
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 20 FEBRUARY 2024

COMMENCING AT 6:30PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), Cr K Duffy (6.36pm), 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, Manager Corporate Governance

1.1 APOLOGIES

RESOLVED - 24/034

Cr J Whitton/Cr T Greenhalgh

That the apologies be accepted from Cr J Evans and Cr K Duffy (Lateness) for the Council Meeting of Orange City Council on 20 February 2024.

For: Cr J Hamling, 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: Cr J Evans, Cr K Duffy

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

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

Nil.

1.5 OPENING PRAYER

Bernadette Collins of the Shalom House of Prayer led the Council in Prayer.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.32PM

4.2 – Notice of Motion - Lords Place South Independent Review

- Richard Hattersley

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.34PM

2 MAYORAL MINUTES**2.1 MINING AND ENERGY RELATED COUNCILS NSW AGM AND DECEMBER MEETING 2023**

TRIM REFERENCE: 2024/141

RESOLVED - 24/035

Cr T Mileto/Cr J Whitton

That the information contained in this Mayoral Minute be acknowledged.

For: Cr J Hamling, 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: Cr J Evans, Cr K Duffy

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/036

Cr G Floyd/Cr S Peterson

That the Minutes of the Ordinary Meeting of Orange City Council held on 6 February 2024 (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 6 February 2024.

For: Cr J Hamling, 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: Cr J Evans, Cr K Duffy

Cr Duffy arrived at the meeting with the time being 6.36pm

4 NOTICES OF MOTION/NOTICES OF RESCISSION**4.1 NOTICE OF MOTION - SUPPLY OF LIFE VAC DEVICES IN ALL NSW SCHOOLS**

TRIM REFERENCE: 2024/170

MOTION**Cr T Greenhalgh/Cr G Power**

That Orange City Council resolves to:

- 1 Advocate for the supply and introduction of Life Vac devices in all NSW Schools/ Childcare Centres by lobbying our Local and State members for funding for the Life Vac Devices.
- 2 Encourage all local sporting clubs to consider including them as a must have in addition to a defibrillator as part of their first aid toolkit.
- 3 Write to Prue Car, Deputy Premier, Minister for Education and Early Learning in support of this initiative.

AMENDMENT**Cr T Mileto/Cr S Peterson**

That consideration of this item be deferred for the purpose of writing to the Australian Medical Association, College of Medical Physicians, NSW Health and Minister for Education and Early Learning to obtain expert information on the Life Vac device.

For: Cr T Mileto

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

Absent: Cr J Evans

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 24/037****Cr T Greenhalgh/Cr G Power**

That Orange City Council resolves to:

- 1 Advocate for the supply and introduction of Life Vac devices in all NSW Schools/ Childcare Centres by lobbying our Local and State members for funding for the Life Vac Devices.
- 2 Encourage all local sporting clubs to consider including them as a must have in addition to a defibrillator as part of their first aid toolkit.
- 3 Write to Prue Car, Deputy Premier, Minister for Education and Early Learning in support of this initiative.

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

Against: Nil

Absent: Cr J Evans

4.2 NOTICE OF MOTION - LORDS PLACE SOUTH INDEPENDENT REVIEW

TRIM REFERENCE: 2024/169

RESOLVED - 24/038**Cr F Kinghorne/Cr G Floyd**

That Orange City Council arrange, as soon as practicable, an independent review of the planning, approval, and construction of the Lords Pl Sth Future Cities development. This review should consider the following:

- 1 Whether all relevant accurate information was officially given to councillors prior to the approval.
- 2 Whether all required/usual planning protocols and procedures were undertaken in relation to this matter.
- 3 Whether there were any concerns raised by staff involved in the development, especially in relation to the apparent haste in implementing the project, and, if so, how were these concerns addressed?
- 4 Whether the immediate start on the project was consistent with regulations, especially in relation to the effective blocking of any potential rescission motion.
- 5 Whether there was effective consultation/ communication with the business owners during the development. Did the minutes of the meetings held, accurately reflect the content of those meetings and were these minutes adopted at subsequent meetings?
- 6 Whether the differences between the concept plans and the actual development were necessary, specifically in relation to the arrangement of the double tree pits as perpendicular to the footpath rather than angled to align better with the parking spaces.
- 7 What internal reviews have already been conducted to date, and what is the outcome of any such reviews?

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

Against: Nil

Absent: Cr J Evans

5 GENERAL REPORTS**5.1 LORDS PLACE FURNITURE**

TRIM REFERENCE: 2024/128

RESOLVED - 24/039**Cr G Floyd/Cr K Duffy**

That the report on the Lords Place furniture EOI be acknowledged and the EOI process be endorsed.

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

Against: Nil

Absent: Cr J Evans

Cr Duffy asked how the EOI will go out.

The Director Corporate & Commercial Services advised the EOI will be aimed at the local business community not the general public, in association with Council needs.

Cr Power asked if there was a closing date for the EOI.

