



ORDINARY COUNCIL MEETING

AGENDA

2 APRIL 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, 2 April 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.

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 19 March 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 19 March 2024.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 19 March 2024

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 19 MARCH 2024

COMMENCING AT 6:36PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Acting Director Development Services (Johnston), Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance

1.1 APOLOGIES

Nil.

RESOLVED - 24/078	Cr F Kinghorne/Cr M McDonell
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That Cr D Mallard be permitted to attend the Council Meeting of Orange City Council on 19 March 2024 via Audio Visual Link.

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

Against: Nil

Absent: Nil

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr G Power conducted an Acknowledgement of Country.

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

Cr Evans declared a Non-Significant, Non-Pecuniary Interest in item 6.3 Tender – F4040 – Provision of Heating, ventilation and Air Conditions (HVAC) Services and 6.4 Tender – F4175 – Provision of Fire Maintenance Services as tenderers are customers of his.

Cr Peterson declared a Non-Significant, Non-Pecuniary Interest in item 4.2 Notice of Motion – Letter of support to Orange Mountain Bike Club – The Trail of Awesomeness as he previously worked as a grants officer for Orange Mountain Bike Club.

Cr Mileto declared a Non-Significant, Non-Pecuniary Interest in item 4.2 Notice of Motion – Letter of support to Orange Mountain Bike Club – The Trail of Awesomeness as he assisted with the opening and part of the grant funding announcement.

1.5 OPENING PRAYER

Reverend Bob Cameron of the Orange East Anglican Church led the Council in Prayer.

The Mayor advised that item 4.1 – Notice of Motion - Consideration of Hockey Centre Budget Allocation has been withdrawn.

RESOLVED - 24/079**Cr J Whitton/Cr T Greenhalgh**

That the following Late Item be permitted to be considered at the Council Meeting of 19 March 2024:

6.6 – Senior Staff Contract – Chief Executive Officer.

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

Against: Nil

Absent: Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.44PM

- Andrew Kermode
- Jack Rahilly – Orange Mountain Bike Club
- Dale Carr - Wiradjuri Cultural Art and Gaanha-Bula Dyrribang Mens Group
- Dr Andrew Rawson - Canobolas Conservation Alliance
- Scott Turner
- Stephen Martin – GHD
- Uncle Neil Ingram Snr
- Lucas Martin
- John Carpenter

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.23PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/080**Cr J Whitton/Cr T Greenhalgh**

That the Minutes of the Ordinary Meeting of Orange City Council held on 5 March 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 5 March 2024.

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 7.23PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.25PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - CONSIDERATION OF HOCKEY CENTRE BUDGET ALLOCATION

TRIM REFERENCE: 2024/240

THIS ITEM WAS WITHDRAWN

4.2 NOTICE OF MOTION - LETTER OF SUPPORT TO ORANGE MOUNTAIN BIKE CLUB - THE TRAIL OF AWESOMENESS

TRIM REFERENCE: 2024/316

Cr Peterson declared a Non-Significant, Non-Pecuniary Interest in this item as he previously worked as a grants officer for Orange Mountain Bike Club.

Cr Mileto declared a Non-Significant, Non-Pecuniary Interest in this item as he assisted with the opening and part of the grant funding announcement.

RESOLVED - 24/086**Cr S Peterson/Cr G Floyd**

That Council provide a letter of support to the Orange Mountain Bike Club stating the value of the Glenwood Forest Mountain bike flow trail to Orange and ask that the section that would be destroyed by planned logging be spared, acknowledging the commercial value of the timber itself. The letter will encourage the club to work with the Forestry Corporation on a collaborative outcome.

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

4.3 NOTICE OF MOTION - PROPOSED MOUNTAIN BIKE TRACK

TRIM REFERENCE: 2024/255

THIS ITEM WAS WITHDRAWN

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR A SHORT RECESS AT 8.06PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.10PM

4.4 NOTICE OF MOTION - SPORT4ALL ORANGE PROPOSAL

TRIM REFERENCE: 2024/335

RESOLVED - 24/087**Cr S Peterson/Cr F Kinghorne**

That the 'Sport4All' proposal be adopted at the 0.4 full-time equivalent option for a period of two years with the option of a third year to be considered following an evaluation of years 1 and 2.

