



ORDINARY COUNCIL MEETING

AGENDA

5 MARCH 2024

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, 5 March 2024** commencing at **6:30PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Administration on 6393 8106.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

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

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 February 2024 (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 20 February 2024.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 20 February 2024

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 McDonell, 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 McDonell, 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.

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.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning and Development - Chaired by Cr Jeff Whitton

Employment and Economic Development – Chaired By Cr Tony Mileto – No Items

Infrastructure - Chaired by Cr Jack Evans

Sport and Recreation - Chaired by Cr Tammy Greenhalgh – No Items

Environmental Sustainability - Chaired by Cr David Mallard

Finance - Chaired by Cr Kevin Duffy

Services - Chaired by Cr Melanie McDonell

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - COUNCIL'S INVOLVEMENT IN THE PROPOSED RAINBOW FESTIVAL

RECORD NUMBER: 2024/220

I, **CR KEVIN DUFFY** wish to move the following Notice of Motion at the Council Meeting of 5 March 2024:

MOTION

That Orange City Council cancel its involvement and activities in cash or in-kind including staff involvement in the proposed Rainbow Festival as part of the Our Region Our Voice Regional Youth Investment Program.

Signed Cr Kevin Duffy

STAFF COMMENT

Orange City Council secured \$125,800 funding from the NSW Government for the conduct of a Rainbow Festival to celebrate and support LGBTQIA+ young people and to increase tolerance in the community.

The festival is funded under The Our Region, Our Voice - Regional Youth Investment Program which was established in June 2022 by the NSW Government to deliver tailored investments and local projects that enhance the lives and wellbeing of regional youth and support them to live their best life and thrive within their local communities.

Council considered a report on the festival on 5 December 2023.

FINANCIAL/RESOURCING IMPLICATIONS

The project is funded by the grant amount of \$125,800 with Council's costs limited to staff time for the planning and conduct of the event.

If staff involvement was cancelled it is unlikely the rainbow festival could proceed.

Council would still incur costs to fulfill its obligations to pay entertainers and event suppliers. These costs are currently being funded through the grant however should the event not proceed Council would not be able to claim these costs under the grant as the activity was not delivered.

POLICY AND GOVERNANCE IMPLICATIONS

Should the event not proceed Council would be unable to claim costs incurred as the program did not proceed. Any costs incurred due to cancellation would then be borne by Council.

Council has significant exposure to reputational risk with NSW Government funding bodies and local businesses should the festival not be delivered.

ATTACHMENTS

- 1 Letters of Support Politicians - Rainbow Festival (redacted), D23/94993 [↓](#)



Andrew Gee MP
Federal Member for Calare

Our Ref: EB 22/09.91

Ms Catherine Davis
Executive Support Manager
Orange City Council
PO Box 35
ORANGE NSW 2800
Email:

Dear Ms Davis *Catherine*

Department of Regional NSW 'Our Region, Our Voice' Regional Youth Investment Program.

I write in support of the application from Orange City Council for funding under the Department of Regional NSW's 'Our Region, Our Voice' Regional Youth Investment Program to improve the lives and wellbeing of young people in regional areas.

Orange City Council propose to address the needs and aspirations of regional young people in a variety of ways, specifically by upgrading the Orange Youth Hub, increasing lighting infrastructure at local sports areas, extending the Glenroi Oval skate park, implementing an after-school and weekend youth engagement program "Merge", organising a LGBTQI+ festival, undertaking "Engage The Resilience Project" school workshops and partnering with a local provider to create support service "A Safe Place" for youth to access services outside business hours.

Overall, Orange City Council meet the objectives of the Regional Youth Investment program by facilitating students to learn, work and achieve in regional NSW, assisting them to be mentally and physically healthy, safe and thrive in their communities, helping them express their creativity, collaborate with other teams, develop a sense of achievement and feel socially and culturally connected to their communities, have transport and digital connectivity solutions to access training, work services and recreational activities; and reflect the diversity of young people's needs across the Orange City Council Local Government Area.

If successful in receiving funding Orange City Council will be able to deliver on these objectives.

It is for these reasons that I strongly support the application and wish it every success.

