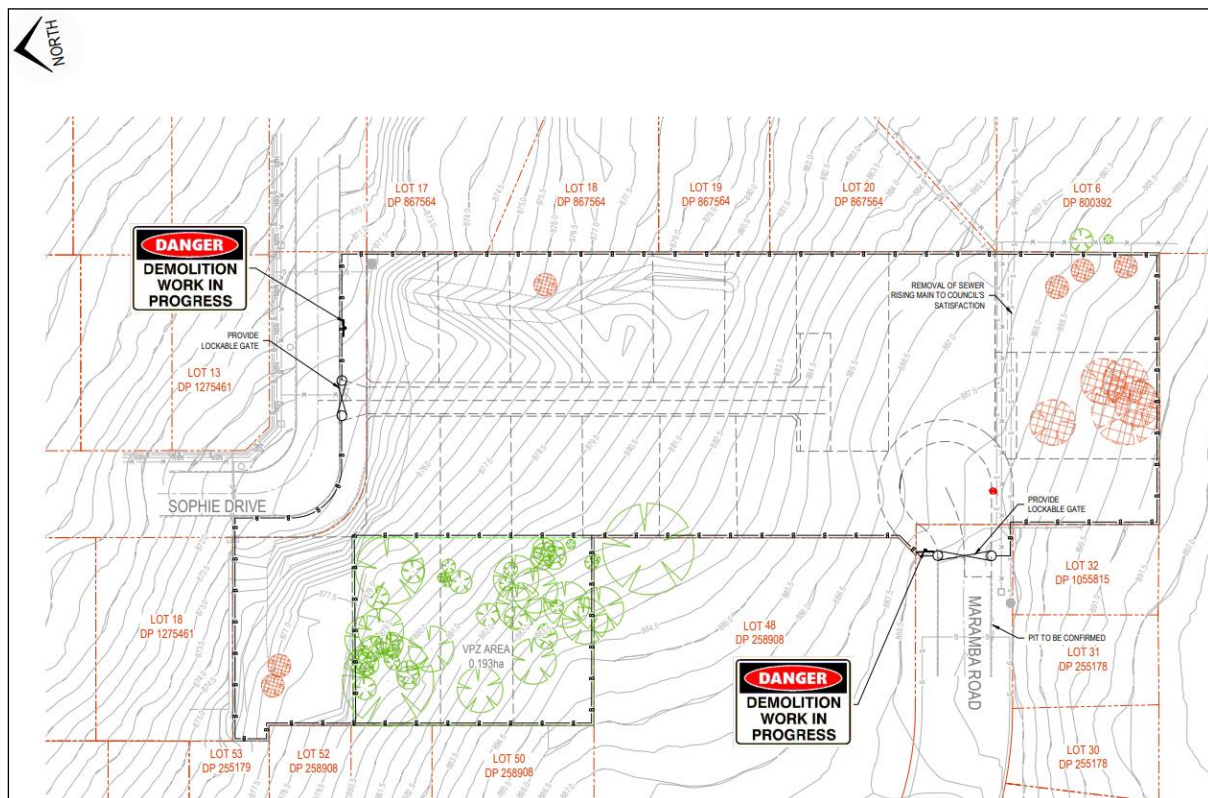


Figure 6 - proposed tree removal (red) and tree retention (green)

**Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

In consideration of Section 1.7, there are four matters that may trigger the Biodiversity Offset Scheme, and thereby require a Biodiversity Assessment Report (BDAR):

**1. *Whether the development occurs on land identified on the OEH Biodiversity Values Map***

The development site is not identified on the Biodiversity Values Map published under the Biodiversity Conservation Regulation 2016. Furthermore, the site does not contain mapped high biodiversity sensitivity pursuant to the Orange LEP 2011 Terrestrial Biodiversity Map.

**2. *Whether the amount of native vegetation being cleared exceeds a threshold area based on the minimum lot size associated with the property***

A *Biodiversity Assessment* was submitted in support of the proposal (Premise 9 June 2022). The assessment found that native vegetation on the development site presents as two 'patches' of native woodland, identified as Plant Community Type (PCT) 1300: Yellow Box-Blakely's Red Gum grassy woodland (see Figure 7).

The native woodland PCT 1300 is part of the White Box, Yellow Box, Blakely's Red Gum ecological community which is listed as a Critically Endangered Ecological Community in the Environment Protection and Biodiversity Conservation Act 1999 and the Biodiversity Conservation Act 2016.

A maximum of 0.1ha of native vegetation will be removed from the development site generally in the southern extent. Clearing of native vegetation will not exceed the prescribed clearing threshold of 0.25ha (based on land subject to a minimum lot size of less than 1ha), pursuant to Biodiversity Conservation Regulation 2017, Section 7.2.



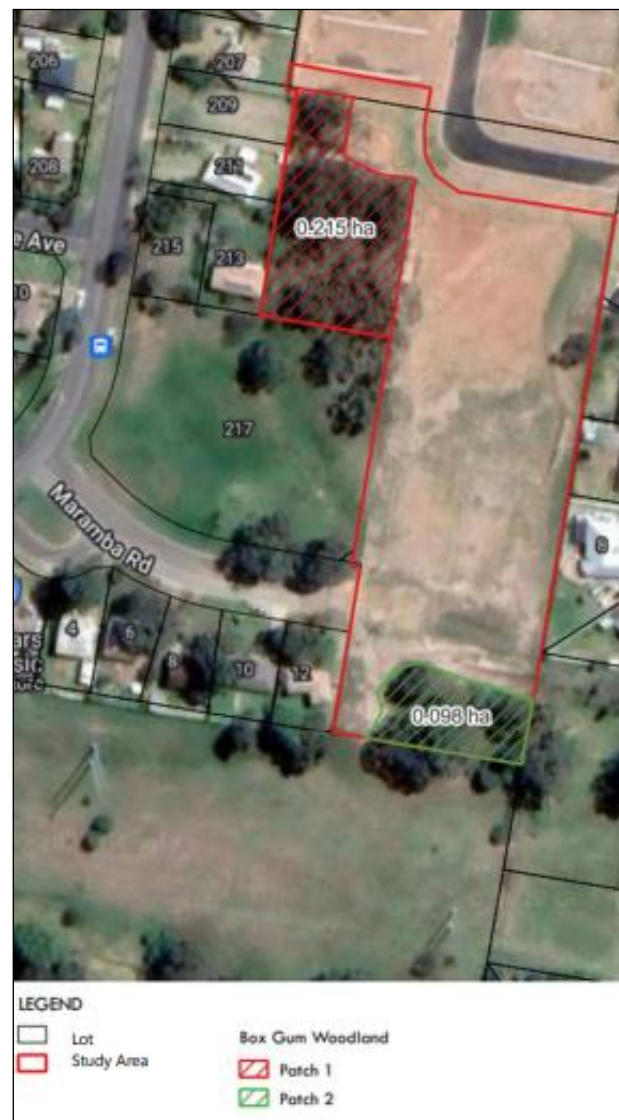


Figure 7 - patches of Box Gum Woodland

### 3. Whether the development or activity is “likely to significantly affect threatened species”

The submitted *Biodiversity Assessment* (Premise 9 June 2022) identifies the following threatened species on the development site, and considers the impact of the proposed subdivision on same:

**Threatened ecological community:** Box Gum Woodland (Patches 1 and 2 in Figure 7).

The proposed development is not considered likely to have an adverse impact on the extent or composition of Box Gum Woodland such that it would be placed at risk of extinction in the locality, and is not considered likely to modify or fragment the remaining woodland in the locality. It will contribute to a Key Threatening Process for the Box Gum Woodland but the total area to be affected is a very small percentage of the Box Gum Woodland present in the surrounds and within the IBRA Subregion.

**Threatened flora species:** Small Purple Pea (*Swainsona recta*) and Silky Swainson Pea (*Swainsona sericea*) in the understorey of native woodland (Patch 1 in Figure 7).

The development will not remove any habitat for the Small Purple Pea or Silk Swainson-pea. The development will not have an adverse effect on the life cycle of the Small Purple Pea or Silk Swainson-pea, and will not modify, remove or fragment habitat such that either species will be adversely impacted or placed at risk of extinction in the locality.

**Threatened fauna species:** The Pink-tailed Legless Lizard (*Aprasia parapulchella*) and the Superb Parrot (*Polytelis swainsonii*) habitat and hollows within remnant woodland (Patch 1 in Figure 7).

The development will remove 0.1 ha of potential foraging habitat for the Superb Parrot. The development will not have an adverse effect on the life cycle of the Pink-tailed Legless Lizard or Superb Parrot, and will not modify, remove or fragment habitat such that either species will be adversely impacted or placed at risk of extinction in the locality.

Based on the above findings, the Biodiversity Assessment concludes that proposed subdivision is not likely to affect threatened species. The following proposed mitigation strategies will further minimise impacts on biodiversity:

- cleared vegetation to not exceed 0.1ha
- retained vegetation to be demarcated and protected during construction works
- clearing protocols to check for nests or roosting fauna prior to felling
- rubbish removal at completion of civil works.

Council's Manager City Presentation has reviewed the submitted Biodiversity Assessment and is satisfied that the findings and recommendations. The mitigation strategies above are included as Conditions.

***4. Whether the development or activity will be carried out in a declared area of outstanding biodiversity value.***

The subject land is not a declared area of outstanding biodiversity value.

Based on the foregoing consideration, a Biodiversity Assessment Report is not required, and the proposal suitably satisfies the relevant matters at Clause 1.7.

**Section 4.15 Evaluation**

***Provisions of any environmental planning instrument S4.15(1)(A)(I)***

**Orange Local Environmental Plan 2011 (as amended)**

**Part 1 - Preliminary**

**Clause 1.2 - Aims of Plan**

The proposed development will satisfy the following listed Aims of the LEP, as outlined in this report:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*

- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (e) to provide a range of housing choices in planned urban and rural locations to meet population growth,*
- (f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

**Clause 1.6 - Consent Authority**

Council is the consent authority pursuant to Clause 1.6.

**Clause 1.7 - Mapping**

The subject site is identified on the LEP maps in the following manner:

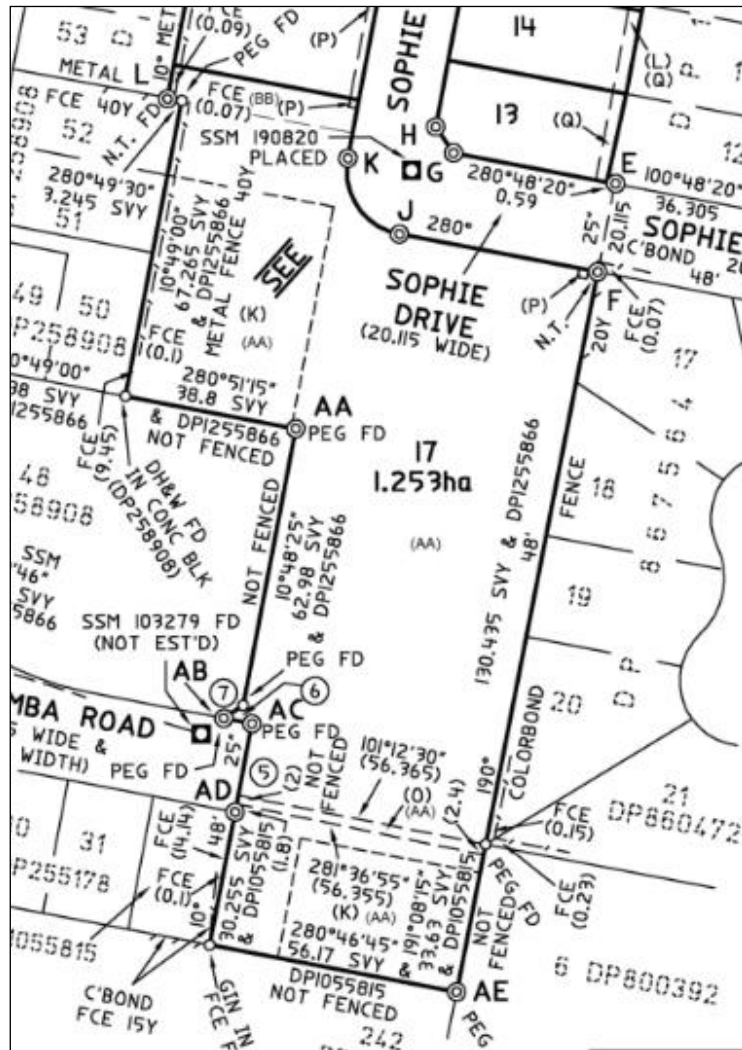
Land Zoning Map:	Land zoned R2 Low Density Residential
Lot Size Map:	No Minimum Lot Size
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies

Those matters that are of relevance are addressed in detail in the body of this report.

**Clause 1.9A - Suspension of Covenants, Agreements and Instruments**

The development site (described as Lot 17 DP 1275461) is not subject to a known agreement, covenant or instrument that would restrict the carrying out of the proposed development, pursuant to Clause 1.9A.

The Deposited Plan for the development site is shown here (see Figure 8):



**Figure 8 - extract DP 1275461**

As depicted, the land is subject to various easements for services. The proposed subdivision will have nil impact on the operation of the easements.

The land is also subject to the following Restrictions (from DP 1274561 and parent DP 1255866):

That no buildings shall be erected, no planting of exotic invasive species or excavation is permitted and vegetation, fallen timber or understorey plants are not to be removed within the area designated by the letter (K) unless there is a written agreement with Orange City Council.

The removal of weeds and introduced species is permitted and approval is not required.

The *north* area designated by the letter (K) is contained within the proposed Vegetation Protection Zone within proposed Community Lots 10-12 (refer Figure 3 above). Vegetation clearing in the *south* area designated by the letter (K) will be cleared in conjunction with the proposed development. A Condition is included requiring the 'no-build' Restriction be imposed on proposed child Lots 10-12.



No building or subdivision works are to commence on the lot burdened, unless Maramba Road is terminated with an appropriate turn bay suitable for a 12.5 metre heavy vehicle. The turn bay may be partly located within the existing road reserve. Stormwater drainage from the turn bay is to be connected to the inter-allotment drainage system for the proposed lots.

The proposed subdivision civil design will satisfy the terms of this restriction.

No structures are to be placed on the lot burdened, or landscaping or site works carried out on the lot burdened, in a manner that affects the continued operation of the interlot drainage system.

The proposed subdivision civil design will satisfy the terms of this restriction.

## **Part 2 - Permitted or Prohibited Development**

### **Clause 2.1 - Land Use Zones**

The subject land is zoned R2 Low Density Residential.

The proposal is defined as '*subdivision of land.*'

Subdivision of land is permitted with Council's consent pursuant to Clause 2.6 (refer below).

### **Clause 2.3 - Zone Objectives and Land Use Table**

The objectives of the R2 Low Density Residential Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

The proposed subdivision will not be contrary to the relevant R2 zone objectives; and will facilitate future development of the subject land consistent with the objectives. Detailed assessment of matters pertaining to the compatibility of the development within the R2 zone has been discussed under the heading 7.2 Residential subdivision.

### **Clause 2.6 - Subdivision Consent Requirements**

Consent is sought for Torrens title and Community title subdivision of land in accordance with this clause.

### **Clause 4.1 - Minimum Subdivision Lot Size**

The development site is not subject to a minimum subdivision lot size under Clause 4.1.

## **Part 5 - Miscellaneous Provisions**

The provisions at Part 5 are not applicable.

**Part 7 - Additional Local Provisions****Clause 7.1 - Earthworks**

In consideration of the relevant listed matters at Clause 7.1:

- Conditional sediment and erosion controls will be installed and maintained during civil construction works.
- The proposed earthworks will facilitate residential subdivision and dwelling houses.
- Excavated material will be reused onsite as far as practicable. Conditions are included requiring additional fill to be brought to the site to comprise Virgin Excavated Natural Material (VENM).
- The earthworks will result in a cut and filled site that will 'step' down the hill from Maramba Road to Sophie Drive (refer site section at Figure 5 above). There will be a change in finished ground levels between the proposed residential lots of some 1.5-2m. The finished levels and proposed lot sizes may result in adverse amenity impacts for future dwellings on the lots in relation to overlooking, visual bulk and solar access. Compliance may be achieved with considered design.
- The site is not known to have European or Indigenous cultural values, pursuant to the State Heritage Register, OLEP 2011 listing or the Aboriginal Heritage Information System database (AHIMS). A Condition is included to protect and manage unexpected finds during civil works.
- The subject land does not contain a waterway and is not within a mapped drinking water catchment or environmentally sensitive area.

**Clause 7.3 - Stormwater Management**

Council's ADE has included Conditions to satisfy the requirements of Clause 7.3 including stormwater detention and interlot stormwater drainage.

**Clause 7.6 - Groundwater Vulnerability**

There are no aspects of the proposal that will impact groundwater and related ecosystems. The proposed lots will be connected to reticulated sewer.

**Clause 7.11 - Essential Services**

The listed utility services at Clause 7.11 are available and suitable subject to Conditional augmentation and extension:

- The proposed lots will be connected to reticulated water. The Community lots will be provided with a single service and meter, constructed as a private service. The proposed Torrens lots will have individual meters.
- Electricity and telecommunications are available in Maramba Road and Sophie Drive.
- The proposed lots will be connected to the reticulated sewerage system.
- Onsite stormwater detention will be required.
- Maramba Road will be slightly extended to the east and terminate in a cul-de-sac. A proposed private roadway will connect to Sophie Drive.

Traffic generation associated with the proposed 18 residential lots is estimated to be in the order of 14 'am' vehicle trips and 18 'pm' vehicle trips (Roads and Maritime Services Guide to Traffic Generating Developments, Updated Surveys TDT 2013/14, May 2013). A supporting Traffic Impact Assessment (Traffic Solutions Pty Ltd, 21 December 2022) concludes that *'the increase in traffic will not have any unacceptable traffic impact effect on the current operation of Sophie Drive or Maramba Road or the surrounding road network.'* Council's ADE concurs with this conclusion.

- In relation to waste collection, the proposal is supported by advice from JR Richards, advising that the proposed Community lots may be serviced either by a contractor walk-in arrangement from Sophie Drive; or access to the private roadway by a 'Street Litter' small truck. Conditions are included requiring private waste collection arrangements be incorporated into the Community Title Management Statement; and kerbside placement of bins on Sophie Drive is not permitted.

## STATE ENVIRONMENTAL PLANNING POLICIES

### State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 4 Remediation of Land

In consideration of the relevant matters at Chapter 4, Clause 7 the following comments are provided:

A Preliminary Site Investigation was submitted in support of the proposal (Premise 7 June 2022). The investigation concludes:

- The area comprising the site, consisting of Lot 17 in DP 1275461 appears to have predominantly been historically utilised for passive rural / agricultural purposes.
- Based on known activities at or in the vicinity of the site, and observations during the inspection in May 2022, no significant routes of exposure by receptors (current or future) to potential contamination sources have been identified due to minimal evidence of impacts being identified.
- With regard to naturally occurring asbestos (NOA), no significant routes of exposure have been identified that may impact future long-term occupants of the site (who may be exposed to shallow soil such as vegetable gardens, etc.). The exposure risk to short-term site personnel who may encounter NOA in deeper soil during construction (e.g. for excavation of footings, pipes, etc.) has not been considered in this investigation. A condition of consent requiring the assessment for the presence of sub-surface NOA and/or preparation of an Asbestos Management Plan in accordance with the provisions of the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017 is recommended prior to the issue of a construction certificate. Such aspects may be included within a works- and site-specific construction & environment management plan (CEMP).
- No further assessment of contamination impacts resulting from historic land practices at the site is considered to be required, with the suitability of the site for residential land uses having been established.

Council's Environmental Health Officer has reviewed the Investigation and is satisfied with the conclusions and recommendations. Conditions are included to manage naturally occurring asbestos and unexpected finds.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021****Chapter 2 - Vegetation in Non-rural Areas**

In consideration of the relevant matters at Chapter 2, the proposal involves clearing of trees covered by Tree Preservation Order under DCP 2004 Part 0.4-2 (see below). Council's Manager City Presentation raised no objection to proposed tree removal, subject to Conditional replacement planting and protection of retained species. Permit to remove is granted under the terms of this development consent pursuant to Section 2.10. As outlined in the foregoing sections of this report, tree clearing will not exceed the biodiversity offsets scheme threshold.

**SEPP (Transport and Infrastructure) 2021****Division 5 - Electricity Transmission or Distribution**

The subject land contains an overhead electricity powerline and power pole in the southern extent, nearby the proposed extension to Maramba Road cul-de-sac (see Figure 9). The proposal was referred to Essential Energy for consideration and comment, in accordance with Section 2.48. The electricity provider raised no objections or concerns in relation to potential safety risks associated with the proposal. General Conditions are included.



**Figure 9 - exposed overhead electricity powerlines**

***Provisions of any Draft Environmental Planning Instrument That Has Been Placed on Exhibition 4.15(1)(A)(ii)***

None at present.

***Provisions of any Development Control Plan S4.15(1)(A)(iii)*****DEVELOPMENT CONTROL PLAN 2004****Part 0 Transition Provisions - Tree Preservation**

**PO-0.4-2 INTERIM PLANNING OUTCOMES - TREE PRESERVATION**

- 1 Trees prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent
- 2 This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.
- 3 This clause also applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height (refer AS4970-2009 for measurement guidelines).
- 4 Notwithstanding IPO-4(3) this clause does not apply to species indicated as exempt in the tree preservation table.
- 5 An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information
  - The location, size, species and condition (i.e. diseased, healthy, etc)
  - A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species
  - The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative
  - Whether a replacement tree or trees should be planted
  - The location, size and species of any trees proposed to replace those intended for removal
  - The owners consent to the application being lodged
  - Any other relevant information regarding the tree to be removed (i.e. photographs)

As outlined in the foregoing sections of this report, the proposal involves removal of 0.1ha of native woodland from the development site, comprised of Blakely's Red Gum Endangered Ecological Community. The subject native trees are covered by Tree Preservation Order under Part 0. A supporting *Biodiversity Assessment Report* (Premises June 2002) demonstrates that the vegetation removal is unlikely to affect a threatened species (including ecological community, flora species or fauna species); nor exceed the native vegetation clearing thresholds prescribed by Regulation. Council's MCP raised no objection to tree removal, subject to Conditional replacement planting and protection of retained species.



