
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 16 APRIL 2024

COMMENCING AT 6:30PM

1 INTRODUCTION

ATTENDANCE

Cr G Power (Deputy Mayor), 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 J Whitton

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

In the absence of the Mayor, the Deputy Mayor chaired the meeting

A Minutes Silence was held in remembrance of those victims of the Westfield Bondi and Christ of Good Shepherd Church incidents this week

1.1 APOLOGIES

RESOLVED - 24/128**Cr J Whitton/Cr G Floyd**

That the apologies be accepted from Cr Hamling & Cr Evans for the Council Meeting of Orange City Council on 16 April 2024.

For: 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 Hamling, Cr J Evans

RESOLVED - 24/129**Cr J Whitton/Cr G Floyd**

That Cr Greenhalgh and Cr McDonell be permitted to attend the Council Meeting of Orange City Council on 16 April 2024 via Audio Visual Link.

For: 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 Hamling, Cr J Evans

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr McDonnell conducted an Acknowledgement of Country.

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

Cr Kinghorne declared a Significant Pecuniary Interest in item 5.2 – Development Application DA266/2023(1) – 5 Cadogan Crescent as submitters are customers of her business.

Cr Kinghorne declared a Significant Pecuniary Interest in item 5.3 – Development Application DA288/2023(1) – 602 Icely Road, Emu Swap as her husband’s consultancy company has undertaken work on this site.

Cr Whitton declared a Significant Pecuniary Interest in item 5.5(2) – Small Donations – Requests for Donations as he is a non-executive director of Marathon Health.

Cr Floyd declared a Significant Non-Pecuniary Interest in item 5.5(1) – Small Donations – Requests for Donations as he is a co-host of a Mens Mental Health campaign in Orange.

Cr Peterson declared a Significant Non-Pecuniary Interest in item 5.3 – Development Application DA288/2023(1) – 602 Icely Road, Emu Swap as he resides nearby.

1.5 OPENING PRAYER

Reverend Tim Goldsmith of the Orange Evangelical Church led the Council in Prayer.

THE DEPUTY MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.38PM**CCL 5.2 – DA 266/2023(1) – 5 CADOGAN CRESCENT**

- Andrew McKibbin
- Jenny McDonald
- David Nock

CCL 5.5 – SMALL DONATIONS – REQUESTS FOR DONATIONS

- Lewis Bird – The Amend Project

THE DEPUTY MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.55PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/130**Cr G Floyd/Cr D Mallard**

That the Minutes of the Ordinary Meeting of Orange City Council held on 2 April 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 2 April 2024.

For: 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 Hamling, Cr J Evans

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/2291

RESOLVED - 24/131**Cr G Floyd/Cr D Mallard**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 2 April 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 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Sport and Recreation Policy Committee at its meeting held on 2 April 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 2 April 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 2 April 2024 be and are hereby confirmed as a true and accurate record of the proceedings.

For: 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 Hamling, Cr J Evans

Cr Kinghorne left the meeting with the time being 6.59pm

5.2 DEVELOPMENT APPLICATION DA 266/2023(1) - 5 CADOGAN CRESCENT

TRIM REFERENCE: 2024/544

Cr Kinghorne declared a Significant Pecuniary Interest in this item as submitters are customers of her business, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 24/132

Cr G Floyd/Cr S Peterson

That Council consents to development application DA 266/2023(1) for Demolition (existing dwelling and shed) and Dwelling House at Lot 22 DP 587007 - 5 Cadogan Crescent, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

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

Against: Cr K Duffy, Cr S Peterson

Absent: Cr J Hamling, Cr J Evans, Cr F Kinghorne

Cr Whitton asked for an explanation of overshadowing.

The Director Development Services advised that the application is recommended approval after assessment of the planning controls. Section 7.7-8 of the DCP requires 4 hours of sunlight to 75% of the north facing living area windows between 9am and 3pm. Excluding existing vegetation, noting there are large hedges, 4 hours of sunlight is provided.

Cr Peterson left the meeting with the time being 7.14pm

5.3 DEVELOPMENT APPLICATION DA 288/2023(1) - 602 ICELY ROAD, EMU SWAMP

TRIM REFERENCE: 2024/499

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband’s consultancy company has undertaken work on this site, left the chamber and did not participate in discussion or voting on this item.

Cr Peterson declared a Significant Non-Pecuniary Interest in this item as he resides nearby, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 24/133

Cr J Whitton/Cr T Mileto

That Council consents to development application DA 288/2023(1) for Decommissioning of Existing Dwelling; New Dwelling House; Farm Building (shed); Aboveground Water Tanks (2); and Swimming Pool at Lot 200 DP 1301307, 602 Icelly Road, Emu Swamp pursuant to the conditions of consent in the attached Notice of Determination.

