
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 16 JULY 2024

COMMENCING AT 6:30PM

1 INTRODUCTION

ATTENDANCE

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 (6.33pm) (AudioVisual Link), Cr G Power (Deputy Mayor), Cr J Whitton

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

1.1 APOLOGIES

RESOLVED - 24/305**Cr J Whitton/Cr G Floyd**

That the apologies be accepted from Cr K Duffy and Cr S Peterson (lateness) for the Council Meeting of Orange City Council on 16 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 G Power, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

RESOLVED - 24/306**Cr J Whitton/Cr G Floyd**

That Cr S Peterson be permitted to attend the Council Meeting of Orange City Council on 16 July 2024 via Audio Visual Link.

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 G Power, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr T Greenhalgh 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 6.2 – Tender – F4244 – The Provision of Security Services as tenderer is a customer of his business.

1.5 OPENING PRAYER

Reverend Andrew Cunningham of the Uniting Church led the Council in Prayer.

Cr S Peterson joined the meeting via Audiovisual Link with the time being 6.33pm

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/307

Cr J Whitton/Cr G Floyd

That the Minutes of the Ordinary Meeting of Orange City Council held on 9 July 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 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 G Power, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/2294

RESOLVED - 24/308

Cr T Greenhalgh/Cr G Power

That Council resolves:

- 1 That the Minutes of the Finance Policy Committee at its meeting held on 9 July 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 9 July 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Infrastructure Policy Committee at its meeting held on 9 July 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 9 July 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 9 July 2024 be and are hereby confirmed as a true and accurate record of the proceedings, noting Cr Floyd voted against item 2.1.
- 6 That the Minutes of the Services Policy Committee at its meeting held on 9 July 2024 be and are hereby confirmed as a true and accurate record of the proceedings.

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 PLANNING PROPOSAL - REDMOND PLACE - ADVISORY REPORT

TRIM REFERENCE: 2024/1126

RESOLVED - 24/309

Cr D Mallard/Cr J Whitton

That Council advise the Department of Planning Housing and Infrastructure of broad support for the Planning Proposal at 3 Redmond Place, 154 Lone Pine Avenue and 5255 Mitchell Highway subject to the following:

- That the proposal ensure the overall extent of public open space to be provided shall be consistent with the associated Masterplan.
- That, while allowing for reasonable flexibility, the final placement and design of public open space shall not significantly depart from the design principles and outcomes embodied in the associated Masterplan.
- Specifically, there shall be no residential lots situated between the Mitchell Highway and the northern "Park Street" road extending from the hangar/community centre to the detention basins at the eastern extent of the site.

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 REDMOND PLACE MASTER PLAN

TRIM REFERENCE: 2024/1058

RESOLVED - 24/310**Cr G Power/Cr T Greenhalgh**

That Council place the Redmond Place Master Plan and supporting documentation on public exhibition, concurrently with the Planning Proposal, for a period of 28 days in accordance with the Orange Community Participation Plan 2023.

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 Kinghorne asked what was a pocket park.

The Director Development Services advised this is a small park that arises. The final design will show pocket parks and wetlands.

5.4 STATEMENT OF INVESTMENTS - JUNE 2024

TRIM REFERENCE: 2024/1153

RESOLVED - 24/311**Cr D Mallard/Cr F Kinghorne**

That Council resolves to:

- 1 Note the Statement of Investments for the period June 2024
- 2 Adopt the certification of the Responsible Accounting Officer.

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

5.5 LORDS PLACE SOUTH - INDEPENDENT REVIEW

TRIM REFERENCE: 2024/1182

RESOLVED - 24/312**Cr F Kinghorne/Cr G Floyd**

That the Report on the Lords Place South Independent Review be noted.

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 for clarification as to whether the reviewer Ms Brooke Pendlebury had previously completed work for Council.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne requested a copy of the brief given to the reviewer be provided to Councillors.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked for clarification on the onus of Councillors to independently verify information provided to them, noting this is not necessarily possible and can call into question confidence in information provided.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked for clarification on the perpendicular placement of the tree pits as the review and plans are inconsistent on this point.

