

ORDINARY COUNCIL MEETING

AGENDA

17 DECEMBER 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, 17 December 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

2.1 MAYORAL MINUTE - COUNTRY MAYORS ASSOCIATION ANNUAL GENERAL MEETING OF 15 NOVEMBER 2024

RECORD NUMBER: 2024/1900

MAYORAL MINUTE

I attended the Country Mayors Association Annual General Meeting in Sydney on 15 November 2024. Attached to this Mayoral Minute are the minutes from this meeting.

RECOMMENDATION

That the information contained in this Mayoral Minute be acknowledged.

Tony Mileto

MAYOR

SUPPORTING INFORMATION

The Country Mayors Association of NSW 15 November 2024 Annual General Meeting was held in the Theatrette at Parliament House, Sydney.

The Minutes of that meeting are attached for the information of Council.

ATTACHMENTS

1 CMA AGM MINUTES 15 November 2024, D24/137088

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024



Chairman: Cr Rick Firman OAM C/- Temora Shire Council, PO Box 262, Temora NSW 2666 Email:admin@nswcountrymayors.com.au

MINUTES

The ANNUAL GENERAL MEETING of the Country Mayors Association of NSW Inc was held on Friday 15 November 2024, in the Theatrette, Parliament House, Macquarie Street from 8:20am until 1pm. The meeting had a Skills and Education theme.

Acting Chairman Cr. Rick Firman OAM extended the official Welcome.

Guest Speaker;

NSW Opposition Leader & Liberal Leader, the Hon Mark Speakman MP

Opposition Leader Speakman congratulated recently elected mayors. He described the regional connectedness of the NSW Coalition Opposition.

"Our shadow skills and education ministers are regionally based."

"There's a lot of pain and frustration in the regions. Pressures including difficulties getting skilled staff are a real challenge, as are the accommodation shortages. I was recently in Cowra with Local Member Steph Cooke and the increasing water costs was a pressure on agribusiness there."

"The issue with common planning assumptions (which understate growth projections and thus, funding) was another issue in Cowra and Parkes. There are dramatic reductions in funding. Councils have to repair the roads after floods and we are determined to support them."

"Prefabricated, smaller homes is one of the alternative approaches floated that will help address the housing needs of country NSW."

Introduction of new Mayors, who were presented with CMA pins. There was also acknowledgement of those who were not re-elected and recognition for retiring Executive Board Members. Three former CMA Executive Board members were presented with plaques which acknowledged their service:

Cr. Firman again paid tribute to the work of former CMA Chairman and Mayor of Gunnedah Shire, Mr Jamie Chaffey, who was pleased to take a break from campaigning for the Federal Seat of Parkes to support the CMA. Mr Chaffey encouraged Mayors to make the most of their time as Mayors and highlighted the value of the CMA.

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

Former CMA Executive Member and Mayor of Narromine Shire Cr. Craig Davies reiterated the importance of the bio-conservation Act issue and the CMA.

Former CMA Executive Member and Mayor of Federation Council, Cr. Patrick Bourke reiterated how he valued the CMA and the relationships from it.

Attendance 150

Cr. Kevin Mack Albury City Council Mayor Frank Zaknich CEO Albury City Council Cr. Todd Redwood **Deputy Mayor** Armidale Regional Council James Roncon GM Armidale Regional Council Linda Scott Former President ALGA Cr. Robert Taylor Mayor **Bathurst Regional Council David Sherley** GM **Bathurst Regional Council** Ballina Shire Council Cr. Sharon Cadwallader Mayor Cr. Russell Fitzpatrick Mayor Bega Valley Shire Council Anthony McMahon CEO Bega Valley Shire Council Mark Griffioen GM Bellingen Shire Council Cr. Stephen Allan Mayor Bellingen Shire Council Cr. Julia Cornwell McKean Mayor Berrigan Shire Council Cr. Brian Monaghan Mayor Bland Shire Council **Grant Baker** GM Bland Shire Council Cr. Bruce Reynolds Mayor Blayney Shire Council Mark Dicker GM Blayney Shire Council Cr. Lachlan Ford **Bourke Shire Council** Mayor Leonie Brown GM **Bourke Shire Council** Cr. Jim Hickey **Deputy Mayor** Broken Hill City Council Cr. Sarah Ndiaye Mayor Byron Shire Council Mark Arnold GM Byron Shire Council Cr. Kevin Beatty Mayor Cabonne Shire Council GM Cabonne Shire Council **Bradley Byrnes** ΕO Sharon Houlihan Canberra Region JO Greg Hill GM Central Darling Shire Council Cr. Daniel Watton Cessnock City Council Mayor Cr. Ray Smith Mayor Clarence Valley Council Clarence Valley Council Laura Black GM Gary Fry Secretariat CMA Cr. Jarrod Marsden Mayor Cobar Shire Council Cr. Nikki Williams Mayor Coffs Harbour City Council Cr. David McCann Mayor Coolamon Shire Council Tony Donoghue GM Coolamon Shire Council Cr. Daniel Keady Mayor Coonamble Shire Council Paul Gallagher GM Coonamble Shire Council Dirk Wymer Acting GM Cowra Shire Council Cr. Paul Smith Mayor Cowra Shire Council **Dubbo Regional Council** Cr. Josh Black Mayor Murray Wood CEO **Dubbo Regional Council Gareth Curtis** GM **Dungog Shire Council Dungog Shire Council** Cr. Digby Rayward Mayor Gary Arnold CEO **Edward River Council**

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

Cr. Ashlovillall	Mayor	Edward Divor Council
Cr. Ashley Hall	Mayor	Edward River Council
Cr. Mathew Hatcher	Mayor	Eurobodalla Shire Council
Cr. Cheryl Cook	Mayor Council and past CMA Executive	Federation Council
Cr. Patrick Bourke	Member	Federation Council
Adrian Butler	GM	Federation Council
Cr. Phyllis Miller OAM	Mayor	Forbes Shire Council
Cr. Doug Batten	Mayor	Gilgandra Shire Council
Cr. Nicholas White	Councillor	Gilgandra Shire Council
Cr. Margot Davis	Mayor	Glen Innes Severn Council
Bernard Smith	GM	Glen Innes Severn Council
Cr. Nina Dillon	Mayor	Goulburn Mulwaree Council
Marina Hollands	Acting CEO	Goulburn Mulwaree Council
Cr. Ben Hooper	Deputy Mayor	Greater Hume Council
Evelyn Arnold	GM	Greater Hume Council
Cr. Doug Curran	Mayor	Griffith City Council
Brett Stonestreet	GM	Griffith City Council
Cr. Colleen Fuller	Mayor	Gunnedah Shire Council
Eric Groth	GM	Gunnedah Shire Council
Cr. Tiffany Galvin	Mayor	Gwydir Shire Council
Max Eastcott	GM	Gwydir Shire Council
Max EastCott	Executive Manager Economic	Gwydii Sillie Coulicit
Alison McLean	Development & Tourism	Hay Shire Council
Cr. Brian Ingram	Mayor	Hilltops Council
Anothony O'Reilly	GM	Hilltops Council
Cr. Kate Dight	Mayor	Inverell Shire Council
Brett McInnes	GM	Inverell Shire Council
Cr. Kinne Ring	Mayor	Kempsey Shire Council
Craig Milburn	GM	Kemspey Shire Council
Stephen Mitchell	Director Corporate and Commercial	Kemspey Shire Council
Cr. Cameron McDonald	Mayor	Kiama Municipal Council
Jane Stroud	CEO	Kiama Municipal Council
Cr. Danielle Mulholland	Mayor	Kyogle Council
Cr. John Medcalf OAM	Mayor	Lachlan Shire Council
Greg Tory	GM	Lachlan Shire Council
Cr. George Weston	Mayor	Leeton Shire Council
Jackie Kruger	GM	Leeton Shire Council
Cr. Steve Krieg	Mayor	Lismore City Council
John Gibbons	GM	Lismore City Council
Ross Gurney	GM	Lithgow City Council
Cr. Cass Coleman	Mayor	Lithgow City Council
Cr. Ken Cudmore	Mayor	Liverpool Plains Shire Council
Gary Murphy	GM	Liverpool Plains Shire Council
Cr. Peter Sharp	Mayor	Lockhart Shire Council
Gavin Rhodes	GM	Lockhart Shire Council
Cr. Claire Pontin	Mayor	MidCoast Council
Cr. Des Kennedy	Mayor	Mid-Western Regional Council
Brad Cam	GM	Mid-Western Regional Council
Cr. Susannah Pearse	Mayor	Moree Plains Shire Council
Kelvin Tytherleigh	GM	Moree Plains Shire Council
Sarah Ryan	Acting CEO	Murray River Council
oaran nyan	Acting OLO	Figures Miver Council