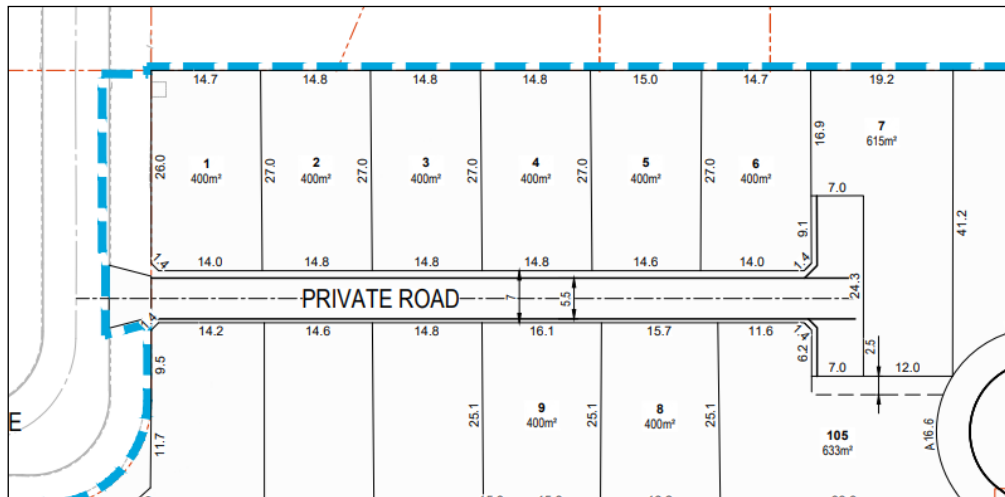
**Part 7 - Development in Residential Areas****7.2 - Residential Subdivision****PO 7.2-1 PLANNING OUTCOMES FOR URBAN RESIDENTIAL SUBDIVISION**

- 1 Subdivision layouts in areas zoned Urban Residential prior to this plan are generally in accordance with the applicable plan maps in Appendix 1.
- 2 Lots are orientated to optimise energy-efficiency principles.
- 3 New roads are planned according to modified grid layouts with restrained use of cul-de-sac roads in new developments according to the UDAS *Urban Form* principles for Orange.
- 4 Local open space is provided along creek corridors to create open space linkages for environmental conservation and social interaction. Release areas removed from creeks provide for open-space links incorporating substantial stands of native vegetation.
- 5 Release areas indicate trunk cycle and pedestrian ways that link the area to major open space networks and activity centres (schools, shopping centres and employment areas).
- 6 Lots below 500m<sup>2</sup> indicate a mandatory side setback to provide for solar access and privacy.
- 7 Lots below 350m<sup>2</sup> indicate existing or planned house layouts, which identify how privacy, solar access, vehicular access and private open-space needs are to be achieved.
- 8 Up to 25% of new subdivisions comprise small lots in dispersed locations.
- 9 Lots are fully serviced and have direct frontage/access to a public road.
- 10 Design and construction complies with the Orange Development and Subdivision Code.
- 11 Corner lots provide for a house to front one street.
- 12 Battleaxe lots provide an adequate accessway width for the number of dwellings proposed to be served in order to allow for vehicle and pedestrian access and location of services.
- 13 Lots proposed to be used specifically for dual occupancy or units in new residential areas are identified on development application plans to inform prospective purchasers of the mixed residential form of the area and measures are outlined on how prospective residents are to be informed of these identified sites prior to purchasing land.

The proposed subdivision will satisfy the relevant Planning Outcomes:

- The development site is not covered by **Masterplan**.
- The proposed residential lots will be rectangular-shaped with a long east-west orientation to maximise **energy efficiency** principles.
- The proposed subdivision layout does not involve new public **roads**, excepting a minor easterly extension of Maramba Road, terminating in a cul-de-sac. This arrangement will be consistent with the terms of the Restriction on title (see Clause 1.9A above).

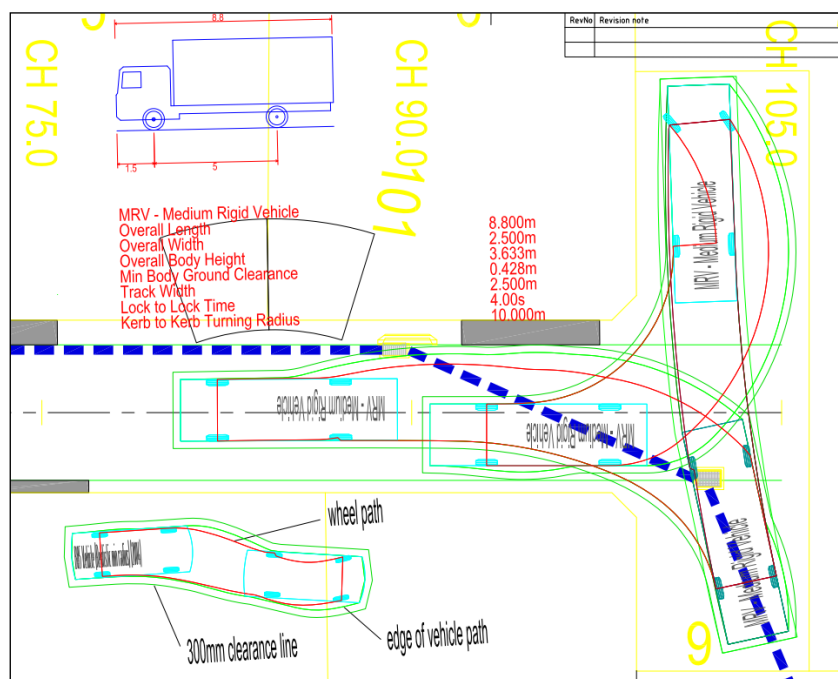
A 7m wide private roadway (Community Lot) will connect to Sophie Drive to provide access to the proposed Community lots. The roadway will have a formed minimum width of 5.5m and terminate in a T-shaped turning head (see Figure 10).



**Figure 10 - Community Lot private roadway**

A Traffic Impact Assessment was submitted in support of this arrangement (Traffic Solutions Pty Ltd, 21 December 2022). The Assessment concludes:

- The roadway exceeds the minimum width requirement for two way traffic flow in AS/NZS 2890.1:2004 of 5.5m.
- The available sight lines to/from the proposed roadway will provide good sight distance [on Sophie Drive] and meets the desirable sight distance suggested by AS/NZS 2890.1:2004.
- The [turning head] is sufficient for a medium rigid vehicle to undertake a three point turn (see Figure 11).



**Figure 11 - MRV manoeuvring in turning head**

Council's ADE concurs with the above conclusions and raises no objection to the proposed private roadway. He advises:

*The proposed Community Title access handle driveway is considered satisfactory for two-way low speed vehicle access. The common driveway has sufficient width to allow vehicles to pass and turn around inside the site. Garbage trucks will not be required to enter the site. Garbage will be serviced from the street under a private Waste Service Agreement.*

As outlined above (see Clause 7.11), waste collection associated with the proposed Community lots will be via either contractor walk-in from Sophie Drive; or access to the private roadway by a 'Street Litter' small truck.

The proposed road connections to adjoining streets are considered acceptable for an infill subdivision that is not subject to masterplan. It is noted that the proposed subdivision layout has been subject to extensive consultation and negotiation with Council's Development and Technical Services staff.

- The proposed subdivision will have nil impact on local **open space**.
- Proposed Community Lots 1-12 will comprise **site area** or **developable site area** (excluding Vegetation Protection Zone) of 400m<sup>2</sup>. Future residential development on the lots will be subject to development controls in DCP 2004-7.7 *Design Elements for Residential Development*. Compliance with the Planning Outcomes will ensure a reasonable standard of residential amenity for future dwellings in relation to solar access and privacy.

An indicate building footprint is provided for the 400m<sup>2</sup> lots, and demonstrates that future built form could satisfy DCP development controls and achieve acceptable solar access and privacy (see Figure 12). It is noted that site aspect and orientation (downhill to the north) will assist same.



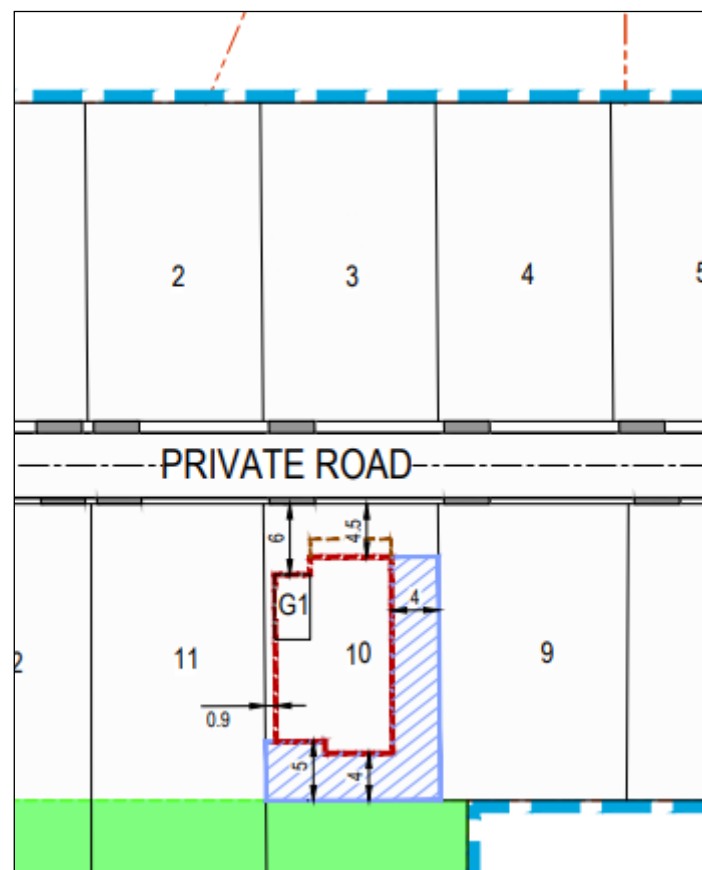


Figure 12 - indicate building envelope on 400m<sup>2</sup> lots

- The proposed subdivision layout will comprise a **mix** of *Standard Lots* (>500m<sup>2</sup>) and *Cottage Lots* (350-500m<sup>2</sup>) as defined under the DCP. The prevailing cadastral pattern in the R2 zoned neighbourhood is generally comprised of *Standard Lots* in the order of 600-800m<sup>2</sup>. The proposal is supported by a neighbourhood 'lot size analysis,' that demonstrates other *Cottage Lots* nearby to the site, including parcels in Maramba Road and Spring Street to the west, and Sophie Drive to the north. Despite the R2 setting, the proposed lot sizes are considered acceptable as follows:
  - The surrounding R2 zoned neighbourhood supports a mix of lot sizes. The proposed lots will not be incongruous in this setting.
  - The proposal will provide a suitable broader transition between older and smaller lots to the west, and newer and larger lots to the east.
  - The proposed Community lots will be removed and distinct from the surrounding cadastral pattern by the private and no-through roadway. The subdivision will create a new and separate neighbourhood with discrete character and identity.
  - The proposed Torrens lots with frontage to Maramba Road and Sophie Drive will complement adjoining parcels beyond the development site in size, shape and public road frontage.
  - The lot sizes will accommodate single dwellings only, and will be of insufficient site area for dual occupancy (except Lots 101 and 106) or multi dwelling housing. The future built form will complement the prevailing built form in the R2 neighbourhood.

- All utility services are available to the proposed lots subject to Conditional extension, augmentation and easements where required (see Clause 7.11 above).
- The proposed lots will have direct **frontage and access to a public road**.

Proposed Torrens Lots 101-106 will have frontage and/or access to Sophie Drive or Maramba Road. Future dwellings on the Torrens lots will address the public roads (excepting battleaxe Lots 102 and 103), and complement the adjoining streetscape built form and siting. Development of the Torrens lots with frontage to the cul-de-sac (Lots 105, 101 and 104) will create a uniform and cohesive streetscape for the cul-de-sac.

The proposed Community lots will connect to Sophie Drive via the private roadway (Community lot). Dwellings on the Community lots will address the private roadway. The Sophie Drive streetscape nearby to the private road is generally comprised of secondary/back-of-house frontages for adjoining dwellings. In order to improve streetscape activation and public domain impacts in this setting, future dwellings on proposed Community Lots 1 and 12 should have frontage to Sophie Drive. A Condition is included requiring a Section 88 Restriction be registered on those titles to affect the dwelling orientation. The proponent is amenable to this Restriction, and has submitted an indicative building footprint demonstrating that orientation may be achieved (see Figure 13).

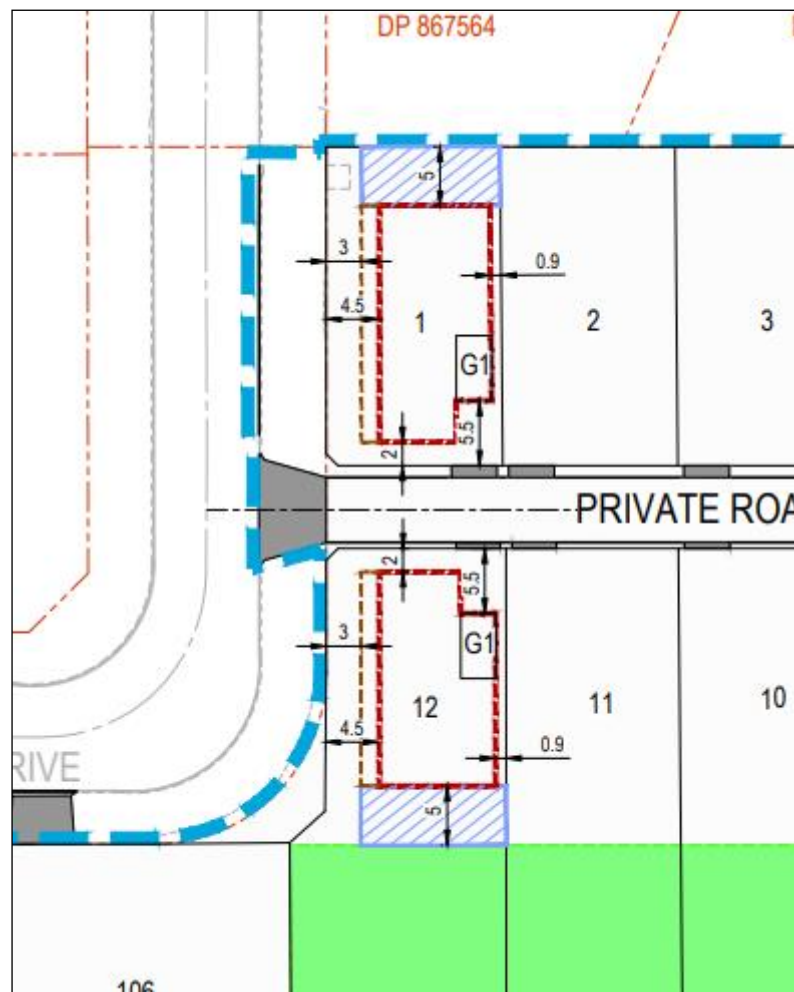
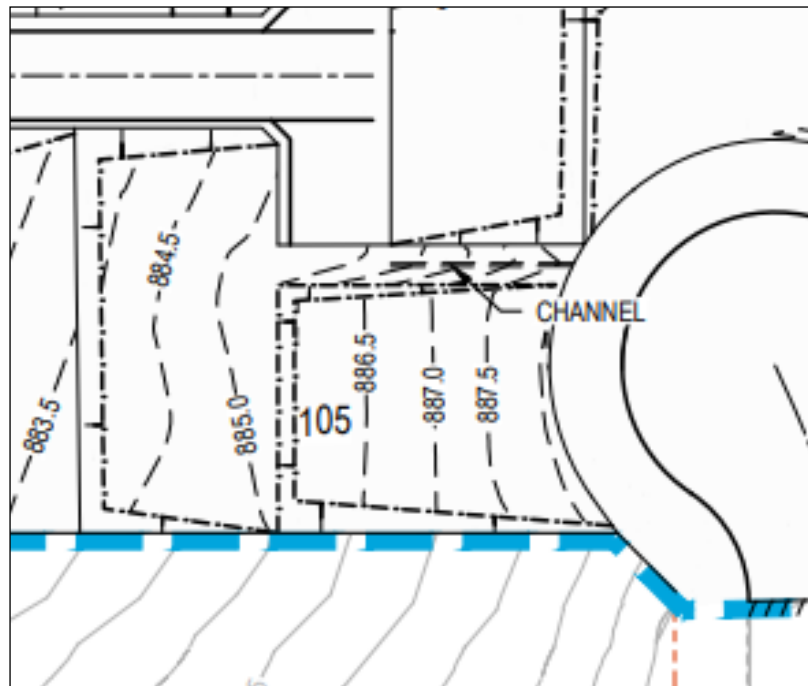


Figure 13 - future dwellings on Lots 1 and 12 to address Sophie Drive

As a matter arising, it is noted that proposed Torrens Lot 105 will have primary frontage to Maramba Road and secondary frontage to the private roadway (see Figure 14). Though cumbersome, the layout is acceptable. Lot 105 will be terraced to provide a higher dwelling envelope at the Maramba Road frontage, and lower rear yard to the private roadway. Site area of 633m<sup>2</sup> is suitable for dwelling design for amenity and solar access. A Condition is included requiring an 88B Restriction be registered on Lot 105, requiring primary dwelling frontage and access to Maramba Road. The Restriction will ensure continuity in the future Maramba Road streetscape built form.



**Figure 14 - dual frontage for proposed Torrens Lot 105**

- Conditions are included requiring subdivision design and construction to comply with the Development and Subdivision Code.
- Proposed Lots 102 and 103 will be battleaxe parcels connecting to the Maramba Road extension/cul-de-sac (see Figure 15). The width of the access handle (4.5m) will be suitable for single dwelling landuse of each proposed lot.

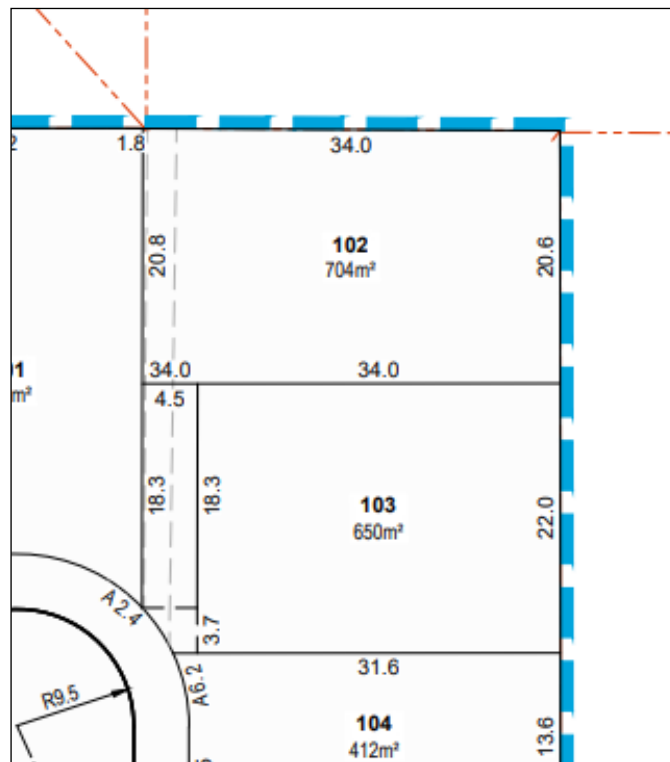


Figure 15 - battleaxe Lots 102 and 103

- Dual occupancy lots are not nominated on the proposed subdivision plan. Based on Clause 4.1B OLEP 2011, dual occupancy would only be permitted on proposed Lots 101 and 106, having proposed site area of >800m<sup>2</sup>.

## DEVELOPMENT CONTRIBUTIONS

### Section 7.11 Environmental Planning and Assessment Act 1979

Development contributions are applicable to the proposed subdivision pursuant to the Orange Development Contributions Plan 2017.

The contributions are based on 17 additional residential lots in the LGA Remainder Contributions Area, that is, 18 proposed lots less one existing lot. The following development contributions will therefore apply to the proposed subdivision:

Open Space and Recreation	17 additional lots at 4,626.04	78,642.68
Community and Cultural	17 additional lots at 1,341.53	22,806.01
Roads and Traffic Management	17 additional lots at 6,106.21	103,805.60
Local Area Facilities	-	-
Plan Preparation and Administration	17 additional lots at 362.19	61,57.23
<b>TOTAL:</b>		<b>\$211,411.50</b>

Conditions are included requiring payment of applicable contributions prior to Subdivision Certificate release.

**Section 64 - Local Government Act 1993**

Development contributions for water, sewer and drainage works are also applicable to the proposed subdivision. Council's ADE advises the contributions are based on 18 ETs for water supply headworks and 18 ETs for sewerage headworks. The existing lot has 1ET credit which will be applied at the time of payment.

Conditions are included requiring payment of applicable headworks charges prior to Subdivision Certificate release.

***Provisions Prescribed by the Regulations S4.15(1)(A)(iv)***

The proposal will not be inconsistent with any matter prescribed by Regulation.

***The Likely Impacts of the Development S4.15(1)(B)***

The likely impacts associated with the proposed subdivision have been outlined in the foregoing sections of this report and include:

**Context and setting**

- Adjoining landuses
- Low density residential neighbourhood
- Distinct and separate infill subdivision
- Absence of masterplan

**Traffic impacts**

- Traffic generation and network capacity
- Road connections
- Private roadway
- Access and frontage
- Internal manoeuvring

**Infrastructure**

- Availability
- Augmentation and extension
- Development contributions
- Orange Development and Subdivision Code
- Overhead electricity powerlines
- Waste collection

**Environmental Values**

- Compliance with legislation
- Vegetation retention and removal
- Restrictions to protect

**Landscape Setting**

- Tree removal
- Conditional tree retention and protection

**Cultural Values**

- Unknown European and indigenous cultural heritage
- Conditional protection of unexpected find

**Visual Impacts**

- Civil and construction works typical of release area development
- Altered landscape character
- Streetscape presentation
- Dwelling orientation

**Amenity Impacts**

- Lot design for solar access and privacy
- Site topography
- Construction impacts
- Hours of work

**Water Quality**

- Construction controls
- Stormwater management

Conditions are included to mitigate and manage arising impacts to within acceptable limits.

***The Suitability of the Site S4.15(1)(C)***

The subject land is suitable for the development due to the following:

- The land zoning permits the proposal.
- Site area and dimensions are suitable for residential subdivision.
- Utility services are available and adequate, subject to extension and augmentation.
- The land does not contain known technological or natural hazards.
- Onsite naturally occurring asbestos will be managed during civil construction works.
- The subject land does not have particular cultural values.
- The biodiversity values will not be adversely impacted.

***Any Submissions Made in Accordance with The Act S4.15(1)(D)***

The proposal is an advertised development pursuant to Council's Community Participation Plan 2019. At the completion of the exhibition period no submissions were received.

***Public Interest S4.15(1)(E)***

The proposal is considered to be in the public interest. The proposal is not inconsistent with any relevant policy statements, planning studies, and guidelines etc. that have not been considered in this assessment.

**COMMENTS**

This report and the attached Notice of Approval are informed by:

- Road Opening Permit Officer
- Assistant Development Engineer
- Building Certifier
- Environmental Health Officer
- Manager City Presentation
- Essential Energy

**ATTACHMENTS**

- 1 Notice of Approval, D23/29869 [↓](#)
- 2 Plans, D23/28813 [↓](#)

	<b>ORANGE CITY COUNCIL</b> Development Application No <b>DA 230/2022(1)</b> NA23/232 Container PR29099
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*  
Section 4.18

### Development Application

Applicant Name: Central Property Projects Pty Ltd  
Applicant Address: Unit 1/78 Terrigal Esplanade  
TERRIGAL NSW 2260  
Owner's Name: Orange Asset Holdings Pty Ltd  
Land to Be Developed: Lot 17 DP 1275461 - 33 Maramba Road, Orange  
Proposed Development: Subdivision (six lot Torrens title and 13 lot Community title)

### Building Code of Australia building classification:

Not applicable

### Determination made under Section 4.16

Made On: 16 May 2023  
Determination: **CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:**

**Consent to Operate From:** 17 May 2023  
**Consent to Lapse On:** 17 May 2023

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To prevent the proposed development having a detrimental effect on adjoining land uses.

### Conditions

- (1) The development must be carried out in accordance with:
  - (a) **Plan numbered: Concept Subdivision Plan by Orion Consulting, Project No. 21-0195, Plan 002 Rev E (1 sheet)**
  - (b) statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**



**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)**

**PREScribed CONDITIONS**

- (2) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- (3) Details of the entry / gate at the Sophie Drive entrance to the private road shall be provided to Council for approval prior to issue of a Construction Certificate.
- (4) Engineering plans, showing details of all proposed work and adhering to any engineering conditions of development consent, are to be submitted to, and approved by, Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.