Yours sincerely

Andrew Gee
Andrew Gee MP
Federal Member for Calare

Dated: *20/9/22*



5 GENERAL REPORTS

5.1 ORANGE CITY LIBRARY STATISTICS JULY - DECEMBER 2023

RECORD NUMBER: 2024/200

AUTHOR: Roslyn Cousins, Manager Central West Libraries

EXECUTIVE SUMMARY

Projecting from the July – December statistics for the Library, loans will increase by 70% in 2023/24, exceeding even pre-Covid levels.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “4.1. A broad range of creative and cultural facilities, services and programs that meet community needs”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

The report on Orange City Library Statistics by the Manager Central West Libraries be acknowledged.

FURTHER CONSIDERATIONS

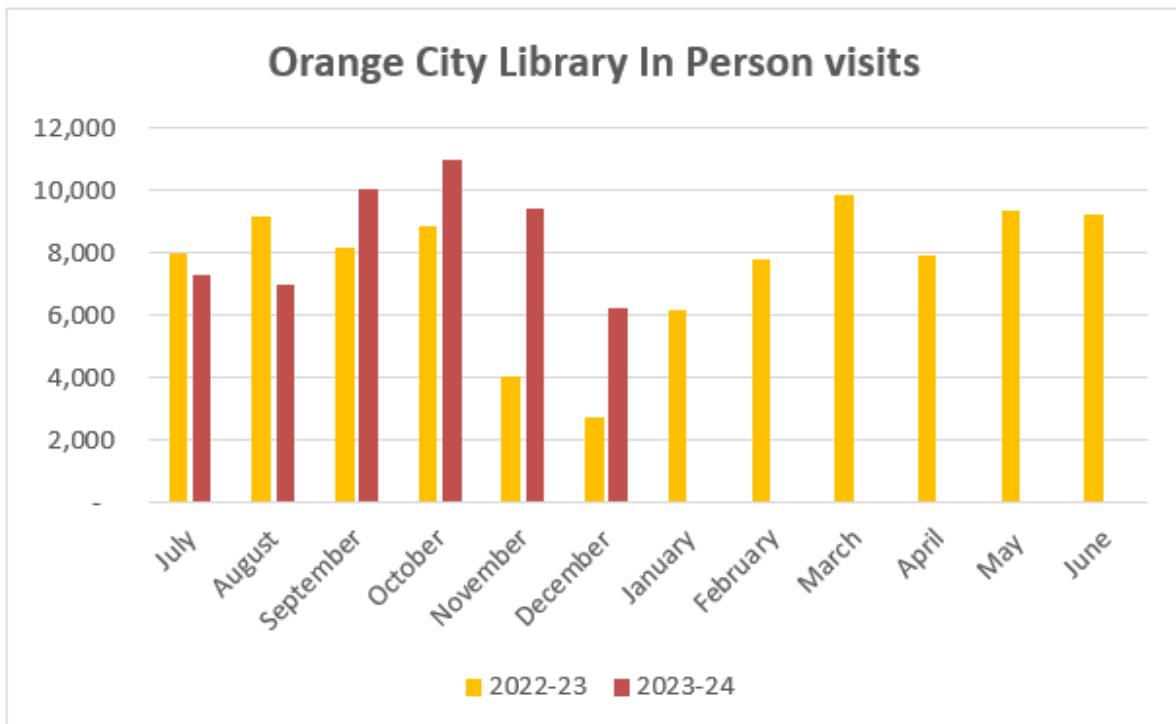
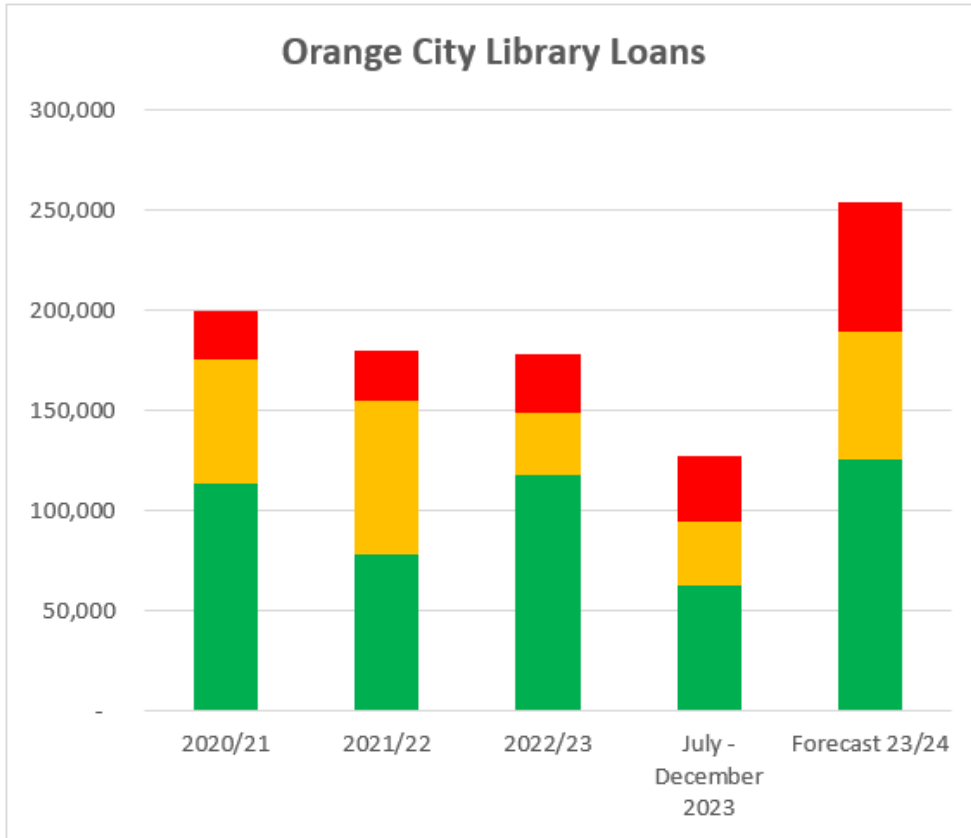
Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Library business has boomed in the past six months exceeding even pre-Covid levels. This increase is not only driven by increased use of electronic resources (Ebooks, Emagazines, streaming movies, eNewspapers) but also the lending of physical items.