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

Against: Nil

Absent: Nil

5 GENERAL REPORTS**5.1 ORANGE CITY LIBRARY STATISTICS JULY - DECEMBER 2023**

TRIM REFERENCE: 2024/200

RESOLVED - 24/088**Cr G Power/Cr M McDonell**

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

5.2 STRATEGIC POLICY REVIEW - GRANTS AND DONATIONS - POST EXHIBITION

TRIM REFERENCE: 2023/2240

RESOLVED - 24/089**Cr G Floyd/Cr J Evans**

That Council resolves to Adopt Strategic Policy ST32 - Donations and Grants.

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

QUESTION TAKEN ON NOTICE**Cr S Peterson**

Cr Peterson noted Council was advised at its meeting on 19 December 2023 that the Educational Assistance allocation had not been used and requested this to be able to be re-allocated to other programs. Cr Peterson asked if this was provided for in the new Grants & Donations policy.

5.3 STRATEGIC POLICY REVIEW

TRIM REFERENCE: 2024/241

RESOLVED - 24/090**Cr T Greenhalgh/Cr G Power**

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

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

QUESTION TAKEN ON NOTICE**Cr T Mileto**

Cr Mileto asked if there had been any funds expended on this program in recent years and if the policy is still relevant. The Manager Corporate Governance advised that no claims had been made. The Chief Executive Officer advised he would provide Council with a report on how to better implement the Vandalism Reporting Scheme.

5.4 REPORT ON FREE ENTRY TO AQUATIC CENTRE

TRIM REFERENCE: 2024/245

RESOLVED - 24/091**Cr K Duffy/Cr J Whitton**

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

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 McDonell asked if any other Council's offer similar free periods.

The Director Community, Recreation & Cultural Services advised that he was not aware of other Councils programs.

Cr Greenhalgh asked if it could be managed by a ticketing system and capping numbers after a certain amount of tickets have been allocated.

The Director Community, Recreation & Cultural Services advised that it could be possible however with 28,000 people over a six week period it will be difficult to manage. He noted that 250 people were ejected during the six weeks, with the volume of patrons it could have been 500 people ejected. The impact on staff has been significant.

5.5 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/2288

RESOLVED - 24/092**Cr M McDonell/Cr J Whitton**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 5 March 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 5 March 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Finance Policy Committee at its meeting held on 5 March 2024 be and are hereby confirmed as a true and accurate record of the proceedings.

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

Against: Nil

Absent: Nil

QUESTION TAKEN ON NOTICE**Cr M McDonell**

Cr McDonell asked for an update on the footpath at Orange Anglican Grammar School.

5.6 DEVELOPMENT APPLICATION DA 303/2023(1) - 14 AND 16 ELIZABETH STREET

TRIM REFERENCE: 2024/190

RESOLVED - 24/093**Cr K Duffy/Cr J Whitton**

That Council consents to development application DA 303/2023(1) for Demolition (two dwellings, outbuilding and tree removal) and Hotel or Motel Accommodation at Lot 6 DP 32306 and Lot 13 DP 610575 - 14 and 16 Elizabeth Street, Orange, pursuant to the conditions of consent in the updated Notice of Approval including additional conditions 50 and 53.

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 how we establish if the hotel would be used for crisis accommodation. *The Acting Director Development Services advised that there was no supporting information to indicate this would be the use. We are not able to dictate who stays in them.*

Cr Kinghorne asked for information on flooding noting there were a number of flood photos included in the report.

The Acting Director Development Services advised that flooding is an issue on the site. The floor level is required to be 500mm above the 1 in 100 flood level. This is not dissimilar to other sites subject to flooding.

5.7 STATEMENT OF INVESTMENTS - FEBRUARY 2024

TRIM REFERENCE: 2024/332

RESOLVED - 24/094**Cr J Whitton/Cr G Floyd**

That Council resolves:

- 1 To note the Statement of Investments for the period February 2024.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

Against: Nil

Absent: Nil

RESOLVED - 24/095**Cr J Hamling/Cr M McDonell**

That item 5.8 ARIC – Audit, Risk & Improvement Committee Membership be heard and determined in seriatim.

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

Against: Nil

Absent: Nil

5.8 ARIC - AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBERSHIP

TRIM REFERENCE: 2024/201

RESOLVED - 24/096**Cr M McDonell/Cr J Evans**

- 1 That Council notes the required changes to membership of its ARIC as outlined in the report and OLG Guidelines.

RESOLVED - 24/097**Cr M McDonell/Cr G Floyd**

- 2 That Council determines a Non-Voting Councillor will be a member of the ARIC from 1 July to 13 September 2024.

