



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**20 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, 20 August 2024** commencing at **6:30 PM**.

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.

### **1.5 OPENING PRAYER**

### **COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM**

### **COUNCIL MEETING RESUMES**

## **2 MAYORAL MINUTES**

Nil

## **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 6 August 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 6 August 2024.

### **ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 6 August 2024

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# ORANGE CITY COUNCIL

MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 6 AUGUST 2024

COMMENCING AT 6:30PM

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### 1 INTRODUCTION

#### ATTENDANCE

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

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

#### 1.1 APOLOGIES

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Nil.

<b>RESOLVED - 24/322</b>	<b>Cr T Greenhalgh/Cr D Mallard</b>
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That Cr F Kinghorne & Cr K Duffy be permitted to attend the Council Meeting of Orange City Council on 6 August 2024 via Audio Visual Link.

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

Against: Nil

Absent: Nil

#### 1.2 LIVESTREAMING AND RECORDING

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

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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The Mayor conducted an Acknowledgement of Country.

**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 PDC Item 2.5 Development Application DA 516/2024(1) - 258 Clergate Road as the applicant is a customer of his business.

Cr Evans declared a Non-Significant Non-Pecuniary Interest in EEDPC Item 2.1 Minutes of the Economic Development Community Committee 3 July 2024 as he is a member of Business Orange.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.5 Development Application DA 516/2024(1) - 258 Clergate Road as the applicant is a sponsor of Bloomfield Junior Rugby League Club.

Cr Kinghorne declared Significant Pecuniary Interests in PDC Items 2.2 Development Application DA 557/2024(1) – 20 Shiralee Road, 2.3 Development Application DA 370/2023(1) – 54 Stevenson Way, 2.5 Development Application DA 516/2024(1) - 258 Clergate Road, 2.6 Development Application DA 270/2022(1) – 260 Clergate Road and 2.8 Planning Proposal to Amend Orange LEP 2011 – Amendment 42 –168 Shiralee Road as her husband’s consultancy company has undertaken work on these sites.

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.7 Development Application DA 532/2024(1) – 11 Cameron Place as she owns property adjacent to this development.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in FPC Item 2.2(4) Small Donations – Requests for Donations, Am I Next as the event organiser is a candidate on his election ticket.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.3 Development Application DA 370/2023(1) – 54 Stevenson Way as he resides nearby.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.1 Items Approved Under Delegated Authority of Council as OCTEC has an application noted in this report where he is board member.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in PDC Item 2.1 Items Approved Under Delegated Authority of Council as OCTEC has an application noted in this report where he is board member.

**RESOLVED - 24/323****Cr M McDonell/Cr J Evans**

That the following Late Item be permitted to be considered at the Council Meeting of 6 August 2024:

5.8 – Greening Orange – Our Urban Forest Strategy – Post Exhibition.

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: Cr K Duffy

Absent: Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.34PM

**CCL Item 5.3 - Plan of Management Spring Creek Reservoir to Permit Recreational Fishing – Post Exhibition**

- Rodney Tonkin – OJAS
- Neil Jones – Ploughmans Wetlands Care Group

**CCL Item 4.3 - Notice of Motion – Orange Rail Action Group (ORAG)**

- Neil Jones – Orange Rail Action Group (ORAG)

**PDC Item 2.4 – Development Application DA 230/2022 (1) – 33 Maramba Road**

- Neil Jones – Environmentally Concerned Citizens of Orange
- Rory Nott – Orange Asset Holdings Pty Ltd

**CCL Item 5.7 – Geographical Naming Board Rejects Name – Southern Distributor Road**

- Gemma Dwyer

**PDC Item 2.3 – Development Application DA 370/2023(1) – 54 Stevenson Way**

- Brian Hutchinson

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.01PM

## 2 MAYORAL MINUTES

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

TRIM REFERENCE: 2024/1237

**RESOLVED - 24/324**

**Cr G Floyd/Cr S Peterson**

That the information contained in this Mayoral Minute be acknowledged.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr 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: Nil

**2.2 MAYORAL MINUTE - CNSWJO MAY BOARD REPORT**

TRIM REFERENCE: 2024/1243

**RESOLVED - 24/325****Cr D Mallard/Cr M McDonell**

- 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.

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

Against: Nil

Absent: Nil

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****RESOLVED - 24/326****Cr J Whitton/Cr T Greenhalgh**

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 record of the proceedings of the Council meeting held on 16 July 2024.

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

Against: Nil

Absent: Nil

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.04PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.45PM**



**RESOLVED - 24/377**

**Cr J Hamling/Cr G Floyd**

That item 5.3 Plan of Management Spring Creek Reservoir to Permit Recreational Fishing – Post Exhibition and item 5.7 Geographical Naming Board Rejects Name – Southern Distributor Road be moved forward in the agenda to be heard and determined.

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2024/923

**MOTION**

**Cr S Peterson/Cr J Whitton**

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

**AMENDMENT**

**Cr T Mileto/Cr M McDonell**

That the updated Plan Of Management – Spring Creek Dam be adopted to permit recreational fishing for an interim 12 month period then reviewed after this period.

