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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 9 JULY 2024

COMMENCING AT 6:30PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr J Hamling (Mayor), Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor), Cr J Whitton

Acting Chief Executive Officer (Greenham), Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Acting Director Community, Recreation and Cultural Services (Hobden), Manager Corporate Governance

#### 1.1 APOLOGIES

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##### RESOLVED - 24/270

Cr J Whitton/Cr S Peterson

That the apologies be accepted from Cr K Duffy for the Council Meeting of Orange City Council on 9 July 2024.

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

Against: Nil

Absent: Cr K Duffy

#### 1.2 LIVESTREAMING AND RECORDING

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

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted an Acknowledgement of Country.

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

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Cr Evans declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.3 - Notice of Motion – Summer Street Christmas Shopping Event as he is a retailer and member of Business Orange (non-Board member).

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.1 - Notice of Rescission – Super Sopper Budget 2024/2025 as he is the President of Orange & District Football Association.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC Item 2.2 - Development Application DA 514/2021(1) – 1 Bathurst Road as her husband’s consultancy company has undertaken work on this site.

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.3 - Development Application DA 191/2023(1) – 1 Gartrell Way as she resides nearby.

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in CCL Item 6.1 - Proposed Sale Vacant Land 94 Woodward Street for Development for Social and Affordable Housing as he held a meeting with representatives of a business submitting an EOI.

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in in PDC Item 2.2 - Development Application DA 514/2021(1) – 1 Bathurst Road as he resides nearby.

Cr McDonnell declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.3 - Development Application DA 191/2023(1) – 1 Gartrell Way as she resides nearby.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.1 - Notice of Rescission – Super Sopper Budget 2024/2025 as she is the Secretary of Bloomfield Junior Rugby League Football Club.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in FPC Item 2.2 - Small Donations – requests for Donations as OCTEC is the landlord for Housing Plus.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.2 - Development Application DA 514/2021(1) – 1 Bathurst Road as the CEO of OCTEC owns land nearby.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in FPC Item 2.2 - Small Donations – requests for Donations as OCTEC is the landlord for Housing Plus.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.2 - Development Application DA 514/2021(1) – 1 Bathurst Road as the CEO of OCTEC owns land nearby.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.35PM****PDC Item 2.3 – Development Application DA 191/2023(1) – 1 Gartrell Way**

- Reddall Leslie

**PDC Item 2.2 – Development Application DA 514/2021(1) – 1 Bathurst Road**

- Jeffery Chapman - Old Convent
- Charles Everett

**CCL Item 4.3 – Notice of Motion – Summer Street Christmas Shopping Event**

- Helen McBurnie - Chaos & Karma
- Mitch Colton - Business Orange

**CCL Item 4.1 – Notice of Rescission – Super Sopper Budget 2024/2025**

- Andrew Cooper - Orange & District Football Referees Association
- Brett Hazzard - Orange & District Football Association

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.11PM**

**2 MAYORAL MINUTES**

Nil

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RESOLVED - 24/271**

**Cr T Greenhalgh/Cr G Floyd**

That the Minutes of the Ordinary Meeting of Orange City Council held on 18 June 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 18 June 2024, noting the correction to Councillor voting on 5.4(1)(g).

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

Against: Nil

Absent: Cr K Duffy

**QUESTION TAKEN ON NOTICE**

**Cr F Kinghorne**

Cr Kinghorne asked why the Drag Brunch cost was \$81.25 per person when average meal cost is around \$28 at Groundstone.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.13PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.52PM**

**4 NOTICES OF MOTION/NOTICES OF RESCISSION****4.1 NOTICE OF RESCISSION - SUPER SOPPER BUDGET 2024/2025**

TRIM REFERENCE: 2024/1031

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in this item as she is the Secretary of Bloomfield Junior Rugby League Football Club.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in this item as he is the President of Orange District Football Association.

**RESOLVED - 24/295****Cr F Kinghorne/Cr S Peterson**

That Council rescind the following resolution of Council from its meeting on 18 June 2024:

*Cr Greenhalgh declared a Non-Significant Non-Pecuniary interest in this item as she is the secretary of Bloomfield Junior Rugby League Football Club.*

*Cr Mileto declared a Non-Significant Non-Pecuniary interest in this item as he is the president of Orange District Football Association.*

**RESOLVED - 24/256****Cr T Mileto/Cr J Hamling**

*t) That Council include the purchase of a Super Sopper at \$35,000 in the 2024/2025 budget.*

*For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr G Power*

*Against: Cr D Mallard, Cr M McDonell, Cr S Peterson*

*Absent: Cr J Whitton*

For: Cr J Evans, Cr G Floyd, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power

Against: Cr T Mileto, Cr T Greenhalgh, Cr J Whitton, Cr J Hamling

Absent: Cr K Duffy

**4.2 NOTICE OF MOTION - ALLOCATION OF FUNDS GENERATED FROM THE SALE OF BIODIVERSITY CREDITS**

TRIM REFERENCE: 2024/1128

**RESOLVED - 24/296****Cr J Hamling/Cr G Power**

1 That Council allocates 75% of the funds generated from the sale of Biodiversity Credits to support Council sustainability projects.

