



ORDINARY COUNCIL MEETING

AGENDA

6 AUGUST 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, 6 August 2024** commencing at **6:30PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

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

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

2.1 MAYORAL MINUTE - REGIONAL CITIES NSW BOARD MEETING MINUTES - 9 MAY 2024

RECORD NUMBER: 2024/1237

MAYORAL MINUTE

The Chief Executive Officer and I attended the Regional Cities NSW Board Meeting in Sydney 9 May 2024, I provide the draft minutes for Councillor information.

RECOMMENDATION

That the information contained in this Mayoral Minute be acknowledged

Jason Hamling

MAYOR

SUPPORTING INFORMATION

Draft Board Meeting Minutes attached for Councillor information.

ATTACHMENTS

- 1 RCNSW May Board Meeting - 9 May 2024, D24/74218 [↓](#)

2.2 MAYORAL MINUTE - CNSWJO MAY BOARD REPORT

RECORD NUMBER: 2024/1243

MAYORAL MINUTE

The Chief Executive Officer and I attended the Central NSW Joint Organisation (CNSWJO) May Board meeting in Lithgow on 23 May 2024.

RECOMMENDATION

- 1 That the information contained in this Mayoral Minute be acknowledged.**
- 2 That Council note that:**
 - **Three reports will be provided to Council from CNSWJO, these being on Strategic Planning for Water Utilities, Destination Marketing for Visitation and reducing duplication from Modern Slavery regulation; and**
 - **The next meeting of the CNSWJO will be at Federal Parliament in Canberra, provide advice to CNSWJO on Council priority for advocacy into this meeting.**

Jason Hamling

MAYOR**SUPPORTING INFORMATION**

Board members were welcomed to Lithgow by Cr Maree Statham, Mayor of Lithgow City Council.

The Board welcomed Ms Jenny Aitchison, Minister for Regional Transport and Roads, to the meeting, as well as Ms Zena Bailly, Deputy Chief of Staff and Mr Alistair Lunn, Transport for NSW who accompanied the Minister.

The Minister provided an update on the direction of Regional Transport and Roads which is guided by the Strategic Regional Integrated Transport Plans (SRITPs). The SRITPs will be integral to driving future change and direct transport governmental spending and consultation regarding them will occur in the second half of this calendar year.

The Minister offered members the opportunity to ask questions both within the meeting and on a one-on-one basis. Of note from her presentation is a new corridor strategy for the Great Western Highway over the Blue Mountains being funded by the Australian Government and delivered by the NSW Government. CNSWJO will provide follow-up.

The Board also received advice from Katrina Annis-Brown from the Office of Local Government including a new website to support the upcoming Council elections at Local Government Elections - Office of Local Government NSW

Finally, Ms Gerry Collins from what is currently the Department of Regional NSW provided an update regarding changes that will come into effect from 1 July 2024 including a name change to the Department of Primary Industries and Regional Development. Members raised concerns that the funding for councils in regional NSW has dropped dramatically including recurrent programs like Resources for Regions and funding through Destination

NSW for events. This is having a significant budgetary impact on some members of the Joint Organisation.

The next meeting of CNSWJO will be followed by a day of engagement with federal representatives hosted by the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories. Council is encouraged to provide advice on matters it would like to raise with federal representatives.

Adoption of the Statement of Budget and Revenue

CNSWJO adopted its Statement of Budget and Revenue (the Statement) having put it on exhibition for 30 days. The budget includes a 3% increase in fees, below that of the IPART rate pegged rise for Councils of 4.5% - 5.5%. The Statement is available on the CNSWJO at [Statement-of-Budget-and-Revenue-2024-2025-Endorsed.pdf](#).

Submissions

The following submissions have been lodged since the last Board meeting. All have been at the request of members and/or as part of supporting the advocacy policy of the Board.

All Submissions can be viewed on the website

<https://www.centraljo.nsw.gov.au/submissions/>

- [Feedback on Draft TOR for Review of NSW Councils Financial Model](#)
- [Submission – Inquiry into Local Government to Funds Infrastructure and Services](#)
- [IPART Dam Safety NSW Levy](#)
- [Feedback on Cemeteries and Crematoria NSW Internment Services Levy](#)
- [MDB Plan V2 and buy-backs-Draft Restoring our Rivers Framework](#)
- [Alternate funding models –NSW Productivity Commission](#)

There are both state and federal inquiries regarding government financial sustainability underway. The CNSWJO submissions provide advice on both cost shifting and the extent to which poor state and federal processes, be they strategic, regulatory or funding frameworks; ultimately expend council resources in inefficient and costly ways. In the case of NSW Government Department strategy, CNSWJO has found that the development of state strategies for the region can take years, includes poorly designed consultation with local government. These processes may or may not lead to an output let alone an outcome, rarely if ever are implemented and have poor if any accountability- certainly not in place in our region.

Current examples are the more than five years of inputting into draft regional transport plans which are then dumped or five years on regional water strategies. The Transport Plan had several repetitive approaches as staff turned over/Machinery of Government changes occurred at Transport for NSW (TfNSW).

Welcoming New Councillors to the Region

With support from two first term Councillors from Blayney Shire, Crs Pryse Jones and Gosewisch, a report was received on welcoming new Councillors to the region.

The Board resolved to hold a workshop in the fourth quarter of this year that;

- a. introduces new Councillors to the Joint Organisation providing advice on the value proposition;

2.2 Mayoral Minute - CNSWJO May Board Report

- b. provides a deeper dive into one or two areas that incoming Councillors would benefit from for example Code of Conduct and Code of Meeting Practice; and
- c. seeks advice on other support incoming Councillors might like including an informal network.

Proforma reports coming to Council

Council will be receiving three reports in the near future from the Joint Organisation (JO).

This first is on the current status of tourism services delivered by the JO and their value. Where CNSWJO was successful in advocating for a Destination Network for this region, this entity is not allowed to undertake marketing. It is important that Council understands where its funding for destination marketing though the JO is going and the value it is accruing as well as the changing service levels for the visitor economy from regional peak organisations.

The second will be on the transition Local Water Utility Strategic Planning into Integrated Planning and Reporting was initiated following recommendations from various pilot studies conducted by the CNSWJO and the Department of Climate Change, Environment, Energy and Water (DCCEEW) through the Town Water Risk Reduction Program (TWRRP)- phase one.

Further exploration of this process was recommended by the independent evaluation of the TWRRP but not picked up by DCCEEW in round two of the TWRRP. What was picked up was a recommendation to further explore legislative gaps by the DCCEEW in regulating local water utilities (LWU). The risk here is that the DCCEEW develop a duplicative and resource and cost intensive regulatory framework for LWU strategic planning where council's already have an existing framework- IP&R regulated by the Office of Local Government.