For: Cr J Evans, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power

Against: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr S Peterson, Cr J Whitton

Absent: Nil

Casting Vote: Against – Cr J Hamling

**THE AMENDMENT ON BEING PUT WAS TIED. THE CHAIRPERSON (MAYOR) USED A CASTING VOTE TO VOTE AGAINST THE AMENDMENT. THE AMENDMENT WAS LOST.**

**THE MOTION ON BEING PUT WAS CARRIED.**

**RESOLVED - 24/378**

**Cr S Peterson/Cr J Whitton**

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

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

Against: Cr D Mallard

Absent: Nil

**5.7 GEOGRAPHICAL NAMING BOARD REJECTS NAME - SOUTHERN DISTRIBUTOR ROAD**

TRIM REFERENCE: 2024/1276

**RESOLVED - 24/379****Cr J Hamling/Cr J Whitton**

That the report on the Geographical Naming Board rejecting name Southern Distributor Road be acknowledged and that Council write to the Geographical Naming Board seeking Brabham Way as the road name.

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

Against: Nil

Absent: Nil

**4 NOTICES OF MOTION/NOTICES OF RESCISSION****4.1 NOTICE OF MOTION - COMMUNITY SURVEY**

TRIM REFERENCE: 2024/1252

**MOTION****Cr S Peterson/Cr J Evans**

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.

**THE MOTION ON BEING PUT WAS LOST.**

For: Cr J Evans, Cr G Floyd, Cr F Kinghorne, Cr S Peterson

Against: Cr J Hamling, Cr K Duffy, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power, Cr J Whitton

Absent: Nil

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

TRIM REFERENCE: 2024/1288

**RESOLVED - 24/380****Cr F Kinghorne/Cr J Evans**

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

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2024/1330

**RESOLVED - 24/381****Cr F Kinghorne/Cr J Evans**

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.

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2024/1358

**MOTION****Cr J Whitton/Cr K Duffy**

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

**AMENDMENT****Cr T Mileto/Cr M McDonell**

That consideration of forming a Sister City Relationship with Patna, Bihar India be deferred for consideration of the new Council in late 2024.

**THE AMENDMENT WAS WITHDRAWN.****RESOLVED - 24/382****Cr J Whitton/Cr K Duffy**

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

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

Against: Nil

Absent: Nil

**QUESTION TAKEN ON NOTICE****Cr F Kinghorne**

Cr Kinghorne asked that information be provided on the Sister City selection criteria.

## 5 GENERAL REPORTS

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

TRIM REFERENCE: 2024/1097

**RESOLVED - 24/383****Cr G Floyd/Cr M McDonell**

That the report on the Provision of Expenses and Facilities to Councillors be noted, with \$243 adjustment to Cr Mileto's expenses that was applied in error from the previous financial year.

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

Against: Nil

Absent: Nil

Cr McDonell asked when Councillor devices needed to be returned for end of term. *The Acting Director Corporate and Commercial Services advised that this would be done after the final Council Meeting on 3 September 2024.*

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

TRIM REFERENCE: 2024/1249

**RESOLVED - 24/384****Cr G Power/Cr M McDonell**

That Council resolves:

- 1 To Note the information contained in this report.
- 2 That Council resolves to delegate any permissible delegable function under the Local Government Act 1993 to the Chief Executive Officer (those delegations currently in place) for the period 4 September 2024 through to the first meeting of the new Council currently scheduled for 5 November 2024.

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

Against: Nil

Absent: Nil

**Item 5.3 - Plan of Management Spring Creek Reservoir to Permit Recreational Fishing - Post Exhibition - has been moved to another part of the document.**

**5.4 STRATEGIC POLICY REVIEW - BANNERS - POST EXHIBITION**

TRIM REFERENCE: 2024/928

**RESOLVED - 24/385**

**Cr M McDonell/Cr G Floyd**

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 (incl GST)	(excl 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

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

Against: Nil

Absent: Nil

**5.5 STRATEGIC POLICY REVIEW**

TRIM REFERENCE: 2024/1236

**RESOLVED - 24/386**

**Cr M McDonell/Cr D Mallard**

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

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

Against: Nil

Absent: Nil

**RESOLVED - 24/387**

**Cr J Evans/Cr G Floyd**

That the Council Meeting continue until 10.30pm, noting the time being 9.30pm and in accordance with the Code of Meeting Practice defining this to be the limit on Council Meetings.

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2024/973

**RESOLVED - 24/388****Cr D Mallard/Cr J Whitton**

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

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

Against: Nil

Absent: Nil

Cr Peterson asked for an update on the Vital Signs of Orange placemat.

*The Acting Director Corporate & Commercial Services advised this is an annual report card from the Central West Joint Organisation and that Council is also working with Regional NSW on access to a live dashboard to provide this information.*

**QUESTION TAKEN ON NOTICE****Cr G Floyd**

Cr Floyd asked for confirmation if the action of thanking Fridgys from 4 April 2024 had been completed.

**QUESTION TAKEN ON NOTICE****Cr J Evans**

Cr Evans asked for an update on the review of the Forest Road speed limit.