2 That Council determine available options for the allocation of the remaining 25% of the funds at a Councillor workshop.

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

Against: Nil

Absent: Cr K Duffy

**4.3 NOTICE OF MOTION - SUMMER STREET CHRISTMAS SHOPPING EVENT**

TRIM REFERENCE: 2024/1084

Cr Evans declared a Non-Significant Non-Pecuniary Interest in this item as he is a retailer and member of Business Orange (non-Board member).

**RESOLVED - 24/297****Cr J Evans/Cr T Greenhalgh**

That Council resolves to Formulate a Working Party, with local businesses and support from Business Orange to host an evening/afternoon 'Christmas Shopping Event' in Early December.

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

Against: Nil

Absent: Cr K Duffy

Cr Mileto asked if there was enough time to have the street closure approved by the Traffic Committee.

*The Acting Chief Executive Officer advised that the Traffic Committee is a statutory committee which will continue to operate and emergent meetings can be conducted online.*

Cr Kinghorne asked whether businesses would need specific approval to change their operating hours for the event.

*The Director Development Services advised that hours are outlined in the development consent, some businesses will have them, older consents will not.*

**5 GENERAL REPORTS****5.1 CARETAKER PERIOD & DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER 7 AUGUST 2024 - 4 NOVEMBER 2024**

TRIM REFERENCE: 2024/913

**MOTION****Cr G Floyd/Cr M McDonell**

That Council resolves:

- 1 To Note the information contained in this report.
- 2 That Council resolves to delegate any permissible delegable function under the Local Government Act 1993 to the Chief Executive Officer (those delegations currently in place) for the period 7 August 2024 through to the first meeting of the new Council currently scheduled for 5 November 2024.

**AMENDMENT****Cr J Whitton/Cr T Greenhalgh**

That this item be deferred.

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

Against: Nil

Absent: Cr K Duffy

**THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION****THE MOTION ON BEING PUT WAS CARRIED**

**RESOLVED - 24/298****Cr J Whitton/Cr T Greenhalgh**

That this item be deferred.

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

Against: Nil

Absent: Cr K Duffy

## **5.2 STRATEGIC POLICY REVIEW - REDMOND PLACE PRECINCT (DIVERSE AND AFFORDABLE HOUSING) - POST EXHIBITION**

TRIM REFERENCE: 2024/924

**RESOLVED - 24/299****Cr D Mallard/Cr J Whitton**

That Council adopt Strategic Policy ST24 – Redmond Place Precinct (Diverse and Affordable Housing).

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

Against: Nil

Absent: Cr K Duffy

## **5.3 NEW YEARS EVE 2024 - EVENT OPTIONS**

TRIM REFERENCE: 2024/1123

**RESOLVED - 24/300****Cr G Power/Cr S Peterson**

That Council resolves:

- 1 That Council note the report on New Year's Eve 2024 Options
- 2 That Lake Canobolas is selected as the location of the New Year's Eve Event for 31 December 2024 with safest option to be selected to discharge embers over water.
- 3 That sponsorship is sought from local businesses to support the increased budget for the event.

For: Cr J Hamling, 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: Cr J Whitton

Absent: Cr K Duffy

Cr Kinghorne asked about the safest option, fireworks launch sites and discharging embers over water.

*The Acting Director Corporate and Commercial Services advised the discharge location was pending the location resolution and yet to be determined.*

Cr McDonell noted the cost difference between land or a pontoon discharge and asked if this had been accounted for in the costings.

*The Acting Director Corporate and Commercial Services advised that the cost had been accounted for.*

## 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 Acting 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 - 24/301****Cr J Whitton/Cr G Floyd**

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 Proposed Sale Vacant Land 94 Woodward Street for Development for Social and Affordable Housing**

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 Lease Shop 3 Leaheys Arcade**

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 - 9 July 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.

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.42pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.03pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 PROPOSED SALE VACANT LAND 94 WOODWARD STREET FOR DEVELOPMENT FOR SOCIAL AND AFFORDABLE HOUSING

TRIM REFERENCE: 2024/1001

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in this item as he held a meeting with representatives of a business submitting an EOI.

#### RESOLVED - 24/302

Cr D Mallard/Cr M McDonell

That Council resolves:

- 1 To grant delegation to the Chief Executive Officer to finalise the sale of 94 Woodward Street as per option 2 in the report.
- 2 That the funds, upon finalisation of the sale, be applied to the Land Development Fund.

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

Against: Nil

Absent: Cr K Duffy

### 6.2 LEASE SHOP 3 LEAHEYS ARCADE

TRIM REFERENCE: 2024/1098

#### RESOLVED - 24/303

Cr T Mileto/Cr G Floyd

- 1 That Council enter into a lease of Shop 3 Leaheys Arcade for 3 years with one 3 year option.
- 2 That permission be granted for the use of the Council Seal on any necessary documentation.

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

Against: Nil

Absent: Cr K Duffy

### 6.3 SUBMISSION REDACTION REPORT - 9 JULY 2024

TRIM REFERENCE: 2023/2300

#### RESOLVED - 24/304

Cr J Whitton/Cr G Power

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

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

Against: Nil

Absent: Cr K Duffy

### THE MEETING CLOSED AT 9.04PM

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 9 July 2024.