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

Cr. John Harvie Murray River Council Mayor Cr. Ruth McRae OAM Murrumbidgee Council Mayor John Scarce GM Murrumbidgee Council Cr. Jeff Drayton Mayor Muswellbrook Shire Council Derek Finnigan GM Muswellbrook Shire Council Cr Darrell Tiemens Narrabri Shire Council Mayor Eloise Chaplain GM Narrabri Shire Council Cr. Neville Kschenka Narrandera Shire Council Cr. Craig Davies Councillor and past CMA Executive Narromine Shire Council Cr. Ewen Jones Mayor Narromine Shire Council Phil Johnston Director Narromine Shire Council Jamie Chaffey Past CMA Chariman Nationals Candidate for Parkes Jonathan Malota Policy Advisor - Transport & Data NRMA Oberon Council Cr. Katie Graham **Deputy Mayor** Gary Wallace Oberon Council Erica Van Den Honert **Executive Director OLG** Sharne Colefax Manager, Council Engagement **OLG** Council Engagement Manager, North Coast and Eastern Sydney Anita Gambhir Cr. Tony Mileto Mayor Orange City Council Cr. Neil Westcott Mayor Parkes Shire Council Deputy Mayor Parkes Shire Council Cr. Marg Applebee Cr. Leah Anderson Mayor Port Stephens Council Cr. Robert Mustow Mayor Richmond Valley Council Vaughan Macdonald GM Richmond Valley Council Cr. Kenrick Winchester Mayor Queanbeyan-Palerang Regional Council Queanbeyan-Palerang Regional Council Rebecca Ryan GM Yvonne Lingua **Executive Officer RAMJO** Julie Briggs CEO outgoing **REROC** REROC Megan Mulrooney **CEO** incoming Richmond Valley Council Cr. Robert Mustow Mayor Vaughan Macdonald GM Richmond Valley Council Cr. Chris Homer Mayor Shellharbour City Council Cr. Patricia White Mayor Shoalhaven City Council James Ruprai Acting GM Shoalhaven City Council Cr. Sue Moore Mayor Singleton Council Justin Fitzpatrick-Barr GM Singleton Council Snowy Monaro Regional Council Cr. Chris Hanna Mayor Cr. Julia Ham Mayor **Snowy Valleys Council** Paul Bennett GM Tamworth Regional Council Cr. Rick Firman OAM Mayor (CMA Acting Chairman) Temora Shire Council Melissa Boxall GM Temora Shire Council Cr. Bronwyn Petrie Mayor Tenterfield Shire Council Cr. Paul Culhane Mayor Upper Lachlan Shire Council Alex Waldron CEO Upper Lachlan Shire Council **Uralla Shire Council** Cr. Robert Bell Mayor Toni Averay Uralla Shire Council GM Cr. Eric Noakes Mayor Walcha Council Megan Dixon GM Walgett Shire Council Cr. Jasen Ramien Mayor Walgett Shire Council GM Warren Shire Council Gary Woodman

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

0 0 14/1-14-1	M	M
Cr. Greg Whiteley	Mayor	Warren Shire Council
Lindsay Mason	Acting GM	Warrumbungle Shire Council
Cr. Paul Best	Mayor	Weddin Shire Council
Noreen Vu	GM	Weddin Shire Council
Ken Ross	GM	Wentowrth Shire Council
Cr. Daniel Linklater	Mayor	Wentowrth Shire Council
Cr. Jesse Fitzpatrick	Mayor	Wingecarribee Shire Council
Lisa Miscamble	GM	Wingecarribee Shire Council

Apologies

Apologies		
Adrian Panuccio	MidCoast Council	GM
Cr. Bob Callow	Junee Shire Council	Mayor
James Davis	Junee Shire Council	GM
	Cootamundra-Gundagai Regional	
Cr. Abb McAlister	Council	Mayor
Steve McGrath	Cootamundra-Gundagai Regional Council	Acting GM
Cr. Dallas Tout	Wagga	Mayor
Steve Loane OAM	Forbes Shire Council	GM
Cr. Russell Webb	Tamworth Regional Council	Mayor
Lord Mayor Tania Brown	Wollongong City Council	
Cr. Glen Neill	Bogan Shire Council	Mayor
Cr. Andrew McKibbob	Oberon Mayor	
Cr. Kathryn Rindfleish	Warrumbungle Shire Mayor	
Cr. Sam Coupland	Armidale Reginal Council Mayor	
George Cowan	Narrandera Shire	
Cr. Carol Oataway	Hay Shire Mayor	
David Waddell	Orange City Council CEO	
	Central Darling	
	Shire	
Bob Stewart	Administrator	
Phil Hood	Walcha Council GM	
Jay Nankivell	Broken Hill City Council GM	
Steve Pinnuck	Snowy Valleys Council	

Apologies moved by Snowy Monaro Regional Council Mayor Cr. Chris Hanna and seconded by Bellingen Shire Council Mayor Cr. Steve Allan.

Reports

Year in Review Acting Chairman's Report

Cr. Firman spoke of the very big year that the CMA has had. Cabonne Mayor Cr. Kevin Beattie moved and Belllingen Mayor Cr. Steve Allan seconded that the report be accepted. Unanimously endorsed.

LGNSW Report

President of LGNSW, Cr. Darriea Turley AM congratulated mayors on their election. "We are a family. LGNSW has a strong MoU with the CMA and we stand together."

Moved by Kyogle Mayor Cr. Danielle Mulholland, Mayor of Eurobodalla and Cr. Mathew Hatcher

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seconded that the report be accepted. Unanimously endorsed.

ALGA Report

Cr. Darriea Turley AM returned to the lectern as Vice-President of ALGA. Matt Burnett was elected President of ALGA unopposed. Cr. Turley encouraged participation and Ministerial contact at the ALGA conference.

Moved by Forbes Shire Council Mayor and CMA Executive Member Cr. Phillys Miller OAM and Seconded Kyogle Mayor, Cr Dannielle Mulholland. Unanimously endorsed.

Guest Speaker

Minister for Skills, TAFE & Tertiary Education, the Hon. Steve Whan MP

Minister Whan spoke of the linkages between educational institutions, training providers and industry that are being developed. "The Educational Partnerships program is doing that (linking) with Careers advisors in schools."

"Raising awareness of the options available is important. A NSW Skills Plan will be released later this year."

"Increased visibility of options at TAFE campuses has been called for, as with increased links between TAFE and communities.

1,300 apprenticeships place for LG was announced by Minister Hoenig and other initiatives are underway."

"A strong investment in skill development like fee-free courses in VET has been undertaken by the Government. This includes encouraging people to upskill in trade skills. Doing a VET course can be financially far better than a university degree and leaves someone with a lot less debt."

"Skilled Migration is also important. NSW Government does have State nominated visa programs and we are working with the Australian Government on that. The process of assessing skills can be complicated or slow. School fees will no longer be required certain visa holders and that will make NSW more attractive for skilled migrants."

"TAFE teachers will be made less casual, more permanent and we've seen 500 transition to permanency already."

Q. Cr. Sarah Ndiaye from Byron Shire: Southern Cross University is cutting the Arts – face to face creative arts is being cut out in our education institutions, including high schools.

A The previous Federal Government introduced policy that increased Arts fees and I will follow up with the Government.

My daughter is a drama teacher, so I am certainly looking into the discussion paper.

Q. Cr. Neville Kschenka (Narrandera Shire Mayor). Doctors from overseas take too long to get their skills assessed.

A. Unfortunately, that is a Federal issue and licensing in the medical sector is very complex.

Q. Cr. Robert Bell (Mayor of Uralla Shire). Speaking from the New England REZ, there is a need for training. There are great opportunities for trades with renewable energy projects. An

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

electrician gets \$70/hr in town and \$180/hr at a solar farm.

A. Our Skills Plan will hopefully incorporate that. The challenge is that a solar farm construction does not last long enough for an apprenticeship.

- Q. Cr. George Weston (Mayor of Leeton Shire). Commented on the difficulty skilled migrants have in traveling to distant TAFE courses.
- Q. Armidale Regional Council (Deputy Mayor Todd Redwood) also highlighted the New England REZ challenges.
- Q. Cr. Kinny Ring (Mayor of Kempsey Shire Council). What are you doing about key skill shortage areas?
- A. We are teaching more nursing in TAFE. RPL is difficult with skilled migrants. It often involves industry bodies, Government and it can be cumbersome. Keep an eye out for the Government's Skills Plan.
- Q. Cr. Cass Coleman (Lithgow City Council Mayor), our TAFE students have to travel to Sydney or Orange. We need trade TAFEs and we need to make them more accessible to regional communities.

A. We cannot make all trades available at all campuses but some online components does help. We are looking at how we can reduce travel demands.

Morning tea in the Fountain Court of the NSW Parliament building was a brief respite that was a welcomed chance to relax and network with peers from around the State.

AGM business

Minutes from 2023 AGM – Bega Valley Shire Council Mayor and CMA Executive Member Cr. Russell Fitzpatrick moved and Forbes Shire Council Mayor and CMA Executive Member Cr. Phillys Miller OAM seconded. Unanimously endorsed.

Correspondence - Forbes Shire Council Mayor and CMA Executive Member Cr. Phillys Miller OAM moved and Lachlan Shire Council Mayor Cr. John Medcalf OAM seconded. Unanimously endorsed.

Financials

CMA Secretary and Temora Shire GM Melissa Boxall provided a summary, given financials had been supplied.

The financials were moved by Singleton Council Mayor and CMA Executive Member Cr. Sue Moore, Seconded by Bega Valley Shire Council Mayor and CMA Executive Member Cr. Russell Fitzpatrick. Unanimously endorsed.

Appointment of Returning Officers

RECOMMENDATION: That the Acting CMA Secretary/Public Officer Ms. Melissa Boxall and Secretariat Mr. Gary Fry be appointed as returning officers for the CMA Executive Board elections.

Motion of returning officers – Mayor of Wentworth Shire Council Cr. Daniel Linklater moved the motion and CMA Executive Member Cr. Phillys Miller OAM seconded. Unanimously endorsed.

That the election be conducted by secret ballot.