The opportunity is for the CNSWJO Water Utilities Alliance and other councils to demonstrate that this integration of strategic planning is a solution to challenges that the state agency is having in managing their own approvals through their Regulatory and Assurance Framework for LWU introduced on 1 July 2022. CNSWJO has developed a toolkit for members with funding from the Office of Local Government and this will be an attachment to the proforma report.

A previous Auditor General's Report was scathing about NSW Government support for water utilities <https://www.audit.nsw.gov.au/our-work/reports/support-for-regional-town-water-infrastructure> and its management of its regulatory framework. There is a significant risk that the previous poor practice of this agency will resurface. This includes being unable to resource its regulatory role and will ultimately lead to greater workloads for Councils, poor funding outcomes and a repeat of the advice from the Auditor General. Resolve from Council supporting the use of IP&R enabled by the toolkit developed by CNSWJO will be sought in the report coming to Council.

The third report will be provided on Modern Slavery. Goal posts continue to change for Council as it seeks to navigate the ongoing guidance and regulation. General Managers of the region expressed concern at the challenges as identified in the Case Study above and are seeking to minimise duplication between the regional effort and what Council is doing locally.

Water

The water report provided an update on progress on three operational and strategic projects under Priority Six: Regional Water Security and Productive Water as identified in the Water Utilities Alliance Strategic Plan:

- Regional Water Loss Management Centres Project;
- Transitioning Local Water Utility Strategic Planning into Integrated Planning and Reporting; and
- Regional Asset Management Assessments.

It sought Board endorsement of the Toolkit with support funding from the Office of Local Government designed to assist councils to transition local water utility strategic planning into the Integrated Planning and Reporting framework. Support to formally present the Toolkit to the Department of Climate Change, Energy, the Environment-Water and to approach the NSW Water Directorate to set up a practitioner group of interested councils from across the state to raise the profile of using the existing Integrated Planning and Reporting framework for local water utility strategic planning is also sought.

Advice was provided on work under the Water Loss Management project funded by the NSW Government to provide a framework for the economic analysis of the value of water conservation for the inland regional NSW context. This is critically important work as the value of urban water has been broadly overlooked in the prioritisation process for Regional Water Strategies as they make the assumption that no community will run out of water and so the benefit of avoiding the costs of running out of water have not been included.

Planning continues with Charles Sturt University for a Productive Water Policy Lab this year. All Councillors should have received a place holder for 30/31 July in their calendars. The Board resolved to ask Phil Donato, Member for Orange, to organise a round table with state and federal representation to progress advocacy on water for the region.

Disaster Risk Reduction Program

Disaster has varying priority across the region where with climate change there will be more severe storms and longer hotter droughts. Flooding and bushfire have been identified as the two significant disaster challenges for the communities of Central NSW. For some members of CNSWJO the impacts of disasters have been top of mind. For all councils the funding framework for disasters and the challenges of inundated road networks is ongoing.

Using the advocacy strength of eight JOs working together, CNSWJO is seeking to derive systemic change and local outcomes through its collaborative approach to the Disaster Risk Reduction Fund.

The Disaster Risk Reduction Fund (DRRF) is jointly funded by the Australian and New South Wales governments. Round One project is near completions and has;

- provided Councils with a needs analysis on disaster risk reduction;
- provided advice to the JO on how Councils can be supported with gaps and optimisation going forward;
- delivered workshops across the region simulating disasters;
- developed a toolkit for embedment in IP&R that recognises that Councils have variable priority for disaster risk preparedness based on their risks; and

- built a network across regional NSW including with State agencies that is seeking to
 - have one source of truth for spatial data owned and administered by the NSW Government through Spatial NSW;
 - improve outcomes for councils in the funding frameworks;
 - systemize response and recovery to offer communities and Council greater certainty during disaster.

Participants in workshops creating the Disaster Risk Reduction IP&R framework identified the necessity of a Regional IP&R Group. This group intends to convene quarterly, comprising council staff and other stakeholders to provide guidance, share information, and oversee the integration of various programs. Its role is to foster collaboration between councils and the state government, aligning with ISO 55000 asset management standards. The Board agreed to establish this group.

A funding application for Round 2 has been lodged to continue this program.

Energy

There is a substantial amount of activity being undertaken to address the energy priority of the CNSWJO. Current work includes;

- delivering the cross Joint Organisation Net Zero Accelerator (JONZA) program, funded by the NSW DCCEEW's Sustainable Councils program to deliver net zero outcomes to member councils;
- leading the Southern Lights program [Southern Lights - Central Joint Organisation \(nsw.gov.au\)](https://www.southernlights.nsw.gov.au) where the most recent work has been participating in the Australian Energy Regulator program negotiating better pricing for Councils for street lighting; and
- progressing the implementation Business Case for the Nexus Between Energy Security and Emissions, funded under the Regional NSW Business Case and Strategy Development Fund.

Councils have provided advice that they are interested in doing more about waste emissions. The JO is investigating opportunities here where there is no navigable pathway obvious at present.

Meanwhile, the work across the region in EV and low emission fleet has seen growing interest from member Councils. The very successful EV showcase coordinate by the JO in Parkes in October 2023 will be repeated next calendar year – even bigger and better where there has been an offer to bring low emission buses to the region. All Councillors will be welcomed and an invitation will be provided in due course.

Case Study – Modern Slavery Legislation – how an under resourced State entity drives costs up for Local Government and their suppliers

Everyone supports the idea of fighting modern slavery through better supply chains. How should this be implemented?

As it stands, councils must manage the modern slavery risks of their supply chains including international businesses. Every council, every supply chain. Councils must report their compliance in a Formal Annual Report to the Auditor General, annually online with the Anti-Slavery Commission and as from 1 July, 2024 Online Reporting to the Anti-Slavery

2.2 Mayoral Minute - CNSWJO May Board Report

Commission for all contracts arising from any high risk procurement with a value of \$150K within 45 days from the date of contract.

Suppliers deemed high risk must be surveyed. Surveys alone are not enough, councils must also demonstrate due diligence and show what they are doing to reduce the risks including following up non respondents and offering them support in lowering their risks. All suppliers must be informed of their ratings. The total list of suppliers for Bathurst Regional Council is approximately 4,000, with over 100 currently rated as high risk. The estimate for the CNSWJO region's members is 14,600, with a lot of overlap.

Meanwhile the advice on the Federal Attorney General's website is that though they have a Register for Modern Slavery they do not check the veracity of the advice therein. Checking become councils' job. The Commissioner suggests that this could include contacting business directly – hopefully councils have staff fluent in the languages of those countries viewed as high risk.

To be compliant there are 14 questions on Modern Slavery in every procurement activity the CNSWJO undertakes. Every supplier responding to Requests for Quotation and Tender must respond to these questions. The Commissioner's guidance is suggesting these questions should be weighted between 5-10%. This competes with other criteria like safety, capability, quality, environmental, pricing and supporting local providers.