**Item 5.7 Geographical Naming Board Rejects Name - Southern Distributor Road - has been moved to another part of the document.**

**5.8 GREENING ORANGE - OUR URBAN FOREST STRATEGY - POST EXHIBITION**

TRIM REFERENCE: 2024/1369

**RESOLVED - 24/389****Cr M McDonell/Cr D Mallard**

That the strategic document Greening Orange – Our Urban Forest Strategy be adopted.

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

Against: Nil

Absent: Nil

*Cr Hamling thanked all Community Committee Members for their contributions to the community over the Council term.*

**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 - 24/390**

Cr T Greenhalgh/Cr G Floyd

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

**6.1 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.

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

Against: Nil

Absent: Nil

**The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 9.33pm.**

**The Mayor declared the Ordinary Meeting of Council resumed at 9.50pm.**

## **7 RESOLUTIONS FROM CLOSED MEETING**

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

### **6.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 26 JUNE 2024**

TRIM REFERENCE: 2024/925

#### **RESOLVED - 24/391**

**Cr J Whitton/Cr K Duffy**

That Council resolves:

- 1 That Council acknowledged the reports presented to the Audit, Risk & Improvement Committee at its meeting held 26 June 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 26 June 2024 be adopted, noting Cr Peterson was in attendance at this meeting.

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

Against: Nil

Absent: Nil

**6.2 RESOLUTION OF MINOR PROPERTY MATTERS - PHILLIP STREET**

TRIM REFERENCE: 2024/1184

**RESOLVED - 24/392****Cr M McDonell/Cr T Greenhalgh**

- 1 That Council approach individual property owners and negotiate a subdivision and consolidation of the residue land.
- 2 That permission be granted to the CEO to negotiate settlement.
- 3 That permission be granted for the use of the Council seal on any necessary documentation.

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

Against: Nil

Absent: Nil

**6.3 ENTERING INTO CONTRACTS FOR DAM SURVEILLANCE AND INSPECTIONS**

TRIM REFERENCE: 2024/1267

**RESOLVED - 24/393****Cr J Whitton/Cr K Duffy**

That Council resolves to:

- 1 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with the Department of Regional NSW (NSW Public Works) for Dam Surveillance and Inspections.
- 2 Grant permission to the Chief Executive Officer or nominee, to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.
- 3 Approve the Chief Executive Officer, or his nominee, to engage the Department of Regional NSW (NSW Public Works) to act as Council's specialised dam consultant to review reports and documentation and advise Council of possible dam safety risks on a case-by-case basis.

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

Against: Nil

Absent: Nil

**6.4 TENDER F4256 - HEAD DESIGN CONSULTANCY - ORANGE SPORTS PRECINCT**

TRIM REFERENCE: 2024/1324

**RESOLVED - 24/394****Cr G Floyd/Cr G Power**

That Council resolves:

- 1 That the tender by Mode Design Corp. Pty Ltd in the recommended tender amount as detailed in this report, be accepted for Contract F4256 for Orange Sports Precinct Head Design Consultancy; and
- 2 That a provision is made for contingency of 10% of the contract value.

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

Against: Nil

Absent: Nil

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

TRIM REFERENCE: 2024/1328

**RESOLVED - 24/395****Cr G Floyd/Cr G Power**

That Council resolves to:

- 1 Accept the tender from BG&E Pty Limited to the value of \$876,565 for Items 1 – 6 within the Request for Tender, subject to concurrence from the Department of Climate Change, Energy, the Environment and Waters;
- 2 Accept any of the separable portions within the funding constraints dependant on the outcome of Items 1 – 6; and
- 3 Affix the Common Seal to any contractual documents for this tender.

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

Against: Nil

Absent: Nil

**6.6 EASEMENT ADJUSTMENT THROUGH LOT 68 DP 756899**

TRIM REFERENCE: 2024/1368

**RESOLVED - 24/396****Cr D Mallard/Cr M McDonell**

That Council endorse the adjustment of the easement through Lot 68 DP 756899 to fully encompass the newly constructed watermain.

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

Against: Nil

Absent: Nil

**6.7 SUBMISSION REDACTION REPORT 6 AUGUST 2024**

TRIM REFERENCE: 2023/2301

**RESOLVED - 24/397**

**Cr T Greenhalgh/Cr M McDonell**

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

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

Against: Nil

Absent: Nil

**THE MEETING CLOSED AT 9.54PM.**

This is Page Number 16 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 6 August 2024.

**4 NOTICES OF MOTION/NOTICES OF RESCISSION**

Nil



## 5 GENERAL REPORTS

### 5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

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RECORD NUMBER: 2024/1449

AUTHOR: Janessa Constantine, Manager Corporate Governance

#### EXECUTIVE SUMMARY

Council's Policy Committees (Planning and Development Committee, Employment and Economic Development Policy Committee, Infrastructure Policy Committee, Sport and Recreation Policy Committee, Environmental Sustainability Policy Committee, Finance Policy Committee and Services Policy Committee) have delegation to determine matters before those Committees with the exception of items that impact on Council's Delivery/Operational Plan.