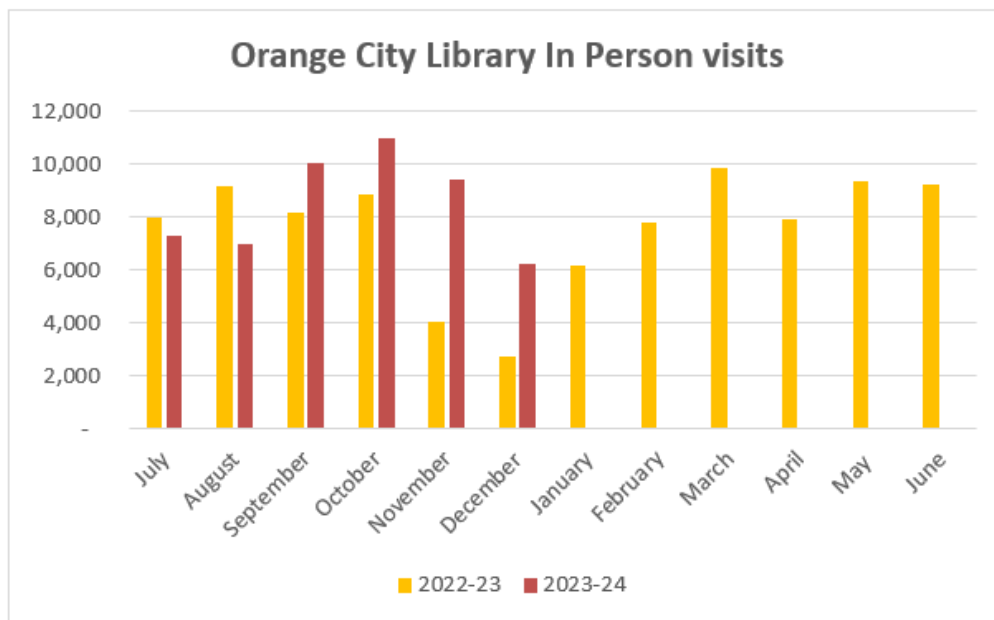
LOANS	Physical	eLoans	Web renewals	Total
2020/21	113,653	62,067	23,821	175,720
2021/22	77,881	77,155	25,117	155,036
2022/23	118,224	30,999	28,873	149,223
July - Dec 2023	62,868	31,714	32,383	126,965
<i>Forecast 23/24</i>	<i>125,736</i>	<i>63,428</i>	<i>64,766</i>	<i>253,930</i>
% Change				70%
Members	29,032			
Stock@ 30/6/2023	86,499			
PC bookings	3,757			
Wifi connections	13,458			

