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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 21 MAY 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 (*Audio Visual Link*), 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, Acting Director Corporate and Commercial Services (Sharp), Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance

#### 1.1 APOLOGIES

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**RESOLVED - 24/177****Cr J Whitton/Cr G Power**

That the apologies be accepted from Cr T Greenhalgh for the Council Meeting of Orange City Council on 21 May 2024.

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

**RESOLVED - 24/178****Cr J Whitton/Cr G Power**

That Cr G Floyd be permitted to attend the Council Meeting of Orange City Council on 21 May 2024 via Audio Visual Link.

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

#### 1.2 LIVESTREAMING AND RECORDING

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

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**1.3 ACKNOWLEDGEMENT OF COUNTRY**

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Cr Mallard 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 Evans declared a Non-Significant, Non-Pecuniary Interest in item 5.5 Tourism Service Contract – Orange 360 – Extension to 30 June 2026 – as he is a member of Orange 360.

Cr Evans declared a Non-Significant, Non-Pecuniary Interest in item 6.7 Lease - Top Floor - Soldiers Memorial Hall – as a person subject of the report is a customer of his business.

Cr Whitton declared a Significant Pecuniary Interest in item 6.7 Lease - Top Floor - Soldiers Memorial Hall – as he is a non-executive Director of OCTEC.

Cr Power declared a Significant Non-Pecuniary Interest in item 5.5 Tourism Service Contract – Orange 360 – Extension to 30 June 2026 – as he is a board member of Orange 360.

Cr Hamling declared a Significant Non-Pecuniary Interest in item 5.5 Tourism Service Contract – Orange 360 – Extension to 30 June 2026 – as he is a board member of Orange 360.

Cr Hamling declared a Significant Non-Pecuniary Interest in item 6.7 Lease - Top Floor - Soldiers Memorial Hall – as he is an OCTEC board member.

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**1.5 OPENING PRAYER**

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Lama Chewang Bhutia of the Karma Yiwong Samten Ling Tibetan Buddhist Centre led the Council in Prayer.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.40PM****Item 5.3 Southern Feeder Road Renaming Engagement**

- Gemma Dwyer
- Robert McLaughlin

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.47PM****2 MAYORAL MINUTES****2.1 MAYORAL MINUTE - COUNTRY MAYORS ASSOCIATION GENERAL MEETING 22 MARCH 2024**

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TRIM REFERENCE: 2024/697

**RESOLVED - 24/179****Cr J Whitton/Cr S Peterson**

That the information contained in this Mayoral Minute be acknowledged.

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

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**RESOLVED - 24/180****Cr K Duffy/Cr S Peterson**

That the Council Meeting scheduled for 2 July 2024 be rescheduled to 9 July 2024 due to Councillor attendance at the Local Government General Assembly.

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****RESOLVED - 24/181****Cr J Whitton/Cr G Power**

That the Minutes of the Ordinary Meeting of Orange City Council held on 7 May 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 7 May 2024.

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

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

Nil

## 5 GENERAL REPORTS

### 5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/2292

**RESOLVED - 24/182****Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 That the Minutes of the Infrastructure Policy Committee at its meeting held on 7 May 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Planning & Development Policy Committee at its meeting held on 7 May 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Employment & Economic Development Policy Committee at its meeting held on 7 May 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Sport and Recreation Policy Committee at its meeting held on 7 May 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 7 May 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 6 That the Minutes of the Finance Policy Committee at its meeting held on 7 May 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 7 That the Minutes of the Services Policy Committee at its meeting held on 7 May 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 F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr T Greenhalgh

### 5.2 STATEMENT OF INVESTMENTS - APRIL 2024

TRIM REFERENCE: 2024/698

**RESOLVED - 24/183****Cr K Duffy/Cr D Mallard**

That Council resolves:

- 1 To note the Statement of Investments for the period April 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 F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr T Greenhalgh

**MATTER ARISING****Cr F Kinghorne**

Cr Kinghorne noted that the Statement of Investments Report refers to 15 consecutive interest rate rises however the only rises in the past twelve months have been 7 June 2023 and 8 November 2023.