The following Orange City Council engineering design and construction requirements shall be used in addition to, or taking precedence over, the Orange City Council Development and Subdivision Code:-

- Council requires elastic rebound deflection testing carried out on road base material prior to the placement of any asphalt to determine maximum deflection in accordance with RMS Test Method T160 utilising the Benkelman Beam or equivalent;
  - All road reserves between the back of kerb and property boundary, and areas of public land shall be either hydro mulched or turfed prior to the issue of a Subdivision Certificate. All allotments shall be spread with topsoil and seed;
  - The street lighting system shall comprise LED lighting to the requirements of Essential Energy and satisfaction of Council. Details of the street lighting system shall be submitted for approval prior to the issue of a Construction Certificate;
  - Asphaltic cement wearing surface shall not be included in road pavement depth calculations;
  - A 10 day soaked CBR test shall be used for road subgrade pavement evaluations;
  - All stormwater drainage design shall be based on the most recent version of Australian Rainfall and Runoff calculations allowing for applicable climate change factor(s).
- (5) A Soil and Water Management Plan (SWMP) is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) for approval prior to the issuing of a Construction Certificate. The management plan is to be in accordance with the Orange City Council Development and Subdivision Code and the Landcom, Managing Urban Stormwater; Soils and Construction Handbook.
- (6) The development's stormwater design is to include stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to a 1% AEP event, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments. Where appropriate, the spillway design capacity is to be determined in accordance with the requirements of the Dam Safety Committee.

The design of the detention storage is to be undertaken using the DRAINS rainfall-runoff hydrologic model or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates.

(Condition (6) continued over page

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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3

**Conditions (cont)**

<b>Prior to the issue of a construction certificate (cont)</b>
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## (6) (cont)

The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. A report detailing the results of the analysis, which includes:

- catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions;

together with copies of the data files for the model and engineering design plans of the required drainage system are to be submitted to Orange City Council upon application for a Construction Certificate.

- (7) The proposed lots are to be provided with interlot stormwater drainage, including those lots abutting public land, where the surface of the entire lot cannot be drained to the kerb and gutter at the lot frontage. A grated concrete stormwater pit is to be constructed within each lot provided with interlot stormwater drainage including adjoining Lot 48 DP 258908. Engineering plans for this drainage system are to be approved by Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) prior to the issuing of a Construction Certificate.
- (8) A 150mm-diameter sewer main is to be constructed from Council's existing sewer network to serve the proposed lots. Prior to a Construction Certificate being issued engineering plans for this sewerage system are to be submitted to and approved by Orange City Council.
- (9) A water reticulation analysis is to be carried out by Orange City Council on any proposed water reticulation system in Maramba Road. Engineering plans are to be submitted to and approved by Orange City Council prior to the issue of a Construction Certificate.
- The reticulation system is to be designed to supply a peak instantaneous demand by gravity of 0.15 L/s/tenement at a minimum residual head of 200kPa.
- (10) The existing sewer rising main and water main crossing proposed Lots 102-104 are to be accurately located. The sewer and water mains shall be relocated / renewed / removed (as necessary) to Orange City Council's requirements. Engineering plans shall be prepared detailing the necessary works are to be submitted to and approved by Orange City Council prior to the issue of a Construction Certificate.
- (11) A single common water meter shall be located in the common property driveway of the Community Title development. Internal water mains servicing each lot from the common water meter shall be constructed as private water mains constructed to Australian Standard AS/NZS 3500. The size of the common water meter shall be determined by a practicing engineer.
- (12) Engineering plans providing complete details of the proposed Community Title driveway, 6.0m wide heavy-duty footpath crossing and vehicle manoeuvring areas is to be submitted to Orange City Council or an Accredited Certifier (Categories B1, C3, C4, C6) upon application for a Construction Certificate. These plans are to provide details of levels, cross falls of all pavements, proposed sealing materials and proposed drainage works and be in accordance with the Orange City Council Development and Subdivision Code.
- (13) A Road Opening Permit in accordance with Section 138 of the *Roads Act 1993* must be approved by Council prior to a **Construction Certificate being issued or any intrusive works** being carried out within the public road or footpath reserve.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)****PRIOR TO WORKS COMMENCING**

- (14) Where any existing fencing at the perimeter of the site needs to be removed, or is of a type which does not ensure the occupants of any adjoining residence adequate privacy, new fencing of the type shown on the approved development application plans, or as referred to elsewhere in this Notice, shall be erected **prior to any building or construction work** being carried out upon this development.
- (15) Tree protection zones (TPZ) (protective fencing) shall be installed in accordance with *AS 4373-2009 - Protection of Trees on Development Sites*, for retained native trees.
- Protective fencing shall be installed prior to site works commencing and must remain intact until completion of all works. Fencing must not be altered or removed without approval of a project arborist.
- If access is required or minor activities are to be undertaken within the TPZ, it must be approved by the project arborist. No routing of services, parking of vehicles, stacking of builder's materials / equipment, is to occur within the TPZ.
- The protective fence is to be constructed from ridged chain wire mesh panels (or similar), 1.8m in height, and securely anchored without penetrating the ground. Signs identifying the TPZ should be placed on the fencing and be visible from within the development site on all angles.
- (16) Any remnant tree containing habitat shall be dismantled to enable its relocation to a public reserve for habitat restoration works.
- (17) A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
- (18) Soil erosion control measures shall be implemented on the site.
- (19) The approved water and soil erosion control plan shall be implemented prior to construction work commencing.
- (20) An application for a Subdivision Works Certificate is required to be submitted to, and a Certificate issued by Council/Accredited Certifier prior to any excavation or works being carried out onsite.

**DURING CONSTRUCTION/SITEWORKS**

- (21) The site is located within an area identified as containing serpentinite rock formations, which can contain chrysotile, a naturally occurring asbestos. Therefore the applicant or person with management or control of the site shall ensure that a written plan (an **Asbestos Management Plan**) for the site is prepared in accordance with the provisions of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.
- To assist applicants with developing an Asbestos Management Plan, applicants are encouraged to access the '*Asbestos Management Plan for Orange City Council 2014*', which is available on Council's website: [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)
- (22) In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of the Director Development Services is obtained in writing.
- (23) Any additional fill to be brought to the site shall comprise Virgin Excavated Natural Material (VENM).

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)****During construction/siteworks (cont)**

- (24) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.
- (25) All materials onsite or being delivered to the site are to be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (26) Removal of vegetation shall not exceed vegetation nominated in the Demolition and Tree Removal Plan (Orion Consulting, Project No 21-0195 Plan 002 Rev B dated 21/12/2022).
- (27) All construction/demolition work on the site is to be carried out between the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 8.00am to 1.00pm on Saturdays. No construction/demolition work is permitted to be carried out on Sundays or Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (28) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (29) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (30) The provisions and requirements of the Orange City Council Development and Subdivision Code are to be applied to this application and all work constructed within the development is to be in accordance with that Code.
- The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
- (31) Maramba Road is to be constructed for the full frontage of the proposed development. This work is to include road pavement and pavement surfacing, kerb and gutter construction and earth-formed footpath.
- (32) Proposed Lots 102 and 103 shall be provided with a heavy-duty kerb layback and footpath crossing constructed to a minimum width of 5.5m and to the requirements and standards of the Orange City Council Development and Subdivision Code.
- (33) All proposed residential lots adjacent to the overland flow path, are to have a minimum freeboard above 1% AEP flood level in accordance with the Orange City Council Development and Subdivision Code and Development Control Plan 2004 Chapter 4A - Flood Affected Land.
- (34) A water service and sewer junction is to be provided to every lot in the proposed residential subdivision in accordance with the Orange City Council Development and Subdivision Code.
- (35) All services are to be contained within the allotment that they serve.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)****PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

- (36) The payment of \$211,411.50 is to be made to Council in accordance with Section 7.11 of the Act and the Orange Development Contributions Plan 2017 (LGA Remainder Contributions Area) towards the provision of the following public facilities:

Open Space and Recreation	17 additional lots at 4,626.04	78,642.68
Community and Cultural	17 additional lots at 1,341.53	22,806.01
Roads and Traffic Management	17 additional lots at 6,106.21	103,805.60
Local Area Facilities	-	-
Plan Preparation and Administration	17 additional lots at 362.19	61,57.23
<b>TOTAL:</b>		<b>\$211,411.50</b>

The contribution will be indexed quarterly in accordance with the Orange Development Contributions Plan 2017 (LGA Remainder Contributions Area). This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

- (37) A works-as-executed Demolition and Tree Removal Plan shall be submitted to Council for approval by Manager Development Assessment. Vegetation clearing shall not exceed 0.1ha.
- (38) A Restriction as to User under the NSW Conveyancing Act 1919 shall be registered on the title of Lots 10, 11 and 12 prohibiting the erection of buildings, removal of vegetation or planting of exotic species within the nominated Vegetation Protection Zone.
- (39) A Restriction as to User under the NSW Conveyancing Act 1919 shall be registered on the title of approved Torrens Lot 1 and Community Lot 12 requiring the front façade of future residential buildings to address Sophie Drive. Side dwelling facades and privacy fencing to Sophie Drive forward of the front dwelling façade are not permitted.
- (40) A Restriction as to User under the NSW Conveyancing Act 1919 shall be registered on the title of approved Torrens Lot 105 requiring a future dwelling have primary frontage and access to Maramba Road.
- (41) Details of the waste collection arrangements for the Community Lots as agreed by a waste collection contractor shall be submitted to Council for approval, prior to issue of a Subdivision Certificate.
- (42) Waste collection arrangements shall be incorporated into the Community Title Management Statement.
- (43) Green waste shall be removed from the development site at the completion of civil works prior to issue of a Subdivision Certificate.
- (44) Street trees shall be planted in the proposed road reserve to Sophie Drive and Maramba Road in accordance with the Street Tree Plan (Orion Consulting, Project No 21-0195 Plan 900 Rev B dated 21/12/2022) and Council's Development and Subdivision Code, and to the satisfaction of the Manager City Presentation.
- (45) Soil sampling for analysing chemical residue is to be carried out within the proposed lots in a manner and frequency as determined by an appropriately qualified and experienced consultant giving consideration to previous specific uses and on-site characteristics of the site. A NATA registered laboratory is to carry out such testing. Reference is to be made to the *Contaminated Land Management Act 1997* and State Environmental Planning Policy No 55 - "Remediation of Land". The results of the testing are to be provided to the Principal Certifying Authority and are to demonstrate that the land is suitable for residential use, to enable a Subdivision Certificate to be issued.
- (46) Application shall be made for a Subdivision Certificate under Section 6.3(1)(d) of the Act.

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)****Prior to the issue of a subdivision certificate (cont)**

- (47) **Payment of contributions for water, sewer and drainage works** is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 18 ETs for water supply headworks and 18 ETs for sewerage headworks (the site has a credit for 1 ET which will be applied at the time of payment). A Certificate of Compliance, from Orange City Council in accordance with the *Water Management Act 2000*, will be issued upon payment of the contributions.
- This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (48) Evidence from a registered NATA laboratory is to be submitted prior to the issuing of a Subdivision Certificate stating that the placement of fill within allotments has been carried out in accordance with Australian Standard 3798-2007.
- (49) Application is to be made to Telstra/NBN for infrastructure to be made available to each individual lot within the development. Either a Telecommunications Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.
- (50) A Notice of Arrangement from Essential Energy stating arrangements have been made for the provision of electricity supply to the development, is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
- (51) A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act* is to be registered on the Deed of Title on Lots 1 and 12 where vehicular access is to be denied to Sophie Drive, and Lot 7 where access is to be denied to Maramba Road.
- (52) An easement to drain sewage and to provide Council access for maintenance of sewerage works a minimum of 2.0m wide is to be created over the proposed sewerage works. The Principal Certifying Authority is to certify that the easement is in accordance with the Orange City Council Development and Subdivision Code prior to the issuing of a Subdivision Certificate.
- (53) All services are to be contained within the allotment that they serve. A Statement of Compliance, from a Registered Surveyor, is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (54) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater retention basin comply with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issuing of a Subdivision Certificate.
- (55) Where stormwater crosses land outside the lot it favours, an easement to drain water is to be created over the works. A Restriction-as-to-User under section 88B of the *NSW Conveyancing Act 1919* is to be created on the title of the burdened Lot(s) requiring that no structures are to be placed on the site, or landscaping or site works carried out on the site, in a manner that affects the continued operation of the interlot drainage system. The minimum width of the easement is to be as required in the Orange City Council Development and Subdivision Code.
- (56) Prior to the issue of a Subdivision Certificate the following conditions 'a' to 'e' must be included in the Community Title Management statement:
- water mains constructed as private services by the developer must accord with at least the National Plumbing Code standards; and
  - Orange City Council makes no representation that the private water related services provided to the development are suitable; and

(Condition (56) continued over page)

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)**

**Prior to the issue of a subdivision certificate (cont)**

- (56) (cont)
- c. if a request is made at any time in the future by the developer or future owner to Orange City Council to extend the private services for any reason, then such extension shall be at Orange City Council standards including appropriate easements and must be constructed, funded and transferred by the applicant; and
  - d. Orange City Council will not provide maintenance services to the private services; and
  - e. clauses a-e shall not be deleted, varied or modified without the written consent of Orange City Council.
- (57) Prior to the issue of a Subdivision Certificate, proposed Lots 102 and 103 shall each be provided with a minimum 3.0m of road boundary frontage to Maramba Road.
- (58) Prior to the issue of a Subdivision Certificate a reciprocal right of way shall be established over the length of the shared access handle serving proposed Lots 102 and 103.
- (59) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (60) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of a Subdivision Certificate, unless stated otherwise.

**MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT**

- (61) Kerbside placement of waste bins associated with the Community Lots on Sophie Drive is not permitted.

**ADVISORY NOTES**

- (62) Dwelling houses on the proposed lots shall be sited and designed to comply with Planning Outcomes and Guidelines contained in Orange Development Control Plan 2005, Part 7 Development in Residential Areas.

**CONDITIONS FROM ESSENTIAL ENERGY**

- a. As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;
- b. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- c. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

(Conditions from Essential Energy continued over page)

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Conditions (cont)****Conditions from Essential Energy (cont)**

- d. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;
- e. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*;
- f. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW);
- g. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice - Work near Overhead Power Lines* and *Code of Practice - Work near Underground Assets*.

**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.  
Nil
- (2) General terms of other approvals integrated as part of this consent.  
Nil

**Right of Appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

**Disability Discrimination Act 1992:**

**Act** This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.



**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 230/2022(1)**

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**Disclaimer - S88B of the  
Conveyancing Act 1919 -  
Restrictions on the Use  
of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

**Signature:****Name:**

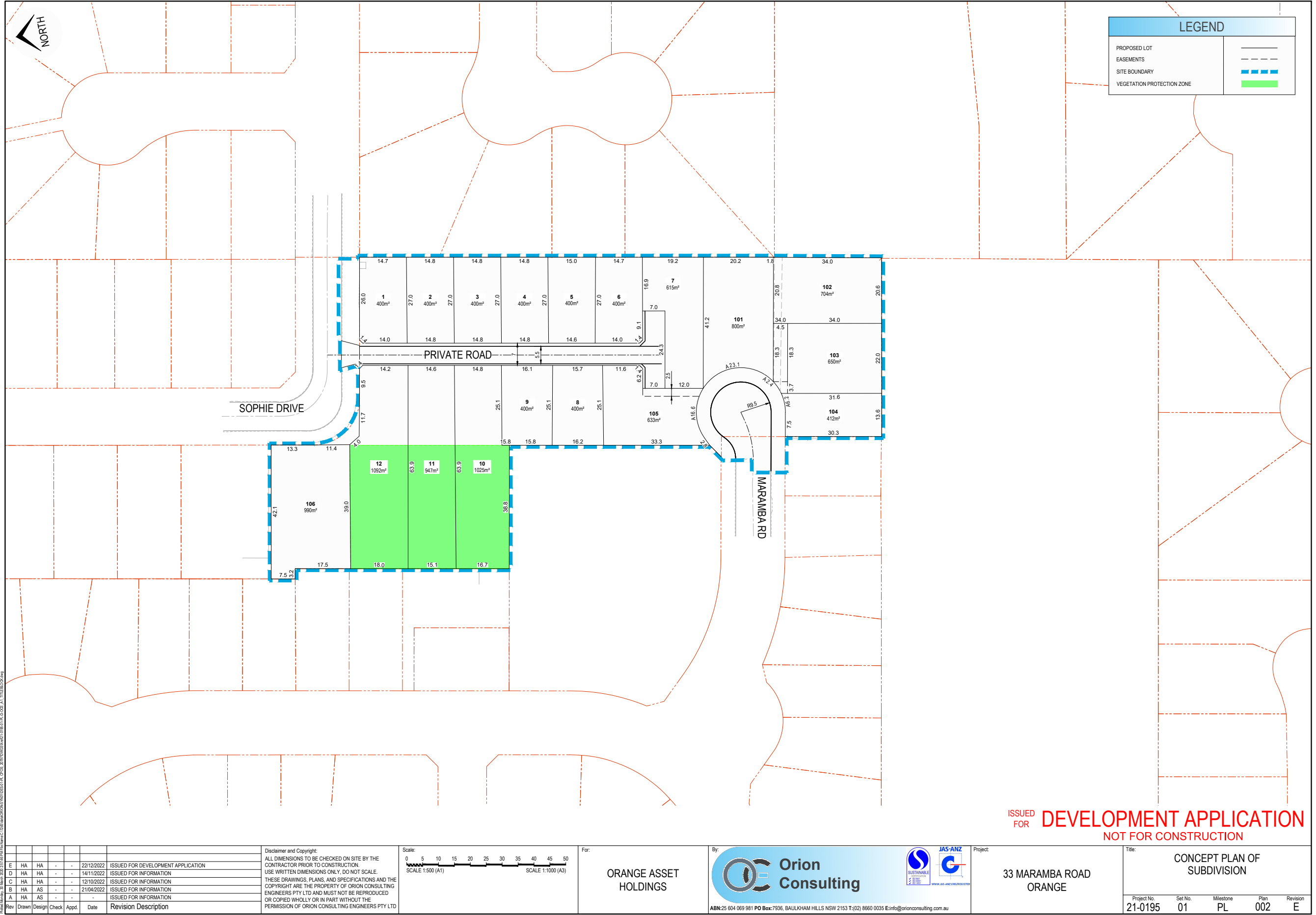
PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

**Date:**

17 May 2023

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**5.3 NSW LOCAL ROADS CONGRESS - NOMINATION(S) FOR COUNCILLOR ATTENDANCE**

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RECORD NUMBER: 2023/637

AUTHOR: Catherine Davis, Executive Support Manager

**EXECUTIVE SUMMARY**

This report outlines detail around the upcoming NSW Local Roads Congress to be held on Monday 5<sup>th</sup> June 2023 at NSW Parliament House in Sydney and seeks nominations from Councillors to attend the Conference. It should be noted that this report will indicate registration costs per delegate. Travel and accommodation will need to be added onto each registration cost.

**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 budget as set down in the *Councillors – Payment of Expenses and Provision of Facilities Policy* is \$60,000 per annum in total for all Councillors to attend Conferences with funds currently available for attendance at this conference.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council resolves which Councillors will attend the NSW Local Roads Congress to be held on Monday 5th June, 2023.**

**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**

NSW Local Roads Congress

Monday 5th June 2023

8.00am – 5.00pm

NSW Parliament House Sydney

Registration Cost per delegate \$250.00 (plus accommodation cost if necessary)

**Conditions of Attendance**

**The Annual Local Roads Congress will be delivered as a hybrid event.**

**Face to face/on location – The focus of the event at NSW Parliament House is for Local Government Council executives/management, and elected members only. The Congress is limited to three (3) event attendees per Council and subject to the capacity of the venue.**

**Virtual – Council staff and the wider public works community will be able to attend online only, with limited active interaction.**

The four key topics of this year's Congress are:

1. Natural Disaster Recovery Funding
2. Road Asset Benchmarking
3. Valuation of Road Assets
4. Sustainable Investment in Road Funding includes Road Safety

Attending the congress will allow you to raise your local concerns in the topic areas and participate in the panel sessions.

There was no Congress Program available when this report was created.

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**5.4 ORANGE FUNCTION CENTRE**

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RECORD NUMBER: 2023/483

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural Services

**EXECUTIVE SUMMARY**

This report provides the preferred option to Council on the future of the Orange Function Centre and an update on maintenance works required.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “4.3. Maintain and renew cultural facilities and programs”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves to:

- 1 Support the primary use of the Orange Function Centre to be for Community style events; and**
- 2 Consider allocation of funding for works as described in the report in future budgets.**

**FURTHER CONSIDERATIONS**

The recommendation of this report has been assessed against Council’s other key risk categories and the following comments are provided:

Service/Project Delivery	Risk that operation of the Orange Function Centre will be compromised	
Reputation	Council’s image and reputation will be damaged should there be an adverse incident at the Function Centre and it becomes inoperable.	
People	Risk to staff, contractors, visitors and members of the public.	

**SUPPORTING INFORMATION**

The Orange Function Centre was constructed in 1965 and has played an important part in the lives of many Orange residents. The facility includes kitchens, bars, performance stage, amenities and public areas.

The Function Centre can accommodate various levels of patronage depending on the style of the event. The capacity for a seated function with a dance floor can cater for 600-650 people, a cocktail event can cater for 800-1,000 people and a schools performance with people seating in rows can cater for 800 people.

**BUILDING IMPEDIMENTS****Asbestos**

The building was constructed in the mid 1960's, a time when asbestos materials were commonly used in building materials. The building contains several asbestos materials and other hazardous building materials:

- Asbestos - Fibre cement material (ceilings, walls, eaves throughout – approx. 2,000m<sup>2</sup>), asbestos insulation board (perforated boards on ceilings and main wing areas), fire door cores (3 units identified) and bituminous electrical backing boards (2 units identified).
- Synthetic mineral fibre (SMF) - ceiling insulation (loose fill/batt materials), Air conditioning ductwork insulation in the ceiling space, minor plant internal insulation (e.g. hot water heaters).
- Polychlorinated biphenyls

The majority of the asbestos containing material is in a fair-good condition, and most surfaces are painted (i.e. sealed). Based on the current condition of the materials, the vast majority of the asbestos/hazardous materials do not require removal, however will require ongoing management.

**Building Code**

When constructed the Function Centre met the building code requirements in place at the time. If the building were constructed today it would be constructed to a different standard. Elements include:

- Fire Safety Measures including stage smoke venting, hose reels, detection and alarm systems, exit/emergency lighting, sprinklers, hydrants, shut down of air handling systems etc.
- Alternative floor and wall lining materials (i.e., free of asbestos)
- Alternative materials in food preparation and bar areas
- Alternative electrical supply and distribution
- Current mechanical services such as air conditioning and heating systems

**REPAIRS**

Works to the value of \$796,978 have been conducted since 2014 to keep the Function Centre open and operational. These works include items such as:

- Replace glasswasher
- Upgrade house lighting to LED
- Replace exhaust fan in bar
- Major service to cool room
- Major service to Ice machines
- Renew/repair fire hatches
- Replace Front steps
- Replace Cash registers
- Air conditioner repairs
- Air conditioner repair/replacement in side wings



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5.4 Orange Function Centre

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- Replace Radio microphones
- Repairs to Stage
- Soundproof walls - Western Wing
- Upgrade splashbacks in kitchen
- Renew wall and ceiling fans in wings
- Fire sprinklers mains system upgrade
- Replace safe
- Stage curtains - replace legs
- Replace Projector
- Replace coolroom compressor
- Replace Stage curtains
- Monir bar renewal
- Ballroom Floor sanding
- Replace Food Warmers
- Install Security Camera
- Air conditioner replacement
- Security System renewal

The Function Centre has also had several minor refurbishments, the most recent being the upgrading of the public toilet facilities and disability access at the entry of the facility.

