



ORDINARY COUNCIL MEETING

AGENDA

4 JUNE 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, 4 June 2024** commencing at **6:30PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

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.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

2.1 COUNTRY MAYORS ASSOCIATION GENERAL MEETING 10 MAY 2024 - MINUTES

RECORD NUMBER: 2024/843

MAYORAL MINUTE

The CEO and I attended the Country Mayors Association of NSW General Meeting on Friday 10 May 2024 in Sydney. The theme was Financial Sustainability of Country NSW Councils and the timely State and Federal inquiries on this issue.

RECOMMENDATION

That the information contained in this Mayoral Minute be acknowledged.

Jason Hamling

MAYOR

SUPPORTING INFORMATION

I attach the country Mayors Association Minutes on this meeting for your information.

ATTACHMENTS

- 1 Country Mayors Association Meeting 10 May 2024 - Minutes, D24/54575 [↓](#)



Country Mayors Association of NEW SOUTH WALES Inc

Chairperson: Cr Jamie Chaffey

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MINUTES

GENERAL MEETING – THEME “FINANCIAL SUSTAINABILITY”

FRIDAY, 10 MAY 2024 YORK CLUB, SYDNEY

The meeting opened at 8:25 a.m.

1. ATTENDANCE:

Karina Ewer	CEO	Berrigan Shire Council
Julia Cornwell McKean	Mayor	Berrigan Shire Council
Cr. Rick Firman	Mayor	Temora Shire Council
Melissa Boxall		Temora Shire Council
Cr. Jamie Chaffey	Mayor	Gunnedah Shire Council
Gary Fry	Secretariat	CMA
Ryan Palmer	Mayor	Port Stephens
Cr Peter Sharp	Deputy Mayor	Lockhart Shire Council
Peter Veneris	GM	Lockhart Shire Council
Cr. Russell Webb	Mayor	Tamworth Regional Council
Paul Bennett	GM	Tamworth Regional Council
Doug Curran	Mayor	Griffith Council
Brett Stonestreet	GM	Griffith Council
Russell Fitzpatrick	Mayor	Bega Valley Shire Council
Anthony McMahon	CEO	Bega Valley Shire Council
Phyllis Miller	Mayor	Forbes Shire Council
Steve Loane	GM	Forbes Shire Council
Lisa Schiff		Forbes Shire Council
Tony Donoghue	GM	Coolamon Shire Council
Craig Milburn	GM	Kempsey Shire Council
Chris Homer	Mayor	Shellharbour Council
Roger Bailey		Warrunbungle Shire Council
Ambrose Doolan		Warrunbungle Shire Council
Cr Rob Banham	Mayor	Glen Innes Severn Council
Bernard Smith	GM	Glen Innes Severn Council
Neville Kschanka	Mayor	Narrandera Shire Council

George Cowan	GM	Narrandera Shire Council
Patrick Bourke	Mayor	Federation Council
Doug Hawkins OAM	Mayor	Liverpool Plains Shire Council
Gary Murphy		Liverpool Plains Shire Council
Cr Doug Batten	Mayor	Gilgandra Shire Council
David Neeves	GM	Gilgandra Shire Council
Ruth McRae OAM	Mayor	Murrumbidgee Shire Council
John Scarce	GM	Murrumbidgee Shire Council
Darrell Tiemens	Mayor	Narrabri Shire Council
Aaron Johansson		Goulburn
Peter Walker		Goulburn
Doug Batten	Mayor	Gilgandra Shire Council
David Neeves		Gilgandra Shire Council
Neville Kschenka		Narrandera
Maree Statham	Mayor	Lithgow City Council
Ross Gurney	GM	Lithgow City Council
Scott Ferguson	Mayor	Blayney Shire Council
Max Eastcott	GM	Gwydir Shire Council
John Coulton	Mayor	Gwydir Shire Council
Megan Dixon	GM	Walgett Shire Council
Paul Phillips	Mayor	Lachlan Shire Council
Sue Moore	Mayor	Singleton Council
David Webb	GM	Hay Shire Council
Carol Oataway	Mayor	Hay Shire Council
Bronwyn Petrie	Mayor	Tenterfield Shire Council
Charlie Sheahan	Mayor	Cootamundra-Gundagai Regional Council
Steve McGrath	Interim GM	Cootamundra-Gundagai Regional Council
Rob Williams	GM	Narrabri Shire Council
Eoin Johnston	Deputy Mayor	Ballina Shire Council
Steve Reynolds	Mayor	Muswellbrook Shire Council
Derek Finnigan	GM	Muswellbrook Shire Council
Michael Lyon	Mayor	Byron Shire Council
Bob Callow	Mayor	Junee Shire Council
Maree Statham	Mayor	Lithgow City Council
Ross Gurney	GM	Lithgow City Council
Terry Dodds	GM	Murray River Council
Frank Crawley	Mayor	Murray River Council
Jane Redden	GM	Narromine Shire Council
Milton Quigley	Mayor	Warren Shire Council
Gary Woodman	GM	Warren Shire Council
Phillip Hood	GM	Walcha Shire Council
Eric Noakes	Mayor	Walcha Shire Council
Robyn Stevens	CEO	Shoalhaven Council
Neil Reilly	Mayor	Kiama Municipal Council
Jane Stroud	CEO	Kiama Municipal Council
Trevor Glover	Councillor	Cootamundra-Gundagai Regional Council
Jay Nankivell	GM	Broken Hill City Council

Jim Hickey	Deputy Mayor	Broken Hill City Council
Steve Krieg	Mayor	Lismore City Council
Jon Gibbons	GM	Lismore City Council
Mathew Dickerson	Mayor	Dubbo Regional Council
Mark Arnold	GM	Byron Shire Council
Leonie Brown	GM	Bourke Shire Council
Barry Hollman	Mayor	Bourke Shire Council
Robert Bell	Mayor	Uralla Shire Council
Jay Suvaal	Mayor	Cessnock Council
Ben Taylor	CEO	Wollondilly Shire Council
Tony Reneker	Mayor	Leeton Shire Council
Jackie Kruger	GM	Leeton Shire Council
Brett McInnes	GM	Inverell Shire Council
Kevin Beatty	Mayor	Cabonne Shire Council
Brad Byrnes	GM	Cabonne Shire Council
Nuatali Nelmes	Lord Mayor	City of Newcastle
Jeremy Bath	CEO	City of Newcastle
Paul Devery	GM	Cowra Council
Ruth Fagan	Mayor	Cowra Council
Rebecca Ryan	GM	Queanbeyan-Palerang Regional Council
Esma Livermore	Deputy Mayor	Queanbeyan-Palerang Regional Council
Simon Thomas		IPART
Louise Evic		IPART
Ian Chaffey	Mayor	Snowy Valleys Council
Viv May	Administrator	Wingecarribee Shire Council
David Kirby	GM	Brewarrina Shire Council
Ken Keith	Councillor and past CMA Chair	Parkes Shire Council
Brett Whitworth		Office of Local Government
Lisa Miscamble	GM	Wingecarribee Shire Council
Jason Hamling	Mayor	Orange City Council
Gary Wallace	GM	Oberon Shire Council
Mark Johnson	Mayor	Moree Plains Shire Council
Kelvin Tytherleigh	GM	Moree Plains Shire Council
Paul Harmon	Mayor	Inverell Shire Council
Sam Coupland	Mayor	Armidale Regional Council
James Roncon	GM	Armidale Regional Council
Louise Taylor		Office of Local Government
Sharne Colefax		Office of Local Government
David Reynolds		LGNSW
Darriea Turley AM	President	LGNSW
Bronwen Regan		LGNSW
Claire Pontin	Mayor	MidCoast Council
Adrian Panuccio	GM	MidCoast Council
Karen Taylor		NSW Audit Office
Greg Hill	GM	Central Darling Shire Council
Eric Groth	GM	Gunnedah Shire Council
Carmel Donnelly	Chair	IPART

Andrea Mears		Transport for NSW
Christine Boyd	Chief of Staff	Minister Aitchison
Leo Hauville	Mayor	Kempsey Shire Council
Tony Quinn	Mayor	Greater Hume Shire Council
Evelyn Arnold	GM	Greater Hume Shire Council
Gareth Curtis	GM	Dungog Shire Council
John Connors	Mayor	Dungog Shire Council
Mark Kellam	Mayor	Oberon Shire Council
James Burns	Deputy Mayor	Upper Hunter Shire Council
Greg McDonald	GM	Upper Hunter Shire Council
Dave Layzell	MP	Member for the Upper Hunter
Greg Tory	GM	Lachlan Shire Council
Peta Betts	Mayor	Edward River Shire Council
Ellie Tree	Deputy Mayor	Bellingen Shire Council
Brad Cam	GM	Mid-Western Regional Council
Grant Baker	GM	Bland Shire Council
Brian Monaghan	Mayor	Bland Shire Council
Sharon Houlihan	CEO	Canberra Region J.O.
Peter Johnstone	Mayor	Clarence Valley Council
Ashley Greenwood	A/GM	Bellingen Shire Council
Ms Alex Waldon	CEO	Upper Lachlan Shire Council
Pam Kensit	Mayor	Upper Lachlan Shire Council

APOLOGIES:

Darryl Jardine	Carrathool
Dallas Tout	Wagga Wagga
Mark Dicker	Blayney Shire Council
Lord Mayor Gordon Bradbery	Wollongong
Ken Ross	Wentworth Shire Council
Daniel Linklater	Wentworth Shire Council
Sharon Cadwallader	Ballina Shire Council
Craig Davies	Narromine Shire Council
Mayor Marsen	Yass Valley Council
Amanda Findley Mayor Shoalhaven	Cobar Shire Council
Adrian Butler	Federation Council
Mayor Cr Kylie King and the CEO Frank Zaknich	Albury City Council
Cr. Matt Gould	Wollondilly Shire Council
Vivian Slack-Smith	Brewarrina Shire Council
Neil Westcott	Parkes Shire Council

CMA Chair Jamie Chaffey Welcome attendees and opened the meeting.

And conducted the Acknowledgement to Country

...We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past and present and emerging. We are committed to providing communities in which Aboriginal and Torres Strait Islander people are included socially, culturally and economically.

Adoption of Minutes of Previous Meeting:

RESOLVED that the minutes of the Annual General Meeting held on 22 March 2024 be accepted as a true and accurate record (unanimous).

Matters Arising from the Minutes – Nil

PRESENTATIONS

Minister Jenny Aitchison

The Minister began by introducing Anthony Haze, Executive Director of Community and Place.

“Through transport, I try to get around the State as much as possible. I recently drove the Armidale-Kempsey road and it has a long way to go but there has been a lot of progress. Having lived in Walcha and now the Hunter, I know how important roads are and how quickly were need to return access to people after disasters,” she said.

“With disaster recovery, we are good at getting people out but the infrastructure repairing processes are not perfect. Planning and Emergency Services are leading the reconstruction. The scale of the unprecedented recovery is staggering. I thank Jamie for the advice. We (TfNSW and Local Government) are a team. I want you to come to me. Don’t just sit there and think things are not going well, let us know when the Department officer to LGA officer level is not working well. Let’s talk about efficiency. There is a backlog of claims. We have put more resourcing in. We’re not here to knock you out, we’re here to help you out. Get work happening by going for low hanging fruit first.”