Moved Cr. Phyllis Miller, seconded Cr. Sue Moore (Singleton Council).

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

Election results:

Ms. Boxall announced the following Election results for a two-year term:

Mayor of Temora Shire Council, Cr. Rick Firman OAM was endorsed as Chaiman unopposed.

Bega Valley Shire Council Mayor Cr. Russell Fitzpatrick and Armidale Regional Council Mayor Cr. Sam Coupland contested for the Deputy Chairman Position. Mayor Fitzpatrick won.

From 13 candidates, the following (7) Mayors were elected to the Executive Board of the CMA:

- Cr. Phyllis Miller OAM, Forbes Shire Council
- Cr. Sam Coupland, Armidale Regional Council
- Cr. John Medcalf OAM, Lachlan Shire Council
- Cr. Sue Moore, Singleton Council
- Cr. Josh Black, Dubbo Regional Council
- Cr. Russell Webb, Tamworth Regional Council
- Cr. Sharon Cadwallader, Ballina Shire Council

The vote was close across the Board and there were no informal votes.

The following Mayors were unsuccessful:

- Cr. Steve Allan, Bellingen Shire Council
- Cr. Chris Hanna, Snowy Monaro Regional Council
- Cr. Mathew Hatcher, Eurobodalla Shire Council
- Cr. Brian Monaghan, Bland Shire Council
- Cr. Danielle Mulholland, Kyogle Council

And Cr. Darrell Tiemens, Narrabri Shire Council

A motion was moved that should a vacancy occur in the Executive it would be filled by the candidate with the 8th highest vote count, with another vacancy occurrence going to 9th place etc. This was moved by Mayor of Bland Shire Council Cr. Brian Monaghan, seconded by Kempsey Shire Mayor Cr. Kinne Ring. Endorsed unanimously.

Forbes Shire Council Mayor and CMA Executive Member Cr. Phillys Miller OAM and Bland Shire Council Mayor Cr. Brian Monaghan seconded that ballot papers be destroyed. Unanimous.

Orange City Council Mayor Cr. Tony Mileto moved that all elected positions be accepted and Leeton Shire Mayor Cr. George Weston seconded. Endorsed unanimously.

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

Appointment of Secretariat

EXECUTIVE RECOMMENDATION: That Gary Fry, through Regional Development Australia Inland Northern NSW be re-contracted as CMA Secretariat/Executive Officer for 2025 but that the hours for the role be extended to 30 per week, with annual cost of \$80,000 ex GST for an average of 4 days per week.

Moved - Cr. Sue Moore (Mayor, Singleton Council)

Seconded - Cr. Phyllis Miller OAM (Mayor, Forbes Shire Council)

Carried unanimously.

Setting of Annual Membership Fees

EXECUTIVE RECOMMENDATION: That the CMA increase membership fees by 10%, in light of the increasing workload with advocacy to Government Inquiries. This 10% increase would result in the fees for the 2025 calendar year becoming \$1,650 for Councils with a population of 10,000 and over, and Councils with a population of less than 10,000 paying 75% of the full fee, becoming \$1,237.50, which would also be the new fee for not-for- profit Associate Membership, while for-profit Associate Membership would become \$3,300 per year.

Moved – Cr. Phyllis Miller (Mayor Forbes Shire Council) Seconded – Cr. Chris Hanna (Mayor Snowy Monaro Regional Council) Carried unanimously.

General Business:

CMA Constitution. Proposed amendments have been supplied.

RECOMMENDATION: That the proposed amendments be endorsed and that the resultant constitution for the CMA be accepted by members as the currently endorsed version (15 November 2024).

Moved – Cr. Danielle Mulholland (Mayor Kyogle Council) Seconded – Cr. John Medcalf OAM (Mayor Lachlan Shire Council) Carried unanimously.

Membership

RECOMMENDATION: That Coffs Harbour City Council be endorsed as a Member of the Country Mayors Association of NSW.

Moved - Cr. Stephen Allan (Mayor Bellingen Shire Council)

Seconded – Cr. Mathew Hatcher (Mayor Eurobodalla Shire Council)

Carried unanimously.

2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

RECOMMENDATION: That the Riverina and Murray Joint Organisation (RAMJO) be endorsed as an Associate Member of the Country Mayors Association of NSW.

Moved – Cr. Russell Fitzpatrick (Mayor Bega Valley Shire Council)

Seconded - Cr. Phyllis Miller OAM (Mayor Forbes Shire Council)

Carried unanimously.

Setting of Meeting Dates for 2025

RECOMMENDATION: That the meeting dates for 2025 be set to coincide with NSW Parliament sitting dates, as was the case in 2024 – the Friday of the first week of each parliamentary session. [It was stated that these dates would be communicated to members as soon as they are ascertained].

Moved - Cr. Kevin Mack (Mayor Albury City Council)

Seconded - Cr. Chris Hanna (Mayor Snowy Monaro Regional Council)

Carried unanimously.

Signatories.

RECOMMENDATION: That signatories from the former Chairman's Council [Gunnedah

Shire] be removed from the Country Mayors Association account and that the new

Chairman and two staff members from their Council be authorised as signatories.

Moved - Cr. Kevin Mack (Mayor Albury City Council)

Seconded - Cr. Steve Krieg (Mayor Lismore City Council)

Carried unanimously.

Hosting Non-Metropolitan Meetings in 2025

Submissions to host a non-metropolitan meeting in 2025 have been received from Orange City Council, Ballina Shire Council and Inverell Shire Council.

RECOMMENDATION: That members vote to determine if there will be one CMA member hosted meeting in 2025 or two. Further, that new CMA Executive Board assess the applications and make the selection/s and choose the optimal date.

That One CMA Regional Meeting be held in 2025.

Moved - Cr. Sue Moore (Mayor Singleton Council)

Seconded - Cr. Phyllis Miller (Mayor Forbes Shire Council)

Carried unanimously.

CMA Executive Board to determine

Moved - Cr. Kevin Mack (Mayor Albury City Council)

Seconded - Cr. Steve Krieg (Mayor Lismore City Council)

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2.1 Mayoral Minute - Country Mayors Association Annual General Meeting of 15 November 2024

Carried unanimously.

Member motions.

Mayor of Tenterfield Shire Council Cr. Bronwyn Petrie moved "That the Country Mayors Association writes to the Premier of NSW requesting an urgent ban of importation of turf product into NSW from Queensland and increased border surveillance, and b) requests of the Premiers of NSW and Queensland and the Federal government an urgent improvement in the eradication measures delivered by Biosecurity Queensland and the National Management Group governing the National Fire Ant Eradication Program."

Seconded - Mayor Stephen Allan (Mayor of Bellingen Shire Council).

Carried unanimously.

Final Guest Speaker

The **Premier, the Hon. Chris Minns MP** was originally scheduled to speak at 9:15am, he requested a change to 12:30pm days before the meeting and had to send an apology halfway through the meeting. He sent **Minister for Regional Roads and Transport, the Hon. Jenny Atchinson MP** as his representative.

Minister Atchinson spoke of the Government's current priorities, which included housing and essential workers. A focus has been on increased staffing of health professionals and Police with the Academy seeing the largest intake as a result of the introduction of paid study.

Like Minister Whan, she highlighted the \$252 million funding for cadets, apprentices and trainees across all NSW Councils – which will (it is hoped) result in an additional 1300 staff.

Three new TAFE Centres of excellence across NSW was announced.

There was also an announcement of 100 new preschools to be built near schools (with 49 in regional areas) to help improve literacy and numeracy.

Meeting closed at 12:55pm

Cr Rick Firman OAM Chairman

www.nswcountrymayors.com.au

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

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

ATTACHMENTS

1 Minutes of the Ordinary Meeting of Orange City Council held on 3 December 2024

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE
ON 3 DECEMBER 2024
COMMENCING AT 6:30 PM

1 INTRODUCTION

ATTENDANCE

Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, 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

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

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

Cr Kinghorne declared a Significant Pecuniary interest in Item 5.5 – Proposed Essential Energy Easement Through Civic Centre Carpark – Lot 100 DP1072260 as her husband's consultancy company undertakes work for Essential Energy.

Cr Whitton declared a Non-Significant Non-Pecuniary interest in item 5.6 — Responses to Questions Taken on Notice as he is on the board and the chairman of an Indian organisation related to the Sister City proposal with Patna, Bihar India.

1.5 OPENING PRAYER

There was no opening prayer.

The Mayor and Council took a moment to remember and pay tribute to respected community member Mr Fred Maw who passed away recently.

THERE WAS NO OPEN FORUM.

2 MAYORAL MINUTES

2.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING - 13 & 14 NOVEMBER 2024

TRIM REFERENCE: 2024/1749

RESOLVED - 24/482

Cr T Mileto/Cr M McDonell

That Council note the report from the Mayor on the Central NSW Joint Organisation (CNSWJO) Board meetings 13 and 14 November 2024 and seek a presentation from CNSWJO on its program including value to this Local Government Area.

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/483

Cr J Whitton/Cr T Greenhalgh

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 November 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 20 November 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

QUESTION TAKEN ON NOTICE

Cr M McDonell

Cr McDonell asked for clarification on valid attendance at Council Meetings noting Cr Duffy arrived at the last meeting at 6.31pm and left the meeting at 6.31pm.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.40PM.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.54PM.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - REVIEW OF EVENT SPONSORSHIP PROGRAM

TRIM REFERENCE: 2024/1752

RESOLVED - 24/490

Cr S Peterson/Cr F Kinghorne

1 That a report be provided detailing the different budgets and mechanisms Council uses to support events.

2 That a review of the Event Sponsorship Program budget be conducted to suggest modifications to increase the likelihood of funds being available for the duration of the financial 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 M Ruddy, Cr J Stedman, Cr J Whitton

Against: Cr G Power

Absent: Nil

QUESTION TAKEN ON NOTICE

Cr K Duffy

Cr Duffy asked how much money is currently in unrestricted reserves.