**FUTURE USE**

The continued provision of the Function Centre for use by the Orange Community is supported by the YourSay survey conducted in late 2022 which showed that 87% of respondents believe Orange City Council should continue to operate the Orange Function Centre as a venue for large-scale community events, such as balls, school graduations and antique fairs.

This differed to the views on if Council should operate a centre that's able to hold large-scale events which showed that

- 34% believed it was the Council's role
- 6% believed it wasn't the Council's role
- 60% believed there is room for both Council and the private sector

**Community Use**

The OFC was developed on the premise of being a 'multi-purpose' venue. Flat floor events (balls, trade fairs, school presentations, religious services, dance shows, birthdays etc) tend to dominate the configuration use of the OFC.

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5.4 Orange Function Centre

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Professional performing arts activities such as music, dance, and drama don't work well in the space which is largely due to the poor sound quality in the room and lack of good sightlines which are essential to audience appreciation.

Future bookings for 2023 are consistent with community use for the centre and include:

- The Wiggles
- Jumbled
- Rugby Dinner
- Stars of Orange
- Antique Fair
- OAGS
- Ronald McDonald Ball
- Eisteddfod - Dance Groups
- Eisteddfod - Drama Groups
- Catholic Education
- Eisteddfod - School's Choirs
- Eisteddfod - Band Day
- NAIDOC
- KWS Grad
- Trade Expo
- Canobolas Grad
- JSCHS Grad
- OHS Grad

**Corporate need**

Council staff held a face-to-face meeting with 7 key stakeholders in the field of businesses, organisations and government departments which routinely organize large conference events.

- The feed-back from this group was that while the Function Centre had a role as a community hall, it wasn't suitable as a conference space for corporate events as it isn't fit for purpose as a "function centre".
- It was felt the current building lacked contemporary AV equipment and the kitchens were no longer fit for commercial purposes. There was a lack of break-out spaces for small group work. The building has such a significant echo, that organisations choose not to use it or recommend it as a conference venue.
- These stakeholders went on to identify the features required by conference organisers. They saw a need in Orange for a larger more versatile function space that can hold 500 – 600 people. It was also a contemporary requirement that a conference venue could offer several smaller 100 seat break-out rooms.
- It was pointed out that government policies prevent some conferences being held in centres with gaming facilities. Organisers of contemporary conferences also require that the venue has a sizable foyer area, with high set ceiling throughout the venue, enabling adequate AV and staging capabilities.

## 5.4 Orange Function Centre

**What Works are Required?**

Assuming Council agrees that the focus of the Function Centre should be the provision of the flat floor style events and meeting the community need rather than performing arts or corporate need then the works that are required to meet this need are:

<b>Priority Areas</b>			<b>\$</b>
Coverings to all roofs	The roof coverings are circa 50 years old, beyond their life expectancy and are the source of significant leaks during rain events.	Replacement	<b>600,000</b>
Kitchens	The area is aged and in poor condition. The equipment is very old.	The main concerns within the kitchen include the open gas hot pots, laminate splash back, damaged floor preparation surfaces, replacement of equipment etc.	<b>450,000</b>
Bar	The finishes within the bar areas require renewal.	Recommend that these areas be refurbished.	<b>200,000</b>
Finishes	The finishes throughout the public areas of the Function Centre are tired	Allow for soft refurbishment works to the common areas including paint works, new ceilings and floor coverings and new lighting. This will also include some management of asbestos materials.	<b>550,000</b>
Unitary Split systems	Units are nearing the end of their commercial life	Replace units when they fail	<b>50,000</b>
Roof Top A/C Units	Units are nearing the end of their commercial life	Replace units when they fail	<b>225,000</b>
Audio	No Audio equipment available on site	Provision of Audio System and hearing loop	<b>150,000</b>
<b>Total:</b>			<b>2,225,000</b>

Given its age and the time when the facility was constructed there are a number of areas where the facility requires refreshing and as mentioned areas which would fail to meet current construction requirements if it was built today. Areas that require refurbishment to address these areas but are a lower priority include:

<b>Roof</b>			<b>\$</b>
Coverings to main roof	The roof void to the pitched roof is poorly ventilated and a number of timbers are discoloured from possible damp issues historically.	Introducing better insulation within the roof space and ventilation.	<b>100,000</b>

## 5.4 Orange Function Centre

Sign	The main signage to the front elevation is mounted on a steel frame which is corroding.	Allow for treating and/or replacing.	<b>15,000</b>
Soffits	The soffits to the building perimeter appear to be asbestos.	Given the risk of fibre release recommend these be replaced.	<b>35,000</b>

<b>External Elevations</b>			
Façade	The metal profiled façade sheets are circa 50 years old and although still performing are beyond their life expectancy.	The paintwork is aged and heavily faded	<b>150,000</b>
Façade	The painted walls at low level and to the rear wall is aged and faded and require repainting.	Allow for cleaning and repainting as required.	<b>25,000</b>
Windows & doors	The windows to the building appear to be from the date of construction of circa 50 years old. These windows generally have a life expectancy of between 25 & 30 years and are therefore beyond their life expectancy but still performing although they don't open easily and the ironmongery is beginning to fail along with the operational use.	Recommend replacement.	<b>115,000</b>
Windows & doors	The access doors were still performing but aged.	Recommend they be replaced and repainted	<b>45,000</b>
Windows & doors	The loading door to the rear elevation is undersized and should be replaced and size increased as part of any façade upgrade works.	Upgrade as part of any major replacement or overhaul.	<b>15,000</b>
Structure	Basement – horizontal 1-2mm cracking to the internal wall running approximately 3lm. This appears to be a result of potential compression which is likely a result of the floor loading to the stage area above.	Recommend these be monitored and repaired correctly	<b>65,000</b>
Structure	Stage Area - vertical 2-3mm crack running from the loading door to the soffit to the rear rendered wall. This may be a result of a combination of seasonal movement or a result of overloading to the rear wall.	Recommend monitoring the crack and allow for repairs in the short term.	<b>65,500</b>

## 5.4 Orange Function Centre

Toilets	The staff toilets and showers date back to the original construction date and considered to be in poor condition. Finishes include for tiled floor finishes, floor to ceiling wall tiles and plaster painted ceilings with surface mounted lighting. The fixtures and fittings are aged and although functioning are beyond their life expectancy.	Recommend the toilets and showers be modernised and refurbished in the short to medium term.	<b>250,000</b>
Basement	The vinyl floor tiles appear to date back to the original construction date and may contain asbestos. These should be tested prior to any replacement works.	Given their age and condition recommend new flooring works be carried out in the short term	<b>50,000</b>
Fluorescent battens	Some of the fittings contain polychlorinated biphenyls, a carcinogenic substance.	Replace fittings	<b>20,000</b>
Distribution boards	Two distribution boards are located in paths of egress and are required, by the BCA, to be enclosed in non-combustible construction which prevents the escape of smoke.	Provide distribution board enclosures.	<b>25,000</b>
Auditorium lighting	Suitable replacement lamps will become increasingly difficult to procure.	Replace existing lighting and dimming system with new.	<b>150,000</b>
Fire indicator panel	Replacement parts will become increasingly difficult to procure.	Replace panel when it becomes uneconomical to maintain.	<b>35,000</b>
Smoke Detector Heads	Current Thermal Detectors	Replace where practical the thermal detectors with smoke detector heads	<b>15,000</b>
Hot water plant	Hot water units have a typical life expectancy of 10 to 12 years. Some of the units have already exceeded this.	Replace units as they fail.	<b>20,000</b>
Water supply	There is no water meter or backflow prevention device on the incoming water supply.	Provide a water meter and backflow prevention device.	<b>10,000</b>
Hot water service	There are no water tempering devices on the hot water to amenities.	Provide water tempering devices.	<b>20,000</b>
Asbestos Management	Asbestos removal and replacement	Removal and replacement.	<b>250,000</b>

## 5.4 Orange Function Centre

General	Stage Fire Separation including Safety Curtain, sprinkler upgrade, Alternate Solution for Partial sprinkler protection	Requires upgrading.	<b>100,000</b>
General	Proscenium Opening Separation and stage fire separation	To achieve full separation between the stage / backstage area and auditorium, access to the Audio and lighting booths need to be via self-closing -/60/30 access door.	<b>45,000</b>
General	Removal of Internal roller shutters	Remove all internal roller shutters and replace with doors that can be held in the open position such that they do not affect egress.	<b>15,000</b>
General	Backstage Loading Dock	Provide a dedicated landing and stairway area to the southern elevation to enable a safe means of loading through the rear stage access door.	<b>15,000</b>
General	Access Ladders and Gantries	Reconfigure the access ladders and gantries to strictly comply with AS1657-1992.	<b>15,000</b>
General	Accessibility	Disability Access improvement works including stage, front entrance, access to all rooms and entry foyer.	<b>115,000</b>
<b>Miscellaneous</b>	<b>Miscellaneous minor items</b>		<b>50,000</b>
		<b>Total</b>	<b>1,830,500</b>

Should the Orange Function Centre undergo refurbishment the existing events would be enhanced however the capacity to do different events would likely remain limited to what is being done already.

**5.5 STATEMENT OF INVESTMENTS - APRIL 2023**

TRIM REFERENCE: 2023/635

AUTHOR: Julie Murray, Financial Accountant

**EXECUTIVE SUMMARY**

The purpose of this report is to provide a statement of Council's investments held for the period April 2023.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2. Ensure financial stability and support efficient ongoing operation".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves:

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

**FURTHER CONSIDERATIONS**

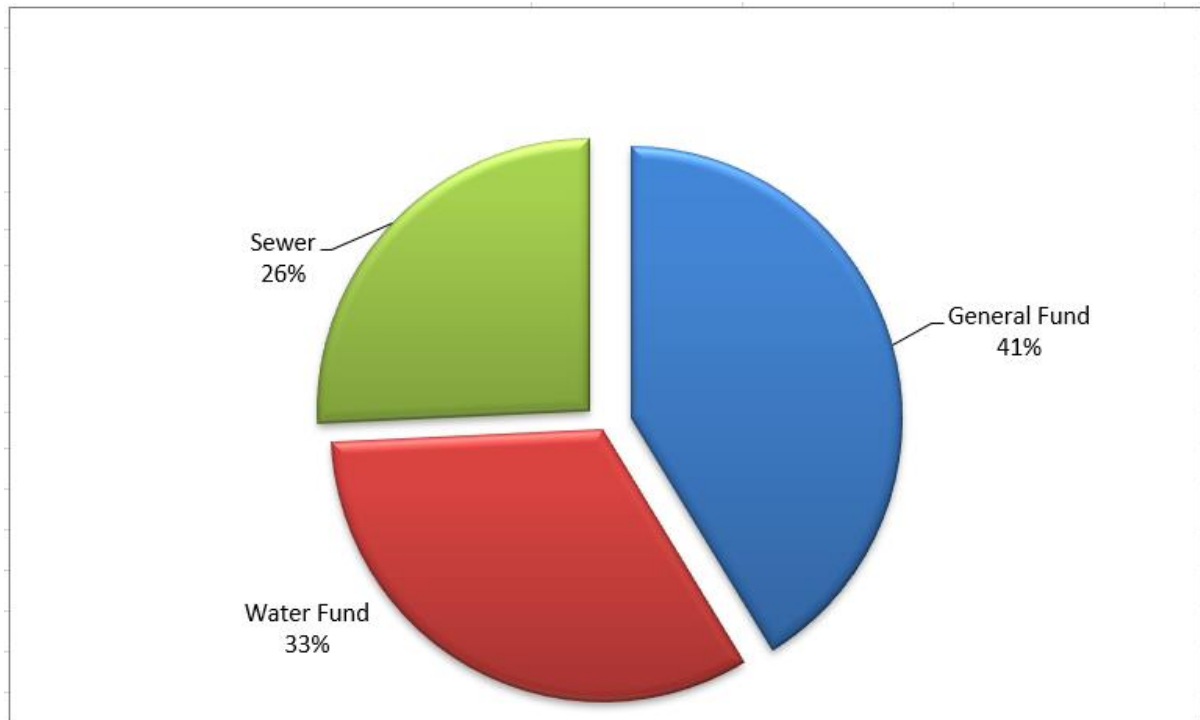
Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Section 212(1) of the Local Government (General) Regulation 2005 requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

For the period April 2023, the investments held by Council in each fund is shown below:

	<b>30/04/2023</b>	<b>31/03/2023</b>
<b>General Fund</b>	100,426,315.89	103,425,572.13
<b>Water Fund</b>	80,236,368.52	79,329,490.61
<b>Sewer Fund</b>	62,628,746.75	63,361,085.36
<b>Total Funds</b>	<b>243,291,431.16</b>	<b>246,116,148.10</b>

**Portfolio Advice**

Council utilises the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Imperium Markets, an independent asset consultant that works with wholesale investors to develop, implement and manage their investment portfolio. Imperium Markets is a leading provider of independent investment consulting services to a broad range of institutional investors including government agencies, superannuation funds and not-for-profit organisations.

Imperium Markets major services provided to Council include:

- Quarterly portfolio summary reports
- Advice on investment opportunities, in particular Floating Rate Note products
- Advice on policy construction
- Year-end market values for Floating Rate Note products held by Council.

**Portfolio Performance**

Council's current Long Term Financial Plan establishes the benchmark for Council's interest on investments at "75 basis points above the current cash rate". The cash rate for the period April 2023 was 3.60 percent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 3.98 per cent which is below Council's benchmark i.e., the cash rate of 3.60 per cent plus 0.75 per cent (or 435 basis points).

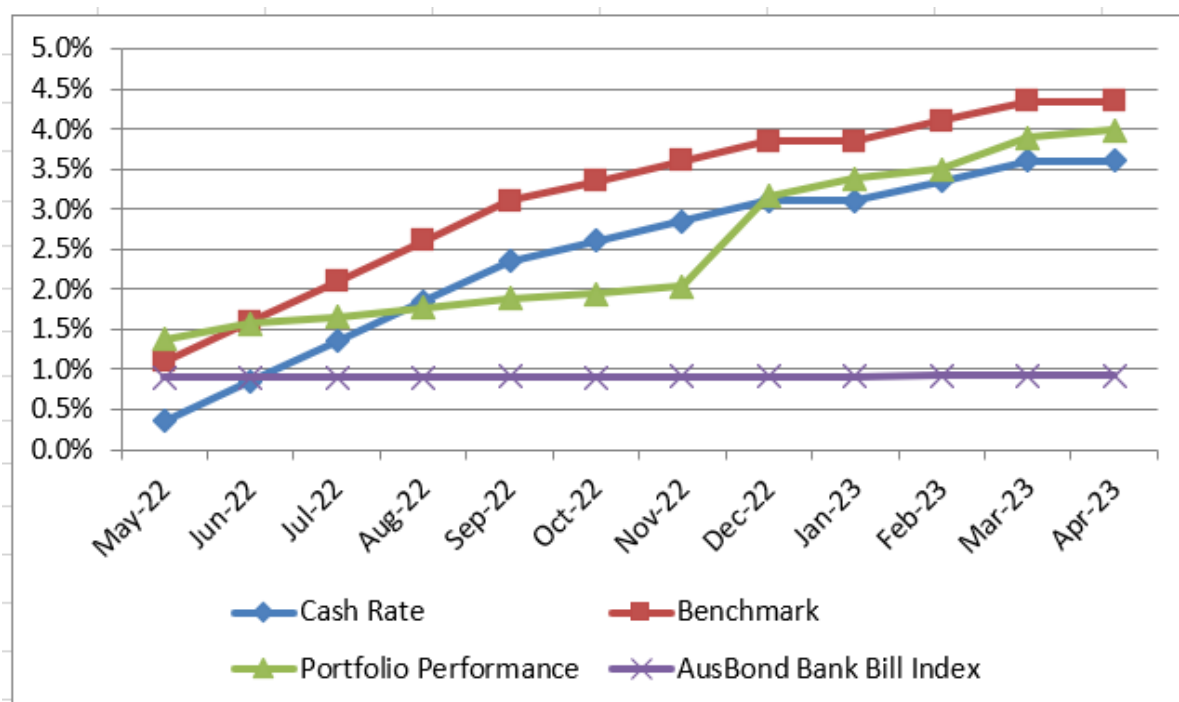
With 13 consecutive interest rate rises in the last year, it is taking some time for council's investments to be able to reach the set benchmark. Maturing investments in the next few months that have low interest rates will be able to be rolled at an improved rate of return. Retiring investments are being monitored closely and being reinvested to optimise their returns in line with councils investment policy.

Council has also utilised the AusBond Bank Bill Index to provide a further benchmark focused on long term investments. For the period April 2023, the AusBond rate was 0.9236



## 5.5 Statement of Investments - April 2023

per cent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 3.98 per cent.



Council's Investment Policy establishes limits in relation to the maturity terms of Council's investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council's investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

Table 1: Maturity – Term Limits

<b>Term to Maturity Allocation</b>	<b>Maximum</b>	<b>Holdings</b>	<b>Capacity</b>
<b>0 - 3 Months</b>	100.00%	21.13%	78.87%
<b>3 - 12 Months</b>	100.00%	37.13%	62.87%
<b>1 - 2 Years</b>	70.00%	25.96%	44.04%
<b>2 - 5 Years</b>	50.00%	15.78%	34.22%
<b>5+ Years</b>	25.00%	0.00%	25.00%

Table 2 shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers' financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to

## 5.5 Statement of Investments - April 2023

having a lower chance of default. However, it is generally accepted that this lower risk will be accompanied by a lower return on investment.

The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

Table 2: Credit Rating Limits

Credit Rating	Maximum	Holding	Remaining Capacity	Value	Return on investment
Bank Accounts	100.00%	8.80%	91.20%	21,408,931.93	3.65%
AAA	100.00%	0.41%	99.59%	1,006,868.88	4.50%
AA	100.00%	51.96%	48.04%	126,422,997.50	3.80%
A	60.00%	21.07%	37.35%	51,251,462.58	4.21%
BBB & NR	40.00%	17.76%	22.24%	43,201,170.27	4.29%
Below BBB	0.00%	0.00%	0.00%	N/A	N/A

Council still holds a number of lower interest rate investments at this point at time, many of these have a maturity of less than 3 months and the costs to redeem early were significant and would have been detrimental to the interest revenue received. These investments shall be redeemed at their maturity and reinvested into a higher performing product.

Certification by Responsible Accounting Officer

I, Veronica Webb, hereby certify that all investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

## ATTACHMENTS

- 1 April Investment Report, D23/28280 [↓](#)



# Investment Report

01/04/2023 to 30/04/2023



## Portfolio Valuation as at 30/04/2023

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
NAB	AA-	TD	GENERAL	At Maturity	16/12/2022	18/05/2023	4.1500	5,000,000.00	77,315.07	17,054.79
Suncorp	A+	TD	WATER	At Maturity	16/12/2022	18/05/2023	4.1600	5,000,000.00	77,501.37	17,095.89
Suncorp	A+	TD	SEWER	At Maturity	16/12/2022	18/05/2023	4.1600	5,000,000.00	77,501.37	17,095.89
Westpac	AA-	TD	SEWER	Quarterly	09/06/2022	15/06/2023	3.4500	1,000,000.00	5,009.59	2,835.62
Westpac	AA-	TD	WATER	Quarterly	09/06/2022	15/06/2023	3.4500	500,000.00	2,504.79	1,417.81
Westpac	AA-	TD	GENERAL	Quarterly	09/06/2022	15/06/2023	3.4500	500,000.00	2,504.79	1,417.81
Suncorp	A+	TD	WATER	At Maturity	12/01/2023	20/07/2023	4.4500	5,000,000.00	66,445.21	18,287.67
Commonwealth Bank	AA-	TD	SEWER	At Maturity	16/12/2022	20/07/2023	4.4000	5,000,000.00	81,972.60	18,082.19
Westpac	AA-	TD	GENERAL	Quarterly	28/07/2022	27/07/2023	3.7700	3,000,000.00	929.59	929.59
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	02/02/2023	03/08/2023	4.4300	5,000,000.00	53,402.74	18,205.48
NAB	AA-	TD	GENERAL	At Maturity	08/12/2022	24/08/2023	4.2000	5,000,000.00	82,849.32	17,260.27
NAB	AA-	TD	WATER	At Maturity	22/12/2022	31/08/2023	4.3500	2,000,000.00	30,986.30	7,150.68
NAB	AA-	TD	GENERAL	At Maturity	22/12/2022	31/08/2023	4.3500	2,000,000.00	30,986.30	7,150.68
BOQ	BBB+	TD	SEWER	At Maturity	01/12/2022	31/08/2023	4.3000	2,000,000.00	35,578.08	7,068.49
BOQ	BBB+	TD	GENERAL	At Maturity	01/12/2022	31/08/2023	4.3000	1,000,000.00	17,789.04	3,534.25
BOQ	BBB+	TD	WATER	At Maturity	13/04/2023	19/10/2023	4.7000	2,500,000.00	5,794.52	5,794.52
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	20/01/2023	19/10/2023	4.6000	2,000,000.00	25,457.53	7,561.64
Commonwealth Bank	AA-	TD	WATER	At Maturity	10/11/2022	09/11/2023	4.4400	1,000,000.00	20,922.74	3,649.32



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Commonwealth Bank	AA-	TD	SEWER	At Maturity	16/12/2022	16/11/2023	4.6000	5,000,000.00	85,698.63	18,904.11
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	17/11/2022	16/11/2023	4.2900	1,500,000.00	29,089.73	5,289.04
Commonwealth Bank	AA-	TD	SEWER	At Maturity	17/11/2022	16/11/2023	4.2900	1,000,000.00	19,393.15	3,526.03
Commonwealth Bank	AA-	TD	WATER	At Maturity	17/11/2022	16/11/2023	4.2900	1,500,000.00	29,089.73	5,289.04
NAB	AA-	TD	GENERAL	At Maturity	24/11/2022	23/11/2023	4.4000	5,000,000.00	95,232.88	18,082.19
Defence Bank	BBB	TD	GENERAL	At Maturity	01/12/2022	30/11/2023	4.6000	3,000,000.00	57,090.41	11,342.47
Commonwealth Bank	AA-	TD	GENERAL	At Maturity	22/12/2022	30/11/2023	4.5800	5,000,000.00	81,561.64	18,821.92
Suncorp	A+	TD	GENERAL	At Maturity	22/12/2022	30/11/2023	4.4000	3,000,000.00	47,013.70	10,849.32
Defence Bank	BBB	TD	GENERAL	Annual	01/12/2022	30/11/2023	4.6000	2,000,000.00	38,060.27	7,561.64
Auswide Bank	BBB	TD	SEWER	Annual	10/12/2020	14/12/2023	0.6300	2,000,000.00	4,832.88	1,035.62
Westpac	AA-	TD	GENERAL	Quarterly	16/12/2022	21/12/2023	4.4500	5,000,000.00	28,041.10	18,287.67
Suncorp	A+	TD	WATER	Quarterly	16/12/2022	21/12/2023	4.4700	5,000,000.00	28,167.12	18,369.86
ING Direct	A	TD	GENERAL	At Maturity	23/03/2023	21/12/2023	4.4500	3,500,000.00	16,641.78	12,801.37
BOQ	BBB+	TD	GENERAL	At Maturity	12/12/2022	21/12/2023	4.3000	3,000,000.00	49,479.45	10,602.74
ING Direct	A	TD	SEWER	At Maturity	05/01/2023	11/01/2024	4.3200	3,000,000.00	41,187.95	10,652.05
Westpac	AA-	TD	WATER	Quarterly	20/01/2022	25/01/2024	1.4300	1,000,000.00	430.96	430.96
NAB	AA-	TD	WATER	At Maturity	16/02/2023	15/02/2024	4.9300	5,000,000.00	49,975.34	20,260.27
Westpac	AA-	TD	SEWER	Quarterly	16/02/2023	15/02/2024	4.9000	1,340,000.00	13,311.89	5,396.71
Defence Bank	BBB	TD	GENERAL	At Maturity	03/03/2023	07/03/2024	5.0000	5,000,000.00	40,410.96	20,547.95
Westpac	AA-	TD	GENERAL	Quarterly	10/03/2023	21/03/2024	4.7500	2,500,000.00	16,917.81	9,760.27



