
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 5 NOVEMBER 2024

COMMENCING AT 6:30 PM

1 INTRODUCTION

ATTENDANCE

Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton.

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Executive Support Manager, Executive Support Officer

The Mayor introduced New and Returning Councillors.

1.1 APOLOGIES

Nil.

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

1.4 OPENING PRAYER

Minister Tim Goldsmith of the Orange Evangelical Church led the Council in Prayer.

The Chief Executive Officer read information about the Oath and Affirmation of Office of Council.

1.5 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

TRIM REFERENCE: 2024/1007

The Chief executive Officer administered the oath of Office and the record is as follows:

The following Councillors took an Oath of Office:

Cr Duffy
 Cr Greenhalgh
 Cr McDonell
 Cr Peterson
 Cr Power
 Cr Whitton

The following Councillors took an Affirmation of Office:

Cr Judge
 Cr Kinghorne
 Cr Mallard
 Cr Mileto
 Cr Ruddy
 Cr Stedman

The Chief Executive Officer introduced Directors and Line Managers to the Council.

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

Cr Peterson declared a non-significant, non-pecuniary interest in Item 5.6 – Audit, Risk and Improvement Committee (ARIC) – Membership and Terms of Reference as he sits on the Board of Live Better with the ARIC Chairperson.

There was no Open Forum.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/415

Cr J Whitton/Cr T Greenhalgh

That the Minutes of the Ordinary Meeting of Orange City Council held on 3 September 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 3 September 2024.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton
 Against: Nil

Absent: Nil

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

5 GENERAL REPORTS

Item - 5.1 - Oath or Affirmation of Office by Councillors - has been moved to another part of the document – Item 1.5.

5.2 ELECTION OF DEPUTY MAYOR 2024

TRIM REFERENCE: 2024/1008

MOTION

Cr K Duffy/Cr J Whitton

That Council resolves:

- 1 To elect a Deputy Mayor for the period November 2024 to September 2025, then re-elect in September 2025 and subsequent years for a one year term.
- 2 That the method of voting for the election of Deputy Mayor be ordinary ballot.
- 3 That the Chief Executive Officer, acting as the Returning Officer, conduct the election for the Deputy Mayor.

AMENDMENT

Cr D Mallard/Cr M McDonell

That Council resolves:

- 1 To elect a Deputy Mayor for the period November 2024 to September 2026 (then re-elect in September 2026 for the remainder of the Council term).
- 2 That the method of voting for the election of Deputy Mayor be ordinary ballot.
- 3 That the Chief Executive Officer, acting as the Returning Officer, conduct the election for the Deputy Mayor.

For: Cr T Mileto (Mayor), Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman

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

Absent: Nil

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

THE MOTION ON BEING PUT WAS CARRIED.

RESOLVED - 24/416

Cr D Mallard/Cr M McDonell

That Council resolves:

- 1 To elect a Deputy Mayor for the period November 2024 to September 2026 (then re-elect in September 2026 for the remainder of the Council term).
- 2 That the method of voting for the election of Deputy Mayor be ordinary ballot.
- 3 That the Chief Executive Officer, acting as the Returning Officer, conduct the election for the Deputy Mayor.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Stedman, Cr M Ruddy,

Against: Cr K Duffy, Cr J Whitton, Cr G Judge

Absent: Nil

The Chief Executive Officer advised valid nominations had been received from:

- Cr Tammy Greenhalgh
- Cr Kevin Duffy
- Cr Steven Peterson

Each nominee addressed the meeting regarding their nomination.

The Chief Executive Officer conducted the election.

Round 1 Votes

Cr Tammy Greenhalgh	6
Cr Kevin Duffy	3
Cr Steven Peterson	3

Cr Kevin Duffy & Cr Steven Peterson were tied on the lowest number of votes.

Following the result of the first ballot Cr Kevin Duffy withdrew his nomination followed by Cr Steven Peterson withdrawing his nomination.

Cr Greenhalgh was declared by the CEO to be elected to the position of Deputy Mayor.

5.3 COUNCILLOR VACANCY - COUNTBACK METHOD

TRIM REFERENCE: 2024/1009

RESOLVED - 24/417

Cr J Whitton/Cr M McDonell

That pursuant to section 291A(1)(b) of the Local Government Act 1993, Orange City Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the Chief Executive Officer to notify the NSW Electoral Commission of the Council’s decision within 7 days of the decision.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne asked what happens with a vacancy after the 18 month time period outlined in the legislation.