This report provides minutes of the Policy Committees held this month. Resolutions made by the Committees are presented for adoption or amendment by Council.

#### 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 Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 6 August 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Employment and Economic Development Policy Committee at its meeting held on 6 August 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 6 August 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 6 August 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 6 August 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 6 That the Minutes of the Services Policy Committee at its meeting held on 6 August 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 7 That the Minutes of the Finance Policy Committee at its meeting held on 6 August 2024 be and are hereby confirmed as a true and accurate record of the proceedings.

**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****Planning and Development Policy Committee**

At the Planning and Development Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

**Employment and Economic Development Policy Committee**

At the Services Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

**Infrastructure Policy Committee**

At the Infrastructure Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.



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**5.1 Recommendations and Resolutions from Policy Committees**

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**Sport and Recreation Policy Committee**

At the Sport and Recreation Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

**Environmental Sustainability Policy Committee**

At the Environmental Sustainability Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

**Services Policy Committee**

At the Services Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

**Finance Policy Committee**

At the Finance Policy Committee meeting held on 6 August 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

**ATTACHMENTS**

- 1 PDC 6 August 2024 Minutes, 2024/1386 [↓](#)
- 2 EEDPC 6 August 2024 Minutes, 2024/1387 [↓](#)
- 3 IPC 6 August 2024 Minutes, 2024/1388 [↓](#)
- 4 SRPC 6 August 2024 Minutes, 2024/1389 [↓](#)
- 5 ESPC 6 August 2024 Minutes, 2024/1390 [↓](#)
- 6 SPC 6 August 2024 Minutes, 2024/1392 [↓](#)
- 7 FPC 6 August 2024 Minutes, 2024/1391 [↓](#)

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## ORANGE CITY COUNCIL

MINUTES OF THE

### PLANNING AND DEVELOPMENT COMMITTEE

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

ON 6 AUGUST 2024

COMMENCING AT 7:04PM

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## 1 INTRODUCTION

### ATTENDANCE

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

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 Engineering Services, Governance Officer

### APOLOGIES AND LEAVE OF ABSENCE

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Nil.

<b>RESOLVED - 24/327</b>	<b>Cr T Greenhalgh/Cr D Mallard</b>
That Cr F Kinghorne & Cr K Duffy be permitted to attend the Council Meeting of Orange City Council on 6 August 2024 via Audio Visual Link.	
For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton	
Against: Nil	
Absent: Nil	

### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr Evans declared a Non-Significant Non-Pecuniary Interest in Item 2.5 Development Application DA 516/2024(1) - 258 Clergate Road as the applicant is a customer of his business.

**MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE**

**6 AUGUST 2024**

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in Item 2.5 Development Application DA 516/2024(1) - 258 Clergate Road as the applicant is a sponsor of Bloomfield Junior Rugby League Club.

Cr Kinghorne declared Significant Pecuniary Interests in Items 2.2 Development Application DA 557/2024(1) – 20 Shiralee Road, 2.3 Development Application DA 370/2023(1) – 54 Stevenson Way, 2.5 Development Application DA 516/2024(1) - 258 Clergate Road, 2.6 Development Application DA 270/2022(1) – 260 Clergate Road and 2.8 Planning Proposal to Amend Orange LEP 2011 – Amendment 42 –168 Shiralee Road as her husband’s consultancy company has undertaken work on these sites.

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in Item 2.7 Development Application DA 532/2024(1) – 11 Cameron Place as she owns property adjacent to this development.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in Item 2.3 Development Application DA 370/2023(1) – 54 Stevenson Way as he resides nearby.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in Item 2.1 Items Approved Under Delegated Authority of Council as OCTEC has an application noted in this report where he is board member.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in Item 2.1 Items Approved Under Delegated Authority of Council as OCTEC has an application noted in this report where he is board member.

**2 GENERAL REPORTS**

**2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL**

TRIM REFERENCE: 2024/1149

Cr Hamling & Cr Whitton declared Non-Significant Non-Pecuniary Interests in this Item as OCTEC has an application noted in this report and they are board members.

**RESOLVED - 24/328**

**Cr J Hamling/Cr G Power**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

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

Against: Nil

Absent: Nil

*\*Cr Kinghorne left the meeting with the time being 7.05pm\**



































































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## 5.2 REGISTER OF DISCLOSURES - INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

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RECORD NUMBER: 2024/1270

AUTHOR: Janessa Constantine, Manager Corporate Governance

### EXECUTIVE SUMMARY

This report is submitted as prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct), advising of the requirement by the Chief Executive Officer to table at a meeting of Council, the Register of Returns disclosing interests of Councillors and Designated Persons. The Register of Returns is tabled at this meeting.

### 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

Section 440AAB of the Local Government Act requires:

- (1) *The general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under the code of conduct.*
- (2) *Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code of lodgement, or if the code does not specify a day, as soon as practical after the return is lodged.*

### RECOMMENDATION

That Council resolves:

- 1 That the Register of Returns for the period 1 July 2023 – 30 June 2024 disclosing interests of Councillors and Designated Persons, as tabled, be acknowledged.**
- 2 That the Register of Returns for the period 1 July 2023 – 30 June 2024 disclosing interests of Councillors and Designated Persons be made available on Council’s website with appropriate redaction.**

### 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 Local Government Act 1993 and Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) places specific obligations on Councillors, Council Delegates, Council Staff and other people involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Generally those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the disclosure of pecuniary interests at Council and Council committee meetings. The information contained in the register of returns may be corrected or updated by submitting a fresh return at any time.