**MATTER ARISING****Cr F Kinghorne**

Cr Kinghorne noted that Council never reaches the benchmark set for the investment portfolio, suggested that the benchmark needed a review and requested this to be referred to Council's ARIC.

**5.3 SOUTHERN FEEDER ROAD RENAMING ENGAGEMENT**

TRIM REFERENCE: 2024/685

**MOTION****Cr K Duffy/Cr J Hamling**

That Council resolves:

- 1 To rename the Southern Feeder Road to Southern Distributor Road upon construction completion.
- 2 That Southern Distributor Road be submitted to the Geographical Names Board.

**AMENDMENT****Cr T Mileto/Cr J Evans**

That Council resolves:

- 1 To rename the Southern Feeder Road to Brabham Way upon construction completion.
- 2 That Brabham Way be submitted to the Geographical Names Board.

For: Cr J Evans, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power

Absent: Cr T Greenhalgh

**THE AMENDMENT ON BEING PUT WAS LOST****FORESHADOWED AMENDMENT****Cr M McDonell/Cr D Mallard**

That Council resolves:

- 1 To rename the Southern Feeder Road to Yuranigh Way upon construction completion, in line with the favoured option within the community.
- 2 That Yuranigh Way be submitted to the Geographical Names Board.

For: Cr J Evans, Cr D Mallard, Cr M McDonell, Cr G Power

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr T Mileto, Cr S Peterson, Cr J Whitton

Absent: Cr T Greenhalgh

**THE FORESHADOWED AMENDMENT ON BEING PUT WAS LOST****THE MOTION ON BEING PUT WAS CARRIED**

**RESOLVED - 24/184****Cr K Duffy/Cr J Hamling**

That Council resolves:

- 1 To rename the Southern Feeder Road to Southern Distributor Road upon construction completion.
- 2 That Southern Distributor Road be submitted to the Geographical Names Board.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Cr J Evans, Cr D Mallard, Cr M McDonell, Cr G Power

Absent: Cr T Greenhalgh

**5.4 FUNCTION CENTRE**

TRIM REFERENCE: 2024/664

**THIS ITEM WAS WITHDRAWN***\*Crs Evans, Power and Hamling left the meeting with the time being 7.19pm\***\*In the Absence of Cr Hamling, Cr Whitton Chaired the meeting\****5.5 TOURISM SERVICES CONTRACT - ORANGE360 - EXTENSION TO 30 JUNE 2026**

TRIM REFERENCE: 2024/664

Cr Evans declared a Non-Significant, Non-Pecuniary Interest in this item as he is a member of Orange 360, left the meeting and did not participate in discussion or voting on this item.

Cr Power declared a Significant Non-Pecuniary Interest in this item as he is a board member of Orange 360, left the meeting and did not participate in discussion or voting on this item.

Cr Hamling declared a Significant Non-Pecuniary Interest in this item as he is a board member of Orange 360, left the meeting and did not participate in discussion or voting on this item.

**RESOLVED - 24/185****Cr T Mileto/Cr S Peterson**

That Council resolves to extend the Tourism Funding Agreement provided by TDO Ltd trading as Orange 360 for twelve months until 30 June 2026.

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

Against: Nil

Absent: Cr J Hamling, Cr J Evans, Cr G Power, Cr T Greenhalgh

*\*Crs Evans, Power and Hamling returned to the meeting with the time being 7.20pm\***\*Cr Hamling resumed the chair\**

**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 - 24/186****Cr J Whitton/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 LGNSW Destination and Visitor Economy Conference 2024 - 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 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 Acquisition - Part 473 Pinnacle Road**

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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**6.4 Proposed Sale - 4616 Mitchell Highway Lucknow**

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 Easement - Council Owned Land Lot 182 DP 623231 From 33 Bletchington Street**

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.

**6.6 Lease - Hangar Site M Orange Airport**

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.



**6.7 Lease - Top Floor - Soldiers Memorial Hall**

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.

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

Against: Nil

Absent: Cr T Greenhalgh

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.23pm.