“Transport Plans must include Transport for NSW; we need to work together with Country Councils.”

“Transport options such as community transport can be so important are we welcome cost effective options.”

The State’s road toll has increased by over 30 percent to 366 deaths on our road network in a year.”

Q&A

Mayor of Greater Hume Council Tony Quinn: \$5.5 million was spent on country roads, then there was a reduction over five years announced for repair grants.

Minister: I fight for every dollar on roads and you've got disaster recovery funding.

Mayor Gwydir Shire John Coulton: We had to put recovery money in ourselves and go into debt (to get disaster recover works going). The money just isn't there.

Minister: Contact us and we'll work with you.

Forbes Shire Mayor Phyllis Miller: Got a problem, go to the Minister. Thank you for your commitment to work with Country Councils.

Upper Hunter Deputy Mayor James Burns: Will you include airports in your portfolio?

Minister: I want them in our portfolio but there are challenges, we are looking at it. We need the integration.

Parkes Shire former Mayor and past CMA Chairman, Cr. Ken Keith: Will be see something done with a Blackheath tunnel link to the Central West.

Minister: Hunter is our first priority, with the port, REZ etc. Then we are focused on the Central West. That tunnel would be a \$12billion project and could not happen without the Federal Government. We are working on a strategic assessment of that corridor. We are working on Blue Mountains sites.

Lithgow City Council Mayor Maree Statham: Megalong Valley people cannot commute. We've had seven natural disasters. We need an alternative route from Central West to Sydney. We need a roundabout or lights on the entrance to Lithgow.

Minister: We have disaster recovery deadlines and funds are not unlimited; we are prioritising. I take on board your comments about traffic control measures at the entrance to Lithgow.

Another question from the floor asked: Works by TfNSW have delayed the flow on of flood waters. Have you discussed this with the Water Minister?

Minister: This is not a concern I have encountered. I will discuss this with the Minister.

General Manager of Mid-Western Regional Council Brad Cam: I will be talking to you about the Golden Highway.

President of ALGA, Cr. Linda Scott

Next Week is the Federal Budget. Fair funding increases have been promised and we're particularly focused on FAGS. We've asked that they pay it forward or forgive a year if they do not continue that. That is asking for billions of dollars. We do not expect but we're asking for the 1%.

The Climate Fund was oversubscribed and we want to see that fund continued. We have actually found that the state of Local Government assets has improved.

She reminded councils to put a submission into the Federal Government Inquiry. 8% nationally and 33% in NSW road toll increase and out roads funding / condition is a factor.

She recommended heat risk maps, showing where people can go if their health is threatened by extreme heat.

A metropolitan council has decided to ban a book. I recommend our councils live up to the social license and expectations we have.

A CMA member commented about the Cumberland City Council book ban: Local Government is held in higher esteem than State and Federal Government, according to a survey report released last week.

Linda Scott agreed but said that banning books makes her job harder.

Professor of Local Government Economics, Institute for Regional Futures Joseph Drew

With a presentation that was rapid fire, yet laid back, Professor Drew began by stating that the NSW Government Inquiry (like others) fails to define financial sustainability in Local Government. He defined it as the ability of a council to meet its obligations without impinging on its ability to meet the needs of the future generation(s).

We need proper evidence to base our decisions on. The Government always brings commercial consultants in to look at their results and amalgamation is their solution.

When I look at sustainability, I look at 50 ratios. Horizontal fiscal equalization is the law. The FAGS are legislated, they should not need to be begged for. Bayside Council gets nearly \$5mil and far more per km than country councils. Efficiency ratio is another example of what does not fit into financial sustainability. We can measure revenue efforts properly.

Debt capacity, scale, capacity to pay can all be measured precisely. The Federal Government is broke, I don't see the increase hoped for happening but we do need to see a better allocation.

I am suggesting you get an authoritative piece of work done that shows your inconvenient facts about regional councils efficiencies, the facts on expenses, which are far higher than in Sydney.

Q&A

How do we get them to listen to your reports?

A: Plain language videos explaining it to your communities and educate from the ground up.

Patrick Bourke, Federal Shire Mayor: What approach should we take with the Government?

A: They are doing themselves a favour if they give you a fair shake.

Greater Hume Council Mayor Tony Quinn: Where would the money come from?

A: The bucket of money is there. It will not get bigger but I want to see it allocated to where it is needed.

Blayney Shire Mayor Scott Ferguson: The current rate system?

A: I hate rate capping too but the State Government that gets rid of rate pegging will be gone for 10 years. IPART does a great job with what they have but I advocate a range of rate caps which reflects the different circumstances of different councils.

Cr Darriea Turley AM, President of LGNSW

Cr Turley reiterated the importance of submitting to the sustainability inquiries. LGNSW upcoming conferences were also promoted. With more updates in her written report to the CMA, she kept her presentation concise to enable the meeting to regain some time.

Narabri moved and Cessnock seconded the motion that Upper Hunter Shire Council be accepted as the newest member of the CMA. It was passed unanimously. The membership total is now 89 Councils.

NSW Audit Officer Karen Taylor

Ms. Taylor began by explaining that the NSW Government mandated auditing through the NSW Audit Office in 2016, to lift quality and consistency in financial reporting and transparency from Local Government.

All reports are published on our website. We do not comment on Council performance or provide advice. We recently conducted audits of interest such as one on the Office of Local Government. Our website has audits arranged with like bodies together.

We do financial audits, performance audits and sometimes special audits.

We recently did a deep dive into MidCoast Council looking at performance, financial management and governance.

We look at how well are councils managing funds such as those secured for water and sewer.

We also look at risk assessment, financial sustainability indicators and net financial liabilities, negative cashflows, operating performance, unrestricted cash, debt service cover, benchmarking and strategy.

Audit structures are standard. The fees have increased, based on general increases since Covid. Local Government fees are relative to expenses and assets. Our new Auditor General is looking at fees, effectiveness and efficiencies in the audit office.

She said that 54% of councils have early or progressive financial reporting, which speeds things up at the end of the financial year but acknowledged that financial resources can be more limited in regional councils.

Benefits of the current NSW Audit Office process include comparability of local government audited financials.

Q: The Audit has hit us with a 31% increase in audit fees. It has a monopoly. It's not good enough.

A JO Chair and CMA Committee member agreed regarding the increase in audit fees, given the limitations on revenue growth. Factoring in the cost of your waste management facility in 50 years time is ridiculous.

A: The Auditor General is looking into the fees and the market determines the cost based on audit providers' tenders.

Uralla Shire Council Mayor Robert Bell: Ask the audit office about why the red fleet is on our books and it will help with insomnia.

Mayor of Tenterfield Shire Bronwyn Petrie: You out-source? We could get those same auditors.

A: We oversee the work. We didn't want to take work away from regional accounting firms.

Forbes Shire Mayor Phyllis Miller: I want to assure you, we were employing those firms. What has happened is they are having a lend of you. Then you are passing on the ridiculous fees.

Q: Why is our auditor from Bendigo Victoria?

A: They were probably the lowest tenderer.

Carmel Donnelly Chair of IPART

The Financial Sustainability reviews we did last year (reviews of the rate peg methodology), was enough to recommend a review into the financial model. There were 1,800 submissions into 17 SRVs. Due to demand, we included appendix in our reports, recording ratepayer concerns, such as affordability, cost of living and financial management or the history of decisions. Ratepayers often do not want their services to be cut and those people (most in need of services) cannot pay increased rates.

We put forward a model 15 years ago to not have a rate peg if Councils met certain criteria. There are non-rate peg options on the table.

The number of operating deficits has increased, operating backlogs have increased. Before 2011, the rat peg was closer to CPI.

Before 2022, the rate peg determination process did not include population growth (or decline) but it does now.

She said she knows that councils have different sets of circumstances and this has contributed to the call for the review. Historically, Councils with a low rate base can be where there is a low capacity to pay and there are services that maybe should not be funded by rates. It is important to target grants and alternative funding streams. We have recommended a review of pensioner concessions.

There is potential with the new rate peg methodology to adjust a rate peg based on local issues.

A rate pegging council reference group is to be formed.

A total of 9 current SRV decisions will be released shortly and the rationale for determinations. We are also consulting on Water NSW and the early childhood education sector.

Q: CMA Chair and Gunnedah Shire Mayor Jamie Chaffey: With determinations for the current SRVs coming soon, do you have any indication of what you expect from the next round?

A: No. I am focused on what we have on hand.

Q: The dam safety review you mentioned – we have dams that leak and the review is welcome.

A: A matter for parliament.

Q: Tamworth Regional Council Mayor Russell Webb: Government predictions are not the same as what is happening on the ground.

A: Each year we do use forecasts but we will cross-check with the census.

Q: Mayor of Goulburn Mulwaree Council Peter Walker: Will we be contacted next week for an outcome or more SRV requirements?

A: A council cannot submit an SRV until they see the rate peg. We are working on that. I am working hard to provide an outcome.

There was an open panel discussion with key NSW Government Departmental staff: Kiersten Fishburn, Secretary of the Department of Planning, Housing and Infrastructure; Brett Whitworth, Secretary of the Department of Local Government; and Nerida Mooney, Executive Director of Digital Analytics and Insights.

Kiersten described the restructure of the Department as in line with the Government's priorities and the way Local Government works.

Planning Portal has been a concern. Nerida Mooney discussed the technical and developmental side of the Planning Portal.

Brett Whitworth from Office of Local Government: It is critical to understand how a council is tracking against their budget. We can do our head in defining financial sustainability. Performance ratios need to be about can a council's financial position allow a council to meet its obligations.

Nerida discussed the Planning Portal. 109 websites are managed by her team. She has been working to marry the digital technology with the planning process. There were 7,000 tickets (matters to be resolved) in November and that has been reduced by 60%. We now have a concierge team to work with issues. We are committed to fixing the portal and we need Councils to help us to understand how or why it is not working for them. We've been told to fix what you've got before you build anything else, also that the system lacks flexibility. Councils are at the front line of customer frustration. We are producing digital training products, which will be important when you have staff turnover.

James: We're in the middle of the norther REZ, our tenancy rate went from 4% to 0. How do we plan for the accommodation needs of the REZ.

Kiersten Fishburn: Cumulative impacts data needs to be understood and working groups. Community reference groups needed.

Tamworth Regional Council GM Paul Bennett: Can you tells us about the AI in the planning portal.

Nerida Mooney: It may be 12 months before efficiency is improved with integrated AI.

Q: We're in the southwest REZ, not all developers are nice and want to go cheap and the Government backs the developer. We need the planning rules for the REZ to make sense.

A Kiersten Fishburn: We are happy to look at that.

A: Brett Whitworth: The Public Accounts committee needs to look at the red fleet

Q: Narrabri Shire Mayor Darrell Tiemens from– What is being done to cut the red tape? The perception is that NSW is a comparatively difficult State to do business in.