RESOLVED - 24/098**Cr G Floyd/Cr T Greenhalgh**

- 3 That Cr Kinghorne be appointed as a Non-Voting ARIC member with Cr Peterson as an alternate, for the period 1 July to 13 September 2024, noting re-election of Councillor members must occur at the first meeting of the Council after an ordinary election.

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

Against: Nil

Absent: Nil

5.9 PROGRESS REPORT - DELIVERY PROGRAM/OPERATIONAL PLAN 2023/2024 (DELIVERY PLAN YEAR 2) - SIX MONTHS FROM 1 JULY TO 31 DECEMBER 2023

TRIM REFERENCE: 2024/344

RESOLVED - 24/099**Cr S Peterson/Cr G Floyd**

That the Progress Report – Delivery Program/Operational Plan 2023/2024 (Delivery Program Year 2) – Six Months from 1 July 2023 to 31 December 2023 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

Cr Peterson asked if more frequent reporting could occur on the Conservatorium/Planetarium and the Sports Precinct.

The Chief Executive Officer advised that Council would receive more regular reports, with a report on each in open council and a report on each in closed council including financial information.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked if Business Newsletters has been sent as noted in the Operational Plan reporting as she was not aware of anyone receiving them.

QUESTION TAKEN ON NOTICE**Cr D Mallard**

Cr Mallard asked for a report to be provided to Council on the progress of each of the following project and how they will be delivered noting they are all due for completion by 30 June 2024:

- Homelessness Policy
- Affordable Housing Policy
- Infill Policy
- Worker Shortages Strategy
- Short Term Rental Strategy
- Audit of Council Land
- Holding of a Housing Summit

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 - 24/100**Cr G Power/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 NSW Local Roads Congress - Nomination(s) 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 Request to Enter into New Parking Agreement at the Orange City Centre

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 Tender - F4040 - Provision of Heating, Ventilation and Air Conditions (HVAC) Services

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.

6.4 Tender - F4175 - Provision of Fire Maintenance Services

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.

6.5 Submission Redaction Report - 19 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.

6.6 Senior Staff Contract - Chief Executive Officer

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 (a) personnel matters concerning particular individuals (other than councillors).

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 9.08pm

The Mayor declared the Ordinary Meeting of Council resumed at 9.35pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Manager Corporate Governance read out the following resolutions made in the Closed Meeting of Council.

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

TRIM REFERENCE: 2024/341

RESOLVED - 24/101

Cr J Whitton/Cr T Greenhalgh

That Council resolves two Councillors will attend the NSW Local Roads Congress to be held in Sydney on Monday 3 June 2024.

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 REQUEST TO ENTER INTO NEW PARKING AGREEMENT AT THE ORANGE CITY CENTRE

TRIM REFERENCE: 2024/32

RESOLVED - 24/102

Cr J Whitton/Cr G Floyd

- 1 That Council publicly exhibits its proposal to declare the Orange City Centre Car Park at 212-220 Summer Street Orange, an area of 'Free Parking' in accordance with Section 650 of the Local Government Act 1993.
- 2 That Council approves the key terms of the Orange City Centre Car Park Lease Agreement between Orange City Council and Alceon Group Pty Ltd as described within the report.
- 3 That Council authorises the Chief Executive Officer of Council to negotiate and finalise the Orange City Centre Car Park Lease Agreement described in the report (including all matters that the Chief Executive Officer considers require amendment, alteration, clarification to his satisfaction).
- 4 That Council resolves to sign the Orange City Centre Car Park Lease Agreement and affix the seal of Council where required.
- 5 That a Community Engagement Plan be developed and implemented between Council and Alceon Group Pty Ltd during the exhibition period detailed in Recommendation 1. The Plan shall highlight parking changes that will come into effect at the end of the exhibition period and also the availability of alternative parking areas.

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 TENDER - F4040 - PROVISION OF HEATING, VENTILATION AND AIR CONDITIONS (HVAC) SERVICES

TRIM REFERENCE: 2024/195

Cr Evans declared a Non-Significant, Non-Pecuniary Interest in this item as tenderers are customers of his, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 24/103

Cr G Floyd/Cr M McDonell

That Council resolves:

- 1 That the Chief Executive Officer, or his nominee, enter into a standard contract with Williams Oriel Pty Ltd for the Provision of Heating, Ventilation and Air Conditioning (HVAC) Services for the amount of \$127,927.00 (excl. GST).
- 2 To grant permission to the Chief Executive Officer, or his nominee, to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal on any relevant documents.