The Mayor declared the Ordinary Meeting of Council resumed at 7.39pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 LGNSW DESTINATION AND VISITOR ECONOMY CONFERENCE 2024 - NOMINATIONS FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2024/708

**RESOLVED - 24/187****Cr K Duffy/Cr J Whitton**

That two Councillors will attend the 2024 Destination and Visitor Economy Conference to be held in Wagga Wagga from 28 - 30 May 2024.

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

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

TRIM REFERENCE: 2024/711

**RESOLVED - 24/188****Cr D Mallard/Cr J Evans**

- 1 That Council authorises the Chief Executive Officer of Council to negotiate and finalise the Orange City Centre Car Park Lease Agreement (including all matters that the Chief Executive Officer considers require amendment, alteration, clarification to his satisfaction).
- 2 Council declare the Orange City Centre Car Park at 212-220 Summer Street Orange to be a "Free Parking Area" under Section 650 of the Local Government Act 1993.
- 3 That Council resolves to sign the Orange City Centre Car Park Lease Agreement and affix the seal of Council where required.

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

**6.3 ACQUISITION - PART 473 PINNACLE ROAD**

TRIM REFERENCE: 2024/636

**RESOLVED - 24/189****Cr K Duffy/Cr G Power**

That Council resolves:

- 1 To acquire approximately 4185m2 of part Lot 113 DP 750401 for the realignment of the intersection of Shiralee and Pinnacle Road.
- 2 That upon acquisition, the land be classified as Operational.
- 3 To delegate to the Chief Executive Officer such authority as may be necessary or convenient to give effect to this resolution, including without limitation the affixing of the Seal of the Council on any document if required.

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

**6.4 PROPOSED SALE - 4616 MITCHELL HIGHWAY LUCKNOW**

TRIM REFERENCE: 2024/761

**RESOLVED - 24/190****Cr D Mallard/Cr J Evans**

That this item be deferred to obtain additional information.

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

**6.5 EASEMENT - COUNCIL OWNED LAND LOT 182 DP 623231 FROM 33 BLECHINGTON STREET**

TRIM REFERENCE: 2024/679

**RESOLVED - 24/191****Cr S Peterson/Cr T Mileto**

- 1 That Council consent to the registration of an easement through Lot 182 DP 623231.
- 2 That permission be granted to affixed the Common Seal on any necessary documentation.

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

**6.6 LEASE - HANGAR SITE M ORANGE AIRPORT**

TRIM REFERENCE: 2024/678

**RESOLVED - 24/192****Cr K Duffy/Cr D Mallard**

That Council resolves:

- 1 To enter into a lease of Hangar Site M at Orange Airport for a term of five years plus 3 x five year options.
- 2 That approval be granted for the use of the Council Seal on all relevant documents.

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

*\*Crs Evans, Whitton and Hamling left the meeting with the time being 7.31pm\***\*In the Absence of Cr Hamling, Cr Power Chaired the meeting\****6.7 LEASE - TOP FLOOR - SOLDIERS MEMORIAL HALL**

TRIM REFERENCE: 2024/680

Cr Evans declared a Non-Significant, Non-Pecuniary Interest in this item as a person subject of the report is a customer of his business.

Cr Whitton declared a Significant Pecuniary Interest in this item as he is a non-executive Director of OCTEC.

Cr Hamling declared a Significant Non-Pecuniary Interest in item 6.7 Lease - Top Floor - Soldiers Memorial Hall – as he is an OCTEC board member.

**RESOLVED - 24/193****Cr K Duffy/Cr T Mileto**

- 1 That Council enter into a lease of the top floor of Soldiers Memorial Hall with OCTEC for a period of five years plus one, five year option.
- 2 That permission be granted for the use of the Council Seal on any relevant documentation.

For: Cr K Duffy, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power

Against: Nil

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

*\*Crs Evans, Whitton and Hamling returned to the meeting with the time being 7.34pm\***\*Cr Hamling resumed the chair\****THE MEETING CLOSED AT 7.40PM**

This is Page Number 12 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 21 May 2024.