A: Kiersten Fishburn: I have heard that. We are improving systems and Minister Scully has got us doing a review about where we can cut red tape.

Wingecarribee Shire Council Administrator Viv May: The complexity of the first stages of a DA are something we would like to show you.

Nerida Mooney: I am happy to get out to regional NSW.

Q: Is there much work regarding different Departments holding up developments?

Kiersten Fishburn: This is a core concern. Agencies have been getting in the path of delivery and being told to change. Cabinet is seeing better Governance across departments.

Greater Hume Council Mayor Tony Quinn: Described how increasingly complicated the planning process has become and how it inhibits development. Rezoning of Crown Land has been a disaster.

Q: Forbes Shire Mayor Phyllis Miller: Do you work with the Department of Public Works? – our experiences have been terrible. Local Government cannot afford to use them.

A: Minister Moriarty is responsible and Steve Oor is the Secretary. I suggest making them aware of your concerns.

Q: Singleton Mayor and CMA Executive Member Sue Moore: We have 5,000 blocks ready to go but data has our population declining. This data is incorrect and impacting development. We cannot access funding. We need to update that data. Can you help at all?

Kiersten Fishburn: I want to know where infrastructure is holding you back from development. We want to be alerted to infrastructure blockages. Population figures are a contentious issue that we are always looking into.

Brett Whitworth: There's a housing accord between the State and Federal Government and you get housing through infrastructure funding.

Kempsey Shire Mayor Leo Hauville: Kempsey is neighbouring a REZ. Will you ensure working groups connect with neighbouring LGAs?

Brett Whitworth: Agreed that there is a mess right now.

Q: While a LEP change is in process no development can be approved?

Brett Whitworth: Agreed that a refusal could occur because incoming changes must be taken into account.

Kiama Mayor Neil Reilly: Asked about housing targets.

Kiersten Fishburn: Timeline is up to the Premier but we are almost ready to go.

Byron Shire Mayor Michael Lyon: We pretty much have 1400 lots ready to go. We get measured on the days a DA is in the system. Can we hit a pause when we send a DA back with requirements?

Kiersten Fishburn: The portal is a blunt instrument because it does count the number of days a DA is in your hands and we're working on improving that, she asked Nerida about that. Nerida Mooney: We do need a better data strategy, to know what data points we need for reporting more nuanced data.

Brett Whitworth: You've had that stop the clock ability since 2000 (in respect to the Land and Environment Court).

Armidale Regional Council Mayor Sam Coupland: The Coalition of Renewable Energy Mayors has been lobbying regarding the expectations for renewable energy proponents. We are concerned that there will be some watering down once the Department has consulted

with proponents. We believe a Statewide approach is needed and we will oppose robustly any watering down of agreements with proponents.

Kiersten Fishburn: Thank you for your comments.

Muswellbrook Shire Council Mayor Steve Reynolds: The data for populations does not reflect our reality. Where are we at for jobs and employment lands (mining is in the too hard basket)?

Kiersten Fishburn: We need to talk to the Department of Regional NSW.

CMA Executive Member and Bega Valley Shire Mayor Russell Fitzpatrick delivered a report on Financial Sustainability with CMA Chair and Gunnedah Mayor Jamie Chaffey, who also went through the 2024 CMA Member survey results.

Russell highlights the real data, including own source revenue, with ALGA stating that nationally it can be as much as 90% but in country NSW it averages 44%.

There is \$7billion held in trust by NSW Councils.

City NSW Councils have close to a billion in unrestricted cash reserves but still receive grants.

Jamie Chaffey said Russell Fitzpatrick has put a huge amount of work in, as a member of the CMA Executive Committee. Russell explained that he sourced data from individual Council websites and collated but there were several Councils whose financials were too difficult to find.

Q: Could we put the spreadsheet on the CMA website?

Jamie and Russell said that it could be dangerous and councils have not given permission for sensitive data to be published in a comparable way.

Jamie then went through the member survey. Financial Sustainability is still number one but housing has crept up to number two priority for members.

Correspondence

Moree Plains Shire Council moved and Orange City Council seconded that the correspondence be accepted. Endorsed unanimously.

Finances

It was announced that 10 councils are still owing fees.

General Business

Greater Hume Mayor Tony Quinn: What's going to happen after disaster funding runs out?

Queanbeyan-Palerang Regional Council GM Rebecca Ryan: Can we make it an agenda item on the next meeting?

Singleton Mayor Sue Moore: I would be happy to discuss a report we have sourced from Professor Joseph Drew.

CMA Chair and Gunnedah Mayor Jamie Chaffey: The Muswellbrook Mayor asked about the cost of the CMA getting Prof. Drew to consult on report.

Forbes Shire Mayor and CMA Exec. Member Phyllis Miller: We are saving money by cutting Department of Public Works out of a project. They are charging like wounded bulls, they are not helpful, they are a hindrance.

Mayor Jamie Chaffey asked if we should invite Public Works to Kempsey. Public safety was suggested from the floor. Rebecca Ryan said she has no problem with Public Works. Oberon said they have similar issues with Public Works issues to Moree Plains.

Kempsey Shire Mayor Leo Hauville and GM Craig Milburn concluded the meeting with a presentation about the upcoming June Transport and Roads conference, which they are hosting.

There being no further business, the meeting was formally closed at 12:48 pm.

Cr Jamie Chaffey
Chairman Country Mayor's Association of NSW

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 21 May 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 21 May 2024.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 21 May 2024

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

1 INTRODUCTION

ATTENDANCE

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

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

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr Mallard 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 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.

1.5 OPENING PRAYER

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**

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

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 McDonell, 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.

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

Finance - Chaired by Cr Kevin Duffy – No Items

Services - Chaired by Cr Melanie McDonell

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - GENDER BASED VIOLENCE IS A CRISIS AFFECTING OUR COMMUNITY, OUR REGION AND OUR COUNTRY

RECORD NUMBER: 2024/844

I, **CR MELANIE MCDONELL** wish to move the following Notice of Motion at the Council Meeting of 4 June 2024:

MOTION

- 1 That Orange City Council hold a workshop, during this term of Council, for stakeholders and community members, with the purpose of establishing a draft Charter and Terms of References for a Gender Based Violence Community Committee.
- 2 That this work informs the next Council when deciding whether to establish a Gender Based Violence Community Committee. The goal of such a committee would be coordinating and driving cultural change to address and eliminate gender-based violence in our community.

BACKGROUND

This Notice of Motion relates to the following Objectives of the Community Strategic Plan 2022-2032.

Live:

Objective 3 – A friendly environment where people feel safe and included.

Objective 5 – Responsive programs and services that support our community's lifestyle and social needs.

Collaborate:

Objective 15 – An informed community.

Objective 16 – Leaders in our community.

Objective 17 – Strong relationships.

Background Information

37 women and 5 children have been murdered this year.

In our region alone, at least 2 young women, mothers, have been killed in the last 12 months.

In 2023, 74 women were killed.

In 2022, 60 women were killed.

At the current rate, 2024's total will surpass last year's horrific total.

And these are the *deaths*. This doesn't include the everyday acts of coercive control within relationships. It doesn't include the attempted murders. Nor the physical assaults. Nor the sexual assaults. Nor the indecent assaults. Nor the emotional and psychological abuses.

This issue is not going away.

4.1 Notice of Motion - Gender Based Violence is a Crisis Affecting our Community, our Region and our Country

“Gender based violence refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, abuse of power and harmful norms... [it] encompasses all forms of violence that women experience (including physical, sexual, emotional, cultural, financial, and others) that are gender-based, including sexual harassment.” (Our Watch)

Gender based violence includes:

- Domestic and family violence
- Intimate partner violence
- Sexual harassment
- Sexual violence
- Stalking
- Financial abuse
- Coercive control
- Psychological abuse
- Physical abuse or assault

“The ripple effects mean children, families and communities are impacted too” (WAGEC).

1 in 4 women has experienced violence, emotional abuse or economic abuse by a cohabiting partner since the age of 15.

1 in 3 women has experienced physical violence since the age of 15.

1 in 5 women has experienced sexual violence since the age of 15.

These stats increase significantly for women with a disability, for Aboriginal and Torres Strait Islander women, for Lesbian/bisexual and queer women, Transgender and gender diverse people, and for women from migrant and refugee backgrounds.

Australian women are almost 3 times more likely than men to experience violence from an intimate partner.

In NSW, there are approximately 2,500 reports of domestic violence to the Police *every* month. But it is widely known in the sector that this represents only around 40% of actual incidents due to underreporting. Actual figures are widely viewed to be more than 6,000/month.

Last year Council supported the 16 Days of Activism Against Gender Based Violence campaign and has since resolved to do so again this year.

I understand that timing is tricky due to the upcoming caretaker period, election, confirmation of results and induction of the new Council, but that doesn't mean we don't act in the meantime.

A workshop to create a draft Charter and Terms of Reference for a Gender Based Violence Community Committee is a tangible action that we, as a Council, can take in the meantime.

4.1 Notice of Motion - Gender Based Violence is a Crisis Affecting our Community, our Region and our Country

I acknowledge that it will be up to the new Council what Committees are created or continued, however this is an issue which is not going away anytime soon unfortunately, and I would argue that if the next Council refused to take action at the local government level they would be failing in their roles as elected leaders for our community.

As the closest level of government to our community Council has a responsibility and opportunity to provide strong leadership in driving changes to eliminate gender based violence.

There is so much more to do, and we as a Council can, and must, step forward for our community.

For further information:

<https://www.endgbv.org.au/>

<https://workplace.ourwatch.org.au/understanding-violence-and-sexual-harassment/>

<https://www.dvnsw.org.au/>

<https://www.lgnsw.org.au/Public/Events/LearningDevelopment.aspx?EventKey=LW31240715&WebsiteKey=bcab1257-cbc9-4447-bab4-a1399a95e4c7>

Signed Cr Melanie McDonell

STAFF COMMENT

Council can support the administration aspects of a workshop on the topic with the goal of proposing a Community Committee to the new Council with a draft Charter.

Council may then consider recommending the committee to the new Council with the determination and set up of Policy and Community Committees usually occurring in the months following the new Council being sworn in.

FINANCIAL/RESOURCING IMPLICATIONS

Both the workshop and a Community Committee would require additional resources which can be allocated from within existing staffing and budgets, however some reallocation of tasks or funds may need to be undertaken. This is not foreseen to be an issue.

POLICY AND GOVERNANCE IMPLICATIONS

Community Committees are formed to assist in the guidance and development of Council Policy in key areas and to be able to make recommendations to Council with specific community insights and experience.

To form a Community Committee the group would need to be ensure that a Charter is established, and Expressions of Interests are taken to form the membership of the committee.

4.2 NOTICE OF MOTION - SPORTS PRECINCT ATHLETICS TRACK

RECORD NUMBER: 2024/853

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 4 June 2024:

MOTION

That Council ask/write to the State Government requesting if construction of the athletics track alone, without attached grandstand, could occur simultaneously with construction of the main sports stadium.

BACKGROUND

We are aware that the State Government who controls this project and associated funding have rearranged the initial order of the sports precinct construction.