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
NAB	AA-	TD	GENERAL	At Maturity	10/03/2023	21/03/2024	4.8000	2,000,000.00	13,676.71	7,890.41
NAB	AA-	TD	SEWER	At Maturity	10/03/2023	21/03/2024	4.8000	1,500,000.00	10,257.53	5,917.81
Rabobank Australia Branch	A+	FRN	SEWER	Quarterly	19/04/2021	19/04/2024	4.0290	499,219.55	662.30	662.30
Rabobank Australia Branch	A+	FRN	WATER	Quarterly	19/04/2021	19/04/2024	4.0290	499,219.55	662.30	662.30
ING Direct	A	TD	WATER	Annual	27/04/2023	02/05/2024	4.5000	3,000,000.00	1,479.45	1,479.45
BOQ	BBB+	TD	GENERAL	At Maturity	16/12/2022	20/06/2024	4.4900	5,000,000.00	83,649.32	18,452.05
ING Direct	A	TD	WATER	Quarterly	30/06/2022	27/06/2024	4.5000	1,000,000.00	3,945.21	3,698.63
ING Direct	A	TD	SEWER	Quarterly	30/06/2022	27/06/2024	4.5000	500,000.00	1,972.60	1,849.32
ING Direct	A	TD	GENERAL	Quarterly	30/06/2022	27/06/2024	4.5000	3,000,000.00	11,835.62	11,095.89
Commonwealth Bank	AA-	TD	GENERAL	Semi-Annual	05/01/2023	04/07/2024	4.8300	5,000,000.00	76,750.68	19,849.32
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	05/01/2023	04/07/2024	4.8300	5,000,000.00	76,750.68	19,849.32
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	05/01/2023	04/07/2024	4.8300	5,000,000.00	76,750.68	19,849.32
Westpac	AA-	TD	GENERAL	Quarterly	08/07/2021	11/07/2024	0.7800	2,000,000.00	854.79	854.79
Suncorp	A+	FRN	WATER	Quarterly	25/07/2019	30/07/2024	4.1612	1,001,001.61	342.02	342.02
BOQ	BBB+	TD	WATER	Annual	02/08/2019	01/08/2024	2.2000	2,000,000.00	32,789.04	3,616.44
BOQ	BBB+	TD	SEWER	Annual	18/08/2022	22/08/2024	4.0400	2,000,000.00	55,785.21	6,641.10
Bendigo and Adelaide	BBB+	FRN	SEWER	Quarterly	05/09/2019	06/09/2024	4.6025	1,002,119.05	7,061.37	3,782.88
Police Bank	BBB	TD	WATER	Annual	14/10/2022	17/10/2024	4.7500	1,000,000.00	25,897.26	3,904.11
Citibank, N.A.	A+	FRN	SEWER	Quarterly	14/11/2019	14/11/2024	4.3690	1,000,644.75	9,097.10	3,590.96
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	05/12/2024	1.6000	3,000,000.00	7,890.41	3,945.21



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Newcastle Greater Mutual Group Ltd	BBB	FRN	WATER	Quarterly	05/02/2020	04/02/2025	4.4849	349,525.61	3,612.49	1,290.18
Newcastle Greater Mutual Group Ltd	BBB	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	4.4849	349,525.61	3,612.49	1,290.18
Macquarie Bank	A+	FRN	SEWER	Quarterly	12/02/2020	12/02/2025	4.3402	2,001,377.12	18,312.08	7,134.58
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	2,398.79	609.86
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	2,398.79	609.86
ING Direct	A	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	11,610.00	4,771.23
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	24,410.96	12,205.48
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	7,563.84	4,052.05
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	7,563.84	4,052.05
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	7,563.84	4,052.05
Defence Bank	BBB	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	23,189.04	15,123.29
ING Direct	A	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	4,096.44	2,926.03
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	8,769.18	8,486.30
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	3,758.22	3,636.99
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	6,696.99	3,189.04
ING Direct	A	TD	GENERAL	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	29,616.44	19,315.07
Commonwealth Bank	AA-	FRN	WATER	Quarterly	13/01/2023	13/01/2026	4.5448	3,017,735.45	6,723.81	6,723.81
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	4,712.33	1,767.12
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	4,712.33	1,767.12
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	4,712.33	1,767.12



Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Capital Value	Accrued	Accrued MTD
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	2,761.64	1,479.45
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,841.10	986.30
P&N Bank	BBB	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	29,616.44	19,315.07
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	146.30	146.30
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	146.30	146.30
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	292.60	292.60
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	658.36	658.36
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	3,287.67	1,643.84
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	6,575.34	3,287.67
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	6,575.34	3,287.67
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	5,150.68	1,931.51
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	429,077.27	2,252.47	1,072.60
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	429,077.27	2,252.47	1,072.60
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	1,006,868.88	13,315.07	3,698.63
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	4.7750	1,507,107.51	6,083.22	5,886.99
Commonwealth Bank	AA-	CASH	WATER	Monthly	30/04/2023	30/04/2023	3.6500	8,582,940.15	23,163.13	23,163.13
Commonwealth Bank	AA-	CASH	SEWER	Monthly	30/04/2023	30/04/2023	3.6500	4,649,675.88	16,116.92	16,116.92
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/04/2023	30/04/2023	3.6500	8,176,315.89	20,176.79	20,176.79
<b>TOTALS</b>								<b>243,291,431.15</b>	<b>2,291,634.68</b>	<b>746,469.60</b>





## Counterparty Compliance as at 30/04/2023

### Long Term Investments

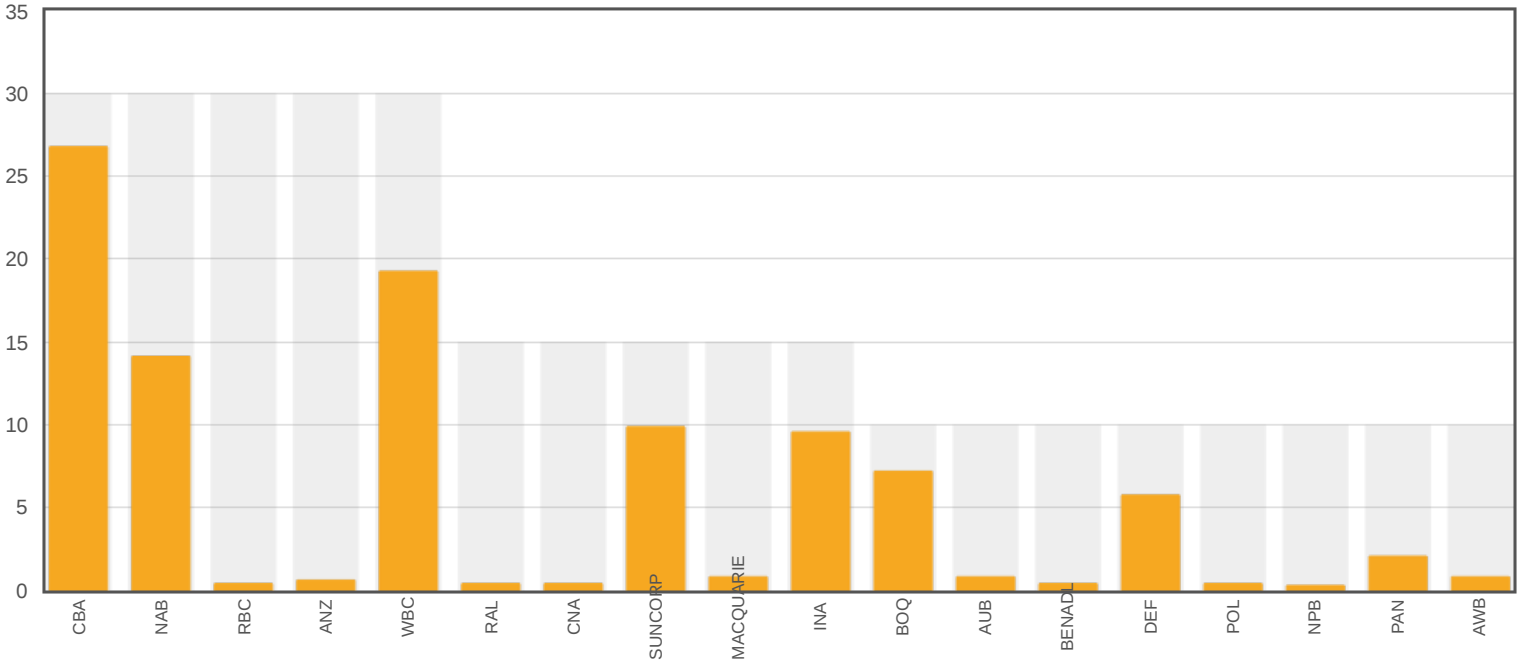
Compliant	Bank Group	Term	Rating	Invested	Invested (%)	Limit (%)	Limit (\$)	Available
✓	Commonwealth Bank	Long	AA-	65,126,667.37	26.77	30.00	-	7,860,761.98
✓	NAB	Long	AA-	34,358,154.54	14.12	30.00	-	38,629,274.81
✓	Royal Bank of Canada	Long	AA-	1,006,868.88	0.41	30.00	-	71,980,560.47
✓	ANZ Bank	Long	AA-	1,507,107.51	0.62	30.00	-	71,480,321.84
✓	Westpac	Long	AA-	46,840,000.00	19.25	30.00	-	26,147,429.35
✓	Rabobank Australia Branch	Long	A+	998,439.10	0.41	15.00	-	35,495,275.57
✓	Citibank, N.A.	Long	A+	1,000,644.75	0.41	15.00	-	35,493,069.92
✓	Suncorp	Long	A+	24,001,001.61	9.87	15.00	-	12,492,713.06
✓	Macquarie Bank	Long	A+	2,001,377.12	0.82	15.00	-	34,492,337.55
✓	ING Direct	Long	A	23,250,000.00	9.56	15.00	-	13,243,714.67
✓	BOQ	Long	BBB+	17,500,000.00	7.19	10.00	-	6,829,143.12
✓	Australian Unity Bank	Long	BBB+	2,000,000.00	0.82	10.00	-	22,329,143.12
✓	Bendigo and Adelaide	Long	BBB+	1,002,119.05	0.41	10.00	-	23,327,024.07



Compliant	Bank Group	Term	Rating	Invested	Invested (%)	Limit (%)	Limit (\$)	Available
✓	Defence Bank	Long	BBB	14,000,000.00	5.75	10.00	-	10,329,143.12
✓	Police Bank	Long	BBB	1,000,000.00	0.41	10.00	-	23,329,143.12
✓	Newcastle Permanent	Long	BBB	699,051.22	0.29	10.00	-	23,630,091.90
✓	P&N Bank	Long	BBB	5,000,000.00	2.06	10.00	-	19,329,143.12
✓	Auswide Bank	Long	BBB	2,000,000.00	0.82	10.00	-	22,329,143.12
TOTALS				243,291,431.15	100.00			



Counterparty Compliance - Long Term Investments



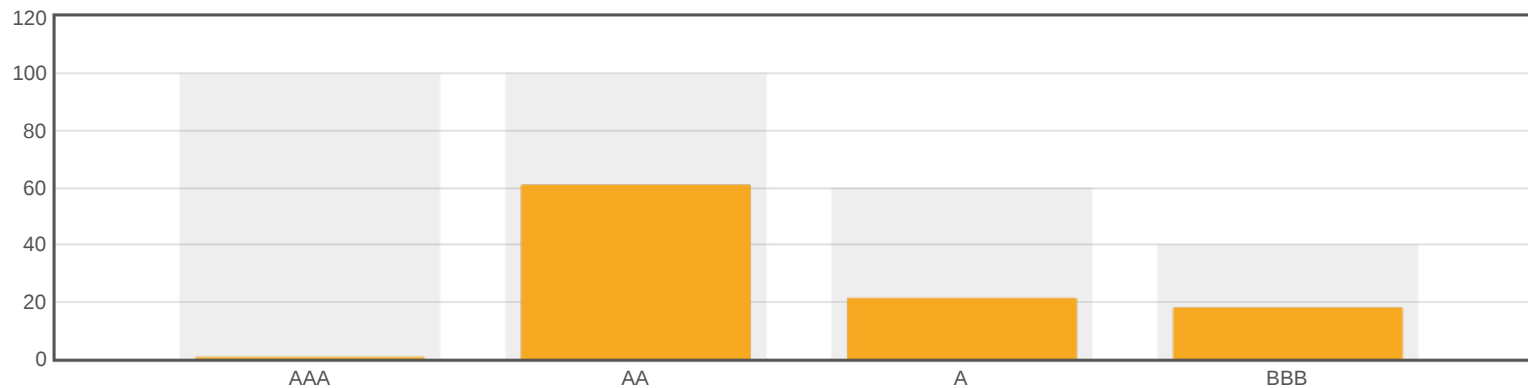


## Credit Quality Compliance as at 30/04/2023

### Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available
✓	AAA	1,006,868.88	0.41	100.00	242,284,562.27
✓	AA	147,831,929.42	60.76	100.00	95,459,501.74
✓	A	51,251,462.59	21.07	60.00	94,723,396.10
✓	BBB	43,201,170.27	17.76	40.00	54,115,402.19
TOTALS		243,291,431.15	100.00		

### Credit Quality Compliance - Long Term Investments

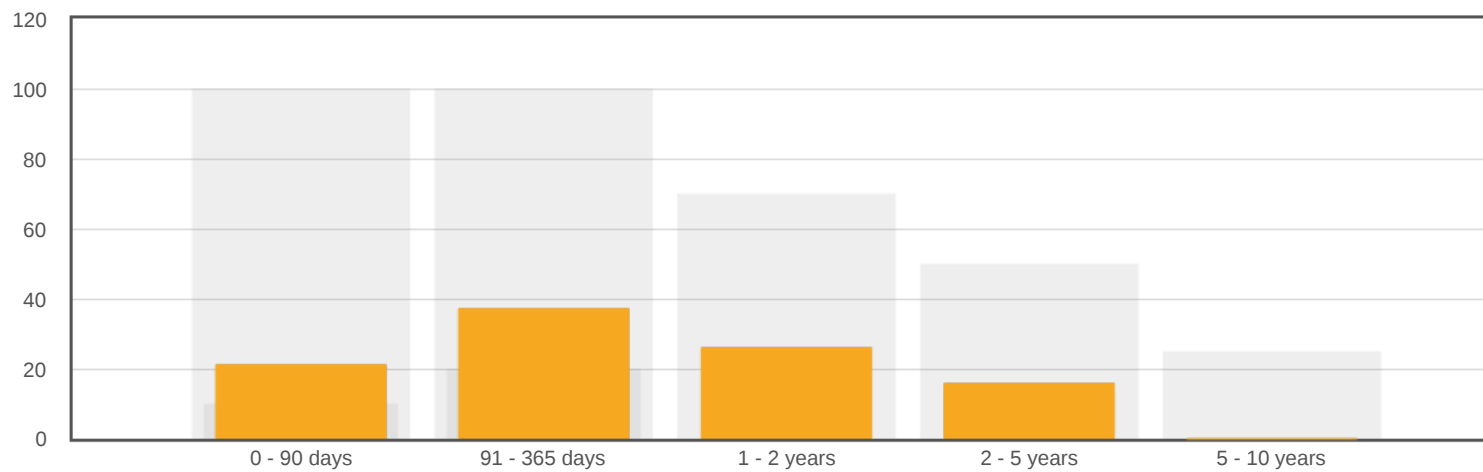




## Maturity Compliance as at 30/04/2023

Compliant	Term	Invested	Invested (%)	Min Limit (%)	Max Limit (%)	Available
✓	0 - 90 days	51,408,931.92	21.13	10.00	100.00	191,882,499.23
✓	91 - 365 days	90,338,439.10	37.13	20.00	100.00	152,952,992.05
✓	1 - 2 years	63,154,193.75	25.96	0.00	70.00	107,149,808.05
✓	2 - 5 years	38,389,866.38	15.78	0.00	50.00	83,255,849.20
✓	5 - 10 years	-	0.00	0.00	25.00	60,822,857.79
TOTALS		243,291,431.15	100.00			

## Maturity Compliance





## 5.6 QUARTERLY BUDGET REVIEW - QUARTER 3 OF 2022/2023

RECORD NUMBER: 2023/659

AUTHOR: Veronica Webb, Chief Financial Officer

### EXECUTIVE SUMMARY

Presented is the Quarterly Budget Review for the third quarter of the financial year ending 30 June 2023. The purpose of the quarterly budget review is to advise council of the forecasted financial position and present variations for approval that have changed since setting the original budget.

### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.2. Ensure financial stability and support efficient ongoing operation”.

### FINANCIAL IMPLICATIONS

The March Quarterly Review has identified unfavourable variations totalling \$514,027 to Council’s Operating Result before capital. However the effect of these variations has been to improve Council’s projected overall deficit and cost to council by \$172,977.

The unfavourable operating result is due to reallocation of capital expenditure to Operating expenditure impacting the result. The main reason for the improvement to overall cost to council is the increase in the grant funds offset by operating expenditure.

Table 1 below presents Council’s Operating result before Capital - by Fund. It is important to note that all red bracketed numbers in Tables 1 and 2 below indicate a surplus result for Council.

#### *Operating Result before Capital*

Fund	Adopted Budget	Proposed Variations	Proposed Budget	
General	20,074	622,027	642,101	Deficit
Water	337,138	(108,000)	229,138	Deficit
Sewer	(1,185,458)	0	(1,185,458)	Surplus
<b>Total</b>	<b>(828,246)</b>	<b>514,027</b>	<b>(314,219)</b>	<b>Surplus</b>

Table 1: Projected Operating Result before Capital

Table 2 presents Council’s projected Cash result by Division, showing the Cost to Council (which includes capital expenditure, capital income and funding).

**Cash Result by Direction (Cost to Council)**

Direction	Adopted Budget	Proposed Variations	Proposed Budget	
Collaborate	(26,169,645)	200,922	(25,968,723)	Surplus
Live	15,185,970	(189,939)	14,996,031	Deficit
Prosper	1,306,478	(201,460)	1,105,018	Deficit
Preserve	12,644,013	17,500	12,661,513	Deficit
<b>Total</b>	<b>2,966,816</b>	<b>(172,977)</b>	<b>2,793,839</b>	<b>Deficit</b>

Table 2: Projected Cash result – Cost to council

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget and performance indicators review for January 2023 to March 2023 be acknowledged.
- 2 To adopt favourable variations in the consolidated overall cost to council arising from the March 2023 quarterly review amounting to \$172,977.

**SUPPORTING INFORMATION****Income – Increase of \$5m**

The March quarter budget variations for income has increased favourably by \$5m. There were a number of grants awarded during the period. These include; Resources for Regions, Stronger Country communities, Fixing local roads for pothole repair, Open Spaces Places Swim for Lake Canobolas, Our Region our Voice grant for community services projects. A list of major variations is included in the attached report.

Income streams such as User Charges and Fees and Other Revenues are currently on track as generally their rate of receipt is consistent throughout the year. As Council's annual rates are levied in July of each year, this income is almost fully recognised in the third quarter.

Interest revenue forecast for the remainder of the financial year has increased due to the increase in interest rates being offered and management undergoing a full review of investments at lower rates.

Other income streams are subject to external influences including occurrences of development, or the success of grant applications. These income streams are routinely reviewed, and adjusted as appropriate, at each quarterly review.

Figure 1 below provides a snapshot of the split of Council's income against budget.



## 5.6 Quarterly Budget Review - Quarter 3 of 2022/2023

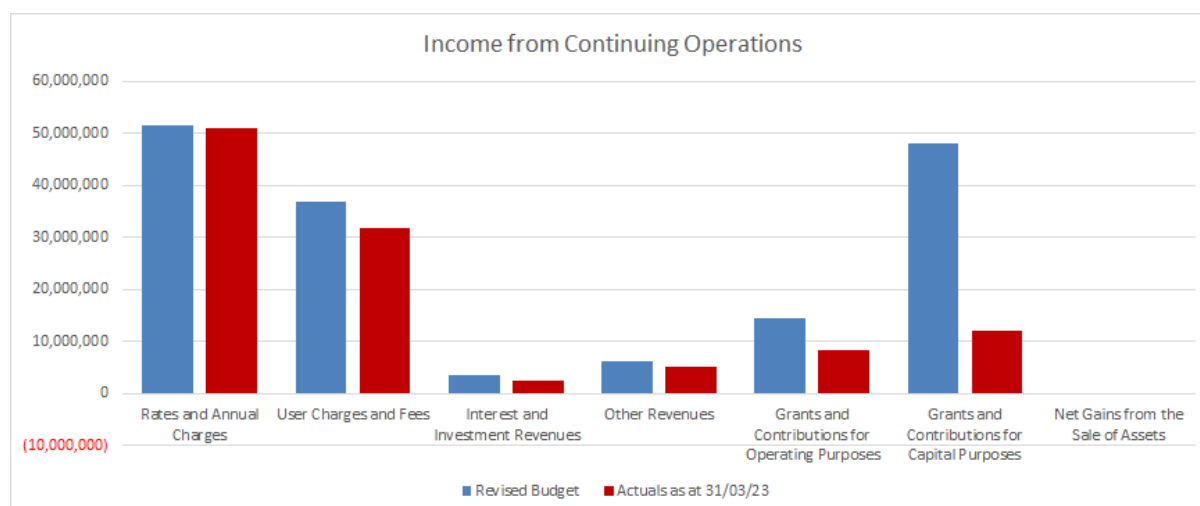


Figure 1: Income with Original Budget, Projected budget and Actuals as at 31 March 2023

### **Operating Expenditure – Increase of \$2.6m**

The March quarter budget variations for operational expenditure has increased by \$2.6m mainly due the grant funds received for various projects. Other small variations include; Pot hole repair, Road repairs, Community services projects through the grant funding of Our Region. A list of major variations is included in the attached report.

Actual expenditure is tracking in line as expected, however there could be pressure on existing maintenance, electricity and other budgets as rising and escalating costs are realised. Council will be well aware of the price rises for gas, electricity, fuel currently impacting operations and the further flagged increases in the Federal budget. Project materials and contactor price increases of around 25% are being experienced and will continue to impact the budget in the foreseeable future.

In general, Council's routine operational expenses should be incurred at a consistent rate. These include expense groupings such as Employee Costs, Materials and Contracts, Depreciation and Other Expenses.