CNSWJO is undertaking this work collaboratively to try and reduce duplication both for suppliers and councils and can report that suppliers are furious.

With the change of government and the changes to Regional NSW including funding streams, a rethink of the implementation Business Case for the Nexus Between Energy Security and Emission is needed including buy-in from Essential Energy and NSW Government agencies. CNSWJO staff have begun this work and advice will be provided in due course.

Advice from members

There is an opportunity for members to provide advice on matters of regional interest. Council is welcome to formally raise matters with the JO at any time including seeking grant funding and submission support.

Matters raised by members at the meeting were:

- Oberon – Forestry Corporation has announced the proponents for the wind towers to be built in region;
- Blayney – Western Regional Academy of Sport is amalgamating back of house administration with other academies. An update will be provided to members in due course; and
- Lithgow – the price of fuel – advice will be provided in the next Transport Report to the Board.

Value to Council

80% of CNSWJO resources are dedicated to providing its operational support program. This program delivers a return on investments of 9.4:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

2.2 Mayoral Minute - CNSWJO May Board Report

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 9.4:1 ROI.

However, this value is reported quarterly to the Board. Please go to the CNSWJO website to review past Board agendas at:

<https://www.centraljo.nsw.gov.au/business-papers-agendas/> or to review last year's Annual Statement please go to https://www.centraljo.nsw.gov.au/content/uploads/Annual-Performance-Statement-2023_Final.pdf

Grant funded projects for the 2022/2023 year were:

- The Joint Organisation Net Zero Acceleration Program;
- Disaster Risk Reduction Fund program;
- Bridge Assessments;
- Come Out We're Open flood recovery program
- A Business Case for Priority Investment in the Nexus between Net Zero and Energy Security;
- A Regional Centre of Excellence in Water Loss Management;
- Transitioning Integrated Water Cycle Management Plans to Integrated Planning and Reporting; and
- A Spare Capacity in Housing Project.

Most of these are being finalised this year or are ongoing. Further applications have been made for programs under the auspices of the Board – please request advice on their status.

This value is delivered primarily by the various operational teams across the region including the CNSWJO;

- General Managers' Advisory Committee
- Water Utilities' Alliance
- Transport Technical Committee
- Tourism Managers Group
- Planners' Group
- Human Resources Managers Group
- WHS/Risk Management Group
- Training, Learning and Development Group
- Net Zero Group
- Regional IT Group
- Building Surveyors Skills Shortages Working Group
- Disaster Risk Reduction Steering Committee

- Fleet Managers Group (new!)
- Integrated Planning and Reporting Group (new!)

Conclusion

The CNSWJO continues to deliver very good value to Council. Please contact the Executive Officer, Ms Jenny Bennett for more information.

ATTACHMENTS

- 1 Draft Minutes of the Lithgow Board Meeting 23 May 2024, D24/74315 [↓](#)

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 16 July 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 16 July 2024.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 16 July 2024

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 if 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.

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

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

Services - Chaired by Cr Melanie McDonell

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - COMMUNITY SURVEY

RECORD NUMBER: 2024/1252

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 6 August 2024:

MOTION

That the results of the Community Engagement Survey conducted in August and September 2023 be publicly released by mid-August to allow for the findings to be considered as part of the upcoming election process.

BACKGROUND

The Central NSW joint organisation via Woolcott research and engagement conducted research in August and September 2023. This included both fieldwork and interviews as well as online surveys. Council was briefed on the results 8th of December last year. Some of the findings were quite interesting, I particularly found relevant the priorities that community members nominated as being the most important issues or infrastructure items for them.

We have been asked to not disseminate findings whilst a strategy for release was established. However, we are now approaching a year since the research was conducted and I feel the priorities should inform candidates running for Council election.

Why would we conduct this costly research otherwise? I have privately asked for guidance on when we can release and discuss these findings over the past few months but want to draw this to the attention of my Council colleagues as well given we are approaching the end of our term.

Signed Cr Steven Peterson

STAFF COMMENT

Considering the below directions in relation to election material and the timeline included in the handbook for the State of the City Report the intention was to publish the survey results as part of the State of the City Report which will be tabled before the new Council.

FINANCIAL/RESOURCING IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Council officials must not use Council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised, and proper payment is made where appropriate.

In the 40 days preceding the election, Councils need to consider whether their publications could amount to an "electoral matter".

4.1 Notice of Motion - Community Survey

Council publications that promote the achievements of the Council may potentially fall within the definition of “electoral matter”.

Section 356 of the Local Government (General) Regulation 2021 provides that:

Electoral material means anything, including without limitation a how-to-vote card, poster or advertisement, containing electoral matter (whether in a tangible or an electronic form).

Electoral Matter means—

(a) any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election, or

(b) the name of a candidate at any election, the name of the party of any such candidate, the name or address of the committee rooms of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.

Additionally, the Integrated Planning & Reporting Handbook for Local Councils in NSW contains the following:

The State of our City Report should be presented to the second meeting of a newly elected council for noting. The report will cover the 4-year term of the previous council and will objectively track council’s progress against the Community Strategic Plan (CSP). The report will provide information that sets the scene for the new council and may include achievements to date and highlight future work to be undertaken. The report should assist the new council to undertake a review of the CSP, which is an essential component of IP&R cycle.

4.2 NOTICE OF MOTION - CONFERENCE REPORT - 2024 FLOODPLAIN MANAGEMENT AUSTRALIA

RECORD NUMBER: 2024/1288

I, **CR GLENN FLOYD** wish to move the following Notice of Motion at the Council Meeting of 6 August 2024:

MOTION

That Council note the Conference report and continue its support with Floodplain Management Australia.

BACKGROUND

The 2024 Floodplain Management Australia (FMA) Conference was held at Brisbane Convention & Exhibition Centre from 21 – 24 May 2024. Council sent Cr Floyd, Council's Manager of Engineering Services and Strategic Design and Planning Engineer as delegates.

The FMA Conference has been held annually for over 60 years and is the most respected flood risk management event held in Australia.

The theme of the Conference was Floods in a Changing Climate, which focused on keeping flood risk management a high priority when seasonal forecasts are for below average rainfall, and flooding patterns change as the climate warms.

The Conference was for anyone interested in making our communities more flood safe. It brought together over 400 flood professionals and community members with interests in flood risk management. Attendees included Commonwealth, State and Local Government representatives, research organisations and education providers as well as consultants, engineers, land-use planners, emergency responders and community volunteer organisations.