The Director Corporate & Commercial Services advised that the EOI would be open for a four week period.

QUESTION TAKEN ON NOTICE

Cr M McDonell

Cr McDonell asked what for the dollar value of Lords Place furniture items part of the EOI.

Cr Whitton asked why the EOI would only be for certain groups and not allowing everyone to have a say.

The Director Corporate & Commercial Services advised that the furniture was taken from the CBD businesses so aimed at the business community. There were also public liability considerations needing to be taken into account if furniture was placed in a public space.

Cr Whitton asked if Development Applications would be needed to install furniture.

The Director Development Services stated that it would depend on the item. It may be possible to use section 68 of the Local Government Act for approvals, however if it related to outdoor dining for example this would be administered under the Roads Act.

Cr Whitton asked how a business could obtain public liability insurance if they do not own the footpath.

The Director Corporate & Commercial Services advised that is items where used within their business liability would be transferred and the business responsibility.

Cr Mileto asked how we could ensure transparency when the EOI's come back to Council for a decision to choose the successful applicants.

The Director Corporate & Commercial Services advised that an assessment criteria would be established with weighting and scoring across the criteria's provided to Council.

5.2 FUTURECITY

TRIM REFERENCE: 2024/3

MOTION

Cr G Power/Cr M McDonell

That Council Resolves to:

- 1 Note the report from the Chief Executive Officer.
- 2 Note the list of potential projects under the FutureCity program; Maintain Projects 1-8 in the 2023/24 budget; and
- 3 Adjust the 2023/24 budget accordingly in the next quarterly review to match the adopted project list under recommendation 2.

AMENDMENT

Cr K Duffy/Cr T Mileto

That Council defer consideration of the FutureCity Program for the purpose of obtaining more information about the projects.

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

Against: Nil

Absent: Cr J Evans

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 24/040****Cr K Duffy/Cr T Mileto**

That Council defer consideration of the FutureCity Program for the purpose of obtaining more information about the projects.

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

Against: Nil

Absent: Cr J Evans

Cr Whitton asked what were the parameters for use of the Grant funding and whether it could be used for anything or if it was only for beautification.

The Acting Chief Executive Officer stated that it needed to be in line with FutureCity ideals and could be used if it fit within the criteria.

Cr Kinghorne noted the report stated a Future Council could not be committed however the projects went into the 2024/25 Financial Year.

The Acting Chief Executive Officer stated that the current Council would be in for July & August of that period.

Cr Peterson asked if delaying projects would increase prices, whether carparks would see additional capacity from laying chipseal or asphalt, what the concerns are with the current CCTV infrastructure and what are we trying to achieve with that upgrade.

The Acting Chief Executive Officer stated that delays would only impact on timing until October 2024, both options for chipseal and asphalt are provided for Council to consider given there is a substantial difference in cost and no additional capacity is achieved, it is to improve the quality of the existing carparks.

The Director Community, Recreation & Cultural Services stated that there are thirty CCTV cameras which function satisfactorily, we have a close working relationship with the police and upgrades would bring CCTV up to current standards.

Cr McDonell asked if the festoon lighting had already been purchased and the cost was only for install.

The Acting Chief Executive Officer stated that they had not yet been purchased and most of the cost is for individual poles.

QUESTION TAKEN ON NOTICE**Cr M McDonell**

Cr McDonell asked if the proposed FutureCity Festoon Lighting was of better quality than the current lighting.

Cr Duffy noted a recent incident at Esso Park stating Council should not only be considering lighting at Robertson Park.

Cr Mileto asked what sampling of mulch is occurring to ensure it is safe for the site it is being used and how often that mulch is being tested to ensure it complies with regulations.

The Acting Chief Executive Officer stated that every pile is tested, not specifically for asbestos, however we do not believe there is any building waste in our mulch. We are now testing the end product for asbestos and will keep Council informed.

5.3 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/2287

RESOLVED - 24/041

Cr K Duffy/Cr D Mallard

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 6 February 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Infrastructure Policy Committee at its meeting held on 6 February 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 6 February 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Finance Policy Committee at its meeting held on 6 February 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Services Policy Committee at its meeting held on 6 February 2024 be and are hereby confirmed as a true and accurate record of the proceedings.

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

Against: Nil

Absent: Cr J Evans

QUESTION TAKEN ON NOTICE

Cr K Duffy

Cr Duffy asked for a Report to be provided to Council on complaint Statistics around Companion Animals.

5.4 QUARTERLY BUDGET REVIEW - QUARTER 2 OF 2023/2024

TRIM REFERENCE: 2024/80

RESOLVED - 24/042**Cr G Floyd/Cr S Peterson**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget and performance indicators review for October 2023 to December 2023 be acknowledged.
- 2 To adopt variations in the consolidated overall cost to council arising from the December 2023 quarterly review amounting to \$5,000.