Figure 2 provides a snapshot of the split of Council's operating expenditure

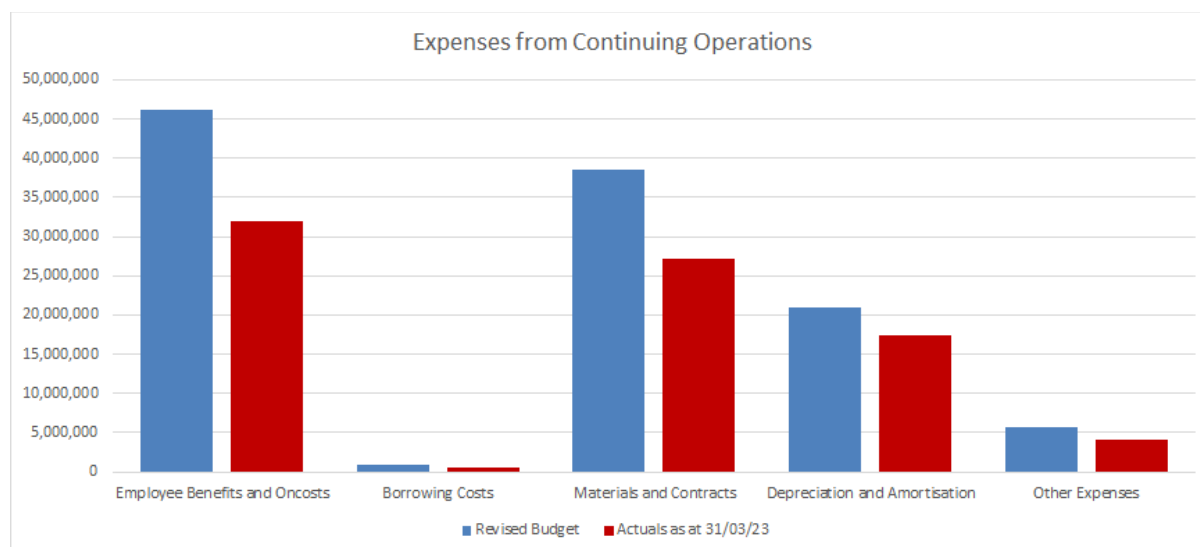


Figure 2: Expenditure Report with Original Budget, Projected budget and Actuals as at 31 March 2023

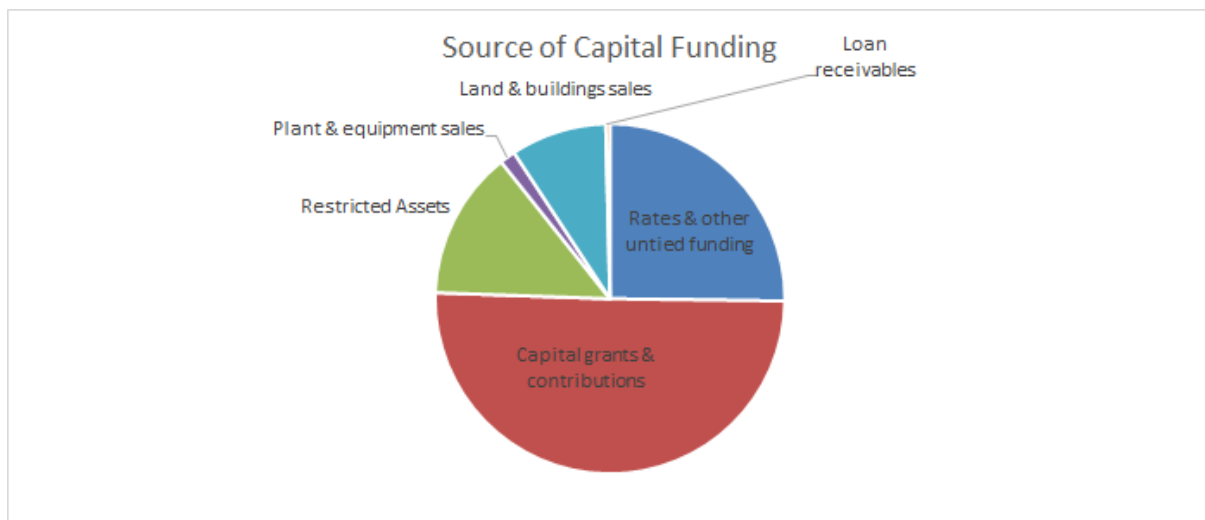
**Capital Expenditure – Adjustment of \$1.3m**

The March quarter budget variations for capital expenditure has decreased by \$1.3m. A review of all capital projects has been undertaken and managers have assessed the timeframes of expected delivery. As a result some projects have been deferred until the new financial year. These include mainly water and sewer infrastructure. A list of major variations is included in the attached report. The table below represents Council's capital expenditure by fund.

***Capital Budget by Fund***

<b>Fund</b>	<b>Adopted Budget</b>	<b>Proposed Variations</b>	<b>Proposed Budget</b>
General	76,912,408	3,019,516	79,931,924
Water	7,875,137	(1,450,000)	6,425,137
Sewer	12,192,349	(2,931,079)	9,261,270
<b>Total</b>	<b>96,979,894</b>	<b>(1,361,563)</b>	<b>95,618,331</b>

Council's capital expenditure is funded by a mix of funding sources. The following table shows the funding source for capital expenditure.

**Cash Restrictions**

The March quarter budget variations for restricted asset movements has resulted in a return back to reserves of \$3.6m. These variations will result in a predicted total cash held of \$210m. The Table below shows the restricted cash held by each fund and the projected closing balance. The detail list of restrictions is included in the attached report.

## 5.6 Quarterly Budget Review - Quarter 3 of 2022/2023

<b>Cash Restrictions Movements</b>				
<b>Fund</b>	<b>Opening Balance</b>	<b>Adopted Budget Transfers</b>	<b>Proposed Variations Transfers</b>	<b>Closing Balance</b>
General	87,744,007	(14,665,994)	(870,223)	72,207,790
Water	75,727,021	2,893,042	1,558,000	80,178,063
Sewer	62,570,972	(7,086,472)	2,931,079	58,415,579
<b>Total</b>	<b>226,042,000</b>	<b>(18,859,424)</b>	<b>3,618,856</b>	<b>210,801,432</b>

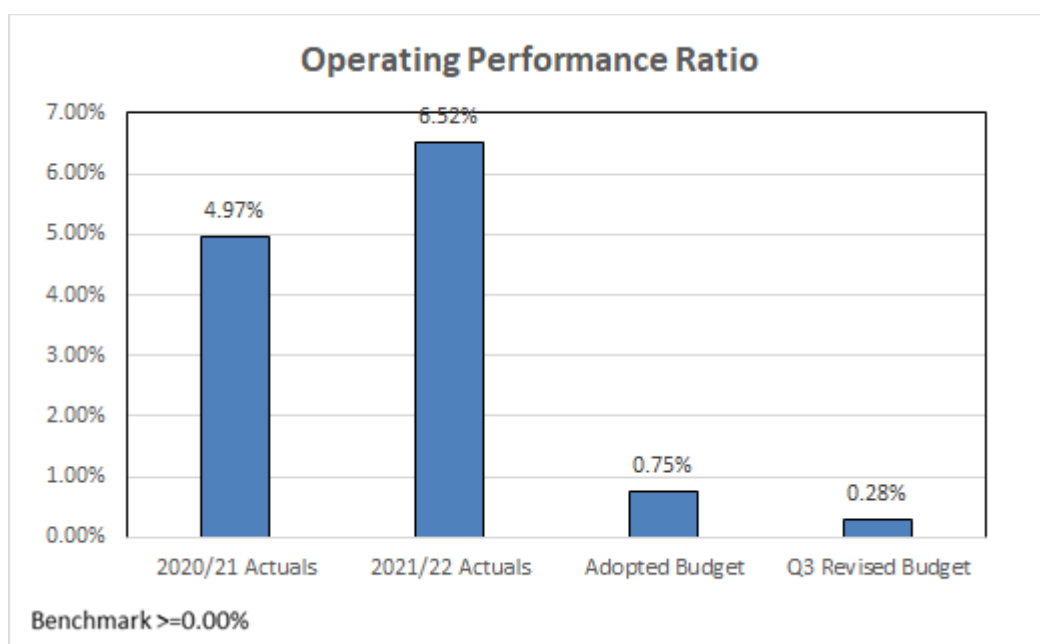
**Financial Performance Indicators**

The tables below represent financial performance against local government industry indicators from the annual financial statements. The charts compare actual performance from 2021/22 against the adopted 2022/23 budget and the proposed Q3 revised 2022/23 budget.

**Operating Performance Ratio:**

The purpose of the operating performance ratio is to measure the extent to which Council succeeds in containing operating expenditure within operating revenue (excluding capital grants and contributions).

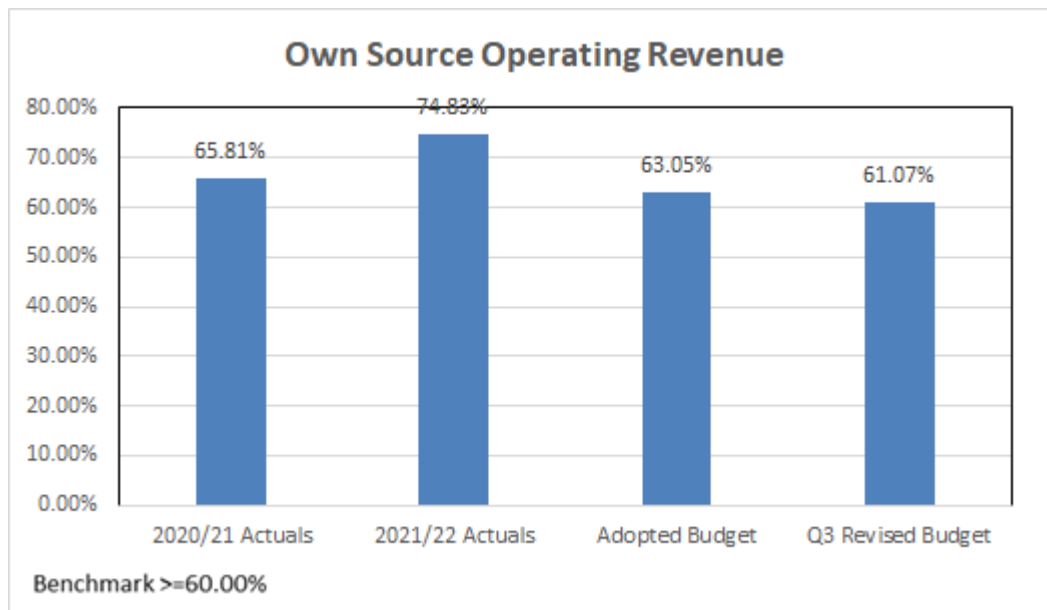
The performance to date indicates Council is now tracking above the benchmark due mainly to the forecast of an operating surplus for the 2022/23 year.



**Own Source Operating Revenue:**

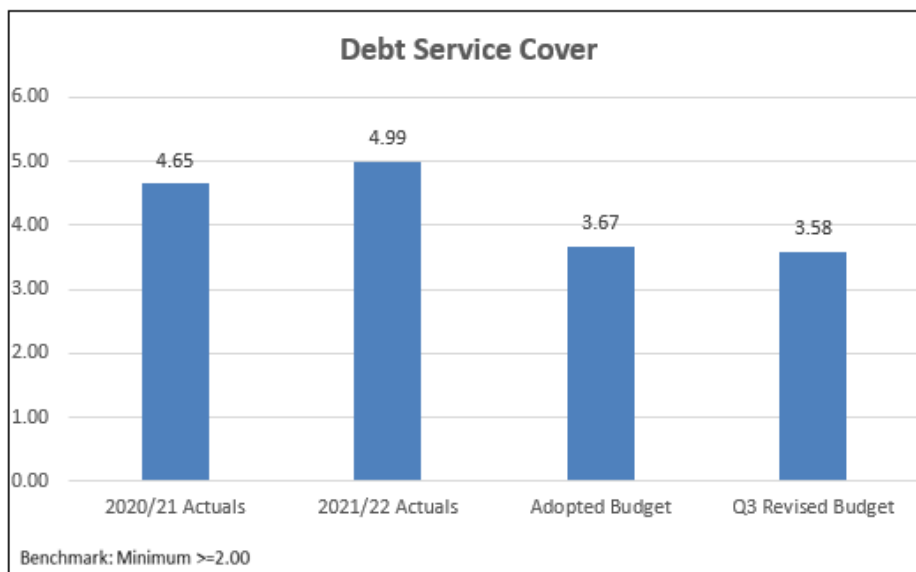
The purpose of the own source operating revenue ratio is to measure fiscal flexibility by analysing the degree of reliance on external funding sources.

The performance to date indicates Council is now above the benchmark, with a significant increase in the level of funding expected to come from capital grants and contributions for major projects in 2022/23.

**Debt Service Cover:**

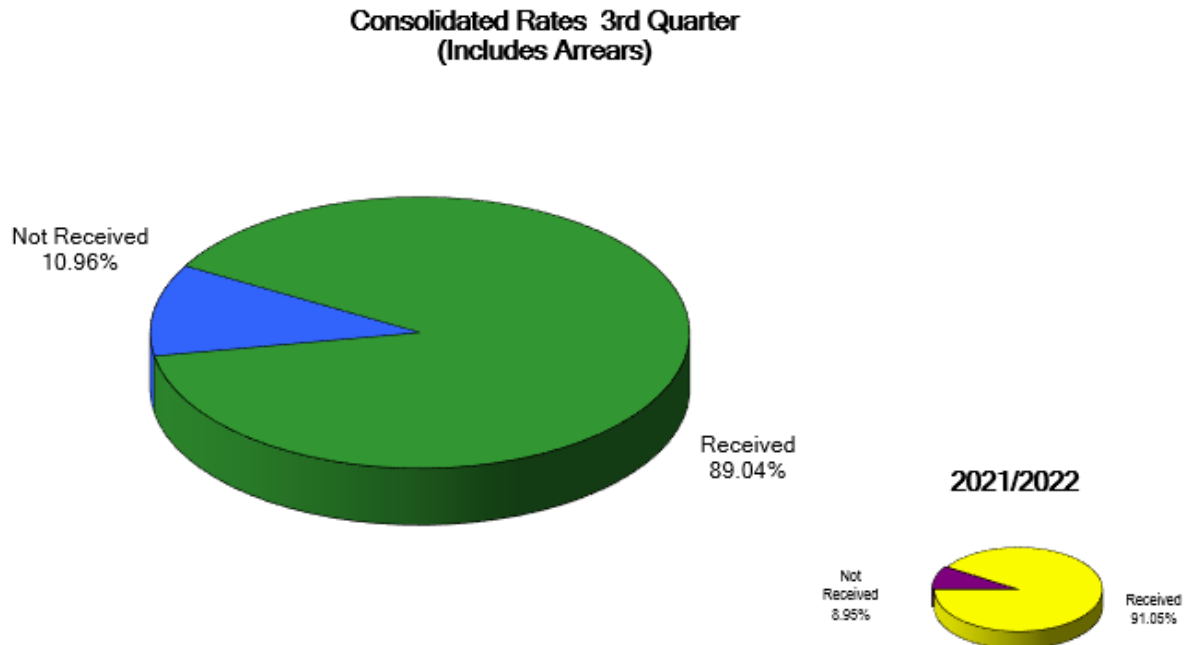
The purpose of the debt service cover ratio is to measure the availability of operating cash to service debt including interest, principal and lease payments.

The performance to date indicates Council is tracking in advance of the benchmark. The budgeted performance is below the 2021/22 ratio due to the surplus operating result achieved in 2021/22 combined with lower loan repayments and interest than is forecast for 2022/23.



**Rates and Charges Collection**

As at March 2023, a total of \$6.9 million (10.96 per cent) remains outstanding for rates and annual charges. For the purposes of comparison, for the same quarter last financial year, \$5.3m (8.95 per cent) of the amount payable remained outstanding.

***Rate Collection as at Q3 2022/23 vs Q3 2021/22***

During the quarter council received payments for rates and charges of \$19.6m. The next rate instalment is due on the 31st May 2023 and council staff will continue to monitor outstanding rates and charges for the remainder of the financial year, with a focus on a more active debt recovery actions.

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*As the Responsible Accounting Officer, it is my opinion that the Quarterly Budget Review Statement for Orange City Council for the quarter ended 31<sup>st</sup> March 2023 indicates that Council's projected financial position for 30 June 2023 will be satisfactory having regard to the project estimates of income and expenditure, and variations contained therein.*

*Veronica Webb, Responsible Accounting Officer*

**ATTACHMENTS**

- 1 Quarterly Budget Review March 2023, D23/29796 [↓](#)



**Quarterly Budget Review Statement  
for the period 01/01/2023 to 31/03/2023**

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**5. Key performance indicators**

## March Qtr Review - Summary

	Adopted Budget	Proposed Variations	Proposed Budget	
<b>Consolidated</b>				
- Operating Result	(828,246)	514,027	(314,219)	Surplus
- Overall Cost to Council	2,966,816	(172,977)	2,793,839	Deficit
- Restricted Cash Movement	(18,859,424)	14,107,617	(4,751,807)	
<b>General</b>				
- Operating Result	20,074	622,027	642,101	Deficit
- Cost to Council	2,966,825	(172,977)	2,793,848	Deficit
- Restricted Cash Movement	(9,167,972)	(870,223)	(10,038,195)	
<b>Water Fund</b>				
- Operating Result	337,138	(108,000)	229,138	Deficit
- Restricted Cash Movement	(1,759,450)	1,558,000	(201,450)	
<b>Sewer Fund</b>				
- Operating Result	(1,185,458)	0	(1,185,458)	Surplus
- Restricted Cash Movement	(5,831,972)	2,931,079	(2,900,893)	

**Cash Result by Direction (Cost to Council)**

Direction	Adopted Budget	Proposed Variations	Proposed Budget	
Collaborate	(26,169,645)	200,922	(25,968,723)	Surplus
Live	15,185,970	(189,939)	14,996,031	Deficit
Prosper	1,306,478	(201,460)	1,105,018	Deficit
Preserve	12,644,013	17,500	12,661,513	Deficit
<b>Total</b>	<b>2,966,816</b>	<b>(172,977)</b>	<b>2,793,839</b>	<b>Deficit</b>

**Operating Result before Capital**

Fund	Adopted Budget	Proposed Variations	Proposed Budget	
General	20,074	622,027	642,101	Deficit
Water	337,138	(108,000)	229,138	Deficit
Sewer	(1,185,458)	0	(1,185,458)	Surplus
<b>Total</b>	<b>(828,246)</b>	<b>514,027</b>	<b>(314,219)</b>	<b>Surplus</b>

**Capital Budget by Fund**

Fund	Adopted Budget	Proposed Variations	Proposed Budget
General	76,912,408	3,019,516	79,931,924
Water	7,875,137	(1,450,000)	6,425,137
Sewer	12,192,349	(2,931,079)	9,261,270
<b>Total</b>	<b>96,979,894</b>	<b>(1,361,563)</b>	<b>95,618,331</b>

## March Qtr Review - Consolidated Report

	Adopted Budget	Actuals as at 31/03/2023	Proposed Variation	Revised Budget
<b>Income From Continuing Operations</b>				
Rates and Annual Charges	(51,663,144)	(51,117,164)	0	(51,663,144)
User Charges and Fees	(36,790,847)	(31,890,675)	0	(36,790,847)
Interest and Investment Revenues	(3,632,773)	(2,465,820)	0	(3,632,773)
Other Revenues	(6,144,016)	(5,310,212)	(14,091)	(6,158,107)
Grants and Contributions for Operating Purposes	(12,365,266)	(8,268,620)	(2,104,710)	(14,469,976)
Grants and Contributions for Capital Purposes	(45,202,260)	(12,241,841)	(2,944,297)	(48,146,557)
Net Gains from the Sale of Assets	0	116,690	0	0
<b>Total Income from Continuing Operations</b>	<b>(155,798,306)</b>	<b>(111,177,641)</b>	<b>(5,063,098)</b>	<b>(160,861,404)</b>
<b>Expenses from Continuing Operations</b>				
Employee Benefits and Oncosts	44,617,468	32,029,740	1,525,736	46,143,204
Borrowing Costs	943,715	598,046	0	943,715
Materials and Contracts	37,406,781	27,119,136	1,145,092	38,551,882
Depreciation and Amortisation	20,996,842	17,441,108	0	20,996,842
Other Expenses	5,802,985	4,039,979	(38,000)	5,764,985
<b>Total Expenses from Continuing Operations</b>	<b>109,767,791</b>	<b>81,228,009</b>	<b>2,632,828</b>	<b>112,400,628</b>
<b>Operating Result from Continuing Operations</b>	<b>(46,030,515)</b>	<b>(29,949,633)</b>	<b>(2,430,270)</b>	<b>(48,460,776)</b>
<b>Operating Result before Capital Items</b>	<b>(828,246)</b>	<b>(17,707,792)</b>	514,027	<b>(314,219)</b>
<b>CashFlow Adjustments</b>				
<b>Sale of Assets</b>				
Total Income from the Sale of Assets	(9,852,794)	(5,529,555)	0	(9,852,794)
<b>Capital Expenditure</b>				
Total Capital Renewals	25,840,038	3,948,280	(1,004,214)	24,835,824
Total Capital Upgrades	0	0	0	0
Total Capital Replacements	65,872,391	11,107,159	(357,349)	65,515,042
Loan Repayments	5,267,465	3,530,641	0	5,267,465
<b>Total Capital expenditure</b>	<b>96,979,894</b>	<b>18,586,081</b>	<b>(1,361,563)</b>	<b>95,618,331</b>
<b>Other Income</b>				
Loan Receivables	(373,533)	0	0	(373,533)
<b>Adjustment for Non Cash items</b>				
Less: Non Cash Depreciation	(20,996,842)	(17,441,108)	0	(20,996,842)
<b>Restricted Movements</b>				
Restricted Assets (transfers to/from)	(16,759,394)	1,628,071	3,618,856	(13,140,538)
<b>Cost to Council</b>	<b>2,966,816</b>	<b>(32,706,144)</b>	<b>(172,977)</b>	<b>2,793,848</b>



## March Review - General Fund

	Adopted Budget	Actuals as at 31/03/2023	Proposed Variation	Revised Budget
<b>Income From Continuing Operations</b>				
Rates and Annual Charges	(46,275,939)	(46,499,912)	0	(46,275,939)
User Charges and Fees	(16,325,771)	(13,535,858)	0	(16,325,771)
Interest and Investment Revenues	(1,817,712)	(1,176,282)	0	(1,817,712)
Other Revenues	(6,094,007)	(4,681,718)	(14,091)	(6,108,098)
Grants and Contributions for Operating Purposes	(12,012,049)	(8,090,999)	(2,104,710)	(14,116,759)
Grants and Contributions for Capital Purposes	(42,259,505)	(10,730,075)	(2,944,297)	(45,203,802)
Net Gains from the Sale of Assets	0	(52,252)	0	0
<b>Total Income from Continuing Operations</b>	<b>(124,784,983)</b>	<b>(84,767,095)</b>	<b>(5,063,098)</b>	<b>(129,848,081)</b>
<b>Expenses from Continuing Operations</b>				
Employee Benefits and Oncosts	39,761,474	28,991,056	1,513,736	41,275,210
Borrowing Costs	726,795	401,628	0	726,795
Materials and Contracts	25,795,077	18,589,517	1,277,092	27,072,169
Depreciation and Amortisation	12,946,441	11,480,256	0	12,946,441
Other Expenses	3,315,765	2,591,463	(50,000)	3,265,765
<b>Total Expenses from Continuing Operations</b>	<b>82,545,552</b>	<b>62,053,920</b>	<b>2,740,828</b>	<b>85,286,380</b>
<b>Operating Result from Continuing Operations</b>	<b>(42,239,431)</b>	<b>(22,713,175)</b>	<b>(2,322,270)</b>	<b>(44,561,701)</b>
<b>Operating Result before Capital Items</b>	<b>20,074</b>	<b>(11,983,100)</b>	<b>622,027</b>	<b>642,101</b>
<b>CashFlow Adjustments</b>				
<b>Sale of Assets</b>				
Total Income from the Sale of Assets	(9,591,739)	(5,465,581)	0	(9,591,739)
<b>Capital Expenditure</b>				
Total Capital Renewals	22,703,038	3,375,620	(185,214)	22,517,824
Total Capital Upgrades	0	0	0	0
Total Capital Replacements	49,420,324	6,896,003	3,204,730	52,625,054
Loan Repayments	4,789,046	3,173,553	0	4,789,046
<b>Total Capital Expenditure</b>	<b>76,912,408</b>	<b>13,445,176</b>	<b>3,019,516</b>	<b>79,931,924</b>
<b>Adjustment for Non Cash items</b>				
Less: Non Cash Depreciation	(12,946,441)	(11,480,256)	0	(12,946,441)
<b>Restricted Movement</b>				
Restricted Assets (transfers to/from)	(9,167,972)	660,655	(870,223)	(10,038,195)
<b>Cost to Council</b>	<b>2,966,825</b>	<b>(25,553,181)</b>	<b>(172,977)</b>	<b>2,793,848</b>