The Conference program included outstanding Australian and International speakers, plenary and concurrent presentations, a Local Government Councillors' session, field trips addressing floodplain issues in Brisbane and surrounding areas, as well as great networking events. Some of the conference themes included,

- Emergency Preparedness, response and recovery;
- Flood case studies;
- Modelling and flood data;
- Managing growth and land use planning;
- Flood policy and best practice;
- Flood prediction;
- Flood case studies;
- Social sciences, human behaviour and communications;
- Environmental aspects; and
- Infrastructure projects & asset management.

I personally attended:

Day 1

- Official Opening Ceremony, Welcome to Country, Opening Address from The Hon Nikki Boyd MP, QLD Minister for Fire and Disaster Recovery / Corrective Services.
- Emergency Preparedness, Response and Recovery.
- NSW State Disaster Mitigation Plan. Buy back of properties.
- Ex-Tropical Cyclone Gabrielle, flood hazard characterisation. Hawkes Bay NZ.
- Combining and amplifying outcomes from FRMPs (flow risk management plans).
- Forecasting and community awareness.

Dam Field Trips:

- Enoggera Dam:
Built 1866, oldest dam in the Brisbane area. Catchment area of 33 sq Kms. capacity 4262ml. Rock based and cement dam on a heavy clay soil, wall raised in 1976. Has a spillway, so is not a regulated dam. Classed as a recreational dam with swimming and kayaking allowed. popular training spot for the Brisbane Bronco NRL team.
- Wivenhoe Dam:
Build started in 1976 and finished in 1984. catchment area of 7920 sq Kms. Services most of SE QLD. Capacity 4.140 million ml. Holds twice the capacity of Sydney harbour. Hydro introduced in 2003, 500MV. 5 x gates, regulated dam. Rock and earth filled dam standing 23mtrs high. Recreational dam with fishing, kayaking and swimming allowed.

Day 2

- Know your flood risk. Flood community resilience.
- Changes in flood plain management in NSW.
- Keeping flood funding from drying out.
- Improving support for flood effected areas.
- Empowering community led resilience. Disaster recovery in Wiseman's Ferry NSW.
- Where do you draw the line. Engineering judgement in flood extent delineation.
- Conference Poster Presentations.
- Conference Dinner and Australian IAG Excellence Awards, Plaza Terrace Room, BCEC.

Much was learnt by all delegates and it is recommended to continue the support of Floodplain Management Australia.

Signed Cr Glenn Floyd

4.3 NOTICE OF MOTION - ORANGE RAIL ACTION GROUP (ORAG)

RECORD NUMBER: 2024/1330

I, **CR FRANCES KINGHORNE** wish to move the following Notice of Motion at the Council Meeting of 6 August 2024:

MOTION

That Council resolves:

- 1 To note the attached report from the Orange Rail Action Group.**
- 2 To continue to support the Orange Rail Action Group in its endeavours to achieve improved passenger rail services between Orange and Sydney.**

BACKGROUND

Attached letter from the Orange Rail Action Group.

Signed Cr Frances Kinghorne

FINANCIAL/RESOURCING IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

ATTACHMENTS

- 1 Orange Rail Action Group - Report to Orange City Council - July 2024, D24/79309 [↓](#)

4.4 NOTICE OF MOTION - SISTER CITY - PATNA, BIHAR INDIA

RECORD NUMBER: 2024/1358

I, **CR JEFF WHITTON** wish to move the following Notice of Motion at the Council Meeting of 6 August 2024:

MOTION

That the Sister City Community Committee consider commencing a Sister City Relationship with Patna, Bihar India.

BACKGROUND

Recently I visited Delhi at the invitation of the Honourable Chirag Paswan, Minister for Food Processing.

The Minister is keen to further strengthen trade relationships with Australia, and especially in regional areas.

The Minister's home state is Bihar, home city Patna, and during our discussions, I mentioned the opportunity of Orange and Patna instigating a relationship through the sister city program.

Signed Cr Jeff Whitton

OVERVIEW

Patna historically known as Pataliputra, is the capital and largest city of the state of Bihar in India. According to the United Nations, as of 2018, Patna had a population of 2.35 million, making it the 19th largest city in India. Covering 250 square kilometres and over 2.5 million people, its urban agglomeration is the 15th largest in India.

The Buddhist, Hindu and Jain pilgrimage centres of Vaishali, Rajgir, Nalanda, Bodh Gaya and Pawapuri are nearby and Patna City is a sacred city for Sikhs as the tenth Sikh Guru, Guru Gobind Singh was born here. The modern city of Patna is mainly on the southern bank of the river Ganges. (Wikipedia - <https://en.wikipedia.org/wiki/Patna>)

4.4 Notice of Motion - Sister City - Patna, Bihar India



STAFF COMMENT

Additional resources would be required and taken from the overall Sister City program. This may dilute activity on existing Sister City activities. Consideration could be given to ceasing a less productive existing relationship.

FINANCIAL/RESOURCING IMPLICATIONS

Budget for Sister Cities activity is not proposed to be increased, therefore additional costs would need to be funded from other Sister City projects.

POLICY AND GOVERNANCE IMPLICATIONS

No policy or governance concerns have been identified. The Sister City relationship would follow the precedent of other Sister City arrangements.

5 GENERAL REPORTS

5.1 PROVISION OF EXPENSES AND FACILITIES TO COUNCILLORS - FINANCIAL YEAR REPORT

RECORD NUMBER: 2024/1097

AUTHOR: Catherine Davis, Executive Support Manager

EXECUTIVE SUMMARY

As per Strategic Policy ST03 *Councillors – Payment of Expenses and Provision of Facilities* a detailed report on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Meeting every six months and published in full on Council's website. This report is to include expenditure summarised by individual Councillor and as a total for all Councillors. This report will cover figures for the last financial year 01 July 2023 – 30 June 2024 to be as up to date as possible.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.1. Provide representative, responsible and accountable community governance".

FINANCIAL IMPLICATIONS

The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Orange City Council and as such all expenses and facilities are budgeted for annually.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the report on the Provision of Expenses and Facilities to Councillors be noted.

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

The below figures incorporate the following:

- monthly telephone charges
- attendance at Professional Development courses
- attendance at conferences
- attendance at meetings/functions/council business, separate to conferences
- corporate uniform expenses
- information and communication technology expenses

Please note Councillor monthly allowances are not required to be reported here.

5.1 Provision of Expenses and Facilities to Councillors - Financial Year Report

Please note all figures are exclusive of GST and rounded to the nearest dollar.

Period is full financial year 1 July 2023 – 30 June 2024:

Phone = fees associated with phone plans which are unlimited SMS and calls @\$18 per month, for those that took up Council phone/Sim, those Councillors who use their own personal phones are given a \$40 per month allowance to cover Council business undertaken on their device.

Ipad = fees associated with data sim card with a data pool @ \$19 per month on tablet-like devices.