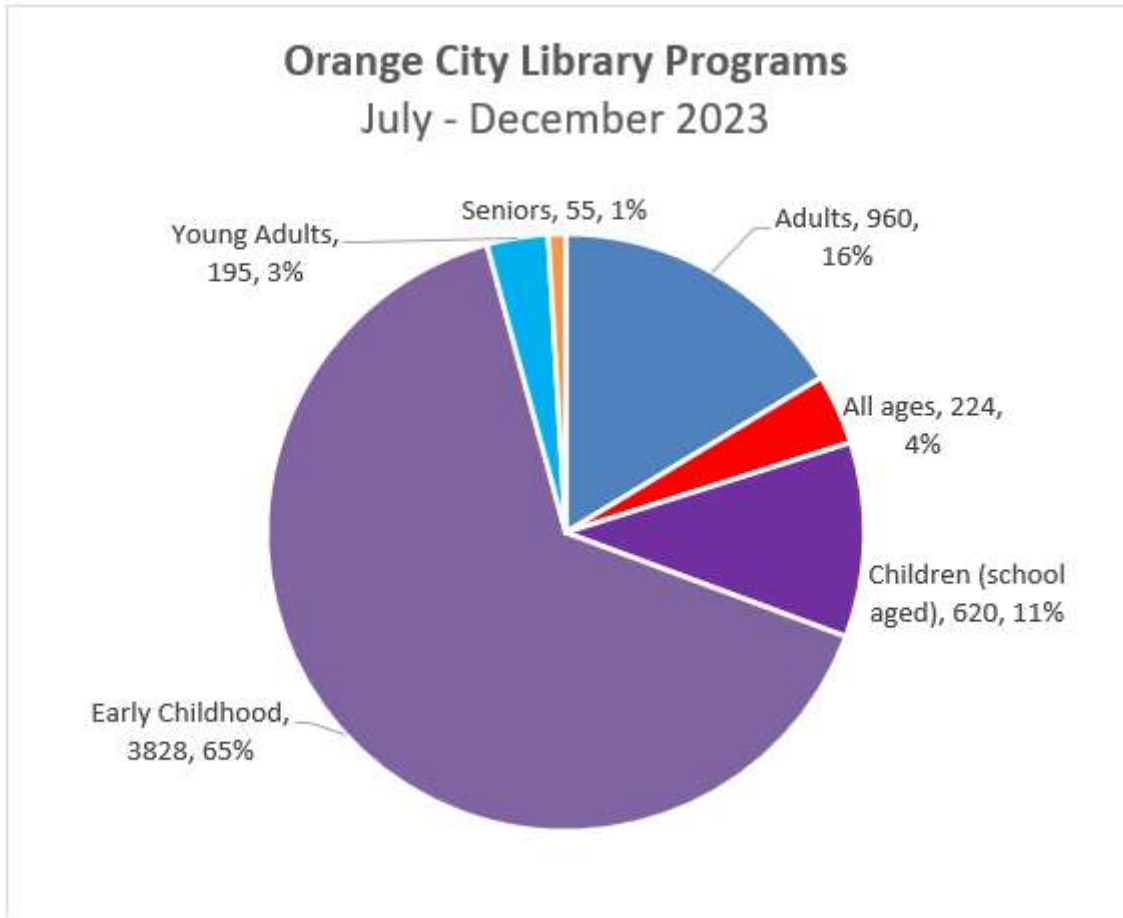
5.1 Orange City Library Statistics July - December 2023



5.1 Orange City Library Statistics July - December 2023

IN PERSON VISITS	2021-22	2022-23	2023-24
July	6,031	7,971	7,271
August	3,535	9,163	7,005
September	1,124	8,175	10,047
October	5,796	8,875	11,008
November	6,829	4,027	9,412
December	4,658	2,703	6,259
January	5,019	6,172	
February	5,850	7,799	
March	7,376	9,883	
April	6,451	7,901	
May	7,794	9,345	
June	7,971	9,263	
Total	68,434	91,277	51,002





5.2 STRATEGIC POLICY REVIEW - GRANTS AND DONATIONS - POST EXHIBITION

RECORD NUMBER: 2023/2240

AUTHOR: Rachelle Robb, Director Corporate & Commercial Services

EXECUTIVE SUMMARY

This report presents Strategic Policy ST32 – Donations and Grants which has been reviewed and placed on public exhibition from 20 December 2023 to 31 January 2024. One internal submission was received as outlined below and those changes now been included in the policy. The policy is now recommended to Council for Adoption.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

The 2023/24 budget for Donations and Grants is \$163,900. The policy updates recommend small changes to the internal allocation of funds between the different donations and grant programs, with no change to the overall budget.