## March Qtr Review - Water Fund

	Adopted Budget	Actuals as at 31/03/2023	Proposed Variation	Revised Budget
<b>Income From Continuing Operations</b>				
Rates and Annual Charges	(5,387,205)	(4,617,252)	0	(5,387,205)
User Charges and Fees	(9,493,232)	(7,368,852)	0	(9,493,232)
Interest and Investment Revenues	(637,472)	(658,060)	0	(637,472)
Other Revenues	(47,509)	(446,833)	0	(47,509)
Grants and Contributions for Operating Purposes	(183,481)	(46,546)	0	(183,481)
Grants and Contributions for Capital Purposes	(1,777,198)	(983,606)	0	(1,777,198)
Net Gains from the Sale of Assets	0	87,067	0	0
<b>Total Income from Continuing Operations</b>	<b>(17,526,097)</b>	<b>(14,034,082)</b>	<b>0</b>	<b>(17,526,097)</b>
<b>Expenses from Continuing Operations</b>				
Employee Benefits and Oncosts	2,950,864	1,629,584	0	2,950,864
Borrowing Costs	199,045	185,785	0	199,045
Materials and Contracts	6,769,781	5,230,332	(120,000)	6,649,781
Depreciation and Amortisation	4,585,572	3,560,389	0	4,585,572
Other Expenses	1,580,775	815,847	12,000	1,592,775
<b>Total Expenses from Continuing Operations</b>	<b>16,086,037</b>	<b>11,421,936</b>	<b>(108,000)</b>	<b>15,978,037</b>
<b>Operating Result from Continuing Operations</b>	<b>(1,440,060)</b>	<b>(2,612,146)</b>	<b>(108,000)</b>	<b>(1,548,060)</b>
<b>Operating Result before Capital Items</b>	<b>337,138</b>	<b>(1,628,540)</b>	<b>(108,000)</b>	<b>229,138</b>
<b>CashFlow Adjustments</b>				
<b>Sale of Assets</b>				
Total Income from the Sale of Assets	(90,055)	(32,328)	0	(90,055)
<b>Capital Expenditure</b>				
Total Capital Renewals	2,022,000	467,924	(804,000)	1,218,000
Total Capital Replacements	5,543,711	894,113	(646,000)	4,897,711
Loan Repayments	309,426	230,953	0	309,426
<b>Total Capital Expenditure</b>	<b>7,875,137</b>	<b>1,592,989</b>	<b>(1,450,000)</b>	<b>6,425,137</b>
<b>Adjustment for Non Cash items</b>				
Less: Non Cash Depreciation	(4,585,572)	(3,560,389)	0	(4,585,572)
<b>Restricted Movements</b>				
Restricted Assets (transfers to/from)	(1,759,450)	585,905	1,558,000	(201,450)
<b>Cost to Council</b>	<b>0</b>	<b>(4,025,968)</b>	<b>0</b>	<b>0</b>

## March Qtr Review - Sewer Fund

	Adopted Budget	Actuals as at 31/03/2023	Proposed Variation	Revised Budget
<b>Income From Continuing Operations</b>				
User Charges and Fees	(10,971,844)	(10,985,964)	0	(10,971,844)
Interest and Investment Revenues	(1,177,589)	(631,478)	0	(1,177,589)
Other Revenues	(2,500)	(181,661)	0	(2,500)
Grants and Contributions for Operating Purposes	(169,736)	(131,076)	0	(169,736)
Grants and Contributions for Capital Purposes	(1,165,557)	(528,160)	0	(1,165,557)
Net Gains from the Sale of Assets	0	81,875	0	0
<b>Total Income from Continuing Operations</b>	<b>(13,487,226)</b>	<b>(12,376,464)</b>	<b>0</b>	<b>(13,487,226)</b>
<b>Expenses from Continuing Operations</b>				
Employee Benefits and Oncosts	1,905,130	1,409,100	12,000	1,917,130
Borrowing Costs	17,875	10,633	0	17,875
Materials and Contracts	4,841,932	3,299,287	(12,000)	4,829,932
Depreciation and Amortisation	3,464,829	2,400,463	0	3,464,829
Other Expenses	906,445	632,669	0	906,445
<b>Total Expenses from Continuing Operations</b>	<b>11,136,211</b>	<b>7,752,152</b>	<b>0</b>	<b>11,136,211</b>
<b>Operating Result from Continuing Operations</b>	<b>(2,351,015)</b>	<b>(4,624,312)</b>	<b>0</b>	<b>(2,351,015)</b>
<b>Operating Result before Capital Items</b>	<b>(1,185,458)</b>	<b>(4,096,152)</b>	<b>0</b>	<b>(1,185,458)</b>
<b>CashFlow Adjustments</b>				
<b>Sale of Assets</b>				
Total Income from the Sale of Assets	(171,000)	(31,646)	0	(171,000)
<b>Capital Expenditure</b>				
Total Capital Renewals	1,115,000	104,736	(15,000)	1,100,000
Total Capital Upgrades	0	0	0	0
Total Capital Replacements	10,908,356	3,317,044	(2,916,079)	7,992,277
Loan Repayments	168,993	126,135	0	168,993
<b>Total Capital Expenditure</b>	<b>12,192,349</b>	<b>3,547,915</b>	<b>(2,931,079)</b>	<b>9,261,270</b>
<b>Other Income</b>				
Loan Receivables	(373,533)	0	0	(373,533)
<b>Adjustment for Non Cash items</b>				
Less: Non Cash Depreciation	(3,464,829)	(2,400,463)	0	(3,464,829)
<b>Restricted Movements</b>				
Restricted Assets (transfers to/from)	(5,831,972)	381,511	2,931,079	(2,900,893)
<b>Cost to Council</b>	<b>0</b>	<b>(3,126,995)</b>	<b>0</b>	<b>0</b>

**Capital budget review statement**

	Adopted Budget	Actuals as at 31/03/2023	Proposed Variation	Revised Budget
<b>Capital expenditure</b>				
Plant & equipment	6,084,971	2,579,999	513,814	6,598,785
Land	15,750	186,612	0	15,750
Buildings	6,499,338	884,292	(30,000)	6,469,338
Furniture & Fittings	183,785	41,592	0	183,785
Library Books	468,191	181,542	0	468,191
Office Equipment	50,217	26,391	0	50,217
Other structures	14,397,482	3,965,236	1,677,503	16,074,985
Roads, bridges, footpaths	29,152,138	3,142,280	1,337,874	30,490,012
Stormwater drainage	238,800	52,516	0	238,800
Water fund assets	6,205,000	1,144,610	(1,545,000)	4,660,000
Sewer fund assets	10,208,000	2,025,101	(3,273,135)	6,934,865
Land development costs	1,360,458	55,774	0	1,360,458
Real estate for sale	1,600,000	52,717	29,000	1,629,000
Loan repayments (principal)	5,267,465	3,530,641	0	5,267,465
Other	15,248,299	716,779	(71,619)	15,176,680
<b>Total capital expenditure</b>	<b>96,979,894</b>	<b>18,586,081</b>	<b>(1,361,563)</b>	<b>95,618,331</b>
<b>Capital funding</b>				
Rates & other untied funding	(24,791,913)	(2,442,756)	687,004	(24,104,909)
Capital grants & contributions	(45,202,260)	(12,241,841)	(2,944,297)	(48,146,557)
Restricted Assets	(16,759,394)	1,628,071	3,618,856	(13,140,538)
Plant & equipment sales	(1,377,648)	(617,045)	0	(1,377,648)
Land & buildings sales	(8,475,146)	(4,912,510)	0	(8,475,146)
Loan receivables	(373,533)	0	0	(373,533)
<b>Total capital funding</b>	<b>(96,979,894)</b>	<b>(18,586,081)</b>	<b>1,361,563</b>	<b>(95,618,331)</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## March Qtr Review - Major Variations

## MAJOR INCOME VARIATIONS

Grant Income	Increase	Regional & Local Repair Program grant funds	937,796
Grant Income	Increase	Resources for Regions - Clergate Road	1,406,965
Grant Income	Increase	Local Roads & Community Infrastructure - Clergate Road	720,809
Grant Income	Increase	Stronger country Communities - Lake Canobolas	300,000
Grant Income	Increase	Open Spaces Places to swim - Lake Canobolas	1,000,000
Grant Income	Increase	Our Region our Voice grant	847,286
Grant Income	Increase	RLCIP for Whiteway lighting Lords Place	250,000

## MAJOR OPERATING EXPENDITURE VARIATIONS

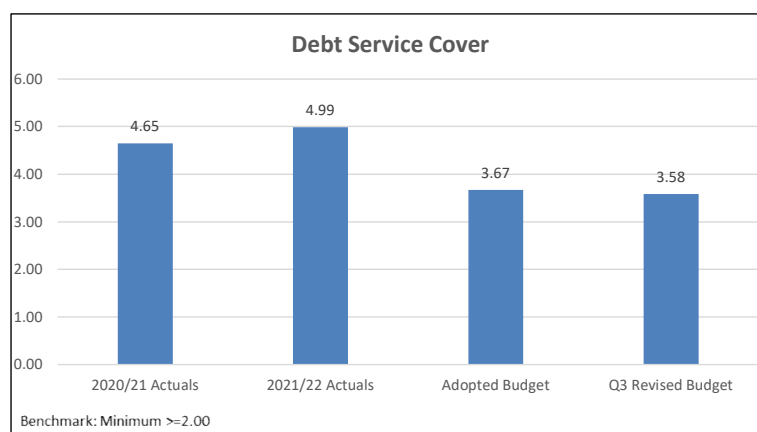
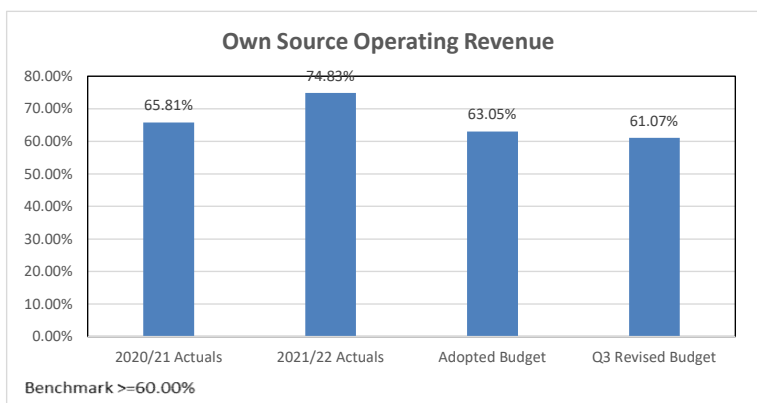
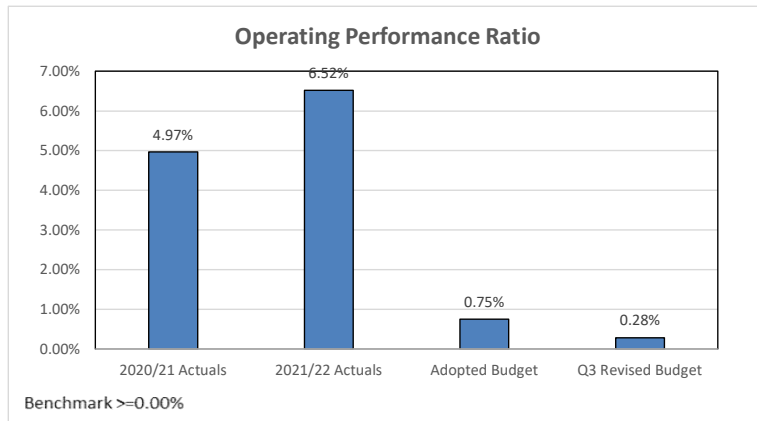
Road Mtce	Increase	Southern Lights Led Replacement program	740,285
Road Mtce	Increase	Regional & Local Road Repair Program	1,037,796
Road Mtce	Increase	Fixing Local Roads Pot hole repair	100,000
Community Services	Increase	Seniors Village Hub	90,000
Community Services	Increase	Our Region our Voice projects	847,286

## MAJOR CAPITAL EXPENDITURE VARIATIONS

	Increase	Clergate Road Stage 2	2,127,774
	Increase	Lake Canobolas Shade shelters and footpaths	379,078
	Increase	Lake Canobolas Places to swim upgrades	1,000,000
	Increase	Whiteway lighting at Lords Place	250,000
	Decrease	Water projects deferred to future years	(1,450,000)
	Decrease	Sewer projects deferred to future years	(2,931,079)

## March Qtr Review - Restricted Cash

	Closing Balance 30 June 2022	Original Budget Transfers	Q1 Movements	Q2 Movements	Q3 Movements	Projected Balance 30 June 2023
<b>Externally restricted</b>						
Specific Purpose Unexpended Grants - General	21,666,363		(801,366)	(14,091)	14,091	20,864,997
Special Purpose Unexpended Loans - General	1,167,917					1,167,917
Specific Purpose Unexpended Grants - Water	613,042					613,042
Developer Contributions - General	14,964,988	571,217	(5,178,796)	630,672		10,988,081
Developer Contributions - Water	24,072,401	(5,477,992)			520,000	19,114,409
Developer Contributions - Sewer	13,271,101	(825,500)			605,000	13,050,601
Water Supplies	51,041,579	(2,520,000)	222,920	6,015,622	1,038,000	55,798,121
Sewerage Services	49,299,870	(3,414,000)	(5,369,785)	1,697,313	2,326,079	44,539,477
Domestic Waste Management	12,708,297	108,801	(1,302,419)			11,514,679
Stormwater Management	1,836,045	(1,151,195)	(50,000)	1,524,500		2,159,350
<b>Total externally restricted</b>	<b>190,641,603</b>	<b>(12,708,669)</b>	<b>(12,479,446)</b>	<b>9,854,016</b>	<b>4,503,170</b>	<b>179,810,674</b>
<b>Internally restricted</b>						
Plant and Vehicle Replacement	3,096,254	611,176	(377,319)			3,330,111
Infrastructure Replacement	976,958	54,013			(740,285)	290,686
Employees Leave Entitlements	3,488,684					3,488,684
Ageing / Disability Services	418,262				(61,758)	356,504
Airport Operations	882,504	(23,097)	(20,000)	118,000		957,407
Asset renewal / Capital Reserve	6,470,295	(4,500,000)	(213,502)	(110,000)		1,646,793
Children's Services	13,838					13,838
Heritage and Tourism promotion	59,868					59,868
Insurance Incentive Bonus	104,038	(23,580)			(53,271)	27,187
Land Development	3,396,211	(43,954)	42,534	4,495,601	(29,000)	7,861,392
Library	4,343					4,343
Parks / Sportgrounds / Recreation	40,209					40,209
Pool Redevelopment	181,981	(200,000)				(18,019)
Quarry Operation	108,156	(19,590)				88,566
Regional Art Gallery	20,411	1,728				22,139
Rural Fire Service	69,231					69,231
Community Safety	7,486					7,486
Election Expenses	75,000	110,000				185,000
Other	2,823,483	16,035				2,839,518
FAG in Advance	3,976,933			(250,000)		3,726,933
Carry Forward	3,193,370		(3,193,370)			-
<b>Total internally restricted</b>	<b>29,407,517</b>	<b>(4,017,269)</b>	<b>(3,761,657)</b>	<b>4,253,601</b>	<b>(884,314)</b>	<b>24,997,878</b>
<b>Total Restricted Cash</b>	<b>226,042,000</b>	<b>(16,725,938)</b>	<b>(16,241,103)</b>	<b>14,107,617</b>	<b>3,618,856</b>	<b>210,801,432</b>

**Performance Ratios**





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**5.7 DRAFT INTEGRATED PLANNING AND REPORTING - DELIVERY PROGRAM  
REALIGNMENT 2023-2025, OPERATIONAL PLAN 2023-2024 AND RESOURCING  
STRATEGY INCLUDING LTFP, BUDGET, WORKFORCE MANAGEMENT STRATEGY AND  
THE ASSET MANAGEMENT STRATEGY**

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RECORD NUMBER: 2023/522

AUTHOR: David Waddell, Chief Executive Officer

**EXECUTIVE SUMMARY**

The draft budget for the 2023/24 financial year shows strong evidence of the Council's sound fiscal management while delivering the resources and infrastructure needed to meet the demands of a growing regional city.

The Council's sound fiscal management can be seen in:

- a reduction of the operating deficit from \$2.4 million last year to \$500K this year, a move towards balanced budgets in the years ahead;
- interest income growing from \$2 million last year to \$8.9 million this year through agile negotiation; and
- a recognition of what is achievable in capital project delivery.

The budget position will continue to face serious challenges.

The most serious is the decision to limit proposed rate increases to the state government mandated cap of 3.7% and keep increases in fees & charges for Council services to 5%, all against an expected inflation backdrop of over 7%.

While the priorities behind these decisions reflect an understanding that residents and businesses are already facing significant cost-of-living hardship, the alternative of not increasing rates would be to rob the community of all that a viable local council can offer.

With this budget, the Council has provided for what it takes to :

- continue to invest in road infrastructure to the tune of \$5.7m
- continue a solid spending on footpaths
- continue the *FutureCity* projects
- Continue its social programs in aged-care support and child care
- Continue to enrich the city's cultural life through the museum, art gallery, theatre and library.

Council too is facing cost-of-living questions:

- A 34% rise in electricity costs with gas prices also up;
- Staff pay rises budgeted at 5% albeit awaiting the State Award negotiations;
- A growing city requiring more services, so logically more staff may be required;
- Ageing Council assets will require maintenance; and
- The elimination of the former rebate from State Government's to cover the Emergency Service Levy. This is expected to lead to a \$170K shortfall.

## 5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

A soundly managed Council has the capacity to partner with other tiers of government, drawing on their resources to deliver the generational infrastructure that the Orange community will rely on and enjoy for years to come, totalling \$95 million in this budget. The scale of some projects, such as the new sporting precinct and the conservatorium of music, are well beyond the resources of a local council to deliver, yet Council has the staff and expertise to manage these state and federal government-funded initiatives.

In light of an anticipated slow down in grant funding, this budget flags the Council's intention to press on with large-scale projects while funding is available.

Other projects, such as the new water infrastructure that will underpin the City, the new Shiralee housing area, and sewer infrastructure that will meet the needs of an expanding community, are within the role of local government to deliver. Despite expenditure on a number of capital projects in the coming year, the bottom line for the Council's consolidated funds, which includes water and sewer funds as well as the operating fund, is projecting a surplus of \$6.4 million.

The **Draft Budget 23/24** has been developed through consultation with the community via the Community Strategic Plan, with Councillors over the last four months and with Managers and Directors via a budget-bidding process.

Significant projects included in the next financial year:

Sporting Precinct development \$60m*	Orange Regional Conservatorium \$25m*
Playground upgrades	Industrial Land Projects
Footpath rehabilitation and construction \$408k	Smart Meters – Water \$800k
Aquatic Centre Expansion and Improvements \$3m	Airport upgrades and improvements \$396k
Huntley Road further upgrades \$1.1m	Roundabout Moulder and Peisley streets - \$850K
Water mains \$1.3m	Blackman's Swamp stormwater harvesting Stage 2 \$10m
East Orange Channel - \$1.6M	Southern Feeder Road Stage 4 \$14.7M*
Sewage Treatment Plant Inlet works \$8.3M	Wade Park Grandstand \$1m
Shiralee water supply augmentation \$6.9m	Theatre Expansion

5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

Lake Canobolas upgrade \$1.3m	Gosling Creek dam upgrade investigation \$6m
Clergate Road	Sewer storage Bloomfield \$1m

*\*multi year projects*

### Integrated Planning and Reporting

In accordance with the Integrated Planning and Reporting requirements set out in the Local Government Act 1993, this report presents:

- 1 Draft Delivery Principal Activity Program 2023/2024 to 2024/2025 – Realignment with the CSP and previously adopted 2022 Delivery Program
- 2 Draft Operational Plan – Action on Principal Activity 2023/2024 under the draft Delivery Program 2023/2024 to 2024/2025
- 3 Draft Operational Plan - Draft Budget 2023/2024
- 4 Draft Operational Plan - Draft Fees and Charges 2023/2024
- 5 Resourcing Strategy – Draft Long Term Financial Plan 2023/2024 to 2032/2033
- 6 Resourcing Strategy – Draft Workforce Management Strategy 2023/2024
- 7 Resourcing Strategy – Draft Asset Management Strategy and Plans 2023/2024
- 8 Draft Statement of Revenue Policy 2023/2024
- 9 Draft Asset Management Policy 2023/2024

If approved for public exhibition by the Council, the attached drafts will be published for community feedback and response for 28 days. This is the period set out in the Act in which Councillors and the community can put forward new initiatives and changes to priorities.

### **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**

The proposed Operational Plan identifies the operational and subsequent budgetary impacts arising in the delivery of the levels of service proposed. The financial implications of this investment are significant and ambitious. The finance team with the CEO and Executive have however modelled the proposed program of works so Council can continue its operational programmes whilst at the same time committing significant capital funds.

### **POLICY AND GOVERNANCE IMPLICATIONS**

The Local Government Act 1993 requires Council to exhibit the documents for a minimum of 28 days.

It is proposed to exhibit the plans for 28 days from 17 May 2023. Following exhibition, it is intended that community submissions and the documents will be brought back to a meeting on 20th June 2023 and adopted.

5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

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**RECOMMENDATION**

That Council resolves to place on public exhibition for a minimum of 28 days the following documents:

- Draft Delivery – Principal Activity Program 2023/2024 to 2024/25
- Draft Operational Plan – Actions on Principal Activity 2023/2024
- Draft Budget 2023/2024
- Draft Fees and Charges 2023/2024
- Draft Long Term Financial Plan 2023/2024 to 2032/2033
- Draft Workforce Management Strategy 2023/2024
- Draft Asset Management Strategy 2023/2024
- Draft Strategic Policy ST27 – Statement of Revenue
- Draft Strategic Policy ST28 – Asset Management.

**FURTHER CONSIDERATIONS**

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service Delivery	The Delivery Program and Operational Plan identifies levels of service for the range of Council's operations. These levels of service are also identified as part of the Asset Management planning documents. The Delivery Program and Operational Plan identifies the key services Council will deliver over the term of the Plan, and quarterly performance indicators will provide a measure of Council's performance in achieving these objectives.	
Stakeholders	The Delivery Program and Operational Plan identifies key agencies and other groups that are stakeholders in key Council activities. The Plan identifies the range of government agencies that provide advocacy, funding and partnerships to Council.	