Councillor	\$	Total per Councillor
Cr Jason Hamling (Mayor)		
Phone	432	
Ipad	228	
Clothing & Safety	35	
Training/Development	Nil	
Conference/Seminars	6187	
Meetings/Functions/Council Business	8650	
Childcare	Nil	
Information & Communication Tech	Nil	\$15,532
Cr Gerald Power (Deputy Mayor)		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	3707	
Meetings/Functions/Council Business	2638	
Childcare	Nil	
Information & Communication Tech	Nil	\$7,957
Cr Kevin Duffy		
Phone	447	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	4312	
Meetings/Functions/Council Business	2163	
Childcare	Nil	
Information & Communication Tech	Nil	\$7,150
Cr Tony Mileto		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	

5.1 Provision of Expenses and Facilities to Councillors - Financial Year Report

Conference/Seminars	243	
Meetings/Functions/Council Business	69	
Childcare	Nil	
Information & Communication Tech	Nil	\$756

Cr Steven Peterson		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	Nil	
Meetings/Functions/Council Business	Nil	
Childcare	Nil	
Information & Communication Tech	Nil	\$444

Cr Glenn Floyd		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	420	
Conference/Seminars	1432	
Meetings/Functions/Council Business	Nil	
Childcare	Nil	
Information & Communication Tech	Nil	\$2,296

Cr Tammy Greenhalgh		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	420	
Conference/Seminars	5263	
Meetings/Functions/Council Business	217	
Childcare	Nil	
Information & Communication Tech	Nil	\$6,344

Cr David Mallard		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	3899	
Meetings/Functions/Council Business	138	
Childcare	Nil	
Information & Communication Tech	Nil	\$4,481

5.1 Provision of Expenses and Facilities to Councillors - Financial Year Report

Cr Melanie McDonell		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	199	
Conference/Seminars	6820	
Meetings/Functions/Council Business	110	
Childcare Expenses	444	
Information & Communication Tech	Nil	\$8,017
Cr Jack Evans		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	1108	
Meetings/Functions/Council Business	248	
Childcare	Nil	
Information & Communication Tech	Nil	\$1,800
Cr Frances Kinghorne		
Phone	216	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	Nil	
Meetings/Functions/Council Business	Nil	
Childcare	Nil	
Information & Communication Tech	Nil	\$444
Cr Jeff Whitton		
Phone	444	
Ipad	228	
Clothing & Safety	Nil	
Training/Development	Nil	
Conference/Seminars	2146	
Meetings/Functions/Council Business	Nil	
Childcare	Nil	
Information & Communication Tech	Nil	\$2,818
Total of Provision of Facilities and Expenses for Councillors during this period		\$58,039

**5.2 CARETAKER PERIOD & DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER 4
SEPTEMBER 2024 - 4 NOVEMBER 2024**

RECORD NUMBER: 2024/1249

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

The Local Government Elections are scheduled to be held on 14 September 2024. In accordance with the Local Government (General) Regulation, the caretaker period is the 4 weeks preceding an Ordinary Election, in this case commencing 16 August 2024.

Under the Local Government Act 1993, all current Councillors (except the Mayor) cease to hold their civic office on election day 14 September 2024. This means that Council will be without a governing body from 14 September 2024 until the declaration of the election and swearing in of the new Council. This report seeks Council's delegation to the Chief Executive Officer to exercise the functions of Council as required in period between the last meeting of the Council on 3 September 2024 and the first meeting of Council which is currently scheduled for 5 November 2024.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.1. Provide representative, responsible and accountable community governance".

FINANCIAL IMPLICATIONS

1% of Council's 2023/2024 revenue from rates is \$378,633.01.

POLICY AND GOVERNANCE IMPLICATIONS

Under Section 377 of the Local Government Act 1993 Council may, by resolution, delegate to the CEO any delegable function under this Act.

RECOMMENDATION

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 4 September 2024 through to the first meeting of the new Council currently scheduled for 5 November 2024.**

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

Councils are expected to assume a “caretaker” role during election periods to ensure that major decisions are not made which would limit the actions of an incoming Council.

Councils, General Managers (CEO) and other delegates of Councils (other than a joint regional planning panel, a local planning panel or the Central Sydney Planning Committee) must not exercise the following functions during the caretaker period:

- Entering into any contract or undertaking involving an expenditure or receipt by the Council of an amount equal to or greater than \$150,000 or 1% of the Council’s revenue from rates in the preceding financial year (whichever is the larger)
- Determining a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period
- Appointing or reappointing the Council’s General Manager (CEO) (except for temporary appointments).

In certain circumstances, these functions may be exercised with the approval of the Minister.

Key points:

- “Controversial development application” means a development application for designated development under section 4.10 of the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions during community consultation.
- The caretaker period for the September 2024 Local Government Elections commences on Friday 16 August 2024 and ends on Saturday 14 September 2024.

As outlined by the Local Government (General) Regulation 2021 at section 393B:

Exercise of council functions during caretaker period

- a) *entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council’s revenue from rates in the preceding financial year (whichever is the larger),*
 - b) *determining a controversial development application, except where—*
 - I. *a failure to make such a determination would give rise to a deemed refusal under the Environmental Planning and Assessment Act 1979, section 8.11(1), or*
 - II. *such a deemed refusal arose before the commencement of the caretaker period,*
 - (c) *the appointment or reappointment of a person as the council’s general manager (or the removal of a person from that position), other than—*
 - I. *an appointment of a person to act as general manager under section 336(1) of the Act, or*
 - II. *a temporary appointment of a person as general manager under section 351(1) of the Act.*
- (2) *Despite subsection (1), such a function may be exercised in a particular case with the consent of the Minister.*

All Councillor positions become vacant on the date of the next election, 14 September 2024. The Mayor remains Mayor until the successor is declared to be elected to Office.

The NSW Electoral Commission have provided information noting that a declaration of the election may not be made until mid-October 2024. The first meeting of the new Council is currently scheduled for 5 November 2024.

It has been recommended by the Office of Local Government that Councils ensure appropriate delegations are in place for Chief Executive Officers/General Managers to be able to exercise the functions of the Council as required in this period between election day and the first meeting of the Council following the election.

For the information of Councillors, Section 377(1) of the Local Government Act 1993 states that the following functions are NOT able to be delegated to the Chief Executive Officer:

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—
- a) the appointment of a general manager,
 - b) the making of a rate,
 - c) a determination under section 549 as to the levying of a rate,
 - d) the making of a charge,
 - e) the fixing of a fee,
 - f) the borrowing of money,
 - g) the voting of money for expenditure on its works, services or operations,
 - h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - j) the adoption of an operational plan under section 405,
 - k) the adoption of a financial statement included in an annual financial report,
 - l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),
 - p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - t) this power of delegation,

u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—

- a) the financial assistance is part of a specified program, and*
- b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

5.3 PLAN OF MANAGEMENT SPRING CREEK RESERVOIR TO PERMIT RECREATIONAL FISHING - POST EXHIBITION

RECORD NUMBER: 2024/923

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

This report seeks to adopt the revised Plan of Management – Spring Creek Reservoir.