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

Against: Nil

Absent: Cr J Evans

Cr Peterson noted the reduction in cost for stormwater drainage and asked if this was a delay in Blackmans Swamp Stormwater Harvesting.

The Acting Chief Executive Officer stated that the changes were around projects not progressing this financial year, the stormwater harvesting would be one of those.

5.5 STATEMENT OF INVESTMENTS - DECEMBER 2023/JANUARY 2024

TRIM REFERENCE: 2024/87

RESOLVED - 24/043**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To note the Statement of Investments for the periods December 2023 and January 2024.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

Against: Nil

Absent: Cr J Evans

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne noted that the Aus Bond Bank Bill Index had been sitting at 0.94% for some months and has now been changed to 4.5% from back in June 2023, and asked for clarification as to why this has occurred.

The Acting Chief Executive Officer advised Councillors via email following the meeting that an internal review noted that the Aus Bond Bank Bill Index reporting commenced in 2023. An incorrect dataset had been referenced and this was corrected for the February 2024 Statement of Investment report.

5.6 FEES AND CHARGES AMENDMENTS - ORANGE CITY COUNCIL CHOICES AT HOME - HOME MAINTENANCE SERVICE FEE (LAWN MOWING) - POST EXHIBITION

TRIM REFERENCE: 2023/2252

RESOLVED - 24/044

Cr D Mallard/Cr K Duffy

That Council adopt the amended fees and charges for the client contribution fee of \$40.00 per hour (\$20.00 per half hour), for lawn mowing service provision to seniors under the Commonwealth Home Support Programme, effective from 26 February 2024.

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

Against: Nil

Absent: Cr J Evans

5.7 FEES AND CHARGES AMENDMENTS - ORANGE REGIONAL MUSEUM TOURING EXHIBITIONS - POST EXHIBITION

TRIM REFERENCE: 2023/2253

RESOLVED - 24/045

Cr G Floyd/Cr D Mallard

That Council adopts the Orange Regional Museum – Touring Exhibition fees:

Activity	Existing fee EX GST	Proposed fee Ex GST
Touring Exhibition Cost	Not included in Fees & Charges	\$0 to \$10,000

For: Cr J Hamling, Cr K Duffy, 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: Cr F Kinghorne

Absent: Cr J Evans

Cr Kinghorne asked why there was a wide range of the proposed fee and how this is calculated.

The Director Community, Recreation & Cultural Services advised that depends on the exhibition and it is difficult to identify. One element of an exhibition may cost \$1,000, the next \$2,000 and another \$100 to tour the exhibition. The Fees and Costings are set out between the parties and made on a cost recovery basis.

5.8 SPORTNSW INDUSTRY CONFERENCE - PANEL DISCUSSION SESSION

TRIM REFERENCE: 2024/100

RESOLVED - 24/046

Cr K Duffy/Cr J Whitton

That Council resolves to send the Mayor and Cr Greenhalgh to the Sport NSW Industry Conference to participate on a Panel at Sydney Olympic Park on 23 February 2024.

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

Against: Nil

Absent: Cr J Evans

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, 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 Acting 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 - 24/047

Cr G Power/Cr G Floyd

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 Tender - Lake Canobolas Accessible Boardwalk

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 Minutes of the Audit Risk and Improvement Committee Meeting 6 December 2023

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

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

Against: Nil

Absent: Cr J Evans

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.47pm.

The Mayor declared the Ordinary Meeting of Council resumed at 7.54pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 TENDER - LAKE CANOBOLAS ACCESSIBLE BOARDWALK

TRIM REFERENCE: 2024/88

RESOLVED - 24/048

Cr G Power/Cr T Greenhalgh

- 1 That the Tender F665-4 for Installation of Lake Canobolas Boardwalk be awarded to MDE Projects for their tendered price of \$350,208.00 (Ex GST).
- 2 That permission be granted for the use of the Council Seal on any relevant document as required.

For: Cr J Hamling, Cr K Duffy, Cr 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: Cr J Evans

6.2 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 6 DECEMBER 2023

TRIM REFERENCE: 2024/67

RESOLVED - 24/049

Cr G Floyd/Cr F Kinghorne

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 6 December 2023.
- 2 That Council determine recommendation 4.2(4) & 4.17 from the minutes of the Audit, Risk & Improvement Committee of 6 December 2023:
 - 4.2(4) *That Council confirm the ARIC Membership from 1 July 2024 under the new OLG guidelines.*
 - 4.17 *That Council acknowledges the ARIC Annual Report for the year ending 31 December 2023.*
- 3 That the remainder of the minutes of the Audit, Risk & Improvement Committee at its meeting held on 6 December 2023 be adopted.

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

Against: Nil

Absent: Cr J Evans

MATTER ARISING

Cr McDonell noted that at item 5.4 – Quarterly Budget Review – she called a point of order as the discussion from Cr Duffy was not on the agenda for that item, noting that Councillors could only raise business part of the agenda.

THE MEETING CLOSED AT 8.00PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 20 February 2024.