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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 2 APRIL 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, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering 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.

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted an Acknowledgement of Country.

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

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Cr Kinghorne declared a Significant Pecuniary Interest in CCL item 5.2 - Policy Review – Subdivision and Development code – Post exhibition as it relates to her husband’s work.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in PDC item 2.2 – Development Application DA266/2023(1) – 5 Cadogan Crescent as submitters are customers of her business.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC item 2.3 – Post Exhibition – LEP Amendment 34 – rezoning of 264-274 Leeds Parade as it relates to her husband’s work.

Cr Kinghorne declared a Significant Pecuniary Interest in IPC item 3.2 – Adoption – Orange Contribution Plan as it relates to her husband’s work.

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in FPC item 2.1 – Small Donations – Requests for Donations as she is the Secretary of Bloomfield Junior Rugby League Club

Cr Hamling declared a Significant Non-Pecuniary Interest in FPC item 2.1 – Small Donations – Requests for Donations as Cr Greenhalgh is part of his election ticket.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.33PM**

**PDC 2.2 – DA 266/2023(1) – 5 CADOGAN CRESCENT**

- David McDonald
- Andrew McKibbin
- David Nock

**CCL 4.1 – NOTICE OF MOTION – PINNACLE ROAD SPEED**

- Geoff Naughton

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.54PM**

**2 MAYORAL MINUTES**

Nil

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED - 24/107**

**Cr J Whitton/Cr G Floyd**

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 record of the proceedings of the Council meeting held on 19 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 6.54PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.59PM**

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - PINNACLE ROAD SPEED

TRIM REFERENCE: 2024/421

**RESOLVED - 24/121****Cr S Peterson/Cr D Mallard**

That Council seek community opinion and feedback of a proposed speed limit reduction for part or all of the length of Pinnacle Road with the Local LGA.

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 when TfNSW conducts a speed review do they normally consult with residents in an affected area or do they only consider the data.

*The Director Technical Services advised that if they are acting on a request from Local Government then they expect Local Government to do that engagement. TfNSW will look at the data such as number of driveways and accident history. They are open to doing a review.*

Cr Whitton asked who the catchment of people for community feedback would include and if Council could be provided with information on whether they were a resident for example on Pinnacle Road.

*The Director Technical Services advised that it would generally be presented as a YourSay survey and those directly affected would be advised accordingly. Questions could be tailored to identify whether they were individually impacted or another community member without identifying the actual respondent.*

Cr Power asked if there had been any recent incidents on Pinnacle Road.

*The Director Technical Services advised that there had been none to his knowledge.*

Cr Mileto asked whether information relating to speed counters and the average number of cyclists using the roadway could be provided when the consultation report returns to Council.

*The Director Technical Services advised that the current road classifiers used cannot distinguish between bicycles and motorcycles, a road classifier can be used to see what speeds are being done.*

**5 GENERAL REPORTS**

**5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

TRIM REFERENCE: 2024/442

**RESOLVED - 24/122**

**Cr M McDonell/Cr G Floyd**

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.

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 left the meeting with the time being 8.10pm\**

**5.2 POLICY REVIEW - SUBDIVISION AND DEVELOPMENT CODE - POST EXHIBITION**

TRIM REFERENCE: 2023/2239

Cr Kinghorne declared a Significant Pecuniary Interest in this item as it relates to her husband’s work, left the chamber and did not participate in discussion or voting on this item.

**RECOMMENDATION**

**Cr G Floyd/Cr D Mallard**

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

**AMENDMENT**

That Council defer consideration of the Draft Orange City Council Subdivision and Development Code for the purpose of consulting directly with developers in the city.

For: Cr K Duffy, Cr G Floyd, Cr T Mileto, Cr J Hamling,

Against: Cr J Evans, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton

Absent: Cr F Kinghorne

**THE AMENDMENT ON BEING PUT WAS LOST**

**THE MOTION ON BEING PUT WAS CARRIED**

**RESOLVED - 24/123**

**Cr G Floyd/Cr D Mallard**

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

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

Against: Cr K Duffy

Absent: Cr F Kinghorne

Cr Mileto asked if only a small group of people have been included in the feedback, could a working party be set up with Developers, Contractors and other consultants to have input into what Council is considering.

*The Director Technical Services stated that only two submissions were received during the two exhibition periods. One of those submissions believed that Council is in contravention of the EP&A Act, and staff believe this is not the case.*

#### **MATTER ARISING**

**Cr S Peterson**

Cr Peterson noted that at the Council Meeting of 5 May 2022, Council passed a resolution enabling and encouraging community members to nominate names of individuals with historic links to Orange for street names and noted this should be referenced in the Subdivision and Development Code, section 1.16.12 – Street Names.

*\*Cr Kinghorne returned to the meeting with the time being 8.20pm\**

## **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 - 24/124****Cr J Whitton/Cr J Evans**

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.

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

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.22pm

The Mayor declared the Ordinary Meeting of Council resumed at 8.42pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 TENDER - F4054 - REMEDIATION OF PINES LANE STORMWATER C7 BASIN

TRIM REFERENCE: 2024/394

#### RESOLVED - 24/125

Cr T Greenhalgh/Cr S Peterson

That Council:

- 1 Award Tender F4054 Remediation of Pines Lane Stormwater Basin to Precision Civil Infrastructure Pty Ltd at a cost of \$630,629.
- 2 Grant permission for the CEO or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if 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

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

TRIM REFERENCE: 2024/379

#### RESOLVED - 24/126

Cr K Duffy/Cr J Hamling

That Council nominates one Councillor to attend The Floodplain Management Australia National Conference to be held at Brisbane Convention and Exhibition Centre 21 – 24 May 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

### 6.3 SUBMISSION REDACTION REPORT - 2 APRIL 2024

TRIM REFERENCE: 2023/2297

#### RESOLVED - 24/127

Cr D Mallard/Cr K Duffy

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 8.43PM

This is Page Number 7 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 2 April 2024.