The multipurpose fields together with the turf wicket squares will be constructed first, then the Main Sports Stadium, and then the last item to be built is the athletic stadium.

The purpose of this motion is to push for the athletics track alone to be constructed simultaneously to the other items. The athletics track is likely to involve different builders in construction compared to the stadium and be conducted in a different location in the sporting precinct. There does not appear to be an obvious reason why these projects could not be done simultaneously.

Stakeholders such as Little Athletics and the Runners Club report that the athletics track alone is of crucial importance to them. It would allow for events to be held and give them a permanent base which would help them with further grant funding and planning. A stadium is important but nowhere near as urgent as the track alone. Temporary storage could be arranged by the club to fill in the time before the stadium itself is built. Having the track completed earlier would address the disparity in venue ability between athletics and other sports.

Signed Cr Steven Peterson

FINANCIAL/RESOURCING IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.3 NOTICE OF MOTION - AED INSTALLATION PARTNERSHIP - HEART OF THE NATION

RECORD NUMBER: 2024/879

I, **CR JASON HAMLING** wish to move the following Notice of Motion at the Council Meeting of 4 June 2024:

MOTION

That Council allocate up to \$35,000 in the 2024-2025 Operational Plan for the installation of 10 AEDs across Orange Public Parks in locations determined in conjunction with Heart of the Nation and Emergency Services.

BACKGROUND

More than 26,000 sudden cardiac arrests (SCA) happen every year across Australia.

Currently only 5% of people who suffer a sudden cardiac arrest survive to hospital discharge.

80% of sudden cardiac arrests happen in the home.

Having an AED within 3 minutes of someone who experiences an SCA vastly increases that person's chances of survival. In Australia data reports that if an AED is used within the first 3-5 minutes, the survival rate can be as high as 65-72%.

Providing access to an AED within 3-5 minutes is difficult for emergency services with response times generally 15-21 minutes in Australia.

This proposal seeks to place 10 AEDs in public parks across Orange for use by Community members when a person experiences SCA through a partnership with Heart of the Nation.

Heart of the Nation is also working in partnership with the Heart Foundation to donate more AEDs to the Orange Council LGA.

The AEDs would be placed in visible yellow cabinets and include:

- **1 x Defibrillator**
Comes with a carry case and adult pads, designed for quick deployment in emergencies.
- **Tracking Technology with 8-Year Monitoring**
The AED is equipped with advanced tracking technology to help locate it on the Heart of the Nation app, help to keep it secure, and will also send notifications to nominated contacts when the AED is moved.
- **Floor Mount - Weatherproof Cabinet with Audible Alarm**
A sturdy, yellow floor-mounted cabinet that safely houses the AED and sounds an audible alarm when accessed.
- **Basic Prep Kit**
Essential items to assist in a cardiac arrest situation.
- **AED Signage**
Clearly mark the location of the AED for easy identification.

- **Integration with Heart of the Nation App**
- **Online CPR and AED Instruction**
Educational resources to train your community in how to CALL PUSH SHOCK - includes instruction on what is Sudden Cardiac Arrest, how to do CPR and how to use an AED.

Signed Cr Jason Hamling

FINANCIAL/RESOURCING IMPLICATIONS

This expenditure is classified as capital expenditure. Accordingly, should Council adopt the resolution then Council would need to allocate up to \$35,000 for this expenditure in the 2024/2025 Operational Plan.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.4 NOTICE OF MOTION - CONSIDERATION OF HOCKEY CENTRE BUDGET ALLOCATION

RECORD NUMBER: 2024/880

I, **CR TAMMY GREENHALGH** wish to move the following Notice of Motion at the Council Meeting of 4 June 2024:

MOTION

That Council include in budget considerations for 2024 – 2025 an allocation of \$200,000 towards the upgrade of Smith Field at the Orange Hockey Centre.

BACKGROUND

The Orange Hockey Association is a not-for-profit organization run by volunteers. With over 1,000 they have been operating since 1928.

Their purpose is to provide a safe, inclusive, fun environment for people of local community, surrounding districts and visiting districts to enjoy well organised healthy sport of field hockey.

Smith hockey field is an essential community asset, nurturing a love for hockey among residents and visitors. Its current sand-based surface falls short of International Hockey Federation (FIH) standards, hindering safety and player performance, and limiting opportunity. The Smith field revitalisation will create a modern synthetic pitch, to FIH specification, fostering community engagement, inclusivity, and safety.

This project is a key element of OHI Strategic plan which aligns with Orange City Council Community Strategic Plan. The primary objective of the project is to transform the existing sand-based hockey field into a modern, state-of-the-art synthetic turf pitch that complies with FIH regulations. By doing so, the aim is to create a more enjoyable, inclusive and competitive playing environment, attracting players of all levels, promoting community engagement, and hosting Regional and State-level tournaments.

The project scope will see the complete replacement of a single sand-based hockey field that will also see:

- Rectification of incorrect dimensions (Widening and lengthening) of the field and resolution of safety issues (safety fencing re-located to the correct distance from the sideline in accordance with FIH standards).
- Curvature of the tortoise shell field design to bring it in line with FIH standards.

The estimated cost of the project is 1.4M.

Over the past decade or so, OHI have accumulated \$600k via fund raising efforts and secured funding of \$300k through NSW Sport and Recreation Infrastructure Grant towards the cost of the project.

The cost estimates indicate that an additional \$500,000 is required with OHI seeking support of \$200,000 from Council. The remaining funds will be raised by further fundraising activities (\$100,00) and OHI taking out a bank loan for the remaining funds of \$200,000.

Signed Cr Tammy Greenhalgh

FINANCIAL/RESOURCING IMPLICATIONS

Nil. Should Council adopt the recommendation the allocation would be considered in the 2024 / 2025 budget for further discussion and debate.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

4.5 NOTICE OF MOTION - STATUE OF YURANIGH IN ORANGE

RECORD NUMBER: 2024/852

I, **CR KEVIN DUFFY** wish to move the following Notice of Motion at the Council Meeting of 4 June 2024:

MOTION

That Council staff meet with the Local Aboriginal Land Council to identify proposed sites and costings for a Statue of Yuranigh in Orange.

BACKGROUND

Yuranigh who died at Gamboola Station in 1850. Yuranigh was Thomas Mitchell's aboriginal guide on the 1846 exploration to Queensland.

The grave is marked by 4 carved trees surrounded by a fence erected by the Government at Thomas Mitchell's request. It was replaced with marble slab in 1908.

On 15th December, 1845, Sir Thomas Mitchell left Boree on the last of four expeditions to explore eastern Australia. Accompanying the party were three Aboriginals. One of these, Yuranigh, was to prove himself indispensable to the expedition with his bushcraft skills. After the expedition, Yuranigh returned to Sydney with Mitchell, but he soon tired of the city. After a brief spell as stockman on a northern cattle station, he returned to Boree. He died there in 1850 and was buried by his people who also put inscriptions on four yellow box trees near his grave.

In March, 1852, Sir Thomas Mitchell asked the government to erect a fence around the grave and he supplied a stone with a suitable inscription. In 1900 the gravestone was re-erected by the government on a new base on Molong marble. In 1908 the headstone was replaced at the insistence of New South Wales Premier Carruthers who had visited the site and the inscription was copied from the old headstone. The grave site is now a dedicated reserve.

MOLONG, Saturday - A new headstone is being placed by the State Government over the grave, situated about 1½ mile from Molong, on Gamboola Estate, of Yuranigh, the aboriginal guide of Major Mitchell, the celebrated explorer. The stone, which is a handsome one, bears the following inscription: "To native courage, honesty, and fidelity. Yuranigh, who accompanied the expedition of discovery into tropical Australia in 1846, lies buried here, according to the rites of his countrymen, and the spot was dedicated and enclosed by the Governor-General's authority in 1852." The above inscription was copied from the old stone which had fallen down. Evening News (Sydney), 24 August 1908.

Signed Cr Kevin Duffy

STAFF COMMENT

If the motion is successful, staff will meet with the OLALC to establish sites. The costs will be obtained from supplier quotes or estimates, based on a quality statue.

FINANCIAL/RESOURCING IMPLICATIONS

At this stage only staff time is required.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

4.6 NOTICE OF MOTION - EASTER PUBLIC HOLIDAY TRADE EXEMPTION

RECORD NUMBER: 2024/871

I, **CR JACK EVANS** wish to move the following Notice of Motion at the Council Meeting of 4 June 2024:

MOTION

That staff investigate application for and implications of an exemption to the Public Holiday trade restrictions in place during Easter Long Weekend for the Orange LGA.

BACKGROUND

“Under the Retail Trading Act 2008, some days are considered ‘restricted’ trading days. Many businesses cannot open on these days unless they have obtained an exemption from NSW Fair Trading and are allowed to operate. However, some businesses such as chemists, fruit and vegetable shops, petrol stations and small shops are allowed to open on these days.

The laws intend to strike a balance between the rights of workers to spend time off with their friends or families on public holidays, the opportunity for retail workers to earn additional income and the expectations of the public.

The following days are restricted days:

- Good Friday
- Easter Sunday
- Anzac Day (until 1pm)
- Christmas Day
- Boxing Day.

A non-exempt shop must remain closed on restricted trading days. A shop is considered open if:

- goods were sold or offered for sale at the shop
- goods were available for review in the shop
- previously sold goods were delivered, or available for delivery
- orders for goods were received and/or processed by a person working at the shop
- goods were received, unpacked or otherwise prepared for sale at the shop eg staff packing shelves
- stocktaking was carried out at the shop.”

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/information-for-specific-industries/retail-trading>

Many Councils have applied for exemption to lift the restricted trading over Easter, which is Good Friday and now Easter Sunday, these restrictions apply to certain businesses based on business size and corporate structure. An owner or occupier of a shop with no more than 2 persons (ie partnership) and 1 corporation can trade, a business with more than 4 employees cannot, it does not specify if 4 is all employees or FTE.

4.6 Notice of Motion - Easter Public Holiday Trade Exemption

Restrictions are based on balancing employees' rights to family time, trade demand etc. As it is a public holiday employees have the right to choose to work or not under Fair Trade Act anyway.

I believe the restriction should be lifted for Easter so anyone can trade the 4 days.

A business owner advised me they opened 3 years ago when in a partnership and was pretty much only one, meaning they were very busy trade wise, making more than a day's income in shorter hours and receiving comments such as nothing being open shop/cafe wise from tourists.

Orange is strongly promoting ourselves as a tourist destination so existing restricted trading is counterproductive to that, and any size business should be able to choose if to open, if owners or voluntary employees are available.

The only other restricted days are Boxing Day where all NSW has an exemption to trade and Anzac Day after 1pm.

Restricted trading varies Council to Council and also state to state. Our LGA needs to come up to date with this.

Any business can apply for an exemption, but it requires an extensive application that only lasts 3yrs, it is better done at permanent LGA level, and when approved all businesses should be notified prior to 2025.

Signed Cr Jack Evans

STAFF COMMENT

Staff will require time to investigate the exemption application process and any associated costs related to the proposal.