4.2 NOTICE OF MOTION - ABORTION SERVICES

TRIM REFERENCE: 2024/1753

RESOLVED - 24/491

Cr M McDonell/Cr M Ruddy

- 1 That Orange City Council urgently write to the NSW Health Minister and the NSW Minister for Women to seek urgent clarification as to the following:
 - What does Minister Park's statement on social media that the "level of abortion services previously provided at Orange Hospital will be restored and available to the community" mean exactly?
 - What review is underway into the impact of "conscientious objection" by healthcare professionals and members of the Health Executive on the availability of consistent, safe abortion services across the Orange region (hospital-based service as well as community-based such as General Practitioners and Pharmacists)?
 - What role does Minister Harrison's portfolio, as Minister for Women, play in addressing the broader systemic challenges faced by regional women in accessing healthcare, including reproductive services?
- 2 That Council also write to the NSW Health Secretary, Susan Pearce, acknowledging her apology to women unable to access abortion services and requesting that the findings of the 'mapping exercise' of abortion services across the state be incorporated into our request for clarification.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr D Mallard, Cr M McDonell, Cr S Peterson,

Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Cr K Duffy, Cr F Kinghorne

Absent: Nil

5 GENERAL REPORTS

5.1 CNSWJO BOARD MEETING & STATE PARLIAMENT VISIT - 21 & 22 AUGUST 2024

TRIM REFERENCE: 2024/1602

RESOLVED - 24/492

Cr F Kinghorne/Cr T Greenhalgh

That Council resolves:

1 To note the report from the CEO on the Central NSW Joint Organisation (CNSWJO) Board meetings 21 and 22 August 2024

- 2 To note that a welcome to new Councillors session was held in November 2024
- 3 To note the cost savings to Councils for streetlighting charges from CNSWJO's negotiation through the Australian Energy Regulator delivering an average of 16.9% across regional NSW
- 4 To note the Return on Investment from the CNSWJO for the 2023/2024 year of 8.3:1 for membership fees; and
- 5 To request a presentation from CNSWJO on its programming.

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

5.2 SUBMISSION INVITATION - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

TRIM REFERENCE: 2024/1637

RESOLVED - 24/493

Cr G Power/Cr M McDonell

That Council make a submission, to the Local Government Remuneration Tribunal on Councillors and Mayoral Remuneration for 2025/2026 requesting that remuneration for Councillors be determined outside of Council so as Councillors are not determining their own payments.

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 McDonell asked what the tribunal actually determined, was it only the fee or the way the fees were approved.

The Chief Executive officer confirmed the Tribunal sets the fees but all submissions are taken into consideration.

5.3 CODE OF CONDUCT COMPLAINT REPORTING - 1 SEPTEMBER 2023 - 31 AUGUST 2024

TRIM REFERENCE: 2024/1325

RESOLVED - 24/494

Cr J Whitton/Cr T Greenhalgh

That the report on Code of Conduct Complaint Reporting 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

Cr Kinghorne asked if there was a more robust system to triage complaints before referring to a reviewer

The Chief Executive Officer advised we do have a robust triage system, and that the process was about independent assessment.

Cr Mallard asked for clarification on one complaint that found to be a breach but no further action taken.

The Chief Executive Officer advised the subject item of the complaint was rectified soon after lodgement.

5.4 STRATEGIC POLICY REVIEWS

TRIM REFERENCE: 2024/1738

RESOLVED - 24/495

Cr D Mallard/Cr S Peterson

That Council resolves to place the following policies on public exhibition for a period of 28 days:

- ST01 Code of Conduct
- ST01.1 Procedures for the Administration of the Code of Conduct
- ST02 Code of Meeting Practice
- ST03 Councillor Payment of Expenses & Provision of Facilities
- ST04 Councillor Access to Information & Interaction with Staff
- ST05 Councillor Records Management

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 PROPOSED ESSENTIAL ENERGY EASEMENT THROUGH CIVIC CENTRE CAR PARK - LOT 100 DP 1072260

TRIM REFERENCE: 2024/1731

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company undertakes work for Essential Energy, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/496

Cr K Duffy/Cr S Peterson

- 1 That Council consent to the registration of an easement through Lot 100 DP 1072260 on the terms contained in this report.
- 2 That permission be granted to affix the Common Seal on any necessary documentation.

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

Against: Nil

Absent: Cr F Kinghorne

^{*}Cr Kinghorne left the meeting with the time being 7.22pm*

^{*}Cr Kinghorne returned to the meeting with the time being 7.23pm*

MOTION

Cr T Greenhalgh/Cr M McDonell

That parking at the Ophir Carpark be free from 4 December to 26 December 2024 inclusive.

AMENDMENT

Cr J Stedman/Cr K Duffy

That parking at Ophir Carpark be free for the months of December 2024 and January 2025.

For: Cr K Duffy, Cr G Judge, Cr D Mallard, Cr J Stedman

Against: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr F Kinghorne, Cr M McDonell, Cr S Peterson, Cr G

Power, Cr M Ruddy, Cr J Whitton

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/497

Cr T Greenhalgh/Cr J Whitton

That parking at Ophir Carpark be free from 4 December to 26 December 2024 inclusive.

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

Against: Cr F Kinghorne

Absent: Nil

5.6 RESPONSES TO QUESTIONS TAKEN ON NOTICE

TRIM REFERENCE: 2024/1754

Cr Whitton declared a Non-Significant Non-Pecuniary interest in item as he is on the board and the chairman of an Indian organisation related to the Sister City proposal with Patna, Bihar India.

RESOLVED - 24/498

Cr M McDonell/Cr G Power

That the information contained in the report on responses to Questions Taken on Notice 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

Cr McDonell asked is a meeting had been held with a potential Sister City in the Ukraine.

The Acting Director Corporate & Commercial Services advised an online meeting is scheduled for this week to continue discussions.

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 - 24/499

Cr T Greenhalgh/Cr K Duffy

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

6.1 Proposed sale 73a Hill 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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.2 Proposed sale Lots 166 and 168 Seiben Drive

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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.3 Entering into a Contract - Central NSW Joint Organisation - Asset Management of Sewer Pipes

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.

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 7.33pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.14pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 PROPOSED SALE 73A HILL STREET

TRIM REFERENCE: 2024/1729

MOTION Cr G Power/Cr M Ruddy

That Council resolves:

- 1 To proceed with the sale of 73a Hill Street on the terms contained in this report.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

AMENDMENT

Cr D Mallard/Cr M McDonell

That Council defers a decision on the proposed sale to allow a workshop for Councillors to consider alternative options for the use of this residential-zoned CBD public land to do more to address the housing affordability crisis.

For: Cr D Mallard, Cr M McDonell, Cr G Power

Against: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr S

Peterson, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Absent: Nil

AMENDMENT

THE AMENDMENT ON BEING PUT WAS LOST

Cr D Mallard/Cr M Ruddy

That Council resolves:

- 1 To proceed with the sale of 73a Hill Street on the terms contained in this report.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.
- 3 That the proceeds of the sale should not be used to contribute to funding the new Conservatorium and Planetarium project, and instead Council asks staff to prepare a report outlining options for using the funds to establish or contribute to projects that will deliver social and/or affordable housing, homelessness prevention initiatives, supported youth housing(e.g. a Youth Foyer initiative), or other outcomes that help to address the housing crisis.

For: Cr D Mallard

Against: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr M

McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/500

Cr G Power/Cr M Ruddy

That Council resolves:

- 1 To proceed with the sale of 73a Hill Street on the terms contained in this report.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

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

Against: Cr D Mallard

Absent: Nil

6.2 PROPOSED SALE LOTS 166 AND 168 SEIBEN DRIVE

TRIM REFERENCE: 2024/1741

RESOLVED - 24/501

Cr K Duffy/Cr S Peterson

That Council resolves:

1 To seek a market appraisal of 166 and 168 Seiben Drive.

- 2 To grant delegation to the Chief Executive Officer to accept any offers to purchase within a 5% range of the market appraisal/valuation.
- 3 That approval be granted for the use of the Council Seal on any necessary documentation if required.

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

Against: Cr D Mallard, Cr M McDonell, Cr M Ruddy

Absent: Nil

QUESTION TAKEN ON NOTICE

Cr D Mallard

Cr Mallard requested an update on the timeframe for the provision of the Council Land Audit to Councillors.

6.3 ENTERING INTO A CONTRACT - CENTRAL NSW JOINT ORGANISATION - ASSET MANAGEMENT OF SEWER PIPES

TRIM REFERENCE: 2024/1734

RESOLVED - 24/502

Cr J Whitton/Cr K Duffy

That Council accept and sign a contract with Interflow Pty Limited for the Asset Management of Sewer Pipes.