For: Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling, Cr J Evans, Cr F Kinghorne, Cr S Peterson

Cr McDonell asked what decommissioning the house meant.

The Director Development Services advised that as a condition of consent decommissioning included removal of both the kitchen and laundry.

Cr Kinghorne & Cr Peterson returned to the meeting with the time being 7.19pm

5.4 STATEMENT OF INVESTMENTS - MARCH 2024

TRIM REFERENCE: 2024/546

RESOLVED - 24/134

Cr K Duffy/Cr D Mallard

That Council resolves:

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

For: 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 Hamling, Cr J Evans

RESOLVED - 24/135

Cr J Whitton/Cr D Mallard

That item 5.5 – Small Donations – Request for Donations be heard and determined in seriatim.

Cr Floyd left the meeting with the time being 7.22pm

5.5 SMALL DONATIONS - REQUESTS FOR DONATIONS

TRIM REFERENCE: 2024/548

Cr Floyd declared a Significant Non-Pecuniary Interest in item 5.5(1) – Small Donations – Requests for Donations as he is a co-host of a Mens Mental Health campaign in Orange, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/136

Cr M McDonell/Cr T Greenhalgh

- 1 That Council donate \$1,926.30 to The Amend Project to contribute to the cost of holding their not-for-profit event “Remembering Our Mates” to educate on men’s health and suicide prevention.

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

Cr Floyd returned to the meeting with the time being 7.34pm

Cr Whitton left the meeting with the time being 7.35pm

Cr Whitton declared a Significant Pecuniary Interest in item 5.5(2) – Small Donations – Requests for Donations as he is a non-executive director of Marathon Health, left the meeting and did not participate in discussion or voting on this item.

RECOMMENDATION

Cr S Peterson/Cr D Mallard

- 2 That Council donate \$1,494.99 to The United Social Club Incorporated to purchase a defibrillator to add an additional element of Health Safety awareness while in the community.

AMENDMENT

Cr K Duffy/Cr T Greenhalgh

2 That Council defer consideration of the application to donate \$1,494.99 to The United Social Club Incorporated to purchase a defibrillator to add an additional element of Health Safety awareness while in the community, for the purpose of obtaining additional information.

For: Cr K Duffy, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr S Peterson

Against: Cr G Floyd, Cr D Mallard, Cr M McDonell, Cr G Power

Absent: Cr J Hamling, Cr J Evans, Cr J Whitton

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/137

Cr K Duffy/Cr T Greenhalgh

2 That Council defer consideration of the application to donate \$1,494.99 to The United Social Club Incorporated to purchase a defibrillator to add an additional element of Health Safety awareness while in the community, for the purpose of obtaining additional information.

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

Cr Whitton returned to the meeting with the time being 7.43pm

5.6 INFLATABLES - LAKE CANOBOLAS

TRIM REFERENCE: 2024/521

RESOLVED - 24/138

Cr T Mileto/Cr G Floyd

That Council provide landowners consent for a Development Application to be lodged with Cabonne Council for the establishment of an Inflatable Recreation Park at Lake Canobolas.

For: 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 Hamling, 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 Deputy 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 Deputy 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 - 24/139**Cr G Floyd/Cr J Whitton**

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 - F4154 - Sewer Main Upgrades

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 27 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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.3 Submission Redaction Report - 16 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 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 Hamling, Cr J Evans

The Deputy Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.55pm.

The Deputy Mayor declared the Ordinary Meeting of Council resumed at 8.05pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 TENDER - F4154 - SEWER MAIN UPGRADES

TRIM REFERENCE: 2024/542

RESOLVED - 24/140**Cr G Floyd/Cr F Kinghorne**

That Council resolves:

- 1 That Tender F4154 for the Sewer Mains Upgrades be awarded to Infrastructure Renewal Services Pty Ltd for a lump sum amount of \$1,169,821.00 (excl. GST).
- 2 That an additional amount of \$450,000 be transferred from the Sewer Fund Section 64 to the relevant project Work Order.
- 3 That the use of Council's seal be authorised on relevant contractual documents.

For: 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 Hamling, Cr J Evans

6.2 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 27 MARCH 2024

TRIM REFERENCE: 2024/574

RESOLVED - 24/141**Cr K Duffy/Cr F Kinghorne**

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 27 March 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee at its meeting held on 27 March 2024 be adopted.

For: 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 Hamling, Cr J Evans

6.3 SUBMISSION REDACTION REPORT - 16 APRIL 2024

TRIM REFERENCE: 2024/547

RESOLVED - 24/142**Cr D Mallard/Cr G Floyd**

That the information contained in the Submission Redaction report be acknowledged.

For: 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 Hamling, Cr J Evans

THE MEETING CLOSED AT 8.06PM

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 16 April 2024.