The Plan of Management for Spring Creek Reservoir was placed on Public Exhibition from 16 May 2024 to 14 June 2024. There were seven public submissions received and one internal submission.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.1. Develop and maintain parks and open spaces within the city, that meet the needs of the community”.

FINANCIAL IMPLICATIONS

The initiative will require some light infrastructure in the form of work and signage at the entrance area and along the eastern banks together with some operational funding to police the initiative.

POLICY AND GOVERNANCE IMPLICATIONS

The Plan of Management has been exhibited for at least 28 days.

RECOMMENDATION

That the updated Plan Of Management – Spring Creek Dam be adopted to permit recreational fishing.

FURTHER CONSIDERATIONS

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

Image and Reputation	Positive tourism/economic impacts
Environmental	Wildlife and wildlife habitat management, introduction of weeds or exotic plants, introduction of exotic animals, foreshore erosion, litter and heightened risk of bushfires.
Health and Safety	Legal and public liability, water quality health risks to users
Stakeholders	Orange residents, local biodiversity interest groups, external/regional users (including sporting clubs), Federal and State Government Approvals Authorities/Regulators
Service/Project Delivery	Legal and public liability, water quality health risks to users
Financial	Minor capital cost, ranger and water staff patrols required.

5.3 Plan of Management Spring Creek Reservoir to Permit Recreational Fishing - Post Exhibition

SUPPORTING INFORMATION

The revised Plan of Management for Spring Creek Reservoir was placed on Public Exhibition from 16 May 2024 to 14 June 2024. Six public submissions were received and one internal submission was also made.

No.	Position	Key Arguments	Summary Comment
1	Objection	<ul style="list-style-type: none"> • Damage has occurred at the wetlands from fishing • Fishing line and tackle regularly removed from wetlands 	Allowing fishing will be a repeat of fishing in the Ploughmans wetlands that caused fishing in non-permissible areas, vandalism, damage to reeds and rubbish left behind.
2	Objection	<ul style="list-style-type: none"> • Objection based on possible habitat destruction. 	Spring Creek is habitat to many waterbirds and woodland birds including threatened species such as blue-billed ducks, freckled ducks and more. 5 species are named in total.
3	Objection	<ul style="list-style-type: none"> • Fishing activities will degrade the banks • There are 10 bird species observed at the site that are gazetted as threatened 	Around 160 bird species recorded in precinct and at least ten of these are threatened bird species.
4	Objection	<ul style="list-style-type: none"> • Damage has occurred at the wetlands from fishing • Breeding populations recorded at the site • Concerned with use of the term "Stage 1" 	There are already places available in Orange to fish other than Spring Creek Dam. The dam is a haven for waterfowl, particularly in times of drought.
5	Objection	<ul style="list-style-type: none"> • Observations carried out over a number of years by Dr Jill Campbell and Dr Cilla Kinross • Damage has occurred at the wetlands from fishing 	Water from Spring Creek Dam is required for water supply. Council obliged to protect biodiversity and ecological values of the wetland.
6	Objection	<ul style="list-style-type: none"> • Lists six objections to fishing • Discusses threatened species of bird observed at the site • Damage has occurred at the wetlands from fishing 	The submission lists the objects found in the other 5 submissions.

5.3 Plan of Management Spring Creek Reservoir to Permit Recreational Fishing - Post Exhibition

There appear to be four common themes to the objections:

- The site is important habitat for threatened and non-threatened bird species
- People that fish are in the minority of the population
- Damage has occurred at the wetlands from fishing
- People will fish between the gate and the area permitted for fishing

There is no argument with the idea that the site is important habitat for threatened and non-threatened bird species. Based on the report by Beard and Goldney (2000) the proposal for lure and fly fishing is based outside of sensitive habitat areas. This is to protect the habitat for birds to use for feeding and breeding.

One of the arguments from objectors is that the number of people that go fishing is in the minority. One in 5 Australian adults are estimated to participate in fishing each year¹. While it is technically a minority, it is a very sizeable minority and one of the largest recreational activities in Australia.

The wetlands has no doubt sustained some damage from fishing. From the comments in the submissions it is obvious that the fishing at the wetlands is bait fishing as there are hooks and lines left there. The purpose of lure and fly fishing is to remove the likelihood of discarded line and hooks as the lure and fly style of fishing and associated tackle is different to the bait style of fishing.

In respect to fishing between the gate and the proposed fishing zone, there are only two spots in that area that are not blocked out by foliage. However, the shallow water and the thick weed bed make fishing at these sites both impractical and pointless.

DIRECTOR TECHNICAL SERVICES COMMENT

Spring Creek Dam is one of two licensed water supply dams and previous reports to Council have lobbied to not allow public recreation on the licensed water supply dams. However, Spring Creek Dam is a secondary supply and in Business As Usual operations is not used directly for town water supply.

As such, I support the amendment of the Plan of Management to allow shore based fly and lure fishing at Spring Creek Dam.

During the last drought, Council successfully secured funding to construct a pump and pipe between Spring Creek Dam and Icely Road Water Filtration Plant. This infrastructure eliminates the Water Losses experienced with releases to Summerhill Creek to Suma Park Dam. It was specifically sized to meet peak water demand during Winter and/or Summer with severe water restrictions. As such, Spring Creek Dam is not operated as a primary water supply dam, and if it was to be, activities that potentially pose a public health risk could be minimised with a temporary closure to recreational use.

This is important as NSW Health applies a risk based assessment on the catchment and dam operations when considering requirements for potable water treatment. Orange City Council allows some controlled public access to Spring Creek Dam and has planning controls within the LEP to control development within the catchment. This, together with our advanced water treatment, that includes Activated Carbon Filters and Ozone Treatment, minimises public health risks. We have heard that NSW Health has reassessed the risk rating

5.3 Plan of Management Spring Creek Reservoir to Permit Recreational Fishing - Post Exhibition

of a number of water utilities and asked for UV sterilisation on top of the standard chlorine disinfection.

Therefore, on the basis that Business As Usual Water Supply is from Suma Park Dam, then limited access rules for shore based fishing in Spring Creek Dam is supported together with closures at times when we are directly accessing Spring Creek Dam for Water Supply.