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 8.15PM

This is Page Number 9 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 3 December 2024.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - FINDINGS OF THE POUNDS INQUIRY IN NSW - LEGISLATIVE COUNCIL PORTFOLIO COMMITTEE NO. 8

RECORD NUMBER: 2024/1906

We, **CR DAVID MALLARD AND CR MAREA RUDDY** wish to move the following Notice of Motion at the Council Meeting of 17 December 2024:

MOTION

That Council:

- 1 Notes the report of the inquiry into Pounds in New South Wales conducted by Legislative Council Portfolio Committee No. 8, including its four findings and 24 recommendations.
- 2 Writes to the NSW Minister for Local Government urging the Government to support the recommendations of the inquiry and introduce the legislation, policies, funding and resources needed to support Councils, rehoming organisations and communities in addressing the animal rehoming crisis.

BACKGROUND

The report of the inquiry into Pounds in New South Wales was tabled on 18 October 2024 and is available at https://www.parliament.nsw.gov.au/lcdocs/inquiries/2970/Report%20No.%202%20-%20Pounds%20in%20New%20South%20Wales.pdf

During the inquiry, the Committee visited Orange City Pound and met with Cr Mallard (as Chair of the Companion Animals Community Committee) and Council staff. The high numbers of dogs and cats entering the pound that are unable to be returned to their owners, including the dumping of animals, has been a consistent ongoing concern discussed at each of the Companion Animals Community Committee's meetings during the last term of Council.

The NSW Government response to the inquiry is due to be made by 17 January 2025. This motion seeks Council's support to communicate our support for action to address the animal rehoming crisis affecting pounds, rehoming organisations and communities, before the Government delivers its response.

Signed Cr David Mallard Signed Cr Marea Ruddy

FINANCIAL/RESOURCING IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

4.2 NOTICE OF MOTION - AFFORDABLE HOUSING

RECORD NUMBER: 2024/1915

I, CR FRANCES KINGHORNE wish to move the following Notice of Motion at the Council Meeting of 17 December 2024:

MOTION

That Council contact the relevant NSW Government department(s) and request information regarding State owned land earmarked for affordable housing or otherwise currently redundant in Orange, and clarify the intentions and proposed timelines for developing these sites.

BACKGROUND

There is currently a shortage of affordable housing across Australia. It is a complex problem and successfully solving it will require all levels of government to genuinely work together. Our Council has worked hard to progress the Redmond PI site, which will provide 66 affordable homes for Orange. More are still needed. Recently the NSW Government announced that it had identified parcels of state owned land as possible sites for affordable housing. This motion seeks to clarify this situation locally. We can be a more effective part of the solution if we have all the relevant information.

Signed Cr Frances Kinghorne

FINANCIAL/RESOURCING IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

4.2 Notice of Motion - Affordable Housing

5 GENERAL REPORTS

5.1 CONFIRMATION OF THE MINUTES FROM POLICY COMMITTEES 3 DECEMBER 2024

RECORD NUMBER: 2024/1755

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council's Policy Committees (Planning and Development Committee, Environmental Sustainability Policy Committee, Finance Policy Committee, Infrastructure Policy Committee, Recreation & Culture Policy Committee, Services Policy Committee and Regional & Economic Development Policy Committee) have delegation to determine matters before those Committees.

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 3 December 2024 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Finance Policy Committee at its meeting held on 3 December 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 3 December 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 3 December 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 3 December 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 3 December 2024, all resolutions were made under delegation, and the minutes are presented for adoption.

ATTACHMENTS

- 1 PDC 3 December 2024 Minutes, 2024/1786
- 2 FPC 3 December 2024 Minutes, 2024/1842
- 3 IPC 3 December 2024 Minutes, 2024/1843

ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE
ON 3 DECEMBER 2024
COMMENCING AT 6:40 PM

1 INTRODUCTION

ATTENDANCE

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

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

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Nil.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2024/1402

RESOLVED - 24/484

Cr J Whitton/Cr T Greenhalgh

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 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 6.41PM.

ORANGE CITY COUNCIL

MINUTES OF THE

FINANCE POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE
ON 3 DECEMBER 2024
COMMENCING AT 6:41 PM

1 INTRODUCTION

ATTENDANCE

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

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

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Nil.

2 GENERAL REPORTS

2.1 FEES AND CHARGES AMENDMENTS - ORANGE AQUATIC CENTRE AND ORANGE YOUTH HUB

TRIM REFERENCE: 2024/1674

RESOLVED - 24/485

Cr G Power/Cr M Ruddy

That Council exhibit the proposed fee to hire out the inflatable obstacle course at of cost of \$200 per hour for private use and for the hire of the Orange Youth Hub at a cost of \$12.50 an hour ex GST (plus cleaning fees where applicable) for a period of at least 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

MINUTES OF FINANCE POLICY COMMITTEE

3 DECEMBER 2024

Cr Mallard asked how privately hiring out the obstacle course at the pool limits public use. The Director Community Recreation & Cultural Services advised this is considered on a case-by-case basis and is often after hours, otherwise the pool is available for public use as usual. Further he noted that the recommendation for the fee was brought before Council as there cannot be a charge unless it is an approved fee/charge.

2.2 SMALL DONATIONS - REQUESTS FOR DONATIONS

TRIM REFERENCE: 2024/1748

RESOLVED - 24/486

Cr G Power/Cr F Kinghorne

That Council donates \$2,000 to the Midstate Budgerigar Club Inc. to contribute to the costs of the prizes for the national budgerigar show.

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 6.44PM.

ORANGE CITY COUNCIL

MINUTES OF THE

INFRASTRUCTURE POLICY COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE
ON 3 DECEMBER 2024
COMMENCING AT 6:45 PM

1 INTRODUCTION

ATTENDANCE

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

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

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Nil.

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE

3 DECEMBER 2024

2 COMMITTEE MINUTES

2.1 MINUTES OF THE EXTRAORDINARY ELECTRONIC MEETING OF THE CITY OF ORANGE TRAFFIC COMMITTEE 6 SEPTEMBER 2024

TRIM REFERENCE: 2024/1705

RESOLVED - 24/487

Cr T Greenhalgh/Cr M Ruddy

- That Council acknowledge the reports presented to the City of Orange Traffic Committee at its extraordinary electronic meeting held on 6 September 2024.
- 2 That Council acknowledge Item 2.1 from the minutes of the Extraordinary Electronic City of Orange Traffic Committee meeting of 6 September 2024, approved by the Chief Executive Officer under delegated authority:
 - 2.1 Orange Cycle and Triathlon Club 2024/2025 Season
 - That Council approve the conditional approval for the Orange Cycle and Triathlon Events, 2024/2025 Season (29 September 2024, 20 October 2024, 17 November 2024, 19 January 2025, 9 February 2025, 16 March 2025).
- That Council determine recommendations 2.2 and 2.3 from the minutes of the Extraordinary Electronic City of Orange Traffic Committee meeting of 6 September 2024.
 - 2.2 Street Event 2025 Orange Running Festival
 - That the Conditional Approval for the 2025 Orange Running Festival to be held Sunday 9 March 2025 be endorsed subject to compliance with the attached conditions.
 - 2.3 Edward Street Bus Zone Proposal
 - That Council create a full time Bus Zone in front of 30-44 Edward Street, as per Figures A and B of the report, between 4am to 9am and 3pm to 8pm 7 days a week.
- That the remainder of the minutes of the City of Orange Traffic Committee from its meetings held on 6 September 2024 be adopted.

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

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE

3 DECEMBER 2024

2.2 MINUTES OF THE EXTRAORDINARY ELECTRONIC MEETING OF THE CITY OF ORANGE TRAFFIC COMMITTEE 10 OCTOBER 2024

TRIM REFERENCE: 2024/1706

RESOLVED - 24/488

Cr J Whitton/Cr S Peterson

- That Council acknowledge the reports presented to the Extraordinary Electronic City of Orange Traffic Committee at its meeting held on 10 October 2024.
- 2 That Council acknowledge Item 2.1 from the Extraordinary Electronic minutes of the City of Orange Traffic Committee meeting of 10 October 2024, approved under delegated authority by the Chief Executive Officer:
 - 2.1 Street Event 2024 Santa Parade
 - That Council approve the conditional approval for the Santa Parade event to be held on Saturday 30 November 2024.
- That the remainder of the minutes of the City of Orange Traffic Committee from its meeting held on 10 October 2024 be adopted.

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

3 GENERAL REPORTS

3.1 CURRENT WORKS

TRIM REFERENCE: 2024/1728

RESOLVED - 24/489

Cr S Peterson/Cr F Kinghorne

That the information provided in the report on Current Works 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

Cr Peterson asked about the status of request for tender.

The Director Technical Services advised that the request for tender has not gone out at this time.

Cr Mallard asked regarding the status of drainage issues at the SFR site.

The Director Technical Services advised that following rain events on last weekend, drone footage shows the drainage system is not blocked and was clear Sunday.

Cr Duffy asked as to the repair of the smashed lights along Wirrabarra Walk.

The Director Community Recreation & Cultural Services advised staff are working with the manufacturer for a more robust product. Staff will be conducting work in the coming weeks and as replacement parts arrive and maintenance will occur regularly as is done throughout the rest of the City. The mobile CCTV camera will be deployed to the area.

THE MEETING CLOSED AT 6.54PM.

Page 3

5.2 MERC ANNUAL GENERAL MEETING AND ORDINARY MEETING MINUTES - 14 NOVEMBER 2024

RECORD NUMBER: 2024/1845

AUTHOR: Catherine Davis, Executive Support Manager

EXECUTIVE SUMMARY

Cr Duffy attended the Mining & Energy Related Council Association Annual General Meeting and Original Meeting at Sydney Parliament House on 14 November 2024. Attached to this report are the minutes from these meetings.