FINANCIAL/RESOURCING IMPLICATIONS

Costs may be applicable for the exemption application. Staff time will be required to apply and assess potential benefits.

POLICY AND GOVERNANCE IMPLICATIONS

Application can be made to the Secretary of NSW Fair Trading. Fair Trading will consider:

- a) the nature of the shop and kind of goods sold
- b) the need for the shop to remain open on the day concerned
- c) the likely effect of the proposed exemption on the local area
- d) the likely effect of the proposed exemption on employees working in the shop.

Current applications for an exemption to trade on restricted days are displayed on our website. Fair Trading provide a minimum of 14 days from the date of publication for public comment. Fair Trading must consider any public comment received during the minimum 14 day period.

ATTACHMENTS

- 1 NSW Fair Trading - 89b Exemptions for Shop Trading, D24/54747 [↓](#)

Section 89B Exemptions for the Retail Trading Act 2008

Per Section 4 of the *Retail Trading Act 2008*, all shops must be kept closed on restricted trading days unless subject to an exemption.

The restricted trading days are:

- a) Good Friday,
- b) Easter Sunday,
- c) before 1pm on Anzac Day,
- d) Christmas Day, and
- e) Boxing Day

However, shops in some Local Government Areas (LGAs) can trade on certain restricted trading days. This is because these LGAs were granted exemptions under the *Shops and Industries Act 1962* and these exemptions are still valid under Schedule 2, clause 2 of the *Retail Trading Act 2008*. The following list is of the relevant* existing exemptions granted under Section 89B of the *Shops and Industries Act 1962*.

Although the name and boundary of the exempt LGA may have changed since the exemption was granted, the exemption is still valid. In some cases, the area within the whole LGA is exempt. In other cases, only specific areas within the LGA are exempt; these specific areas are listed in **(brackets)**.

<i>Local Government Area (Specific Area within that is exempt)</i>	<i>Government Gazette Reference</i>	<i>Relevant periods under previous 89B exemptions for restricted days in the Retail Trading Act 2008</i>
City of Albury	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Ballina Shire	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Bathurst Regional Council (Within the City of Bathurst boundaries only)	No. 49 of 21 March 1986	<ul style="list-style-type: none"> 5 days from the Wednesday preceding Good Friday until Easter Sunday.
Bega Valley Shire	No. 193 of 18 December 1987	<ul style="list-style-type: none"> 12 days coinciding with School Holidays in April-May The last 14 days of December (18-31 December)

Section 89B Exemptions for the Retail Trading Act 2008

<i>Local Government Area (Specific Area within that is exempt)</i>	<i>Government Gazette Reference</i>	<i>Relevant periods under previous 89B exemptions for restricted days in the Retail Trading Act 2008</i>
Bellingen Shire	No. 187 of 4 December 1987 (Spelled Shire of Beilingen)	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 18 days of December (14-31 December)
Berrigan Shire	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
City of Blue Mountains	No. 36 of 11 April 1997	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Byron Shire	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Central Coast Council (Within the City of Gosford and former Shire of Wyong)	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 12 days commencing on the Thursday preceding Good Friday and ending on the Sunday following Easter Sunday; The last 30 days of December (2-31 December)
Clarence Valley Council (Within the City of Grafton boundaries only)	No. 187 of 4 December 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 26 days of December (6-31 December)
Clarence Valley Council (Within the former Shire of Maclean)	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)

Section 89B Exemptions for the Retail Trading Act 2008

<i>Local Government Area (Specific Area within that is exempt)</i>	<i>Government Gazette Reference</i>	<i>Relevant periods under previous 89B exemptions for restricted days in the Retail Trading Act 2008</i>
Coffs Harbour	No. 123 of 29 July 1988	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 23 days of December (9-31 December)
Dubbo Regional Council (Within the former Shire of Wellington)	No. 39 of 16 March 1990	<ul style="list-style-type: none"> The Sunday prior to Wellington Race Club's 'Wellington Boot Race'
Dungog Shire	No. 128 of 22 August 2003	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Edward River Council (Within the former Municipality of Deniliquin)	No. 33 of 24 March 1972	<ul style="list-style-type: none"> The Whole of December
Eurobodalla Shire	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Federation Council (Within the former Shire of Corowa)	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Glen Innes Severn (Within the Town of Glen Innes)	No. 46 of 26 March 1982	<ul style="list-style-type: none"> The period of Good Friday to Easter Monday, inclusive.
Goulburn Mulwaree Council	No. 132 of 28 September 2007	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
City of Griffith (Within the Town of Griffith boundaries only)	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 11 days commencing on the Friday preceding Good Friday and ending on Easter Monday

Section 89B Exemptions for the Retail Trading Act 2008

<i>Local Government Area (Specific Area within that is exempt)</i>	<i>Government Gazette Reference</i>	<i>Relevant periods under previous 89B exemptions for restricted days in the Retail Trading Act 2008</i>
Kempsey Shire	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 18 days of December (14-31 December)
Kiama Municipal Council	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Kyogle Council	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Leeton Shire (Within the Town of Leeton boundaries only)	No. 157 of 23 November 1979	<ul style="list-style-type: none"> 11 days commencing on the Friday preceding Good Friday and ending on Easter Monday, during which the Leeton Rice Bowl Festival is held
City of Lismore	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Mid-Coast Council (Within the City of Greater Taree, former Shire of Great Lakes, and former Shire of Gloucester)	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Murray River Council (Within the Town of Mathoura boundaries only)	No. 9 of 4 February 1972	<ul style="list-style-type: none"> 7 days commencing on the Wednesday preceding Good Friday and ending on the Tuesday following it. The last 27 days of December (5-31 December)
Nambucca Valley Council	No. 147 of 23 September 1988	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 26 days of December (6-31 December)

Section 89B Exemptions for the Retail Trading Act 2008

<i>Local Government Area (Specific Area within that is exempt)</i>	<i>Government Gazette Reference</i>	<i>Relevant periods under previous 89B exemptions for restricted days in the Retail Trading Act 2008</i>
Narrandera Shire	No. 58 of 15 April 1994	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Narromine Shire	No. 156 of 26 October 2007	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Port Macquarie-Hastings Council	No. 149 of 30 September 1988	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 18 days of December (14-31 December)
Port Stephens Council	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Richmond Valley Council (Within the former Municipality of Casino)	No. 140 of 2 September 1988	<ul style="list-style-type: none"> 11 days commencing on the Thursday preceding Good Friday and ending on the Sunday following Easter Sunday; 19 November until 31 December
Richmond Valley Council (Within the former Shire of Richmond River)	No. 114 of 24 November 1989	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
City of Shellharbour	No. 173 of 13 November 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)

Section 89B Exemptions for the Retail Trading Act 2008

<i>Local Government Area (Specific Area within that is exempt)</i>	<i>Government Gazette Reference</i>	<i>Relevant periods under previous 89B exemptions for restricted days in the Retail Trading Act 2008</i>
City of Shoalhaven	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Singleton Council	No. 30 of 8 March 1986	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Snowy-Monaro Regional (Within the former Cooma-Monaro Shire)	No. 86 of 1 August 1997	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Tweed Shire	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Warrumbungle Shire (Within the former Shire of Coonabarabran)	No. 93 of 5 June 1987	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)
Wingecarribee Shire	No. 8 of 11 January 1991	<ul style="list-style-type: none"> 16 days commencing on the Saturday preceding Easter Saturday and ending on the Sunday following Easter Sunday; The last 19 days of December (13-31 December)

*There are exemptions under Section 89B of the Shops and Industries Act 1962 which are valid under the Retail Trading Act 2008 but no longer relevant as trading is not currently restricted during the periods the exemption was granted for.

5 GENERAL REPORTS

5.1 FUNCTION CENTRE

RECORD NUMBER:	2024/628
AUTHOR:	Scott Maunder, Director Community, Recreation and Cultural Services

EXECUTIVE SUMMARY

This report provides Council with an update on the cost of the structural works at the Orange Function Centre to enable its continued use as a Community and Commercial Facility.

Addition expenditure will be required to fit out the Function Centre which is also detailed below.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “4.1. A broad range of creative and cultural facilities, services and programs that meet community needs”.

FINANCIAL IMPLICATIONS

Should Council adopt the recommendation a Capital Allocation for works would be required for the 2024/2025 budget.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council consider a capital allocation for works in the 2024/2025 budget for the conduct of structural repairs in the amount of \$250,000.

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

In June 2023 Council considered a report on the Function Centre and resolved to consider allocation of funding for works in the report in future budgets.

In determining the required works Council staff have focused on identifying the structural works that are required to then enable the refit of elements to support Community Style events(Flat floor events (balls, trade fairs, events, school presentations, religious services, dance shows, birthdays etc), whilst also having the capacity to host suitable corporate events.

What Works are Required?

Council commissioned a Structural Report from Cook and Roe for the purpose of making an assessment on the adequacy of the main structural elements throughout the building in relation to the relevant design loads and standards.

The review found that whilst the building is sound it does require some repairs/ replacement of some elements.

A priority structural works over a two-year period was developed. This being:

Orange Function Centre Structural Repairs Cost Estimate		
<i>Item</i>	<i>Cost year 1</i>	<i>Cost year 2</i>
Engineered design for structural upgrades		
Stage sub floor structure	\$ 8,000.00	
Roof trusses	\$ 8,000.00	
Contingency	\$ 2,400.00	
Project management		
Preliminaries, supervision, project management	\$ 20,000.00	\$ 10,000.00
Contingency	\$ 3,000.00	\$ 1,500.00
Stage Sub Floor Structure		
Remove and replace floor boards stage area		\$ 34,125.00
Remove existing structure		\$ 30,000.00
Install new structure		\$ 68,250.00
Contingency		\$ 19,856.00
Main Roof Trusses - Pitched roof		
Fly bracing, chord strengthening	\$ 31,000.00	
Contingency	\$ 4,650.00	
Wings - Roof leaks		
Remove sheeting, ceiling to inspect East		
Remove sheeting, ceiling to inspect West		
Increase support in roof structure (details unknown)	\$ 35,200.00	
Replace roof sheeting - wings	\$ 56,320.00	
Contingency	\$ 22,880.00	
Timber testing - main floor, roof members	\$ 2,000.00	
Rising damp, moisture issues		
Undercroft rising damp	\$ 24,700.00	
Sub floor ventilation	\$ 22,480.00	
Store room moisture	\$ 1,030.00	
Contingency	\$ 7,231.00	
TOTAL	\$ 248,891	\$ 163,731

Consultation with Users

Council has consulted with users on the internal works required to lift the standard of the Function Centre so that it can easily be used by community and commercial operators.