The Chief Executive Officer advised that an election would probably be held. The Minister has the power under s294 of the Act to dispense with a by-election within 18 months of the next Ordinary election.

5.4 DAY, TIME AND FREQUENCY OF COUNCIL MEETINGS

TRIM REFERENCE: 2024/1010

RESOLVED - 24/418**Cr J Whitton/Cr M McDonell**

That Item 5.4 – Day, Time and Frequency of Council Meetings be heard and voted on *in seriatim*.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 24/419**Cr S Peterson/Cr M McDonell**

1 That Council hold two Ordinary Meetings of Council per month, one of which will include Policy Committees.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 24/420**Cr J Whitton/Cr T Greenhalgh**

2 That the meetings be held on the First and Third Tuesday of the month starting at 6.30pm.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 24/421**Cr D Mallard/Cr M McDonell**

3 That the Meeting planned for 19 November 2024 be changed to 20 November to allow for attendance at the LGNSW Annual Conference.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

4 THIS ITEM WAS WITHDRAWN.**RESOLVED - 24/422****Cr J Whitton/Cr S Peterson**

5 That no Meetings be planned for January each year.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 24/423**Cr J Whitton/Cr D Mallard**

6 That an Open Forum be held at each meeting.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 24/424**Cr J Whitton/Cr T Greenhalgh**

7 That an updated Code of Meeting Practice be provided to Council before placement on Public Exhibition for 28 days.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.5 MATTER APPROVED UNDER DELEGATION - NEW YEARS EVE 2024

TRIM REFERENCE: 2024/1650

RESOLVED - 24/425**Cr M McDonell/Cr G Power**

That the information contained in the Report on Matters Approved under Delegation be acknowledged.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.6 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) - MEMBERSHIP AND TERMS OF REFERENCE

TRIM REFERENCE: 2024/1089

RESOLVED - 24/426**Cr K Duffy/Cr S Peterson**

That Council resolves:

- 1 To appoint Cr Kinghorne and Cr Peterson as Non-Voting Councillors to the Audit, Risk and Improvement Committee until September 2028 unless otherwise resolved by Council.
- 2 To appoint Mr Robert Lagaida as an Independent Member and Chairperson of the Audit, Risk and Improvement Committee until September 2028 unless otherwise resolved by Council.
- 3 To appoint Mr Lewis von Stieglitz as an independent member of the Audit, Risk and Improvement Committee until September 2028 unless otherwise resolved by Council.
- 4 To appoint Mr Bill Gillooly as an independent member of the Audit, Risk and Improvement Committee until November 2025 unless otherwise resolved by Council.
- 5 To place Strategic Policy ST40 – Audit Risk & Improvement - Terms of Reference on public exhibition for a minimum of 28 days.
- 6 To place Strategic Policy ST41 – Internal Audit – Terms of Reference on public exhibition for a minimum of 28 days.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton
Against: Nil

Absent: Nil

5.7 MINING AND ENERGY RELATED COUNCILS (MERC) - COUNCILLOR REPRESENTATIVE

TRIM REFERENCE: 2024/1660

RESOLVED - 24/427**Cr J Whitton/Cr S Peterson**

That Council select Cr Duffy (and the Mayor as an alternate) as the representative for the Mining and Energy Related Councils Committee.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

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.

MOTION**Cr K Duffy/Cr F Kinghorne**

That Item 6.1 – that “Council Move Into a Closed Meeting” instead be moved to be heard in open Council.

For: Cr K Duffy, Cr G Judge

Against: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton, Cr J Stedman, Cr M Ruddy

Absent: Nil

THE MOTION ON BEING PUT TO THE MEETING LOST.**RESOLVED - 24/428****Cr D Mallard/Cr J Whitton**

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 2024 LGNSW Annual Conference - Nomination 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.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.35pm.

The Mayor declared the Ordinary Meeting of Council resumed at 7.40pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 2024 LGNSW ANNUAL CONFERENCE - NOMINATION FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2024/1309

RESOLVED - 24/429**Cr M McDonell/Cr T Greenhalgh**

That Council resolves:

- 1 To select five Councillors to attend the LGNSW Annual Conference from 17-19 November 2024.
- 2 That from those Councillors attending, Council selects 3 Councillors to be voting delegates).

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 7.42PM.

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