Members of the public are entitled to inspect the Register of Returns free of charge. As a requirement of Guideline 1 from the Information & Privacy Commissioner, returns will be published on the Orange City Council website with appropriate redaction.

In September 2019, the Information & Privacy Commission (IPC) issued Guideline 1, which requires Council's to proactively publish returns of interest for designated staff and Councillors on its Website unless there is an overriding public interest against disclosure, in accordance with the Government Access (Public Interest) Act 2009 (GIPA).

Below are links to the IPC Guideline as well as the OLG circular.

<https://www.ipc.nsw.gov.au/information-access-guideline-1>

<https://www.olg.nsw.gov.au/council-circulars/19-21-release-of-ipc-guideline-1-returns-of-interests/>

Council must now ensure it complies with the requirement to publish the returns on its website for the last period, however in redacted form as we believe that your personal information should be protected. Your name will remain however addresses, signatures, loan information, properties and other information we consider personal and private will be redacted. This publishing will include your recently completed return.

Returns on our website, will be located in the [Access to Information](#) area in 1 bulk document comprising Councillor & Designated Staff declarations.

Copies of the Returns will be tabled at this Council Meeting. If you wish to view your return before publishing please view the documents as tabled and if further information is required, please speak with the Manager Corporate Governance before Friday 23 August 2024 when it is anticipated they will be published.

**5.3 LGNSW 2024 ANNUAL CONFERENCE - PROPOSED MOTION(S)**

RECORD NUMBER: 2024/1337

AUTHOR: Catherine Davis, Executive Support Manager

**EXECUTIVE SUMMARY**

Councillors were invited to submit motions for consideration for the LGNSW Annual Conference to be held in Tamworth 17-19 November 2024. Those motions resolved by Council will be submitted to the LGNSW Annual Conference portal prior to the deadline of 20 October 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**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council determines the Motion(s) to submit to the LGNSW Annual Conference scheduled for 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**

The following proposed motion(s) was received:

<b>Motion – NSW Affordable Housing Ministerial Guidelines</b>	<b>Cr David Mallard</b>
<b>That Local Government NSW lobbies the NSW Government to amend the NSW Affordable Housing Ministerial Guidelines to provide a definition of affordable housing that is consistent with the NSW Housing SEPP 2021 and provides that households living in affordable housing must pay no more than 30% of their gross income in rent.</b>	
<p><b>Background:</b>  The <i>State Environmental Planning Policy (Housing) 2021</i> cl13, combined with the <i>Environmental Planning and Assessment Act 1979</i> s1.4, define “affordable housing” (aside from housing developed under the Commonwealth National Rental Affordability Scheme) as housing for very low, low and moderate income households for which the household “pays no more than 30% of the gross income in rent”. This definition aligns with the commonly-used criterion for defining housing stress as occurring when a low-income household spends more than 30% of their gross income on housing costs.</p>	

The current *NSW Affordable Housing Ministerial Guidelines 2023/24* (Guidelines; <https://www.facs.nsw.gov.au/download?file=843446>) are inconsistent with this definition provided under the state's planning laws. The Guidelines' definition of affordable housing instead states that "As a rule of thumb, housing is usually considered affordable if it costs less than 30% of gross household income" (p. 6). The Guidelines' section on ensuring affordable outcomes in setting rent says that "In general, households on very low and low incomes should not pay more than 25-30% of their gross income in rent" (p. 12) and suggests that "Greater flexibility in pricing may be applied to moderate income households" (p. 12). These Guidelines form the basis for rent-setting policies on affordable housing by many community housing providers, and they are also referenced in Landcom's *Housing Policy December 2023* (<https://www.landcom.com.au/assets/Housing-Policy-20-December-2023.pdf>).

In a submission to Orange City Council ([https://sheltersnsw.org.au/wp-content/uploads/2024/06/240614\\_DraftRedmondPlaceStrategicPolicy\\_submission.pdf](https://sheltersnsw.org.au/wp-content/uploads/2024/06/240614_DraftRedmondPlaceStrategicPolicy_submission.pdf)), Shelter NSW noted that "There is only a passing reference in the Guidelines to the Housing SEPP and EP&A Act, and nothing on the mandatory, legislated definition of "Affordable Housing" as a proportion of income in these instruments. As both these instruments are legislation, and the Guidelines are meant to support but not supplant legislation, the effect of this loose language (i.e. "should not" rather than "must not") in the Guidelines is mass confusion about when and where the legislated, income-set Affordable Housing definition applies" (p. 4).

The failure to adhere to the income-based definition of affordable housing provided in the planning legislation means that households living in that is referred to as affordable housing may nonetheless be paying more than 30% of their gross income in rent, meeting the criteria for housing stress. The Guidelines should be revised to be consistent with planning laws, to prevent the perverse outcome of "affordable housing" residents experiencing housing stress, and to ensure that affordable housing is genuinely affordable for the residents who live in those homes.