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

6.4 TENDER - F4175 - PROVISION OF FIRE MAINTENANCE SERVICES

TRIM REFERENCE: 2024/249

Cr Evans declared a Non-Significant, Non-Pecuniary Interest in this item as tenderers are customers of his, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 24/104

Cr T Mileto/Cr G Power

That Council resolves:

- 1 That the Chief Executive Officer, or his nominee, enter into a standard contract with Wormald Pty Ltd for the Provision of Fire Maintenance Services for the amount of \$106,693.00 (excl. GST).
- 2 To grant permission to the Chief Executive Officer, or his nominee, to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal on any relevant documents.

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

6.5 SUBMISSION REDACTION REPORT - 19 MARCH 2024

TRIM REFERENCE: 2024/256

RESOLVED - 24/105**Cr K Duffy/Cr F Kinghorne**

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

6.6 SENIOR STAFF CONTRACT - CHIEF EXECUTIVE OFFICER

TRIM REFERENCE: 2024/422

RESOLVED - 24/106**Cr J Whitton/Cr G Floyd**

That Council resolves to re-appoint Mr David Waddell to the position of Chief Executive Officer, Orange City Council for a period of 12 months in accordance with Option 1.

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 9.39PM

This is Page Number 12 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 19 March 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

Environmental Sustainability - Chaired by Cr David Mallard – No Items

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 - PINNACLE ROAD SPEED

RECORD NUMBER: 2024/421

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 2 April 2024:

MOTION

That Council resolves:

- 1 To support the revision of the speed limit to 60km/hr on Pinnacle Road for its entire length within the Orange LGA, to improve the safety of cyclists and other road users.
- 2 To write to TfNSW and formally request the speed review.
- 3 To seek Cabonne Council support for the same speed reduction consideration.

BACKGROUND

This was originally proposed as an Action through the bicycle committee (Wallace Lane to the bends below snow line).

TfNSW alone have the power to review and implement speed zones in NSW.

Staff discussions with TfNSW indicate in-principle support for full length of road review.

Pinnacle Road environment would benefit from this reduction for reasons including:

- o Narrow seal in sections
- o Sharp bends
- o Distracting views
- o Wineries
- o Lots of property accesses.
- o Difficult and busy Shiralee Road intersection

Signed Cr Steven Peterson

STAFF COMMENT

Pinnacle Road goes from 50 to 80 on the southern limits of the city past the Canobolas Road intersection. There is a temporary 60 speed limit at the Shiralee Road intersection returning to 80 then back to 60 for 1200m either side of the Orange / Cabonne LGA boundary. This proposal goes beyond what was asked by the Bicycle Committee (Wallace Lane to the bends below the snow line).

There are a number of commercial, agricultural, tourism, residential and other users of the road besides the Bicycle Committee. While staff from both LGA's have discussed the matter and Transport for NSW have given in principle support of a review, it may be prudent to seek wider community support for such a review.

FINANCIAL/RESOURCING IMPLICATIONS

There is no financial implications in seeking a review, and a modest cost of implementing the speed restriction, if that is the result of the review, that would be funded from the signs budget.

POLICY AND GOVERNANCE IMPLICATIONS

Unlike the Lucknow speed restriction from 60 back to the previous 50 kmph zone this is a totally new proposal and as such it may be best to defer such a review for Community Consultation through the YourSay site.

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

RECORD NUMBER: 2024/442

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 "18.1. 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 Environmental Sustainability Policy Committee at its meeting held on 19 March 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Services Policy Committee at its meeting held on 19 March 2024 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

Environmental Sustainability Policy Committee

At the Environmental Sustainability Policy Committee meeting held on 19 March 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

Services Policy Committee

At the Services Policy Committee meeting held on 19 March 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

ATTACHMENTS

- 1 ESPC 19 March 2024 Minutes, 2024/407 [↓](#)
- 2 SPC 19 March 2024 Minutes, 2024/406 [↓](#)

ORANGE CITY COUNCIL

MINUTES OF THE

ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE

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

ON 19 MARCH 2024

COMMENCING AT 7.23PM

1 INTRODUCTION

ATTENDANCE

Cr D Mallard (Chairperson)(*Audio Visual Link*), 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

Chief Executive Officer, Acting Director Development Services (Johnston), Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance

The Mayor chaired the meeting with Cr Mallard attending via Audio Visual Link

APOLOGIES AND LEAVE OF ABSENCE

Nil.