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".

RECOMMENDATION

That the report by Executive Support Manager for the MERC AGM and Ordinary Meeting minutes be noted.

SUPPORTING INFORMATION

Minutes attached for Councillor information.

ATTACHMENTS

- 1 Minutes MERC Ordinary Meeting 14 November 2024, D24/135081
- 2 Minutes MERC Annual General Meeting 14 November 2024, D24/135080

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ORDINARY GENERAL MEETING HELD ON 14^{TH} NOVEMBER 2024, REID ROOM, NSW PARLIAMENT HOUSE, SYDNEY.

Present in person

Cr Kevin Duffy (Chair) Orange City Council Cabonne Shire Council Cr Peter Batten Cr Bruce Reynolds, Mayor Blayney Shire Council Mark Dicker, GM Blayney Shire Council Cobar Shire Council Cr Jarrod Marsden, Mayor Cr Tony Lord (Executive Committee) Bland Shire Council Cr Jim Hickey, Deputy Mayor (Executive Committee) Broken Hill City Council Cr Des Kennedy, Mayor Mid-Western Regional Council Brad Cam, GM Mid -Western Regional Council Cr Benn Banasik Wollondilly Shire Council Cr Dennis Brady (Executive Committee) Lachlan Shire Council Lachlan Shire Council Patrick Ruetties, Director Env & Planning Warren Shire Council Cr Bob McKay Gary Woodman Warren Shire Council Cr Josh Black, Mayor **Dubbo City Regional Council** Murray Wood, GM **Dubbo City Regional Council** Cr Jasen Ramien, Mayor Walgett Shire Council Cr Scott Bailey (Executive Committee) Walgett Shire Council Walgett Shire Council Megan Dixon, GM

> Cabonne Shire Council Wollondilly Shire Council

> Wollongong City Council

Forbes Shire Council

Present online

Heather Nicholls, Deputy GM
Cr Matthew Deeth, Deputy Mayor
Ron Zwicker, Special Projects Manager
Steve Loane OAM, GM

In attendance

Cr Steve Ring, Deputy Mayor Lithgow City Council Cr Jeff Drayton, Mayor Muswellbrook Shire Council Derek Finnegan, GM Muswellbrook Shire Council Owen Hasler Life Member Di Hasler Life Member Partner Martin Rush, Director Policy FTG Greg Lamont, Executive Officer FTG Ingrid Moores, Project Officer **FTG** Andrew Callow, Intern **FTG**

Apologies

Cr Phyllis Miller OAM, Mayor

Kent Boyd, GM

Cr Neil Westcott, Mayor

Cr Marg Applebee, Deputy Mayor

Johnathon Edgecombe, Director Infrastructure

Cr Greg Whitely, Mayor

Cr Emma Henderson

Forbes Shire Council

Parkes Shire Council

Lithgow City Council

Warren Shire Council

Bland Shire Council

1. Welcome

The Chair, Cr Kevin Duffy, opened the meeting at 3.20pm then welcomed members and quests.

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ANNUAL GENERAL MEETING HELD ON $14^{\rm TH}$ NOVEMBER 2024, REID ROOM, SYDNEY PARLIAMENT HOUSE

2. Acknowledgement of Country.

The Chair referred to the acknowledgement he gave at the Annual General Meeting.

3. Apologies.

OM 4/2024 Resolved (Cr Brady/Cr Lord) That the apologies of Councillors Phyllis Miller OAM, Greg Whitely, Emma Henderson, Neil Westcott, Marg Applebee, Kent Boyd and Jonathon Edgecomb be received and noted.

4. Disclosures of Interest.

Nil

5. Adoption of Minutes

OM 5/2024 Resolved (Cr Hickey/ Cr Kennedy) that the minutes of the Executive Committee meetings held on 26th March 2024, 6th June 2024, 6th August 2024, 2nd September 2024 and the General meetings on 6th June 2024 and 6th August 2024 be received and noted as a full and accurate record of proceedings.

6. Delegates Reports - Nil

7. Executive Officer's Report - Greg Lamont

The Executive Officer mentioned the progress being made with the presentation of submissions, the ongoing meetings with ministers, senior government staff and alliances on replacement programs for Resources for Regions and Royalties for Rejuvenation, with Policy Officer providing a brief update on potential results, with more detail to come in General Business.

Also outlined was the financial position of the Association being in a sound state with cash on hand as of September 1^{st,} 2024, was \$146600.76 with 3 Councils still to pay \$26,400 – Dubbo, Warrumbungle & Upper Lachlan, given invoices only went out in mid - August.

Executive Officer pointed out the delay with the final review report on the REIIF 2024 conference in Dubbo and possible change in location to Orange in 2025 as a joint Orana/Central West RDA and MERC event.

He also mentioned the need for changes to the constitution and a one page reformat of the 2023-2026 Strategic Plan to address the issues raised in the Strategic Planning Forum held in Lithgow 9-10th February 2024.

OM 6/2024 Resolved (Cr Reynolds/ Cr Brady) that the Executive Officers Report be received and noted.

8. General Business

(i) Voting Rights

A question was asked about the voting rights of senior Council Staff delegates to MERC as opposed to elected delegates – can they be elected to the Executive Committee and vote if appointed delegates?

Response was that is the correct position. The current Executive Committee for 2024/25 has been elected on this basis from member council's appointed delegates, who are the only

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ANNUAL GENERAL MEETING HELD ON 14TH NOVEMBER 2024, REID ROOM, SYDNEY PARLIAMENT HOUSE

ones that can vote, but each member cannot have more than two votes per member.as per the constitution.

Additional member councillors and staff may attend meetings but not vote unless appointed as a delegate from their councils.

(ii) Sub Committees

Discussion was held on the involvement of senior staff from members whereby it was agreed that it would be an imperative for staff delegates and non-delegates to get involved in the operation of subcommittees on mining, VPAs and quarrying for policy development and advocacy in view of their operational knowledge.

OM 7/2024 Resolved (Cr Batten/ Cr Reynolds) Expressions of Interest be circulated to members seeking nominations from delegates and senior staff to be part of the formation of Sub Committees for Mining, VPAs and Quarrying for policy development and advocacy.

(iii) Policy Officer's Report

It was indicated that Minister Sharpe was the sponsor of two bills and may be delayed.

There was some good news on the submission with respect to the Regional Development Act, in that amendments to the Act had incorporated submissions from the Association – particularly with respect to economic transitions management.

It was noted that the review of benefit sharing guidelines with respect to major renewable energy projects was still greatly inadequate and that the methodology for arriving at the figures was still unknown.

It was noted that officers are still compiling a survey of quarrying across NSW regional councils to inform a position paper on future quarrying. It was anticipated that a survey would be distributed early in the new year. The sharing of regulatory resources among councils to improve quarry regulation was suggested. It was noted that there may be considerable value MERC could provide to regional councils in improving the quality of quarrying consents and associated regulatory activity.

Discussion was held on developing a campaign to raise awareness about the benefits of a regional tax on mining activity. The potential impact of a regional tax on the mining industry is discussed. The need for a coordinated approach to advocacy was emphasised and the importance of engaging with the government and industry stakeholders was reiterated.

The conversation moved on to discuss a campaign to recover royalty payments for councils, which have seen a significant shortfall, from \$20 million to nil. The trust fund is now \$400 million, with an additional \$50 million recently added. The discussion includes meetings with various ministers and the Minerals Council, highlighting a \$25 million annual transition fund for coal mining councils, which is insufficient for many. The idea of a collective campaign involving miners, councils, and affected communities is proposed.

OM 8/2024 Resolved (Cr Brady/ Cr Lord) that Policy Officer Report be noted and received.

(iv) Australian Mining Cities Alliance (AMCA)

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A proposal was suggested to approach the Australian Mining Cities Alliance for associate membership to strengthen MERC's advocacy efforts. The benefits of the alliance were explained by Cr Jim Hickey, Deputy Mayor, Broken Hill City Council (who are a member of AMCA) including better access to government officials and support from Minerals Council Australia at the Federal level.

OM 9/2024 Resolved (Cr Reynolds/ Cr Kennedy) that MERC discuss with and explore possible membership options with AMCA for report back to Executive Committee for consideration.

(v) Invitation to Minister for Regional Transport & Roads

A request was made to invite Jenny Aitchison as the Minister for Regional Transport and Roads to a future meeting This idea was supported by delegates noting the importance of her portfolio in their discussions and her preparedness to meet.

OM 10/2024 Resolved (Cr Duffy/ Cr Brady) that MERC invite the Minister for Regional Transport and Roads to a future meeting.

(vi) Data for Energy Options

A request was also made by the Chair, Cr Kevin Duffy, on the need for accurate costing data for energy sources like solar, batteries and wind power from academics. A suggestion was made to involve the Australian Energy Market Operator (AEMO) to gather comprehensive costing data for consideration.

OM 11/2024 Resolved (Cr Brady/Cr Hickey) that the Executive Officer liaise with AEMO on the available data for distribution to delegates.

(vii) Small Claims Title Mines Act Review Process

Cr Scott Bailey raised concerns about the Small Claims Title Mines Act review process in the mining field with the 88 recommendations to Government to address and its impact on local councils. He highlighted the challenges faced by miners and the community due to land use conflicts, administrative issues and requested an endorsement from the organisation to address these issues with the government.

OM 12/2024 Resolved (Cr Bailey/Cr Hickey) that a position paper be prepared to respond to the small claims review recommendations.