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**5.4 DESTINATION AND VISITOR ECONOMY POST CONFERENCE REPORT**

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RECORD NUMBER: 2024/1362

AUTHOR: Chris Rawlins, Manager Economic Development

**EXECUTIVE SUMMARY**

The Destination and Visitor Economy Conference, held in Wagga from 28-30 May 2024, was attended by the Mayor, Deputy Mayor, General Manager of Orange360 and 2 members of the Economic Development team. It provided valuable insights into the challenges and opportunities facing local government areas (LGAs) in enhancing their tourism sectors. The conference focused on leveraging recovery funding, community involvement, and the importance of quality over parochialism. It also highlighted significant trends in visitor behaviour and emerging markets.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “12.1. Capitalise on the character and lifestyle of Orange to remain a destination of choice”.

**FINANCIAL IMPLICATIONS**

The conference saw a substantial presence from various councils across NSW, major tourism operators and industry associations. It is recommended that Orange Council continues to send delegates in future to develop strong networks and stay abreast of trends in this important sector. Our participation highlights the region's commitment to enhancing its visitor economy by learning from best practices and innovative strategies discussed at the event.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**The Council note the Destination and Visitor Economy Post Conference Report.**

**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****KEY INSIGHTS**

The insights provided in this report are a sample of the major themes canvassed over the two day event. They are intended to provide information to Councillors on the current state and future directions of the visitor economy in NSW, highlighting the need for strategic funding, community involvement, quality focus, and sustainable practices.

**Recovery Funding as a Catalyst for Innovation**

Many successful projects, such as the Northern Rivers Rail Trail, Snowy Sculpture Trail, and Mogo Mountain Bike Park, have been funded through disaster recovery initiatives following natural disasters like floods and bushfires. This underscores the importance of leveraging external funding to drive innovation and progress in local tourism.

**Sustainability of Funding**

There is a noticeable lack of organic, sustainable funding sources for major events and projects. Many major regional festivals have highlighted the high reliance on grant funding, the difficulties in commercialising aspects of the visitor experience, and the uncertainty of future funding. This highlights the need for LGAs to develop sustainable financial models for tourism projects from the commencement of planning.

**Community Consultation and Ownership**

Successful projects are deeply rooted in community consultation and ownership. The Snowy Sculpture Trail, for instance, was designed with significant input from the community, leading to a shared trail across multiple towns rather than a single location. This approach not only built strong community support but also ensured that the project reflected the needs and desires of the local population, enhancing the overall success.

**Avoiding Parochialism**

It was presented that LGAs should avoid a “local at all costs” mentality, as prioritising quality over local contributions often yields better outcomes. The Snowy Sculpture Trail, with only one of its 26 sculptures created by a local artist, is an example of how international contributions can elevate the quality of local projects.

**Patchy Growth in NSW Visitor Economy**

The NSW visitor economy reached a record \$51 billion in 2023, growing faster than other states. However, this growth is uneven, with significant spikes in Sydney, the north coast, and the Riverina, while the Central West remained flat and the South Coast was in decline.

**Opportunity of Visiting Friends and Relatives (VFR) market**

The influence of VFR on tourism is often underestimated. Word of mouth from VFR plays a crucial role in travel decisions, highlighting the need for LGAs to engage with this segment.

**Key Trends in Travel**

Emerging trends in travel include Indigenous tourism, agritourism, storytelling, and cruising/self-drive experiences. There is a shift from product-based to experience-based tourism, where developing in-depth, multifaceted experiences in collaboration with multiple operators is key.

**India as a Growth Market**

India is poised to be a significant growth market for NSW over the next five years, presenting a valuable opportunity for targeted tourism strategies.

**Importance of Accessibility**

Tourism Australia’s involvement in Shift20, which addresses the needs of travellers with accessibility requirements, emphasises the importance of inclusive tourism practices.

Approximately 20% of travellers have some accessibility needs, which must be considered in tourism planning.

**Sustainability and Climate Consciousness**

The trend of “flight shaming” in Europe, leading to a resurgence in rail travel, and the demand for sustainable experiences (76% of global travellers) indicate a growing preference for environmentally friendly travel options. Agritourism’s success hinges on developing bookable, sustainable experiences.





**5.5 UPDATE - GRIEVING MOTHER STATUE**

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RECORD NUMBER: 2024/1404

AUTHOR: Kate Shepherd, Executive Officer

**EXECUTIVE SUMMARY**

It was resolved by Council on 5 December 2023 to partner with appropriate local organisations to investigate an initiative in establishing a Grieving Mother Statue/memorial to families.

This report provides feedback following consultation with the Orange RSL Subbranch.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1. Work in partnership with other Councils, regional organisations and State and Federal Governments”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council acknowledge the feedback received from Orange RSL Sub-Branch and resolve to not proceed with a grieving Widow/Mother Statue.**

**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**

As previously reported to Council there was little community support for the project however Council staff again engaged with the Orange RSL to determine their views on the project.