1. <https://www.agriculture.gov.au/abares/news/national-survey-shows-significant-benefits-of-recreational-fishing#:~:text=%E2%80%9CA%20total%20of%204.2%20million%20or%20one%20in,has%20remained%20relatively%20stable%20overall%2C%E2%80%9D%20Dr%20Greenville%20said>

ATTACHMENTS

- 1 FOR ADOPTION - Plan of Management - Spring Creek Reservoir, D24/51226 [↓](#)
- 2 Submission 1 - Spring Creek Dam PoM (redacted), IC24/18300 [↓](#)
- 3 Submission 2 - Spring Creek Dam PoM (redacted), IC24/18301 [↓](#)
- 4 Submission 3 - Spring Creek Dam PoM (redacted), IC24/18302 [↓](#)
- 5 Submission 4 - Spring Creek Dam PoM (redacted), IC24/18310 [↓](#)
- 6 Submission 5 - Spring Creek Dam PoM (redacted), IC24/18315 [↓](#)
- 7 Submission 6 - Spring Creek Dam PoM (redacted), IC24/18318 [↓](#)

5.4 STRATEGIC POLICY REVIEW - BANNERS - POST EXHIBITION

RECORD NUMBER: 2024/928

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents Strategic Policy ST36 - Banners for adoption. The Policy has been on public exhibition from 19 June to 19 June 2024. With no submissions received, it is now recommended that the policy and its associated fee structure be adopted.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

The Strategic Policy will require public exhibition for 28 days prior to adoption.

RECOMMENDATION

That Council adopts Strategic Policy ST36 – Banners, the accompanying Banner Guide and its associated updated 2024/2025 Fees and Charges:

Name	Year 23/24 (incl GST)	Year 24/25			Statutory	GST
		Fee (excl GST)	GST	Fee		
Zone 1 – Hill to Anson	N/A	\$474.10	\$0.00	\$474.10	N	N
Zone 2 – Anson to Peisley	N/A	\$474.10	\$0.00	\$474.10	N	N
Zone 3 – Anson Street	\$339.60	\$355.55	\$0.00	\$355.55	N	N
Zone 4 – McNamara Street Carpark	N/A	\$825.55	\$0.00	\$825.55	N	N

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

ST36 – Banners

Reference	Update
General	<ul style="list-style-type: none"> • Re-written policy. • Consolidation of Summer Street Zones from 4 to 2 Zones in Summer Street. • Creation of McNamara Street Carpark Zone 4

5.4 Strategic Policy Review - Banners - Post Exhibition

	<ul style="list-style-type: none"> • New Zones: Zone 1 – Hill to Anson Zone 2 – Anson to Peisley Zone 3 – Anson Street Zone 4 – McNamara Street • Removal of Reference to use of the Mayors Balcony.
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Fees	<p>The following Fees were exhibited as part of the 2024/2025 Fees & Charges:</p> <p>Private Works - Erection of Banners</p> <p>Minimum erection of 1 zone</p> <table border="1"> <thead> <tr> <th rowspan="2">Name</th> <th rowspan="2">Year 23/24 Last YR Fee (incl. GST)</th> <th colspan="3">Year 24/25</th> <th rowspan="2">Statutory</th> <th rowspan="2">GST</th> </tr> <tr> <th>Fee (excl. GST)</th> <th>GST</th> <th>Fee (incl. GST)</th> </tr> </thead> <tbody> <tr> <td>1 zone – maximum 8 banners</td> <td>\$339.60</td> <td>\$355.55</td> <td>\$0.00</td> <td>\$355.55</td> <td>N</td> <td>N</td> </tr> <tr> <td>2 zones – maximum 16 banners</td> <td>\$452.80</td> <td>\$474.10</td> <td>\$0.00</td> <td>\$474.10</td> <td>N</td> <td>N</td> </tr> <tr> <td>3 zones – maximum 24 banners</td> <td>\$566.00</td> <td>\$592.60</td> <td>\$0.00</td> <td>\$592.60</td> <td>N</td> <td>N</td> </tr> <tr> <td>4 zones – maximum 32 banners</td> <td>\$679.15</td> <td>\$711.05</td> <td>\$0.00</td> <td>\$711.05</td> <td>N</td> <td>N</td> </tr> <tr> <td>5 zones – maximum 40 banners</td> <td>\$792.40</td> <td>\$829.65</td> <td>\$0.00</td> <td>\$829.65</td> <td>N</td> <td>N</td> </tr> </tbody> </table> <p>The following fee structure is recommended to support the Policy Changes and will be exhibited with the policy:</p> <table border="1"> <thead> <tr> <th rowspan="2">Name</th> <th rowspan="2">Year 23/24 (incl GST)</th> <th colspan="3">Year 24/25</th> <th rowspan="2">Statutory</th> <th rowspan="2">GST</th> </tr> <tr> <th>Fee (excl GST)</th> <th>GST</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>Zone 1 – Hill to Anson</td> <td>N/A</td> <td>\$474.10</td> <td>\$0.00</td> <td>\$474.10</td> <td>N</td> <td>N</td> </tr> <tr> <td>Zone 2 – Anson to Peisley</td> <td>N/A</td> <td>\$474.10</td> <td>\$0.00</td> <td>\$474.10</td> <td>N</td> <td>N</td> </tr> <tr> <td>Zone 3 – Anson Street</td> <td>\$339.60</td> <td>\$355.55</td> <td>\$0.00</td> <td>\$355.55</td> <td>N</td> <td>N</td> </tr> <tr> <td>Zone 4 – McNamara Street Carpark</td> <td>N/A</td> <td>\$825.55</td> <td>\$0.00</td> <td>\$825.55</td> <td>N</td> <td>N</td> </tr> </tbody> </table> <p>Note: The difference in costing for McNamara Street Carpark relates to the requirement for a lift to access the banner structures.</p>	Name	Year 23/24 Last YR Fee (incl. GST)	Year 24/25			Statutory	GST	Fee (excl. GST)	GST	Fee (incl. GST)	1 zone – maximum 8 banners	\$339.60	\$355.55	\$0.00	\$355.55	N	N	2 zones – maximum 16 banners	\$452.80	\$474.10	\$0.00	\$474.10	N	N	3 zones – maximum 24 banners	\$566.00	\$592.60	\$0.00	\$592.60	N	N	4 zones – maximum 32 banners	\$679.15	\$711.05	\$0.00	\$711.05	N	N	5 zones – maximum 40 banners	\$792.40	\$829.65	\$0.00	\$829.65	N	N	Name	Year 23/24 (incl GST)	Year 24/25			Statutory	GST	Fee (excl GST)	GST	Fee	Zone 1 – Hill to Anson	N/A	\$474.10	\$0.00	\$474.10	N	N	Zone 2 – Anson to Peisley	N/A	\$474.10	\$0.00	\$474.10	N	N	Zone 3 – Anson Street	\$339.60	\$355.55	\$0.00	\$355.55	N	N	Zone 4 – McNamara Street Carpark	N/A	\$825.55	\$0.00	\$825.55	N	N
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ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST36 - Banners, [D24/60903](#)
- 2 FOR ADOPTION - Strategic Policy - ST36 - Street Banner Guide, [D24/60905](#)

5.5 STRATEGIC POLICY REVIEW

RECORD NUMBER: 2024/1236

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents Strategic Policy ST08 – Fraud & Corruption Prevention which has been reviewed and now recommended for placement on public exhibition for a period of 28 days.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

The Strategic Policy requires public exhibition for 28 days prior to adoption. The Policy was endorsed by Council’s ARIC at its meeting on 26 June 2024.