Priority areas proposed are:

Priority Areas			\$
Kitchens	The area is aged and in poor condition. The equipment is very old.	The main concerns within the kitchen include the open gas hot pots, laminate splash back, damaged floor preparation surfaces, replacement of equipment etc.	TBD based on need
Bar	The finishes within the bar areas require renewal.	Recommend that these areas be refurbished.	200,000
Finishes	The finishes throughout the public areas of the Function Centre are tired	Allow for soft refurbishment works to the common areas including paint works, new ceilings and floor coverings and new lighting. This will also include some management of asbestos materials.	250,000
Unitary Split systems	Units are nearing the end of their commercial life	Replace units when they fail	50,000
Roof Top A/C Units	Units are nearing the end of their commercial life	Replace units when they fail	225,000
Audio	No Audio equipment available on site	Provision of Audio System and hearing loop	150,000

5.2 NEW YEARS EVE - EVENT OPTIONS

RECORD NUMBER: 2024/16

AUTHOR: Chris Rawlins, Manager Economic Development

EXECUTIVE SUMMARY

At the Council Meeting on 6 February 2024, Council resolved:

4.1 NOTICE OF MOTION - FIREWORKS - NEW YEAR'S EVE - WARATAH OVAL

TRIM REFERENCE: 2024/55

RESOLVED - 24/027**Cr G Floyd/Cr K Duffy***That Council:*

- 1 Look into the possibilities of re-instating a fireworks show or other alternatives for New Years Eve at Waratahs Oval or a suitable location.*
- 2 Investigate funding opportunities from sources such as business donations, grants or council funding.*
- 3 Report back to the Chamber with costings and funding options and opportunities.*

*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**Against: Nil**Absent: Cr J Whitton*

Orange has the opportunity to present a flagship event on New Year's Eve by expanding the traditional style event. Lake Canobolas is a key feature of our region and provides an excellent venue for a premium event.

With the Northcourt no longer available due to the construction of the conservatorium, a review of alternative locations has been conducted.

Locations considered included Waratahs Sports Precinct, Lake Canobolas, Wade Park, Moulder/International Parks, Roberston Park, Emus Sports Ground, Elephant Park, Gosling Creek and Towac Park. There are regulations and requirements related to the discharge of fireworks (noise, safety, and environmental risks) which have resulted in the selection of the preferred to options of the Waratahs Sports Precinct or Lake Canobolas.

Holding a flagship event at Lake Canobolas is in line with our Community Strategic Plan and Operational Plan goals to capitalise on the character and lifestyle of Orange to remain a destination of choice.

The expansion involves re-instating fireworks, including market stalls, increasing the entertainment offering for a variety of age groups and the inclusion of alcohol and alcohol-free areas. Making this the flagship event for Orange and the Central West at New Years Eve, with the potential to provide an attraction for locals and visitors.

To achieve this an appropriate venue needs to be agreed and funding sourced.

The initial investigation with local businesses has shown willingness to participate with sponsorship of the event, however commitments would not be given by the business until the details of the event were confirmed.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “12.2. Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all”.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

FY25 budget for New Years Eve is \$62,830. This year’s proposed event would incur an increase in budget to approximately \$100,000, driven by key items:

- Fireworks \$26,000
- Staging \$6,000
- Buses and Traffic Management \$10,000
- Additional entertainment \$8,000

The Northcourt has permanent stage areas which need to be hired at other locations. This is the case for all the current proposals.

Initial conversations with local business indicate that some sponsorships should be able to be secured, however Council’s endorsement of the inclusion of fireworks and the location of the event are important factors to be considered by the businesses prior to their agreement to become a sponsor.

Sponsorship of up to \$42,000 would need to be raised to meet the shortfall in the current budget.

If sponsorship is not obtained, compromises can be made to reduce the costs such as reducing the number of children’s entertainment options, furniture hire and merchandise or a reallocation of funds from other areas of Council’s budget could be made to complete the event program.

RECOMMENDATION

- 1 That Council’s New Years Eve Event is to be held at Lake Canobolas and include Fire Works.**
- 2 That sponsorship is sort from local businesses to support the increased budget required.**

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.

Service/Project Delivery	Council has an event team that have the appropriate skills and experience to produce a complex event.
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5.2 New Years Eve - Event Options

Financial	There is a risk that adequate sponsorship is not secured to cover all costs. In this case, funding can be re-allocated from other Economic Development budget allocations to cover any shortfall.
Environment	Fire and Rural Fire Service crews will be engaged in the development of event plans to ensure fire control and management plans are in place
People & WHS	There is a risk of holding a public event around water. Provision has been included in the budget for security and lifeguards, as well as fencing to adequately zone the event space and lighting to provide visibility after sunset. The event will close at 10pm and buses are being provided to transport patrons to and from town.

SUPPORTING INFORMATION**Event Strategy:**

Orange Region Destination Management Plan (2022) recommended that regional events should be a priority initiative, including flagship events that reinforce the regional brand. Locating the New Years Eve event at the unique location of Lake Canobolas, following the impressive upgrades in 2024 aligns with building the event from the traditional to something that will attract more visitors as well as provide a celebration for locals.

We know that 28% of visitors to Orange have family or friends in the Local Government Area, and hope that providing an attractive event will prompt a decision to celebrate New Years Eve in Orange at a time of year locals are tempted to leave the region.

Our Operational Plan includes both the goal of developing events for locals and visitors and the goal to capitalise on the character and lifestyle of Orange to remain a destination of choice. Having a premium event at Lake Canobolas supports us achieving these goals.

OPTION 1 (Recommended): Lake Canobolas.

Lake Canobolas is a key feature of our region and provides a unique offering which separates us from neighbouring districts (Bathurst/Dubbo/Parkes/Forbes). Utilising Lake Canobolas would also broaden the event to offer family-centred entertainment and providing attraction for the 25-40 aged group of our community. The Lake is a dynamic space that can be utilised to create different activation areas:

1. Family and alcohol free, and
2. Alcohol friendly area where children are also allowed to enter, under the supervision of their parents.

The venue allows an area for market stalls, entertainment areas as well as benefits of distance to the area where the fireworks can be discharged.

The body of water also significantly reduces the risk of bush fires as the plan assumes that there would be a high fire danger on the day, discharging over a Lake means that embers fall into the water and are extinguished.

5.2 New Years Eve - Event Options

Risks around traffic management and additional water safety provisions have been factored into the costing of this recommendation.

The distance to the location can be overcome by the running of buses to the event which also provides safe return to town for those choosing to consume alcohol.

The location of Lake Canobolas has a lower number of near neighbours who could be disturbed by the event.

OPTION 2: Waratah Sports Precinct.

The grounds at Waratahs Sports Precinct have been used for New Year's Eve in previous years. It is familiar and close to town and is more in line with traditional New Year's Eve events staged in neighbouring Local Government Areas.

The location is more central than Lake Canobolas.

Waratah's sport club would allow us to use the area without a venue charge.

The event would be alcohol free.

The Waratah's location has more near neighbours, who may benefit from seeing the fireworks without leaving home however, it is noted that we have received feedback in past years from neighbours who are pet owners and have concerns about their pets during firework displays and from neighbours who were had traffic and noise complaints.

Reinstating Fireworks

Issues with fireworks have occurred in previous years with total fire bans cancelling the event in 2019.

The ability to stage fireworks at Lake Canobolas has been canvassed with in-principle support from Canobolas Rural Fire Service and Cabonne Council. Utilising the large body of water means that the display could be triggered from the far bank on the water's edge or from a platoon or the bridge over the water. This can give a reduction of bush fire risks with the water being the directly below. The recommended plan includes closing the far bank providing distance of patrons from firing site. This would also provide the potential for use of bigger fireworks.

A Development Application will be required with Cabonne Council, along with a review of plans by their traffic committee.

CURRENT WORKING BUDGET OPTIONS

ELEMENT	LAKE CANOBOLAS (RECOMMENDED)	LAKE CANOBOLAS (BASIC)	WARATAH	ORIGINAL NEW YEARS EVE PLAN
Fireworks	26,500	20,250	20,250	-
Alternative in lieu of Fireworks	-	-	-	5,000
AV Operation	11,800	11,800	11,800	11,800
Staging	6,600	3,500	6,600	6,600
Bands/Entertainment	9,000	9,000	9,000	9,000
Kids Entertainment	9,000	4,000	9,000	9,000
Furniture Hire	4,000	-	-	-
Toilets	3,000	3,000	3,000	3,000
Lighting, Bins, Consumables	2,200	2,200	800	800
Generator Hire	1,700	1,700	1,700	1,700
Printing and Media	3,000	3,000	3,000	3,000
Summer St signs	3,000	-	3,000	3,000
Merchandise	2,000	-	-	-
Staffing (including Lifeguards at Lake)	6,200	6,200	4,200	4,200
Traffic Management	1,500	1,500	1,500	1,500
Busses	10,000	8,000	-	-
Contingency	5,000	5,000	5,000	4,230
TOTAL	104,500	79,150	78,850	62,830

5.3 CROWN LAND AGREEMENT UPDATE

RECORD NUMBER: 2024/742

AUTHOR: Nick Redmond, Manager Communications & Engagement

EXECUTIVE SUMMARY

Council will recall the Crown Land Agreement whereby the Crown facilitated a process between the Crown, the Orange Aboriginal Land Council (OLALC), the NSW Aboriginal Land Council and Orange City Council to return land back to the OLALC and also to cede control to Orange City Council of other Crown Lands within the Orange LGA.

The Crown Land Negotiation Program provided an opportunity to secure ownership of important community land, reduce red tape, support positive social and economic benefits in the indigenous community, settle Land Claims and make land available for new employment generating ventures.

Council will also recall that in November 2021 the then Minister for Water, Property and Housing Melinda Pavey announced the agreement with then Mayor Reg Kidd and the OLALC CEO Annette Steele.



When the negotiation was completed in 2021 the Minister Pavey said: *“This historic agreement is an Australian first that will be a model for future Aboriginal Land Agreements and land transfers, that balances the rights of Aboriginal people and essential community infrastructure like showgrounds and open space.”*

At the LG Professional Awards held in Sydney in 2023 Orange City Council won the First Nations Community Partnership category for its role in the Crown Land Negotiation Program.

Under the Crown Land Negotiation Program:

- 60 parcels covering 293.37 hectares were to be transferred to Orange City Council
- 28 parcels covering 83.31 hectares were transferred to the Orange Local Aboriginal Land Council
- 44 parcels covering 287.57 hectares were to be retained by the Crown

Separate but connected to the Crown Land Agreement, was a Cooperation Agreement between Orange City Council and OLALC. The parties agreed to cooperate in considering, pursuing and implementing outcomes for the benefit of the community within the Orange Local Government Area, including the Aboriginal community.

The Cooperation agreement was signed on 1 October 2021. It includes land and non-land agreements. The most significant of these being the transfer of ownership of the Council owned facility at the 79-81 Kite St.

Fast forward to 2023 and the news was received from the NSW Government that OLALC would receive all the lands agreed under the Crown Land Negotiation Program, but Orange City Council would not receive any land under the agreement due to a direction from NSW Treasury about the divesting of State Crown Land.

Since then, negotiations have been held with the Department of Planning and Environment, and recently Council was notified that the Sports Precinct land and the Jack Brabham land would be ceded to Orange City Council (subject to treasury approval). However, the balance of the land agreed for transfer to Orange City Council would not proceed.

This report is designed to both update Council and confirm its intention to continue with the Cooperation Agreement with OLALC and the actions therein which Council signed in good faith at the time.

