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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 5 MARCH 2024

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

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, A/Director Technical Services (Theakstone), Chief Financial Officer, Manager Corporate Governance, Manager Communications & Engagement, Executive Support Officer, Community Development Coordinator, Manager Community Services.

#### 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.

**RESOLVED - 24/050**

**Cr J Whitton/Cr K Duffy**

That Media Cameras be permitted at this Council Meeting.

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

Against: Nil

Absent: Nil

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted an Acknowledgement of Country.

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**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 Pecuniary Interest in PDC items 2.2 - Development Application DA 233/2023(1) - 60 Stairs Road, 2.3 - Development Application DA 252/2023(1) – 10 Autumn Street, 2.4 - Development Application DA 316/2023(1) – Orange Christian School – 500 Cecil Road and 2.5 – Post Exhibition – LEP Amendment 37, Shiralee DCP Amendment and Voluntary Planning Agreement – 12-20 Shiralee Road as her husband’s consultancy company has undertaken work for these sites/applicants.

Cr Floyd declared a Significant Non-Pecuniary Interest in FPC item 2.2(7) Small Donations – Request for Donations – Mr Perfect as he is a co-organiser of this event.

Cr Duffy declared a Significant Pecuniary Interest in FPC item 2.2(5) - Small Donations – Request for Donations – Fairbank Charity Ball as he is the owner of the property where the event is being held.

Cr Peterson declared a Significant Non-Pecuniary Interest in FPC item 2.1(3) – Event Sponsorship Applications – Wangarang Industries as he is a member of the Clinical Governance Committee of Wangarang.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.33PM.****Item 4.1 – Notice of Motion – Council’s Involvement in the Proposed Rainbow Festival**

- |                         |                      |                       |
|-------------------------|----------------------|-----------------------|
| • Kris Dhillon          | • Brett Stanford     | • Hunter McLachlan    |
| • Joshua Conliffe       | • Jonathan Hosking   | • Neil Car (online)   |
| • Dannielle Ford        | • Stephen Lawrence   | • Cath Thompson       |
| • John Whitehall        | • Dr Adelaide Pratt  | • John Carrigan       |
| • Julie Andrews         | • Jennifer Hughes    | • Kathy Thomas        |
| • James Parker (online) | • Tristan Clark      | • Christopher Hayward |
| • Ken Freedman          | • Leanne Benson      |                       |
| • Geoffrey Chu          | • Anna Noonan        |                       |
| • Linda Ridge           | • Catherine McNamara |                       |
| • Phillip Ridge         | • Jordi Thurtell     |                       |

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.17PM****2 MAYORAL MINUTES**

Nil

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED - 24/051**

**Cr J Whitton/Cr T Greenhalgh**

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 record of the proceedings of the Council meeting held on 20 February 2024, noting the addition of Cr Kinghorne's comments relating to AusBond data.

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 for an update on the Lords Place South Investigation.

*The Chief Executive Officer advised that proposals should be received from Panel members in the next two weeks and the Investigation should commence in four weeks.*

**RESOLVED - 24/052**

**Cr T Mileto/Cr J Whitton**

That item 4.1 – Notice of Motion – Council’s Involvement in the Proposed Rainbow Festival be moved to be heard and determined before proceeding with the Policy Committee Meetings.

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

Against: Nil

Absent: Nil

**4 NOTICES OF MOTION/NOTICES OF RESCISSION**

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

TRIM REFERENCE: 2024/220

**MOTION**

**Cr K Duffy/Cr G Floyd**

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.

**AMENDMENT**

**Cr S Peterson/Cr K Duffy**

That the Storytime event be cancelled and other planned festival events remain.

**THE AMENDMENT WAS WITHDRAWN**

**THE MOTION ON BEING PUT WAS LOST**

For: Cr K Duffy, Cr G Floyd, Cr S Peterson

Against: Cr J Hamling, Cr J Evans, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power, Cr J Whitton

Absent: Nil

Cr Peterson asked for clarification on the Storytime section of the festival.

*The Director Community, Recreation & Cultural Services advised that the Storytime was going ahead with the same books, however the reader had been changed.*

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR A SHORT RECESS AT 9.28PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 9.38PM**

**RESOLVED - 24/053**

**Cr M McDonell/Cr T Mileto**

That the Council Meeting continue until 10.00pm in accordance with the Code of Meeting Practice defining 9.30pm being the limit on Council Meetings.

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 9.39PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 10.01PM**

**RESOLVED - 24/073**

**Cr G Floyd/Cr G Power**

That Council defer all agenda items of the Environmental Sustainability Policy Committee and Services Policy Committee and Council agenda items 5.1, 5.2, 5.3 and 5.4 to the Council Meeting of 19 March 2024 and proceed to Closed Council in accordance with the Code of Meeting Practice noting the time being 10.00pm, as extended, being the limit on Council Meetings.

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 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 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 - 24/074****Cr M McDonell/Cr G Power**

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

**6.1 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.

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 10.02pm.

The Mayor declared the Ordinary Meeting of Council resumed at 10.13pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

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

TRIM REFERENCE: 2024/138

**RESOLVED - 24/075****Cr M McDonell/Cr G Power**

That Council allows seven Councillors to attend the National General Assembly 2 July to 5 July, 2024 at the National Convention Centre, Canberra.

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

### 6.2 TENDER - CONSTRUCTION OF ORANGE ADVENTURE PLAYGROUND UPGRADE

TRIM REFERENCE: 2024/217

**RESOLVED - 24/076****Cr J Whitton/Cr J Evans**

That Council resolves:

- 1 That the Tender F4173-4 for Construction of the Orange Adventure Playground Upgrade be awarded to Paramount Landscaping (trading as Daracon Landscaping) for their tendered price of \$2,433,787 and that additional funds of \$342,026 be sourced from the Future Cities Budget.
- 2 That permission be granted for the use of the Council Seal on any relevant document as required.

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

Against: Nil

Absent: Nil

### 6.3 SUBMISSION REDACTION REPORT - 5 MARCH 2024

TRIM REFERENCE: 2023/2296

**RESOLVED - 24/077****Cr K Duffy/Cr J Evans**

That the information contained in the Submission Redaction 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 10.15PM

This is Page Number 6 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 5 March 2024.