8.Close Meeting Closed at 4:10pm.

The minutes (pages 1-4) were confirmed	I at the G	Seneral me	eting of the A	ssociation
held on theproceedings of the meeting held on 14 th o			nd accurate	record of
Cr Kevin Duffy Chairperson				

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ANNUAL GENERAL MEETING HELD ON $14^{\rm TH}$ NOVEMBER 2024, REID ROOM, NSW PARLIAMENT HOUSE, SYDNEY.

Present in person

Cr Kevin Duffy (Chair) Orange City Council Cr Peter Batten Cabonne Shire Council Cr Bruce Reynolds, Mayor Blayney Shire Council Mark Dicker, GM Blayney Shire Council Cobar Shire Council Cr Jarrod Marsden, Mayor Cr Tony Lord (Executive Committee) Bland Shire Council Cr Jim Hickey, Deputy Mayor (Executive Committee) Broken Hill City Council Mid-Western Regional Council Cr Des Kennedy, Mayor Brad Cam, GM Mid -Western Regional Council Cr Benn Banasik Wollondilly Shire Council Cr Dennis Brady (Executive Committee) Lachlan Shire Council Patrick Ruettjes, Director Env & Planning Lachlan Shire Council Cr Bob McKay Warren Shire Council Gary Woodman Warren Shire Council Cr Josh Black, Mayor **Dubbo City Regional Council** Dubbo City Regional Council Walgett Shire Council Murray Wood, GM Cr Jasen Ramien, Mayor Walgett Shire Council Cr Scott Bailey (Executive Committee) Walgett Shire Council Megan Dixon, GM

Present online

Heather Nicholls, Deputy GM
Cr Matthew Deeth, Deputy Mayor
Ron Zwicker, Special Projects Manager
Steve Loane OAM, GM
Cabonne Shire Council
Wollongong City Council
Forbes Shire Council

In attendance

Cr Steve Ring, Deputy Mayor Lithgow City Council Muswellbrook Shire Council Cr Jeff Drayton, Mayor Derek Finnegan, GM Muswellbrook Shire Council Owen Hasler Life Member Di Hasler Life Member Partner Martin Rush, Director Policy **FTG** Greg Lamont, Executive Officer FTG Ingrid Moores, Project Officer **FTG**

Apologies

Andrew Callow, Intern

Cr Phyllis Miller OAM, Mayor
Kent Boyd, GM
Parkes Shire Council
Cr Neil Westcott, Mayor
Parkes Shire Council
Cr Marg Applebee, Deputy Mayor
Johnathon Edgecombe, Director Infrastructure
Cr Greg Whitely, Mayor
Cr Emma Henderson
Forbes Shire Council
Parkes Shire Council
Lithgow City Council
Warren Shire Council
Bland Shire Council

Welcome by Outgoing Chair.

The outgoing Chair opened the meeting at 2.05pm, welcomed members, observers and guests. Introductions were made of all attendees and a special welcome made to visiting councils, Muswellbrook and Lithgow and Life Member Owen Hasler and wife Di.

FTG

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ANNUAL GENERAL MEETING HELD ON $14^{\rm TH}$ NOVEMBER 2024, REID ROOM, SYDNEY PARLIAMENT HOUSE

2. Acknowledgement of Country.

The Chair acknowledged the traditional owners of the land that the meeting was held on and paid his respects to the Elders past, present & emerging.

3. Apologies.

AGM 1/2024 Resolved (Cr Brady/Cr Lord) That the apologies as per the above list be received and noted.

- 4. Disclosures of Interest Nil
- 5. Adoption of Minutes of Annual General Meeting held on 8th December 2023 Attachment. A.

AGM 2/2024 Resolved (Cr Duffy/Cr Brady) that the minutes of the Association's Annual General Meeting held on 8th December 2023, be received and noted as a true and accurate record of proceedings.

- 6. Business arising from the Minutes of Annual General Meeting held on 8th December 2023. Nil.
- Suspension of Standing Orders Life Membership, Owen Hasler.

AGM 3/2024 Resolved (Cr Duffy/Cr Lord) that the meeting be suspended at 2.15pm to allow the presentation of life membership to Owen Hasler.

The Chair spoke of Owen Hasler's achievements as former Deputy Chair of the Association and as Mayor/delegate from Gunnedah Shire Council. Chair asked Di Hasler to pin the life membership badge on his lapel and presented the plaque to him. Refer Item 7 in Business paper for Owens' resume.

8. Resumption of Standing Orders

AGM 4/2024 Resolved (Cr Brady/Cr Lord) That the meeting be resumed at 2.48pm.

9. Chairperson's 2023-24 Annual Report

AGM 5/2024 Resolved (Cr Lord/Cr Brady) that the Chairperson's 2023-24 Annual Report be received and noted.

10. Executive Officer's 2023-24 Annual Report

AGM 6/2024 Resolved (Cr Batten/Cr Brady) that the Executive Officer's 2023-24 Annual Report be received and noted.

11. Election of Chair, 2 x Deputy Chair's and 3 x Executive Committee for 2024/25.

Suspension of Standing Orders at 2.50pm

AGM 7/2024 Resolved (Cr Brady/Cr Duffy) That the meeting be suspended to allow the Returning Officer to conduct the election of the Executive Committee.

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ANNUAL GENERAL MEETING HELD ON $14^{\rm TH}$ NOVEMBER 2024, REID ROOM, SYDNEY PARLIAMENT HOUSE

The Executive Officer as Returning Officer reported that the nominations for the Executive Committee received by the due date equated to the vacancies for Chair and the two Deputy Chair positions plus two Executive Committee positions.

The Executive Officer suggested that another nomination could be made from the floor to fill the vacancy.

AGM 8/2024 Resolved (Cr Duffy/Cr Kennedy) that Cr Jim Hickey be nominated to fill the remaining position on the Executive Committee.

The Returning Officer declared the results of the election as follows:

- Chair Cr Kevin Duffy (Orange City Council)
- Deputy Chair Cr Phyllis Miller OAM (Forbes Shire Council)
- . Deputy Chair Cr Dennis Brady (Lachlan Shire Council)
- Executive Committee
 - Cr Scott Bailey (Walgett Shire Council),
 - o Cr Tony Lord (Bland Shire Council) and
 - o Cr Jim Hickey (Broken Hill City Council)

The Returning Officer and Delegates congratulated the Executive Committee on their appointment's.

Resumption of Standing Orders at 3.05pm

AGM 9/2024 Resolved (Cr Brady/Cr Lord) that the Association resume the Annual General Meeting business with Cr Kevin Duffy as Chairperson.

The Chair acknowledged the contribution of former Mayor of Blayney, Scott Ferguson who and Cr Denis Todd from Warrumbungle Shire Council for their contributions and that he would like the record to show that MERC has appreciated their efforts over the years.

12. Financial Statements - 2023 to 2024

Financial statements were presented, questions were asked around the differences between the previous year which was due to the overlap of Executive Officer services contract costs. Members were reassured that there are enough funds to keep the association moving forward to July 2025, when next round of invoices will be submitted.

AGM 10/2024 Resolved (Cr Brady/ Cr Hickey)

- 1. That the Financial Statements for 2023-2024 financial year be adopted with -
 - (i) the inclusion of the names of the Executive Committee in the Statement by Members of the Executive Committee and the Chair to sign them on behalf of the Executive Committee for the period 1st July 2023 to 30th June 2024.
 - (ii) the inclusion of the Chair as the nominated member to sign the Certificate by Members of the Executive Committee.
 - (iii) the inclusion of the Associations' Principal Activities as "an advocacy and policy development entity on behalf of its members"
- That the Department of Fair Trading, in accordance with the Association Incorporations Act 2009, be notified of (1) in the appropriate form by 31st December 2024.
- 3. That the Association of Mining & Energy Related Councils NSW authorise Greg Lamont and/or Shelley Rodwell, to have access to CBA, Beyond Bank and ATO financial statements and to act on behalf of the Association as required for the presentation of financial reports and taxation matters.

MINUTES OF THE ASSOCIATION OF MINING & ENERGY RELATED COUNCILS (NSW) INCORPORATED, ANNUAL GENERAL MEETING HELD ON $14^{\rm TH}$ NOVEMBER 2024, REID ROOM, SYDNEY PARLIAMENT HOUSE

13. 2024-2025 Budget

It was noted there were additional costs with transition overlap with the two Executive Officer service providers at the half yearly point and the cost of REIIF for 2023. It is anticipated the marketing of MERC's value proposition membership will increase in 2025/2026.

AGM 11/2024 Resolved (Cr Batten/ Cr Brady) that the 2024-2025 budget as presented be adopted.

14. Member Fees - 2025-26

AGM 12/2024 Resolved (Cr Brady/ Cr Hickey)

- 1. That Clause 16.3 of the Constitution be amended to provide:
 - 16.3 (a) The Annual General Meeting shall determine member fees for the ensuing financial year. Membership fees shall be for the period July 1 to June 30 of each year and be reviewed as per Clause 16.3 to allow increases in accordance with the permissible rate increase each year provided that such fees must not be increased by more than the Core rate peg percentage range set by IPART for the corresponding period.
 - 16.3 (b) Notwithstanding 16.3 (a), the Executive Committee may determine a member fee for a new member for the ensuing year (whether the new member joined before or during the ensuing year) in its discretion provided that such fee must not exceed the amount liable to be paid by a member in accordance with 16.3 (a).
- 2. That the fees for 2025 2026 be set at \$9,200 (plus GST).
- That, following discussions with the Australian Mining Cities Alliance and other relevant special interest groups, the Executive Officer provide the Executive Committee an options report generally in accordance with the recommendations of Three Pillars Advisory.