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked if an adequate internal review process was in place as this project was not successful. In particular to address:

- a) How did this happen
- b) What went wrong
- c) What would we do differently.

QUESTION TAKEN ON NOTICE**Cr G Floyd**

Cr Floyd asked if Ms Pendlebury came to Orange as part of the review or undertook it from Sydney.

5.6 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - CALL FOR MOTIONS

TRIM REFERENCE: 2024/1057

RESOLVED - 24/313**Cr J Whitton/Cr G Floyd**

That Council identify motions in line with the LGNSW Guidelines for consideration at the Local Government Annual Conference to be held in Tamworth 17 November – 19 November 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

5.7 COUNCILLOR ATTENDANCE, TRAINING AND COMPLIANCE FOR THE COUNCIL TERM 2021 - 2024

TRIM REFERENCE: 2024/1022

RESOLVED - 24/314**Cr D Mallard/Cr M McDonell**

That Council note the report on Councillor Attendance, Training and Compliance for the Council Term 2021 – 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

5.8 EXTENSION OF LEASE AREA ORANGE CROQUET CLUB

TRIM REFERENCE: 2024/1188

RESOLVED - 24/315**Cr J Hamling/Cr T Mileto**

- 1 That Council extend the lease area of the Orange Croquet Club from two to three fields by way of variation of lease or entering into a new lease for a period of 5 years.
- 2 That permission be granted to affixed the Common 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

5.9 EVENT SPONSORSHIP APPLICATION

TRIM REFERENCE: 2024/1192

RESOLVED - 24/316**Cr M McDonell/Cr J Evans**

That Council approves the application from Orange Regional Arts Foundation for the amount of \$5,000 for the Orange Winter Fire Festival ORAF Event to be held 10 August 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

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 - 24/317**Cr M McDonell/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 National Local Government Housing Summit - Nomination(s) 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 Tender - F4244 - The Provision of Security Services

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 Proposed Easement through Council Owned Land - Lot 22 DP 1212446 Shiralee 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 (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.4 Submission Redaction Report - 16 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.

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 Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.05pm.

The Mayor declared the Ordinary Meeting of Council resumed at 7.14pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 NATIONAL LOCAL GOVERNMENT HOUSING SUMMIT - NOMINATION(S) FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2024/1178

RESOLVED - 24/318

Cr G Floyd/Cr G Power

That Council resolves that two Councillors attend the National Local Government Housing Summit to be held in Adelaide on Thursday 15 and Friday 16 August 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

Cr Evans left the meeting with the time being 7.09pm

6.2 TENDER - F4244 - THE PROVISION OF SECURITY SERVICES

TRIM REFERENCE: 2024/1152

Cr Evans declared a Non-Significant Non-Pecuniary Interest in this item as a tenderer is a customer of his business, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/319

Cr J Whitton/Cr D Mallard

That Council:

- 1 Approve the Chief Executive Officer, or his nominee, to execute contract F4244 - The Provision of Security Services, for the value of \$217,131 (inc gst), with Marvasti Security Pty Ltd.
- 2 Grant permission to the Chief Executive Officer, or his nominee, to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal on any relevant documents.

For: Cr J Hamling, 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 J Evans

Cr Evans returned to the meeting with the time being 7.10pm

**6.3 PROPOSED EASEMENT THROUGH COUNCIL OWNED LAND - LOT 22 DP 1212446
SHIRALEE ROAD**

TRIM REFERENCE: 2024/1162

RESOLVED - 24/320**Cr M McDonell/Cr G Floyd**

- 1 That Council consent to the registration of an easement through Lot 22 DP 1212446 on the terms contained in this report.
- 2 That permission be granted to affixed the Common 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

6.4 SUBMISSION REDACTION REPORT - 16 JULY 2024

TRIM REFERENCE: 2024/1191

RESOLVED - 24/321**Cr T Greenhalgh/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 7.17PM

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