Attached is the letter from President of the Orange RSL Subbranch which does not support this project based on:

- Likely cost of project
- Inability to apply for grants due to the nature of the project; and
- Other projects that they feel are a higher priority, such as the renewal of the memorial at Newman Park.

**ATTACHMENTS**

- 1 Letter from Orange RSL Sub-Branch re: Open letter, Grieving Mother Statue, D24/83235 [↓](#)



## 5.6 STATEMENT OF INVESTMENTS - JULY 2024

TRIM REFERENCE: 2024/1406

AUTHOR: Hayley Barbetti, Chief Financial Officer

### EXECUTIVE SUMMARY

The purpose of this report is to provide a statement of Council's investments held for the period July 2024.

### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.2. Ensure financial stability and support efficient ongoing operation".

### FINANCIAL IMPLICATIONS

Nil.

### POLICY AND GOVERNANCE IMPLICATIONS

Nil.

### RECOMMENDATION

That Council resolves to:

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

### FURTHER CONSIDERATIONS

#### Risk

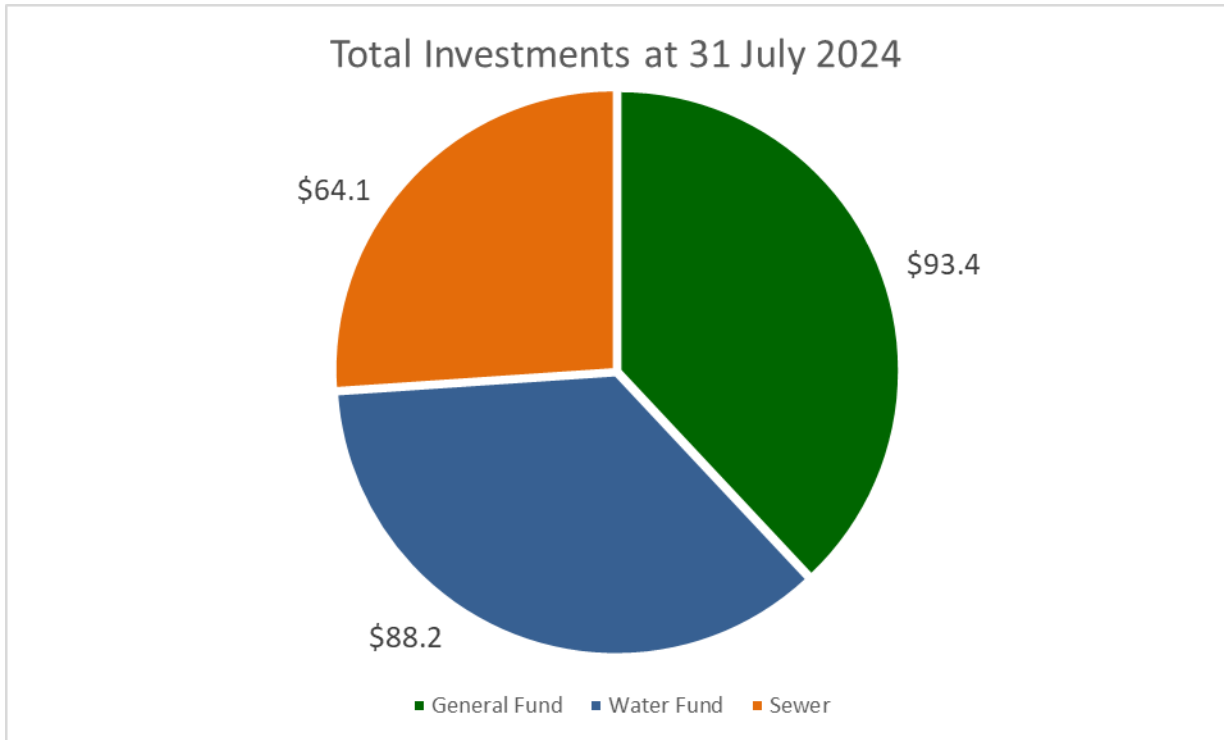
The recommendations in this report have been assessed against Council's key risk categories. No risks have been identified that would be expected to impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders or project delivery.

### SUPPORTING INFORMATION

#### Statement of investments - 31 July 2024

As at the end of July 2024, the investments held by Council in each fund is shown below:

	30/06/2024	31/07/2024
General Fund	78,682,584	93,370,331
Water Fund	95,359,105	88,175,383
Sewer Fund	68,480,661	64,071,204
<b>Total Funds</b>	<b>242,522,350</b>	<b>245,616,918</b>



**Portfolio Performance**

As at the end of July 2024, Council’s \$245.6M investment portfolio remains largely secured through fixed rate term deposits (88%), with the remaining portfolio allocated to floating rate note (4%), bonds (1%) and cash (7%).

Overall Council’s portfolio remains highly liquid and diversified with approximately 76% of assets maturing under 12 months and no exposure to the unrated ADI sector.