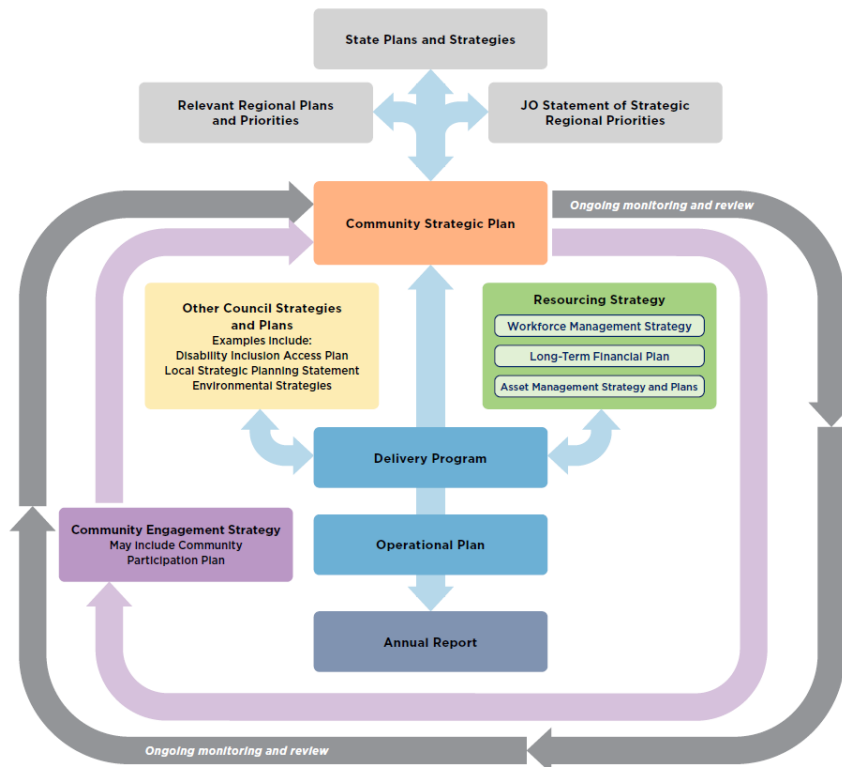
**SUPPORTING INFORMATION**

Since 2012, all NSW Councils have been required to prepare a suite of documents under the Integrated Planning and Reporting (IP&R) framework outlined in the Local Government Act and its Regulations.

## 5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

The Framework is outlined in the following diagram:

In accordance with the Integrated Planning and Reporting requirements set out in the Local



Government Act 1993, this report presents the draft 2023-2025 Delivery Program (as realigned) and the 2023/24 Operational Plan each of which have been reviewed and updated. The documents are recommended for public exhibition for a minimum of 28 days.

At the conclusion of the exhibition period Council will be presented with any submissions and any amendments to these two documents to be considered at a subsequent Council meeting.

A review of the Plans has been undertaken with a focus on developing clear and concise actions and performance measures to allow the community to better understand Council's activities over the life of the Plan.

### Overview

The Community Strategic Plan 2022-2032 outlines the Council's role in the delivery of each priority, described using the following themes:

#### **1. Live**

This theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging. This can be achieved by maintaining a safe, caring and connected community, with active community participation supported by enhanced cultural and recreational facilities and inclusive services that cater to all our residents. The beautiful parks, gardens and natural assets of our City are amongst our most cherished assets and contribute to making Orange a desirable place to live work and play.

5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

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## 2. Preserve

This theme ensures that the unique natural, cultural, social, and historical aspects of our community are preserved while recognising the need for growth and development. The community was strong in its desire to be more sustainable by promoting renewable energy, reducing waste, and protecting our natural resources. There is also an expectation for infrastructure to support a growing city, with roads footpaths, parking and a vibrant CBD seen as priorities.

## 3. Prosper

This theme focuses on providing the community with positive choices for investment employment and study. It includes strengthening and diversifying our economy by targeting new and innovative industries, as well as fostering our existing strengths such as medical services, mining, local food and wine production and tourism. Orange residents are keen to see more engagement between Council, local business, and industry.

## 4. Collaborate

This theme looks at forging a collaborative community that engages with open and ongoing decision making, developing future leaders and supporting community groups to deliver services and programs were identified as priorities during the consultation. The community is looking to Council to provide leadership, guidance, and responsible governance.

Each theme outlines strategic objectives based on community feedback, envisages where we want to be, how we will get there, Council's role, essential partners and collaborators and measures to track progress.

With the Adoption of the Community Strategic Plan in 2022, a realignment of the Delivery Program was required to ensure the cascade of Strategies and Principal Activities. This realignment includes the development of Operational Actions for the 2023/24 year.

Additions to the delivery program include those elements of the CSP which were not accounted for in the previously adopted Delivery Program as outlined below:

### Live

*Objective 2: A healthy and active community that is supported by sport and recreational infrastructure*

- 1.4. Plan and construct an extensive network of user-friendly paths connecting the city for active travel.

5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

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*Objective 3: A friendly environment where people feel safe and included.*

- 3.3. Partner to support victims of family violence and work towards a reduction in family violence incidences.
- 3.4. Recognise and celebrate our Aboriginal culture.
- 3.5. Address the growing social and class divide within the city.
- 3.6. Take proactive steps to improve access, inclusion, equity and diversity in our community.

*Objective 5: Responsive programs and services that support our community's lifestyle and social needs.*

- 5.1. Provide services to people at all stages of life.
- 5.4. Use available levers and partnerships to improve housing supply, diversity and affordability.
- 5.5. Advocate for improved mental health services.

Preserve

Objective 7: Sustainable growth and respectful planning that values the natural environment.

- 7.4. Take action to ensure greater stewardship and enjoyment of both Mt Canobolas and Lake Canobolas.

Prosper

*Objective 11: Sustainable tourism, events, and visitor experiences.*

- 11.3. Strengthen the food culture and night-time economy within Orange.

*Objective 13: Transport services, connectivity, and infrastructure that support community, tourism, business and industry.*

- 13.3. Support initiatives for improved connectivity between Orange and capital cities and regional towns.

*Objective 14: More for young people to do.*

- 14.1 Provide play parks and spaces that meet the needs of a broad range of ages.
- 14.2 Partner to provide activities and program for young people.
- 14.3 Attract indoor attractions and develop indoor venues that allow year-round, all-weather places for young people and their families to enjoy.

## 5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

### Delivery Program (four years)

The Delivery Program turns the strategic goals found in the Community Strategic Plan into *actions*. It is the point where a Council makes a commitment to the Community Strategic Plan, and act upon those issues that are within its area of responsibility.

The Delivery Program is the key 'go to' document for the Councillors. It identifies all the key activities the Council has committed to undertake over its four-year term (three years this term due to deferred Local Government Elections). All plans, projects, activities, and funding allocations of the council *must* be directly linked to the Delivery Program.

The Delivery program was adopted in 2022, however to ensure alignment with the adopted CSP an update was required to be made as outlined above. The updated Delivery Program is attached.

### Operational Plan (one year)

The Operational Plan details specific individual projects and activities that will be undertaken in the next year to achieve the commitments made in the Delivery Program.

The Operational Plan includes the Council's detailed annual budget, along with the council's Statement of Revenue Policy, which includes the proposed rates, fees and charges for that financial year.

### 2023/24 Operating Position

The draft Operational Plan proposes a consolidated operating surplus (before capital) of \$6.45M for 2023/24 financial year.

The distribution across the funds is as follows with the table also showing the draft operating positions in the subsequent three years:

Fund	2023/2024 Proposed	2024/2025 Proposed	2025/2026 Proposed	2026/2027 Proposed
General	-579,885	-193,116	16,844	-184,706
Water	3,494,303	2,960,712	2,501,498	1,251,345
Sewer	3,537,533	2,780,088	2,412,941	2,012,475
<b>Total (All Funds)</b>	<b>6,451,952</b>	<b>5,547,685</b>	<b>4,931,283</b>	<b>3,079,114</b>

### 2023/24 Capital Budget

The capital budget proposes to deliver a combined total of projects of \$93M in the 2023/24 financial year. Over the next four years a total capital spend of \$275M is proposed. This expenditure is distributed across the funds and the expenditure levels over the subsequent three years are also shown:

Fund	2023/2024 Proposed	2024/2025 Proposed	2025/2026 Proposed	2026/2027 Proposed
General	68,264,866	48,282,999	30,483,230	29,022,355



5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

Water	16,378,672	23,760,329	14,629,582	14,337,807
Sewer	9,137,345	9,647,855	9,662,492	6,699,200
<b>Consolidated</b>	<b>93,780,883</b>	<b>81,691,183</b>	<b>54,775,304</b>	<b>50,059,362</b>

### 2023/24 Rates

IPART have set the Rate peg at 3.7% for the 2023/2024 financial year. The overall impact of this increase on an average assessment is:

- 1 Average Typical Residential assessments will increase by \$2.09 per week or \$109.19 per annum
- 2 Business assessments will increase by \$2.57 per week or \$133.64 per annum.

Please note the above totals do not include water or non-residential sewer charges which are billed separately.

Proposed increases in water and sewer fees and charges are shown below and are based on long term financial models that ensure future capital needs and operating costs can continue to be met.

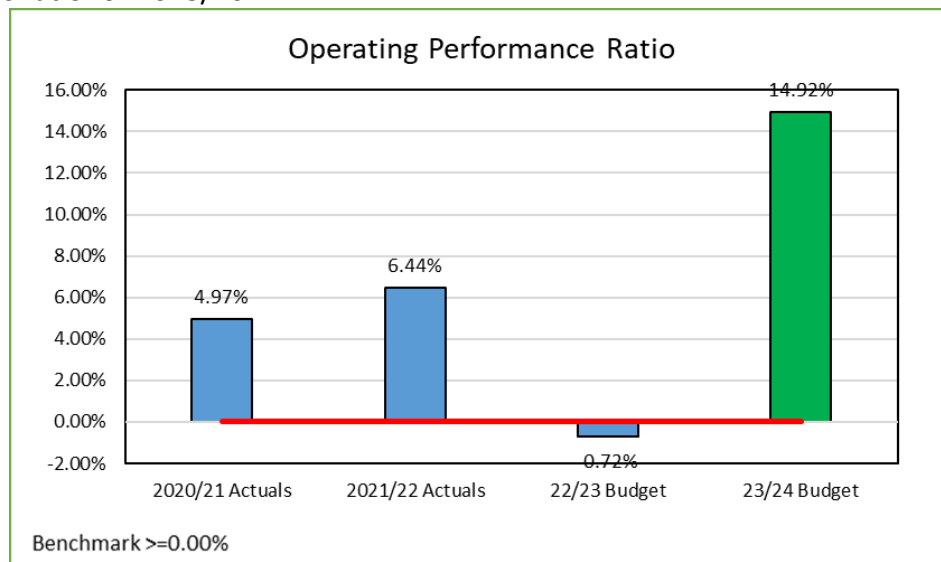
Fund	2022/23	2023/24	2024/25	2025/26
<b>Water</b>	2.0%	3.2%	3.0%	3.0%
<b>Sewer</b>	2.0%	3.2%	3.0%	3.0%

Pensioners receive a statutory reduction of \$250 off their General Rates & \$87.50 off both water and sewer charges. Council also offers a voluntary rebate of either ten per cent (pensioners prior to 2006) or five per cent of rates and charges. The additional voluntary rebate costs Council approximately \$470,000 per annum.

### 2023/24 Financial Ratios

#### Operating Performance Ratio

The operating performance ratio measures how well council contains its expenditure within its operating revenue. The benchmark set by the OLG is greater than zero per cent. Council meets this ratio for 2023/2024.

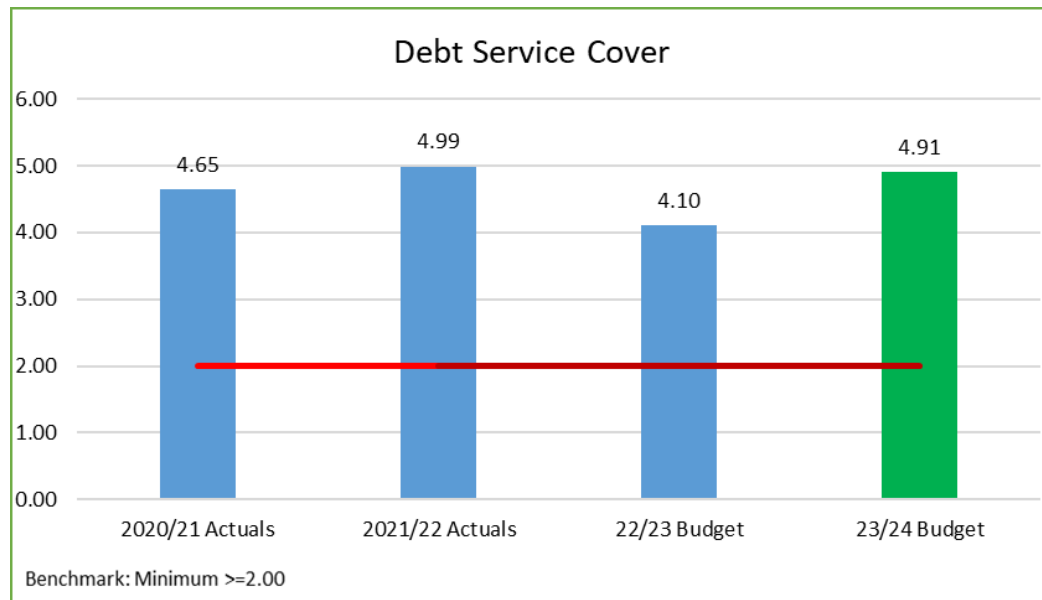


5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

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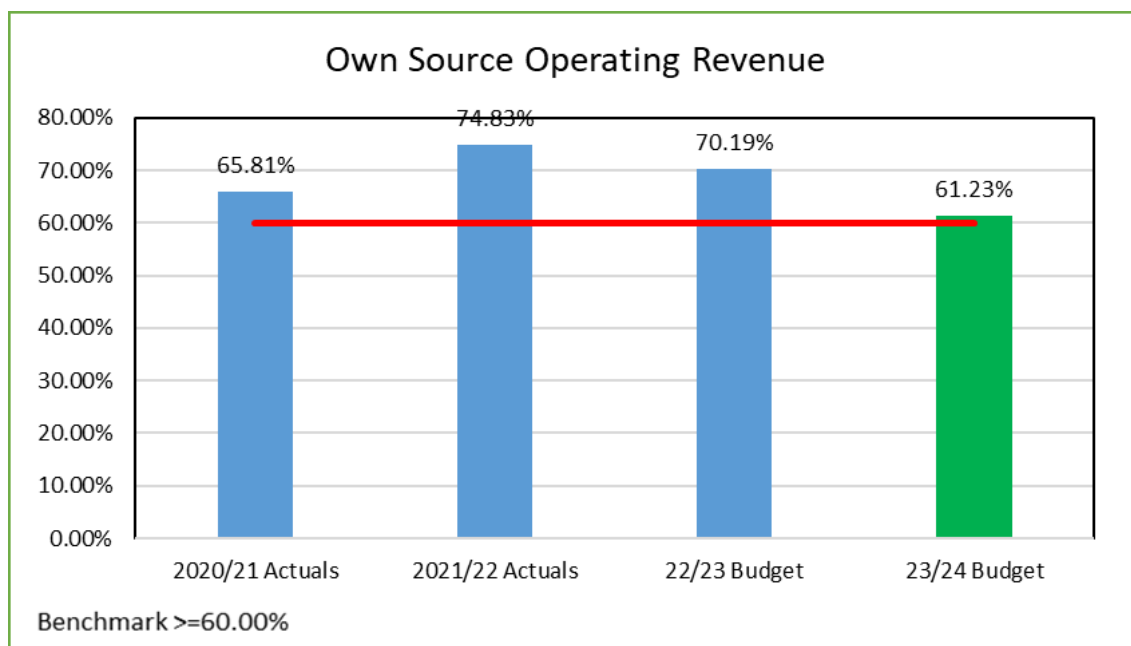
### Debt Service Ratio

The purpose of this ratio is to measure the availability of operating cash to service debt including interest and principal repayments. Council has the ability to pay its debts when they fall due.



### Own Source Ratio

The own source revenue ratio measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by the OLG is greater than 60 per cent. Council meets this ratio for 2023/2024.



5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy

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**2023/24 – 2032/2033 Long Term Financial Plan**

The Long Term Financial Plan(LTFP) forms part of the Resourcing Strategy which provides the financial plans and forecasts for the next 10 years. The LTFP is based on a set of assumptions which is used to forecast council's long term financial position. The LTFP is attached to the report.

**2023/24 Statement of Revenue Policy**

It is a requirement to incorporate into Council's operational plan a Statement of Revenue Policy. The objectives of the Revenue Policy are to meet statutory requirements, to establish the total revenue required to fund Councils' activities and to identify the revenue sources available to Council. The Statement of Revenue Policy is attached to this report.

**Workforce Management Strategy**

The Workforce Management Strategy has been developed to build on the strong Workforce Management Plans prepared in prior years and should be read in conjunction with the Council's Operational Plan and Delivery Program. Its intent is to document the concepts found in the research, and analysis completed, and to detail the plans identified to respond to the high-level challenges affecting the workforce of Orange City Council. The ongoing focus is ensuring Orange City Council has the right people, with the right skills, doing the right jobs, at the right time. This requires having systems in place to attract, develop and support staff to allow Council to deliver services and infrastructure to our community. This strategy also links with the key initiatives of the NSW Local Government Workforce Strategy. The Workforce Management Strategy is attached to this report.

**Asset Management Strategy**

The Asset Management Strategy is presented at a high level to provide key information that can be used in the determination of levels of service and funding required. A high-level review of Council's Asset Management policies, practices and systems has been completed in conjunction with the development of this strategy to provide a strategic direction and guidance for improving asset management planning and performance. Council is responsible for infrastructure and other assets that have a fair value of approximately 1.9 billion dollars as of 30 June 2022. The Asset Management Strategy is attached to this report.

**2023/24 Asset Management Policy**

It is a requirement to incorporate into Council's operational plan an Asset Management Policy. The objective of the Asset Management Policy is for Council to have set guidelines for implementing a consistent asset management processes throughout the Orange City Council local government area to ensure that Council is able to provide quality infrastructure to the community. The Asset Management Policy is attached to this report.

- 5.7 Draft Integrated Planning and Reporting - Delivery Program Realignment 2023-2025, Operational Plan 2023-2024 and Resourcing Strategy including LTFP, Budget, Workforce Management Strategy and the Asset Management Strategy
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**ATTACHMENTS**

- 1 FOR EXHIBITION - IP&R - Draft Delivery Program Principle Activity Plan 2023-2025, D23/29986 (Under Separate Cover) [⇒](#)
- 2 FOR EXHIBITION - IP&R - Draft Operational Plan Action on Principal Activity 2023-2024, D23/30272 (Under Separate Cover) [⇒](#)
- 3 FOR EXHIBITION - IP&R - Draft Budget 2023-2024, D23/29527 (Under Separate Cover) [⇒](#)
- 4 FOR EXHIBITION - IP&R - Draft Fees and Charges 2023-2024, D23/29530 (Under Separate Cover) [⇒](#)
- 5 FOR EXHIBITION - IP&R - Draft Long Term Financial Plan 2024-2033, D23/29529 (Under Separate Cover) [⇒](#)
- 6 FOR EXHIBITION - IP&R - Draft Workforce Management Strategy 2023-2024, D23/29780 (Under Separate Cover) [⇒](#)
- 7 FOR EXHIBITION - IP&R - Draft Asset Management Strategy 2023-2024, D23/29781 (Under Separate Cover) [⇒](#)
- 8 FOR EXHIBITION - IP&R - Strategic Policy - ST27 - Statement of Revenue, D23/25133 (Under Separate Cover) [⇒](#)
- 9 FOR EXHIBITION - IP&R - Strategic Policy - ST28 - Asset Management, D23/29544 (Under Separate Cover) [⇒](#)

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**5.8 STRATEGIC POLICY ADOPTION - POST EXHIBITION**

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RECORD NUMBER: 2023/571

AUTHOR: Janessa Constantine, Manager Corporate Governance

**EXECUTIVE SUMMARY**

This report presents Strategic Policy - ST15 – Risk Management for the adoption of Council. The policy has been on public exhibition for a period of 28 days and no submissions were received during the exhibition period.

**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 Strategic Policy – ST15 – Risk Management.**

**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****Policy for Adoption**

The following policy has been reviewed and outlined below are changes/updates made. It is recommended this policy be adopted.

**ST15 – Risk Management**

Reference	Update
General	<ul style="list-style-type: none"><li>• Newly written policy based on Risk Management Framework, Strategic Risks and Risk Appetite Statements of Council.</li></ul>

**ATTACHMENTS**

- 1 FOR ADOPTION - Strategic Policy - ST15 - Risk Management, D23/5192[↓](#)



# Strategic Policy ST15

## Risk Management

FOR ADOPTION

PO Box 35, Orange  
NSW 2800 Australia

135 Byng Street, Orange  
NSW 2800 Australia

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F: +61 2 6393 8199

[council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)  
[www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)



All policies can be reviewed or revoked by a resolution of Council, at any time.

## 1 PURPOSE

That Council recognises Risk Management as a systematic application of management principles for the identification, analysis, control and monitoring of uncertainties that may have an impact on Council's ability to achieve its objectives.

## 2 APPLICABILITY

This policy applies to all areas of Orange City Council including Staff, Councillors, Contractors, Volunteers and Council Delegates. This Policy is to be read in conjunction with Orange City Councils Risk Management Plan and Framework.

## 3 OBJECTIVES

- 3.1 A Risk Management Plan and Framework that takes a proactive approach in identifying, analysing, evaluating and treating risks to Orange City Council.
- 3.2 To embed the principles of risk management in all aspects of Orange City Council operations.
- 3.3 To provide a framework that integrates the process for managing risk into Orange City Council's overall governance, planning and reporting processes, policies, values and culture.
- 3.4 To establish a common understanding and definition of risk for the organisation including Risk Appetite Statements for Council's seven (7) identified enterprise risks:
  - Service/Project Delivery
  - Financial
  - Reputation/Political

- Environment
- Compliance
- People/WHs
- Information Technology/Cyber Security

## 4 COMMITMENT

- 4.1 Orange City Council is committed to the implementation and maintenance of a risk management system, including the integration of risk management throughout all levels of the organisation. This is fundamental to achieving Council's strategic, operational and project objectives.
- 4.2 Council's approach to risk management follows the principles and practices specified in the Australian Standard AS ISO 31000:2018 Risk management - Guidelines and the Office of Local Government Guidelines and is tailored for Council's operating environment
- 4.3 Council's Risk Management Plan and Framework facilitates the implementation and ongoing integration of Risk Management into both Council's strategic planning processes and Council's everyday operational activities.

## 5 RELATED INFORMATION

- Orange City Council Risk Management Plan and Framework
- Pulse Risk Management User Guide
- AS ISO 31000:2018 Risk Management -Guidelines
- Local Government Act 1993

ST15 – Strategic Policy – Risk Management		
Review Due: November 2024	Version 1_23	Last Revision: 2 November 2021
Approved By:	Minute Number:	Approval Date:



## **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 Debt Provisions**

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 Airport Runway Extension Project Update**

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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Information contained in this paper is subject to legal professional privilege and is strictly confidential. Any disclosure of this paper, including a verbal disclosure of its content or conclusions, beyond Council officers directly involved in this matter may result in the loss of legal professional privilege and cause damage to the Council's legal and financial position. Councillors have a good faith duty to strictly maintain confidentiality of privileged communications, and any failure to do so may result in a penalty under section 664 of the Local Government Act 1993 and action under the Code of Conduct.



**6.1 DEBT PROVISIONS**

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RECORD NUMBER: 2023/5

AUTHOR: David Waddell, Chief Executive 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.



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**6.2 AIRPORT RUNWAY EXTENSION PROJECT UPDATE**

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RECORD NUMBER: 2023/660

AUTHOR: John Boyd, Operations 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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Information contained in this paper is subject to legal professional privilege and is strictly confidential. Any disclosure of this paper, including a verbal disclosure of its content or conclusions, beyond Council officers directly involved in this matter may result in the loss of legal professional privilege and cause damage to the Council's legal and financial position. Councillors have a good faith duty to strictly maintain confidentiality of privileged communications, and any failure to do so may result in a penalty under section 664 of the Local Government Act 1993 and action under the Code of Conduct.

## **7 RESOLUTIONS FROM CLOSED MEETING**