While the decision not to proceed with the Crown Land Agreement does not meet the goals detailed by the Crown in the Program, the final position for Orange City Council to secure Brabham and the Sports Precinct with the support of OLALC confirms the importance of the ongoing relationship and the work required ahead within the Cooperation Agreement.

This is particularly the case given the Land to be transferred to OLALC around Bloomfield and the strategic importance of this land to the city.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “3.5. Address the growing social and class divide within the city”.

FINANCIAL IMPLICATIONS

As reported to and resolved for transfer by Council in June 2021 the value of 79-81 Kite St that is being divested to OLALC under the Cooperation Deed was \$1.2 million. Council vacated this site in 2018 as it was surplus to needs. OLALC has been leasing the site since 2019.

The various costs under the Cooperation Agreement will be incurred mainly through staff time and through existing programs.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council acknowledge the report by the Manager of Communications and Engagement.

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service/Project Delivery	The work undertaken to support the Cooperation Deed can be managed within existing resources.	
Financial	See Financial Implications.	
Reputation/Political	There is a reputational risk for the NSW Government not proceeding with the Crown Land Negotiation Program. The reputational risk for Council is continuing with the Cooperation Agreement in the absence of the full Crown Land transfer. However, the Crown Land that is to be transferred to Council ownership is significant and the majority of land not being transferred remains in Council control.	

SUPPORTING INFORMATION

The NSW Government Department of Industry provided an overview of the Crown Land Negotiation Program as follows:

The Land Negotiation Program (the Program) is a program of partnership between the NSW Government, NSW Aboriginal Land Council (NSWALC), Local Aboriginal Land Councils (LALCs) and local government councils (Councils).

The Program's aim is to ensure that land within the NSW Crown Estate is held by the most appropriate landholder to support positive social economic, cultural and environmental benefits for the people of NSW, while retaining land of State significance for future generations.

5.3 Crown Land Agreement Update

Features of the Program included:

- local ownership of Crown Land to advantage local communities
- reduced red tape and reduced regulatory burden on local government
- more efficient and streamlined land management
- safeguards to protect state significant land
- recognition of the importance of land to Aboriginal people
- provide more sustainable social, cultural and economic outcomes for LALCs and Aboriginal communities from the return of land

The Cooperation Agreement between Orange City Council and OLALC included various items under two headings – land and non-land outcomes.

The Cooperation Agreement is presented as Attachment 1.

Orange City Council has strong working relationship with OLALC and this is formalised as part of the Cooperation Agreement. The agreement crystallises the relationship and sets expectations of both parties. In many ways it is a simple reinforcement of the work that is already being carried out.

In relation to 79-81 Kite Street there are good public policy benefits in the transfer to OLALC in that it provides a base for services, supports sustainability and certainty into the future which provide benefits for the indigenous community and to the broader community. It also supports the use of this site as a provider of important community services.

ATTACHMENTS

- 1 Signed Cooperation Agreement, D24/55182 [↓](#)

Cooperation Deed

Orange City Council (ABN 85 985 402 386) (**Council**)

Orange Local Aboriginal Land Council (ABN 80 684 262 632) (**OLALC**)

Marsdens Law Group

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49 Dumaresq Street
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Cooperation Deed

Cooperation Deed

Parties

Council	Name	Orange City Council
	Address	PO Box 35 Orange NSW 2800
	ABN	85 985 402 386
OLALC	Name	Orange Local Aboriginal Land Council
	Address	14 Palmer St Orange NSW 2800
	ABN	80 684 262 632

Background

- AOLALC and Council have agreed to cooperate in considering, pursuing and implementing the Outcomes for the benefit of the community within the Orange local government area, including the Aboriginal community.
- BThis deed sets out the terms upon which OLALC and Council will cooperate with respect to the Outcomes.

Operative Provisions

1Definitions & Interpretation

1.1Defined Terms

In this deed, words beginning with a capital letter that are defined in Part 1 of **Schedule 1** have the meaning ascribed to them in that schedule.

1.2Interpretation

The interpretational rules contained in Part 2 of **Schedule 1** apply in the interpretation of this deed.

2Term

- (1)This deed:

(a)commences on the Commencement Date; and

(b)unless otherwise terminated earlier in accordance with the terms of this deed and subject to paragraph (3), ends on the Expiry Date,
(Term).
- (2)Prior to the Expiry Date, the parties may, by written deed, extend the operation of this deed for a further specific period as agreed between the parties.
- (3)Unless a party has provided at least six (6) months notice to the other party to the effect that this deed will end on the Expiry Date, this deed will continue to apply after the Expiry Date until terminated by a party providing at least six (6) months notice to the other party to that effect.

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3 Obligations

3.1 Obligations of the parties

- (1) The parties agree that:
 - (a) they will cooperate in considering and pursuing the Outcomes in accordance with the terms of this deed; and
 - (b) subject to paragraph (2), where the parties agree on the terms on which an Outcome will be implemented, the parties will enter in to a Project Deed pursuant to which the relevant Outcome will be implemented.
- (2) The parties acknowledge and agree that for the purpose of this deed, the Specific Land Outcomes and Obligations have been agreed as Outcomes that will be implemented.

3.2 Cooperation

Each party to this deed must:

- (1) comply with the terms of this deed;
- (2) cooperate and use its best endeavours to ensure that the terms of this deed are successfully discharged;
- (3) not unreasonably delay any action, approval, direction, determination or decision which is required of it;
- (4) make approvals or decisions that are required of it in good faith and in accordance with the principles and intent of this deed; and
- (5) be just and faithful in its activities and dealings with the other party in relation to the matters set out in this deed.

3.3 Compliance with Laws

- (1) Council acknowledges that OLALC is bound by statutory obligations pursuant to the terms of the *Aboriginal Land Rights Act 1983 (NSW) (ALR Act)* and that OLALC must exercise and discharge its rights and obligations under this deed in accordance with those statutory obligations.
- (2) OLALC acknowledges that Council is bound by statutory obligations pursuant to the LG Act and that Council must exercise and discharge its rights and obligations under this deed in accordance with those statutory obligations.

4 Outcomes

4.1 Land Outcomes

- (1) Subject to the requirements of the LG Act and the Council Policies, the parties acknowledge and agree that during the operation of this deed they will:
 - (a) consider opportunities in relation to the development of the Land; and
 - (b) consider how the Land is to be used and managed by the parties, in a manner that benefits the community, and in particular, the Aboriginal community, within the Orange local government area.
- (2) OLALC acknowledges and agrees that:
 - (a) Council cannot make any commitments to OLALC or enter into any arrangements with OLALC, with respect to the development approval process concerning any Land; and

Cooperation Deed

- (b) any development application for the Land must be addressed in accordance with the *Environmental Planning & Assessment Act 1979* (NSW) and the relevant Council Policies in force from time to time.
- (3) As at the Commencement Date, the Land Outcomes that have been agreed by the parties to be considered under this deed include, but are not limited to, those specified in Section 1 of **Schedule 2**.

4.2 Non-Land Outcomes

- (1) Subject to the requirements of the LG Act and the Council Policies, the parties will consider opportunities in relation to matters that do not concern the Land and that benefit the community within the Orange local government area, including the Aboriginal community.
- (2) As at the Commencement Date, Non-Land Outcomes that have been agreed by the parties to be considered under this deed include, but are not limited to, those specified at **Schedule 3**.

4.3 Approval of Outcomes and Project Deeds

- (1) The parties compliance with their obligations contained in this clause 4 be facilitated through the Management Committee, consisting of representatives of each party and established in accordance with clause 5.
- (2) Once the parties come to an agreement on the implementation of an Outcome, the parties will negotiate the terms of a Project Deed with respect to the Outcome in the form, and on terms suitable to, the parties.
- (3) The parties acknowledge that the negotiation and formation of a Project Deed will be subject to both Council resolution and an OLALC resolution.

5 Management Committee

5.1 Formation

On the Commencement Date, the Management Committee will be formed for the purposes of this deed and will continue during the operation of this deed.

5.2 Role of the Management Committee

- (1) The Management Committee is established to discharge functions of the parties under this deed including, but not limited to, the following:
 - (a) Guide the relationship between the parties.
 - (b) Communicate and share information relevant to this deed.
 - (c) Guide the governance processes and procedures between the parties with respect to the Outcomes.
 - (d) Guide consideration of the Outcomes between the parties and assist in formulating and discussing strategic objectives with respect to the Outcomes.
 - (e) Monitor and review the development and implementation of cooperation initiatives with respect to the Outcomes.
 - (f) Oversee the formulation and operation of the Project Deeds.
 - (g) Review the performance of this deed and the Project Deeds.
 - (h) Discuss and resolve issues relating to this deed and the Project Deeds.
- (2) For the purpose of clarity, the Management Committee is a forum for discussion and consultation only and does not have the ability to make decisions binding on the parties.

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- (3) Unless otherwise agreed between the parties from time to time, the Management Committee will undertake an annual review of:
- (a) the progress of cooperation between the parties with respect to the Outcomes;
 - (b) the progress of cooperation and performance of Outcomes under the Project Deeds;
 - (c) compliance by the parties with this deed and the Project Deeds; and
 - (d) the ongoing relationship between the parties.

5.3 Representatives of the Management Committee

- (1) Unless otherwise agreed between the parties from time to time, the Management Committee will comprise of two (2) representatives appointed from each party.
- (2) If a representative of a party cannot attend any meeting of the Management Committee, the party represented by that representative may appoint a delegate to attend on that representatives' behalf.

5.4 Meetings of the Management Committee

The Management Committee will meet at least once quarterly per annum or at any other time as agreed between the parties.

5.5 Management Meeting guidelines, policies and procedures

The parties acknowledge that it may be necessary to adapt and amend the objectives and governance procedures of the Management Committee over time, subject to the agreement of both parties.

6 Confidentiality

6.1 Information relating to this deed

The parties agree that all information relating to this deed (including the deed itself) is confidential and each party agrees to:

- (1) keep confidential that information;
- (2) use the information solely for the purpose of facilitating completion of the obligations set out in this deed; and
- (3) disclose the information only to those of its employees, advisers and other persons agreed to by the parties from time to time who have a need to know (and only to the extent each has a need to know) and who are aware and agree, by signing a confidentiality deed, that the information must be kept confidential.

6.2 Exceptions

The obligations of confidentiality under this deed do not extend to information that (whether before or after this deed is executed):

- (1) is disclosed to a party under this deed, but at the time of disclosure is rightly known to that party and not subject to an obligation of confidentiality on that party;
- (2) at the time of disclosure is within the public domain or after disclosure comes into the public domain other than by a breach or breaches of any obligation under this clause; or
- (3) is required by law or any order of any court, tribunal, authority, regulatory body or the rules of any securities exchange (whether in Australia or elsewhere) to be disclosed and the party required to make the disclosure ensures that information is disclosed only to the extent required.

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7 Dispute resolution

7.1 Notification of dispute

If a party believes that there is a dispute (**Dispute**) then:

- (1) that party must give notice in writing to the other stating that there is a Dispute.
- (2) the notice referred to in paragraph (1) must outline:
 - (a) what the party believes the Dispute to be;
 - (b) what the party wants to achieve; and
 - (c) what the party believes will resolve the Dispute.