RECOMMENDATION

That Council resolves to place Strategic Policy ST08 – Fraud & Corruption Prevention on public exhibition for a minimum period of 28 days.

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

ST08 – Fraud & Corruption Prevention

Reference	Update
General	<ul style="list-style-type: none"> • Re-written policy. • Policy includes model elements from the NSW Audit Office, Independent Commission Against Corruption and Australian Standard for Fraud & Corruption Control AS8001:2021. • The Policy was endorsed by Council’s ARIC at its 26 June 2024 meeting. • The accompanying Operational Plan is pending approval by the CEO following the exhibition period and adoption of this policy.

ATTACHMENTS

- 1 FOR EXHIBITION - Strategic Policy - ST08 - Fraud and Corruption Prevention, D24/51393 [↓](#)

5.6 UPDATE ON OUTSTANDING AND COMPLETED RESOLUTIONS OF COUNCIL INCLUDING QUESTIONS TAKEN ON NOTICE, MATTERS ARISING AND NOTICES OF MOTION

RECORD NUMBER: 2024/973

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

A list of updates on outstanding resolutions, questions taken on notice, matters arising and notices of motion is provided together for the information of Council. Only matters requiring action to be taken are noted in this report, including outstanding items from the previous Council term. A report is also provided to Council on those Actions completed since the report was last provided to Council. After items are reported in the Completed Actions Report, items are removed from this listing, however, are available for administrative purposes.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the information provided in the report on Outstanding and Completed Resolutions, Questions Taken on Notice, Matters Arising and Notices of Motion be acknowledged.

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

Attached is a listing of tasks requiring action or follow up by Council staff. This list identifies progress on decisions of Council, including Notices of Motion, Questions Taken on Notice and Matters Arising. Upon completion, items will be noted as such and removed after production to Council.

ATTACHMENTS

- 1 Outstanding Actions Report as at 30 July 2024, D24/80672 [↓](#)
- 2 Completed Actions Report 15 November 2023 to 30 July 2024, D24/80785 [↓](#)

5.7 GEOGRAPHICAL NAMING BOARD REJECTS NAME - SOUTHERN DISTRIBUTOR ROAD

RECORD NUMBER: 2024/1276

AUTHOR: Jason Theakstone, Manager Engineering Services

EXECUTIVE SUMMARY

This report serves to advise Council of the Geographical Names Board (GNB) rejecting "Southern Distributor Road" as a name for the Southern Feeder Road.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "10.1. Construct and maintain a road network that meets the community's transport and infrastructure needs".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the report on the Geographical Naming Board rejecting name Southern Distributor Road be acknowledged.

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

Council, at its meeting held on 21 May 2024 resolved to *"Rename the Southern Feeder Road to Southern Distributor Road upon construction completion and that the Southern Distributor Road be submitted to the Geographical Names Board"*.

The GNB have rejected the Southern Distributor Road as a name based on Section 6.7.8 of the GNB Addressing Policy as it includes "Southern" as part of its name. Section 6.7.8 of the policy is shown in Figure A below for Council's benefit.

Council staff have appealed the rejection on the basis that:

- 1 The people of Orange already know the said road as the "Southern Feeder Road". The change to the Southern Distributor Road is a minor name change that has been resolved by Council;
- 2 The road forms the southern part of the Orange orbital road with the northern part of the orbital road named the Northern Distributor Road;
- 3 There is Sunny South Crescent, North Street and West Street all in Orange, as there are in other Towns/Cities; and
- 4 Orange is divided into North, South, East and West Orange as suburbs.

GNB have since upheld the rejection of the name.

Council's only options are to:

1. Ask the NSW Roads Minister to name the road the "Southern Distributor Road"; or
2. Rename the road to something in accordance with the applicable guidelines

6.7.8 Suffixes, Prefixes and Directional Indicators

A road name shall not include qualifying terminology, a cardinal indicator or a similar prefix (e.g. Upper, lower, Old, New, East, West) unless the road name is derived from the name of a geographical feature (or existing on ground feature near the location of the road) that includes it.

A directional or similar device shall not be used as a suffix to uniquely define road extremities e.g. *Boundary Road East* and *Boundary Road West*.

Origin to destination names, such as *Bathurst-Oberon Road* shall not be used. It is too easy for such names to be confusing as there are too many aliases. Further to this, road name signs for origin-destination names can create confusion when the respective names are opposite in direction to the actual location of the places as indicate by their order on the sign e.g. *Bathurst Road*, *Oberon Road*, *Oberon-Bathurst Road*.

Figure A

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 Minutes of the Audit Risk and Improvement Committee Meeting 26 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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 Resolution of Minor Property Matters - Phillip 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 (b) the personal hardship of any resident or ratepayer and (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 Entering into Contracts for Dam Surveillance and Inspections

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 Tender F4256 - Head Design Consultancy - Orange Sports Precinct

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 Tender F3676-5 - The Orange Ultimate Flood Modification Scheme - Feasibility and Design Project

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 Easement Adjustment through Lot 68 DP 756899

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 Submission Redaction Report 6 August 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 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 26 JUNE 2024

RECORD NUMBER: 2024/925

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 RESOLUTION OF MINOR PROPERTY MATTERS - PHILLIP STREET

RECORD NUMBER: 2024/1184

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 (b) the personal hardship of any resident or ratepayer and (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 ENTERING INTO CONTRACTS FOR DAM SURVEILLANCE AND INSPECTIONS

RECORD NUMBER: 2024/1267

AUTHOR: Joshua Barnes, Water and Sewer Engineer

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.

6.4 TENDER F4256 - HEAD DESIGN CONSULTANCY - ORANGE SPORTS PRECINCT

RECORD NUMBER: 2024/1324

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural 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.

**6.5 TENDER F3676-5 - THE ORANGE ULTIMATE FLOOD MODIFICATION SCHEME -
FEASIBILITY AND DESIGN PROJECT**

RECORD NUMBER: 2024/1328

AUTHOR: Jason Theakstone, Manager Engineering 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.

6.6 EASEMENT ADJUSTMENT THROUGH LOT 68 DP 756899

RECORD NUMBER: 2024/1368

AUTHOR: John Boyd, Operations Manager

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.

6.7 SUBMISSION REDACTION REPORT 6 AUGUST 2024

RECORD NUMBER: 2023/2301

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