



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.

1	INTRODUCTION	4
	1.1 Apologies and Leave of Absence	4
	1.2 Livestreaming and Recording	4
	1.3 Acknowledgement of Country.....	4
	1.4 Declaration of pecuniary interests, significant non-pecuniary interests and less than significant non-pecuniary interests.....	4
	COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM	4
	COUNCIL MEETING RESUMES	4
2	MAYORAL MINUTES	5
	2.1 Country Mayors Association General Meeting 10 May 2024 - Minutes.....	5
3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	20
	3.1 Minutes of the Ordinary Meeting of Orange City Council held on 21 May 2024	21
	COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES.....	33
	Planning and Development - Chaired by Cr Jeff Whitton.....	33
	Employment and Economic Development – Chaired By Cr Tony Mileto – No Items	33
	Infrastructure - Chaired by Cr Jack Evans	33
	Sport and Recreation - Chaired by Cr Tammy Greenhalgh	33
	Environmental Sustainability - Chaired by Cr David Mallard	33
	Finance - Chaired by Cr Kevin Duffy – No Items	33
	Services - Chaired by Cr Melanie McDonell.....	33
	COUNCIL MEETING RESUMES	33
4	NOTICES OF MOTION/NOTICES OF RESCISSION.....	34
	4.1 Notice of Motion - Gender Based Violence is a Crisis Affecting our Community, our Region and our Country	34
	4.2 Notice of Motion - Sports Precinct Athletics Track.....	37
	4.3 Notice of Motion - AED Installation Partnership - Heart of the Nation	39

4.4	Notice of Motion - Consideration of Hockey Centre Budget Allocation	41
4.5	Notice of Motion - Statue of Yuranigh in Orange.....	43
4.6	Notice of Motion - Easter Public Holiday Trade Exemption.....	45
5	GENERAL REPORTS	53
5.1	Function Centre	53
5.2	New Years Eve - Event Options	57
5.3	Crown Land Agreement Update.....	63
6	CLOSED MEETING - SEE CLOSED AGENDA.....	84
6.1	Entering into Contracts for the Supply and Delivery of Bitumen Emulsion .	85
6.2	Proposed Sale - 4616 Mitchell Highway Lucknow.....	87
6.3	Submission Redaction Report 4 June 2024	89
7	RESOLUTIONS FROM CLOSED MEETING	90

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
 PO Box 63 Gunnedah NSW 2380
 02 6740 2115
 e-mail admin@nswcountrymayors.com.au
 ABN 92 803 490 533

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 Shrie 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

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 BLETCHINGTON 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 [↓](#)

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 experiance to produce a complex event.
--------------------------	---

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 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 [↓](#)

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