7.2 Consultation between the Representatives

- (1) Within fourteen (14) days of a notice served in accordance with clause 7.1(1), the Management Committee must meet in order to resolve the Dispute.
- (2) If the Management Committee cannot resolve the Dispute within fourteen (14) days of meeting under paragraph (1), the Dispute must be referred to senior representatives of the parties who must meet in order to resolve the Dispute.

7.3 Settlement of Dispute and mediation

- (1) If the Dispute cannot be resolved by the senior representatives within fourteen (14) days of the senior representatives meeting in accordance with clause 7.2(2), then the Dispute must be submitted to mediation by a mediator selected:
 - (a) by the parties; or
 - (b) if the parties cannot agree on a mediator, by the President of the Australian Commercial Disputes Centre.
- (2) Any costs incurred in the mediation of the Dispute are to be borne equally by the parties.

7.4 Exclusivity of dispute resolution procedure

- (1) Both parties must adhere to the dispute resolution procedure set out in this deed.
- (2) The only time that either party may depart from the dispute resolution procedure set out in this clause is when urgent interlocutory relief is required to restrain a breach or threatened breach of this deed.

8 Default and termination

8.1 Termination

- (1) This deed may be terminated by a party on the occurrence of any of the following events:
 - (a) The parties agree to terminate the operation of the deed at any time.
 - (b) The other party commits a breach of this deed which is not rectified within fourteen (14) days of written request from the other party to rectify the default.
- (2) Termination of this deed does not prejudice the exercise of pre-existing rights of a party under this deed.

8.2 Consequence of termination

Upon termination of this deed:

- (1) all future rights and obligations of the parties are discharged; and

Cooperation Deed

- (2) all pre-existing rights and obligations of the parties continue to subsist.

9 Position of Council

9.1 Consent authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the LG Act.

9.2 Deed does not fetter discretion

This deed is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion, (Discretion).

9.3 Severance of provisions

- (1) No provision of this deed is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this deed is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 9 is substantially satisfied;
 - (b) in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this deed has full force and effect; and
 - (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this deed which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this deed contracted out of a provision or exercised a Discretion under this deed, then to the extent of this deed is not to be taken to be inconsistent with the Law.

9.4 No obligations

Nothing in this deed will be deemed to impose any obligation on Council to exercise any of its functions under the LG Act in a certain manner.

10 Administrative provisions

10.1 Proscribed Relationship

- (1) For the purpose of this deed, **Proscribed Relationship** means any of the following relationships:
 - (a) principal and independent contractor;
 - (b) joint venturers;
 - (c) partners;
 - (d) trustee and beneficiary; or
 - (e) employer and employee.
- (2) No term of this deed is to be construed so as to give rise to a Proscribed Relationship.

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- (3) Each party must not represent, or otherwise foster the understanding, that a Proscribed Relationship exists or represent or otherwise hold themselves out as representing or having the ability to bind the other party.

10.2 Assignment

The provisions of this deed are personal to the parties and may not be assigned without the written consent of the other party.

10.3 Legal costs

Each party must bear their own legal costs incurred in relation to the negotiation, preparation and execution of this deed.

10.4 Notices

- (1) Any notice, consent or other communication under this deed must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
- (a) delivered to that person's address;
 - (b) sent by pre-paid mail to that person's address; or
 - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
- (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - (b) if sent by pre-paid mail, on the third Business Day after posting; and
 - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this deed or another address of which that person may from time to time give notice to each other person.

10.5 Agreement

This deed is the entire agreement of the parties on the subject matter. All representations, communications and prior deeds in relation to the subject matter are merged in and superseded by this deed.

10.6 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

10.7 Cooperation

Each party must sign, execute and deliver all deeds, documents, instruments and act reasonably and effectively to carry out and give full effect to this deed and the rights and obligations of the parties under it.

10.8 Counterparts

This deed may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

10.9 Amendment

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This deed may only be amended or supplemented in writing signed by the parties.

10.10 Unenforceability

Any provision of this deed which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this deed or affecting the validity or enforceability of that provision in any other jurisdiction.

10.11 Governing law

The law in force in the State of New South Wales governs this deed. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this Deed; and
 - (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.
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Cooperation Deed

Schedule 1: Defined Terms and Interpretation

Part 1- Definitions

Authority	means (as appropriate) any: (1) federal, state or local government; (2) department of any federal, state or local government; (3) any court or administrative tribunal; or statutory corporation or regulatory body.
Commencement Date	means the date on which this deed has been executed by both parties.
Council Policies	means the policies, guidelines, procedures, rules and regulations that govern Council from time to time.
Expiry Date	means the date that is five (5) years after the Commencement Date.
Land	means land owned by the OLALC and agreed between the parties from time to time to be subject to this deed.
Land Outcomes	means matters including, but not limited to, those outlined at Schedule 2 of this deed.
LG Act	means the <i>Local Government Act 1993</i> (NSW).
Law	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
Non-Land Outcomes	means matters including, but not limited to, those outlined at Schedule 3 of this deed.
Outcomes	means collectively the Land Outcomes and Non-Land Outcomes.
Project Deed	means a deed entered into by the parties that implements and governs the conduct of the Outcomes.
Specific Land Outcomes and Obligations	means those Land Outcomes set out in Section 2 of Schedule 2 .
Term	has the meaning ascribed to that term at clause 2(1) of this deed.

Part 2- Interpretational Rules

clauses, annexures and schedules	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this deed.
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variations or replacements	a document (including this deed) includes any variation or replacement of it.
reference to statutes	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
singular includes plural	the singular includes the plural and vice versa.
person	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
executors, administrators, successors	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
dollars	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
calculation of time	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
reference to a day	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
accounting terms	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
reference to a group of persons	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
meaning not limited	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
next day	if an act under this deed to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
next Business Day	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
time of day	time is a reference to Sydney time.
headings	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this deed.

Cooperation Deed

deed	a reference to any deed, deed or instrument includes the same as varied, supplemented, novated or replaced from time to time.
gender	a reference to one gender extends and applies to the other and neuter gender.

Cooperation Deed

Schedule 2

Land Outcomes

1 General Land Outcomes

- (1) The development of a Wiradjuri Walk at the Orange Botanic Gardens.
- (2) The development of interpretive signage at significant sites.
- (3) Discussion of arrangements for any joint development of the Land by the parties, or development of the Land solely by OLALC and to which Council may contribute.
- (4) Discussion on matters supporting activation and development opportunities on the Land which is consistent with the relevant planning frameworks.
- (5) Discussion of management of the Land by the parties (either jointly or individually), which includes the parties considering leases, licences and other occupancies of the Land.
- (6) The establishment of an Indigenous Remembrance Garden at Orange Cemetery in a future Master Plan of Orange Cemetery.

2 Specific Land Outcomes and Obligations

- (1) The parties agree that as of the Commencement Date until the Expiry Date or such other period that is agreed between Council and OLALC, that part of Lot 7307 in Deposited Plan 1163739 and Lot 207 in Deposited Plan 821875 consisting of 'Moulder Park' for which the OLALC is, or will become, Crown Land Manager (**Moulder Park**), will be managed as follows:
 - (a) Council will maintain Moulder Park generally in the same manner that it has before the Commencement Date.
 - (b) The arrangements in place with community groups to use Moulder Park as at the Commencement Date must not be altered by the OLALC without the consent of the relevant community group or the Council.
 - (c) Moulder Park must at all times be available for public use generally in the same manner that it is available for public use as at the Commencement Date.
 - (d) The practical management of Moulder Park will be undertaken through the Management Committee established and governed by the terms of this deed.
- (2) With respect to 79-81 Kite Street, Orange being part of Lot 600 in Deposited Plan 1183858 (**Kite Street Land**):
 - (a) Council will undertake the practical arrangements for the survey of the Kite Street Land.
 - (b) The Minister responsible for administering the *Crown Land Management Act 2016* (NSW) (**Minister**) will meet all costs and expenses of the survey undertaken by Council under paragraph (2)(a) (including all costs associated with the registration of the relevant plan of subdivision at NSW Land Registry Services).
 - (c) All costs and expenses associated with the subdivision of the Kite Street Land, other than the survey work under paragraph (2)(a), will be shared equally between Council and the OLALC.
 - (d) The new boundary of the Kite Street Land will reflect the position of the relevant existing boundary fence on Lot 600 in Deposited Plan 1183858.
- (3) Council will undertake the process set out in the LG Act with respect to the grant of a lease of the former netball court complex building located on Lot 1 in Deposited Plan 341650 to the OLALC. However, the OLALC acknowledges that the grant of such a lease is subject to Council's statutory obligations in that regard.

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- (4) In respect to Lot 1 DP 1185352 and part 52 Canobolas Road Orange (**Towac Park**) to be transferred to the OLALC by the Minister, Council will provide a draft subdivision layout (**Layout**) in respect to that portion of Towac Park. However, for the avoidance of any doubt, Council's ability to provide the Layout is at all times subject to Council's statutory obligations in that regard.
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Cooperation Deed

Schedule 3

Non-Land Outcomes

- (1) Employment opportunities and initiatives for Aboriginal people in the Orange local government area.
 - (2) Business enterprises for Aboriginal people in the Orange local government area.
 - (3) Training and capacity building for Aboriginal people in the Orange local government area.
 - (4) Recognition and protection of the cultural rights of Aboriginal people in the Orange local government area.
 - (5) The development of Aboriginal food and cultural tours in the Orange local government area.
 - (6) Facilitating ongoing relationships and dialogue between the parties in relation to Non-Land Outcomes that benefit the community in the Orange local government area and Aboriginal people in the Orange local government area.
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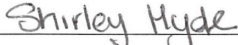
Cooperation Deed

Execution Page



Executed as a deed

Dated:

Signed, sealed and delivered by Orange City Council by its duly authorised officer pursuant to delegation from Council and in the presence of:


Witness (Signature)
Name of Witness (Print Name)
Authorised Officer (Signature)
Name of Authorised Officer (Print Name)

Signed, sealed and delivered by Orange Local Aboriginal Land Council by its duly authorised officer and in the presence of:


Witness (Signature)
Name of Witness (Print Name)
Authorised Officer (Signature)
Name of Authorised Officer (Print Name)

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 Entering into Contracts for the Supply and Delivery of Bitumen Emulsion

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 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.

6.3 Submission Redaction Report 4 June 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 ENTERING INTO CONTRACTS FOR THE SUPPLY AND DELIVERY OF BITUMEN EMULSION

RECORD NUMBER: 2024/817

AUTHOR: Timothy Mooney, Manager Depot, Airport & Emergency 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 PROPOSED SALE - 4616 MITCHELL HIGHWAY LUCKNOW

RECORD NUMBER: 2024/845

AUTHOR: Shirley Hyde, Legal and Property Officer

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.

6.3 SUBMISSION REDACTION REPORT 4 JUNE 2024

RECORD NUMBER: 2023/2299

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