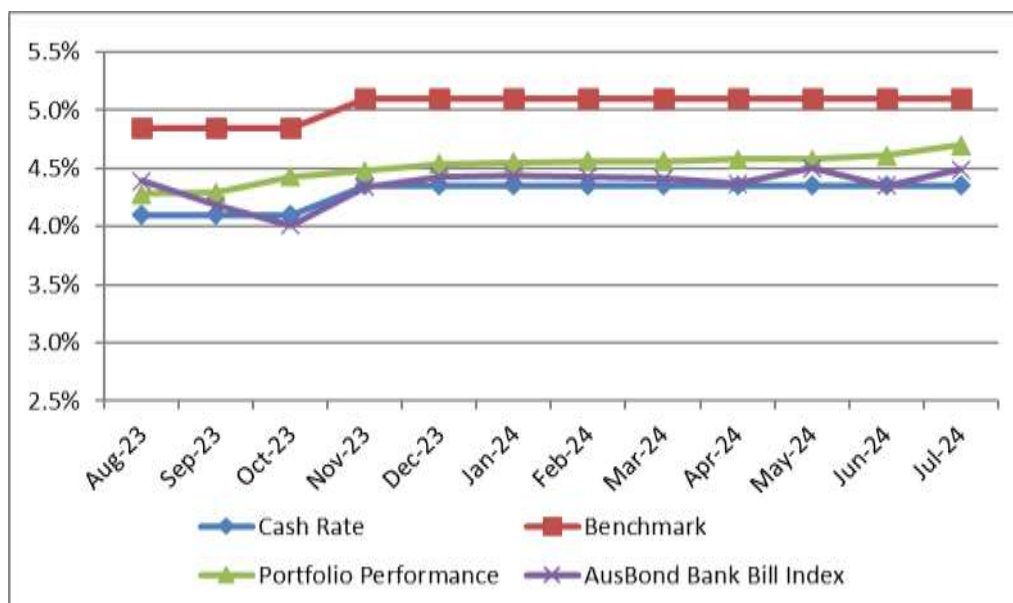
The weighted average interest rate of Council’s investment portfolio for the period ending 31 July 2024 was 4.7 percent, which is below Council’s target cash rate of 5.10 percent or 510 basis points (based on a target of 75 basis points above the cash rate for July 2024 at 4.35 percent).

Council acknowledges that it is currently not achieving its established target rate of return and will continue to monitor maturing investments to ensure these are rolled at an improved rate. Retiring investments are being monitored closely and reinvested to optimise returns in line with Council’s investment policy.

A review of the current target benchmark will be progressed as part of the broader review of Council’s Investment Policy as discussed and agreed at the 26 June 2024 Audit, Risk and Improvement Committee.

Council has also utilised the AusBond Bank Bill Index to provide a further benchmark focused on long term investments. For the period July 2024, the AusBond rate was 4.49 percent. The weighted average interest rate of Council’s investment portfolio at the same reporting date was 4.7 percent. The AusBond rate is supplied to Council by our investment consultants Arlo Advisory Pty Ltd.

5.6 Statement of Investments - July 2024



Council’s Investment Policy establishes limits in relation to the maturity terms of Council’s investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council’s investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council’s Policy.

Table 1: Maturity – term limits

Term to Maturity Allocation	Maximum	Holdings	Capacity
0 - 3 Months	100.00%	15.97%	84.03%
3 - 12 Months	100.00%	59.91%	40.09%
1 - 2 Years	70.00%	15.89%	54.11%
2 - 5 Years	50.00%	8.23%	41.77%
5+ Years	25.00%	0.00%	25.00%

Table 2 (below) shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers’ financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to having a lower chance of default. However, it is generally accepted that this lower risk will be accompanied by a lower return on investment.

The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

## 5.6 Statement of Investments - July 2024

Table 2: Credit rating limits

Credit Rating	Maximum	Holding	Remaining Capacity	Value	Return on investment
Bank Accounts	100.00%	5.38%	94.62%	13,223,767.32	4.35%
AAA	100.00%	0.41%	99.59%	997,776.00	4.50%
AA	100.00%	59.21%	40.79%	145,439,563.20	4.59%
A	60.00%	22.09%	37.91%	54,255,103.00	4.86%
BBB & NR	40.00%	12.91%	27.09%	31,700,708.00	5.15%
Below BBB	0.00%	0.00%	0.00%	0.00	0.00%

It is noted that Council still holds several lower interest rate investments with significant costs to redeem early and impacting Council's expected interest income. These investments are continuing to be monitored closely with the intention to be redeemed at maturity and reinvested into higher performing products.

**Portfolio advice**

Council utilises the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Arlo Advisory Pty Ltd. Services provided to Council currently include:

- quarterly portfolio summary reports;
- advice on investment opportunities, in particular Floating Rate Note products;
- advice on policy construction; and
- year-end market values for Floating Rate Note products held by Council.

**Certification by Responsible Accounting Officer**

*Section 212(1) of the Local Government (General) Regulation 2021* requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under *Section 625 of the Local Government Act 1993*.

I, Hayley Barbetti, hereby certify that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy.

**ATTACHMENTS**

- 1 Investments - Monthly Report July 2024, D24/85415 [↓](#)















































**6 CLOSED MEETING – NIL ITEMS**