RESOLVED - 24/081	Cr F Kinghorne/Cr M McDonell
That Cr D Mallard be permitted to attend the Council Meeting of Orange City Council on 19 March 2024 via Audio Visual Link.	
For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton	
Against: Nil	
Absent: Nil	

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

Nil.

MINUTES OF ENVIRONMENTAL SUSTAINABILITY POLICY COMMITTEE 19 MARCH 2024

2 COMMITTEE MINUTES

2.1 MINUTES OF THE ENVIRONMENTAL SUSTAINABILITY COMMUNITY COMMITTEE 16 FEBRUARY 2024

TRIM REFERENCE: 2024/209

RESOLVED - 24/082

Cr J Whitton/Cr G Floyd

- 1 That Council acknowledge the reports presented to the Environmental Sustainability Community Committee at its meeting held on 16 February 2024.
- 2 That the minutes of the Environmental Sustainability Community Committee from its meeting held on 16 February 2024 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

THE MEETING CLOSED AT 7.24PM

ORANGE CITY COUNCIL

MINUTES OF THE

SERVICES POLICY COMMITTEE

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

ON 19 MARCH 2024

COMMENCING AT 7.24PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Acting Director Development Services (Johnston), Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance

APOLOGIES AND LEAVE OF ABSENCE

Nil.

RESOLVED - 24/083	Cr F Kinghorne/Cr M McDonell
That Cr D Mallard be permitted to attend the Council Meeting of Orange City Council on 19 March 2024 via Audio Visual Link.	
For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton	
Against: Nil	
Absent: Nil	

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

Nil.

5.2 POLICY REVIEW - SUBDIVISION AND DEVELOPMENT CODE - POST EXHIBITION

RECORD NUMBER: 2023/2239

AUTHOR: Jason Theakstone, Manager Engineering Services

EXECUTIVE SUMMARY

This report presents the Subdivision and Development Code (Code) which has been reviewed and placed on public exhibition from 6 December 2023 to 19 January 2024. Two submissions were received during the exhibition period. It is now recommended the Code be adopted.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “8.1. Plan for growth and development that balances liveability with valuing the local environment”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council adopt the Draft Orange City Council Subdivision and Development Code.

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

Council’s policy for engineering requirements on developments, the Subdivision and Development Code (Code), was first adopted on 15 November 1979 and subsequently amended in 1982. A further release of a Subdivision & Development Code has been used by Council since 1997. This policy is a basic document setting out accepted subdivision and development work methods within the Orange LGA area.

Over the past 30 years, major changes to work practices, Australian Standards, government legislation and public perception, have occurred in relation to developments in Local Government. It has been recognised that the Code is dated and required to be updated to consider these issues.

Council may remember resolving to exhibit a draft Subdivision Code at its 5 March 2019 Planning and Development Committee meeting. The 2019 draft Code was exhibited and Council received 2 comments. Parts of these comments were incorporated within the draft Code but the Code was shelved due to imminent changes within Austroads Guidelines and the WSAA codes.

Council's Technical Services Division has drafted a new Code for public exhibition and subsequent adoption. The new Code was placed on Public Exhibition from 6 December 2023 to 19 January 2024. Two submissions were received during the exhibition period. They are attached to this report along with the responses sent to the person making the submission and the amended code as a result of the submissions.

It is recommended that Council adopt the Subdivision and Development Code.

ATTACHMENTS

- 1 FOR ADOPTION - 2024 Subdivision and Development Code, [D24/29130](#)
- 2 Submission 1 - Subdivision and Development Code, [D24/28045](#)
- 3 Response to Submission 1 - Subdivision and Development Code, [D24/29131](#)
- 4 Submission 2 - Subdivision and Development Code, [D24/27943](#)
- 5 Response to Submission 2 - Subdivision and Development Code, [D24/29132](#)

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 Tender - F4054 - Remediation of Pines Lane Stormwater C7 Basin

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 Nomination of Councillor Attendance - 64th Floodplain Management Australia National Conference

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.

6.3 Submission Redaction Report - 2 April 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 TENDER - F4054 - REMEDIATION OF PINES LANE STORMWATER C7 BASIN

RECORD NUMBER: 2024/394

AUTHOR: Jason Theakstone, Manager Engineering Services

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.

6.2 NOMINATION OF COUNCILLOR ATTENDANCE - 64TH FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE

RECORD NUMBER: 2024/379

AUTHOR: Jason Theakstone, Manager Engineering Services

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.

6.3 SUBMISSION REDACTION REPORT - 2 APRIL 2024

RECORD NUMBER: 2023/2297

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