Program	Current	Recommended	Reason
1. Small Donations	\$84,000	\$80,000	Reallocation of categories as below
2. Educational Support and Recognition	\$16,000	\$17,000	Additional \$1,000 to cover new categories
3. Sports Assistance	\$13,900	\$16,900	Additional \$3,000 to cover new categories
4. Sports Facility Partnership	\$50,000	\$50,000	No change
TOTAL	\$163,900	\$163,900	No change

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:

1. 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.
2. 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 ST32 - Donations and Grants.

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

Following a Notice of Motion at Council's meeting of 23 September 2022, Council resolved to defer consideration of funding allocations for the Small Donations and Grants Program until an expedited review of the program had been undertaken (resolution 23/370).

The Small Donations and Grants Program review was completed in May 2023, with a report presented at Council's meeting of 6 June 2023. Council resolved to accept all recommendations in the report (23/210).

The Donations and Grants Policy ST32 and related webpage and application form have now been updated to reflect these resolutions.

2.1 REVIEW OF DONATIONS AND GRANTS POLICY

TRIM REFERENCE: 2023/735

RESOLVED - 23/210

Cr G Floyd/Cr G Power

That Council resolves to:

- 1 *Increase the current funding of the Small Donations Program from \$64,000 to \$84,000 with a reallocation of the standing annual \$20,000 grant from Orange Harness Racing as these funds have not been expended since 2021.*
- 2 *Consolidate the categories in the Small Donations Program and replace with a general category of a community or not-for-profit group providing benefit to the community.*
- 3 *Improve the application process by simplifying the application form, using everyday language throughout, removing unnecessary details, and asking applicants to describe how the donation will benefit the local community. Please see the attached copies of the current and updated application forms for more details.*
- 4 *Delegate authority to the CEO for regular prize giving, in-kind donations, and non-sport individuals or teams representing Orange at a National or Overseas Event, and for the education support and recognition program.*

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

Against: Nil

Absent: Cr K Duffy

Policy for Adoption - ST32 – Donations and Grants

In line with Council resolution 23/210, Strategic Policy 029 Donations and Grants has been reviewed as outlined below. The policy has been on public exhibition from 20 December 2023 to 31 January 2024. One internal submission was received as outlined below and those changes now been included in the policy.

The submission from Council's Sport & Recreation Supervisor, supported by the Director Community, Recreation & Cultural Services requested the re-distribution of additional funds for these programs. Initially when presented to Council, staff had requested an additional

5.2 Strategic Policy Review - Grants and Donations - Post Exhibition

\$2,000 be allocated to each of these programs. This has now been adjusted to reflect an additional \$1,000 to the Education & Recognition Program and an additional \$3,000 to the Sports Participation program. The totals additional funds allocated has not changed being a total of \$4,000.

The Donations and Grants Strategic Policy has been updated in line with Council resolution 23/210

Amendment Date	Section/Reference and Amendment
March 2024	<ul style="list-style-type: none"> • New Numbering to ST32, previously ST029. • Simplification and reordering of the General Conditions. • Consolidation of the categories in the Small Donations Program: <ul style="list-style-type: none"> ○ Category 1 for consideration by Council ○ Category 2 under delegation to the CEO • Changes to opening and closing dates for Small Donation applications. • Changes to educational support and recognition program: <ul style="list-style-type: none"> ○ Schools are required to complete an application form ○ CWA and Orange Eisteddfod moved to this category from Small Donations • Changes to Sports Participation Program <ul style="list-style-type: none"> ○ Grand finals, Carnivals and Championships moved to this category from Small Donations • Additional \$4,000 in funding to cover new categories split between the Educational Support & Recognition and the Sports Participation programs.

Webpages for adoption

In line the policy updates, the updated webpages will reflect the simplified approach to applying for donations and grants, including an update to the opening and closing dates for each round.

Round	Current dates	Proposed dates
Round 1	Open 1 June – 6 August To Council in September	Open 1 July – 5 August To Council in September
Round 2	Open 1 September – 4 February To Council in March	Open 1 September – 5 October To Council in November
Round 3	Open 1 January – 6 March To Council in April	Open 1 January – 5 February To Council in March
Round 4	Open 4 April – 6 June To Council in July	Open 1 March – 5 April To Council in May

Small Donations Application Form

In line with Council resolution 23/210, the Small Donations application form has been simplified to make it more customer-friendly while still meeting requirements of the policy.

ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST32 - Donations and Grants, D23/89310 [↓](#)
- 2 Small Donations - Application Form, D23/89267 [↓](#)

5.3 STRATEGIC POLICY REVIEW

RECORD NUMBER: 2024/241

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents the Strategic Policy ST22 – Vandalism Reporting Scheme which has been reviewed and now recommended for adoption.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

In accordance with the Local Government Act 1993, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft policy without public exhibition. There have been no specific updates to these policies, and minor updates only to Policy Number, References to Legislations and Regulation and department names.

RECOMMENDATION

That Council resolves to adopt Strategic Policy ST22 – Vandalism Reporting Scheme

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 policy has had only minor changes during this review period and the content and outcomes remain unchanged. This term of Council has not yet adopted this policy and it is now recommended for adoption.

Reference	Update
General	<ul style="list-style-type: none"> Renumbering of Policies - New Numbering ST22, previously ST100 Formatting updates.

5.4 REPORT ON FREE ENTRY TO AQUATIC CENTRE

RECORD NUMBER: 2024/245

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

EXECUTIVE SUMMARY

This report provides a summary of the patronage and issues experienced at the Aquatic Centre during the Free Entry Period over December and January.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “2.2. Provide recreational activities and programs that are inclusive and meet the needs of the community”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council note the report on Free Entry to the Aquatic Centre.

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

At its meeting of 19 December 2023 Council resolved to permit Free Entry into the Orange Aquatic Centre from 22 December 2023 to 31 January 2024 (inclusive) for everyone.

Patronage:

Following is a comparison of the patronage, café sales and merchandise sales across the same 6-week period for the 22/23 and 23/24 seasons:

Patronage	Café Sales	Merchandise Sales
22/23: 12,423	73,214.10	24,523.27
23/24: 28,992	91,172.94	28,800.60

As noted the increase in patronage more than doubled however these did not translate into an appreciable increase in income in other areas of the centre.

5.4 Report on Free Entry to Aquatic Centre

During this period a Carnival was also conducted which accounted for approximately 1,200 visits and more than \$11,000 to the café and over \$3,000 in merchandise. If these sales were removed from the above statistics sales would have been similar to the previous year.

Issues:

During the free entry period there was a marked increase in abuse of the staff. Over the six-week period more than 250 patrons were ejected from the centre.

The biggest issues were the refusal to follow instructions, abuse of staff or other patrons and a higher-than-normal rate of theft with a number of phones and watches being stolen from bags. A patron's car was stolen from the car park after children stole keys from his bag.

Police were engaged a number of times to report poor behaviour and to request walk throughs.

To protect patrons and staff Council engaged Security guards to manage behaviours. This came at a cost of approximately \$30,000 over the second half of the free entry period.

Council incurred further costs with the increase in staffing costs and cleaning during the period. Forgone revenue on entry based on previous years was approximately \$90,000. If those attending were required to pay for entry the revenue forgone would be approximately \$210,000 (noting this patronage is unlikely to be reached if paid entry was required).

The Centre also experienced a higher number of contaminations than usual – sometimes multiple pools or the same pool being closed multiple times. This has of course increased the online criticism on sites such as Council's FB page or pages such as spread the word orange.

Council also received an increase in complaints from regular patrons. Archetypal complaints were:

- "ruined by small minority" of users
- "very unsafe"
- "scared"
- "out of control", and required intervention to control
- Attended less than otherwise would have

The effect on the staff has been wearing – most were very tired and are relieved when free entry period ended.

The main age group that caused issues was that of teenagers.

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 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.

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 2024 National General Assembly - Nominations for Councillor Attendance

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

6.2 Tender - Construction of Orange Adventure Playground Upgrade

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Submission Redaction Report - 5 March 2024

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

**6.1 2024 NATIONAL GENERAL ASSEMBLY - NOMINATIONS FOR COUNCILLOR
ATTENDANCE**

RECORD NUMBER: 2024/138

AUTHOR: Kate Shepherd, Executive Support Administration Officer

REASON FOR CONFIDENTIALITY

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

6.2 TENDER - CONSTRUCTION OF ORANGE ADVENTURE PLAYGROUND UPGRADE

RECORD NUMBER: 2024/217

AUTHOR: Alan Giumelli, Project Manager

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 SUBMISSION REDACTION REPORT - 5 MARCH 2024

RECORD NUMBER: 2023/2296

AUTHOR: Janessa Constantine, Manager Corporate Governance

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

7 RESOLUTIONS FROM CLOSED MEETING