15. 2024-25 Meeting Dates & Venues

Discussion held around Parliament sitting dates and the importance of having the AGM at these times, with the pros and cons of tying in with other organisations' meetings but ensuring no future clashes where possible to achieve maximum attendance.

AGM 13/2024 Resolved (Cr Kennedy/ Cr Reynolds) That the Association Executive Committee determine the 2025 meeting venues and dates for February, May, August & November 2025, with other organisations meeting and Parliamentary Sitting Dates factored in

16. General Business Nil

17. Close. The meeting closed at 3:15pm

The	minutes	(pages	1-4)	were	confirmed	at	the	Annual	General	meeting	of	the
									ull and ac	curate re	cor	d of
proc	eedings o	of the me	eting	y held	on 14 th of N	ove	mbe	r 2024				

vin Duffy person		

5.3 REDMOND PLACE MASTER PLAN - POST-EXHIBITION REPORT

RECORD NUMBER: 2024/1848

AUTHOR: Alison Weir, Senior Strategic Planner

EXECUTIVE SUMMARY

Redmond Place is a collaborative initiative being jointly undertaken by Council and Landcom. It entails the master planning and subsequent rezoning of 24.23 hectares of Council-owned land. The aim of the project is to demonstrate leadership in sustainable urban design and the delivery of diverse and affordable housing.

The preparation of the master plan and technical studies commenced in January 2024, with the aim of submitting a Planning Proposal to the Department of Planning, Housing, and Infrastructure (DPHI) in July 2024 through Council to rezone the land.

In May 2024, in accordance with *Section 3.29* of the *Environmental Planning and Assessment Act 1979*, the Minister implemented a new state-led pathway for rezoning proposals by state housing agencies.

The Redmond Place Explanation and Intended Effects, along with the supporting planning proposal, master plan and other supporting technical documentation, was placed on public exhibition by the Department of Planning, Industry and Environment for a period of 28 days from 21 October 2024 to 18 November 2024. During that period two (2) agency submissions were received, and no submissions were received from the public.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "8.1. Plan for growth and development that balances liveability with valuing the local environment".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

The Council formally endorse the Redmond Place Master Plan to guide the development of a site-specific Development Control Plan and subsequent Development Applications.

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

Project History

The project is a key outcome of the NSW Government's response to the Regional Housing Taskforce's recommendations (Recommendation 2, Action 2.2) and forms part of Landcom's commitment to working with local councils to deliver innovative, diverse and affordable housing in the Region. The NSW Government's endorsement of the recommendations of the Regional Housing Taskforce in August 2022 directly corresponds to the Orange Local Housing Strategy's priorities for diverse and affordable housing at the local level.

The Orange Local Housing Strategy (July 2022) demonstrates a critical mismatch between the City's housing stock and its dominant modes of housing investment and capitalisation on the one hand, and the community's actual housing needs and capacity to pay on the other. This is evidenced by a substantial and growing "housing affordability gap" and an over-reliance on detached 3-4-bedroom dwellings in new market-based housing provision. To date, Council's efforts to encourage private developers to provide diverse and affordable housing within their projects have achieved only moderate success.

The lack of affordable and diverse housing has an impact on the City's employment growth and economic development. Lower income households forced out of the market may move away, which has been demonstrated to lead to skilled labour shortages, increases in social disadvantage, and can reduce social cohesion in communities. The ongoing loss and non-replacement of affordable housing through gentrification and re-development, in conjunction with the current unmet housing need across NSW, provides a strong rationale for intervention.

The objectives and terms of the project are defined in the Project Delivery Agreement (PDA) formed between Council and Landcom (November 2023). Under the terms of the PDA, the project is subject to Landcom's regional affordable housing target. This requires that a minimum of 20% of dwellings delivered within the Redmond Place Precinct will comprise affordable housing, with the opportunity to increase this share to 30% should market conditions allow.

On 28 February 2023 Council and Landcom formed a Memorandum of Understanding (MoU) to deliver affordable and sustainable housing outcomes for the City of Orange. The MoU is a key measure supporting the Government Response to the NSW Regional Housing Taskforce.

The review of public land holdings subsequently identified the Redmond Place Precinct as a suitable site for diverse and affordable housing, subject to the incorporation of an appropriate urban design and water management approach to protect the City's drinking water catchment.

The Master Planning Process

The Project Delivery Agreement was executed in November 2023 and under the terms of the PDA, Council agrees to contribute its land to the project. In return, Landcom will fund and undertake the services required to rezone, master plan, design, construct and subdivide the development, and will oversee the marketing and sale of the completed residential lots.

Master planning for the Redmond Place Precinct, including concept development and detailed design, was subject to review by Landcom's Design Review Panel (DRP). The panel is composed of independent experts who provide impartial advice on the design quality of the project, including its urban design and place making qualities. In this regard, master planning for the Redmond Place Precinct has been undertaken in accordance with the design quality objectives and design principles prescribed in its Housing Policy (20 December 2023).

5.3 Redmond Place Master Plan - Post-Exhibition Report

As part of its commitment to design excellence, Landcom is seeking to gain minimum 5-Star ("Australian Excellence") with the aim of achieving 6-Star ("World Leadership") certification under the Green Building Council Australia's (GBCA's) Green Star - Communities rating scheme. The master plan has been prepared in accordance with the certification scheme and will likely achieve a 6-Star certification.

The draft master plan has been prepared by Oculus, and informed by a range of technical studies including:

- Aboriginal Archaeological Technical Report,
- European Historic Heritage Assessment Report,
- Design for Country Framework (the first to be prepared for a project within the city),
- Strategic Bushfire Study,
- Biodiversity Constraints and Opportunities Report,
- Housing Needs Assessment,
- Social Needs Study,
- Water Cycle Management Plan,
- Traffic and Transport Assessment,
- Geotechnical Report,
- Contamination Report,
- Infrastructure Report, and
- Reporting against the Green Star Communities pathway.

The draft master plan has also been developed through a comprehensive community engagement process that included:

- An online survey: conducted by Orange City Council and Landcom to assess resident's housing needs and aspirations,
- Pop-up Event: Held on 10 February 2024 in the Orange City Centre, engaging about 60 people and inviting them to workshops.
- Community Workshops: Two workshops conducted by Sala4D on 13 February 2024, to understand community values.
- Second Online Survey: conducted by Orange City Council for 15 days after the workshops.

Draft Master Plan

Vision and Principles

The draft master plan envisions that "Redmond Place is the future of sustainable living in Orange, with housing choices for people at every stage of life. An inclusive, safe and well-connected community, nestled within parklands and tree lined streets. A neighbourhood designed to foster opportunities for the community to learn, grow and evolve together" and is guided by the following project principles:

- Connecting with Country Prioritise Country and support the sharing of traditional stories and knowledge.
- Active and Healthy Provide opportunities for play, exercise and healthy living for people of all ages and disabilities.
- Inclusive and welcoming Foster a sense of belonging and community, with places that bring people together.
- Heritage and culture Celebrate the history and beauty of the heritage landscape.
- Housing choice Provide diverse housing options, including medium density and affordable housing.
- Connected and safe Create safe, walkable and beautiful streets that connect people to homes, open spaces and public transport.
- Natural landscape and waterways Design with nature by working with natural systems for water management and biodiversity conservation by providing new parks, wetlands and tree-lined streets.

Connecting with Country

The draft master plan has also been guided by the Connecting with Country Framework that results in the key design themes and recommendations that have also guided the master planning process, being:

- Safe and accessible housing, through a variety of dwelling types ensuring families of all sizes and stages in life are catered to.
- **Creating community**, by incorporating Country and stories of Country into communal spaces, including playgrounds, youth spaces and wetland areas.
- Restoring resource places, through recognising the cultural value of water and its
 associated resources are celebrated in design through the incorporation of a blue
 green corridor into the master plan. Accompanied by endemic planting, the blue
 green corridor nurtures traditional ecosystems, supporting the revitalisation of
 cultural practice (women's business in particular), Aboriginal and Torres Strait
 Islander businesses and contemporary food production.
- Gaanha-Bula, is celebrated by maintaining sightlines where possible and telling the story of the three feuding brothers in communal areas, and
- Shared identity, through the celebration of Aboriginal and Torres Strait Islander representation through public art opportunities, and potentially place naming as the project progresses.

Redmond Place Master Plan - Post-Exhibition Report

Key Design Considerations

COUNCIL MEETING

Blue-green corridor

The master plan proposes a blue-green corridor, as open space, along the eastern edge of the site. This also ensures water quality control is managed onsite through Water Sensitive Urban Design measures, including detention basins, wetlands, swales and bio-retention basins. The open space corridor equates to approximately 5.3 hectares (excluding water bodies and drainage infrastructure).

Functional grid

A functional grid of streets and lots is implemented to optimise lot efficiency, solar access and connectivity. Road connections are proposed onto Lone Pine Avenue, Dairy Creek Road and Redmond Place. The site will encompass a range of street typologies including local, park edge, entry, interface streets and laneways.

Housing typology and diversity

The current provision of a minimum of 20% affordable housing is achieved by the draft master plan.

Apartments

Apartment buildings of up to four stories will be located adjacent to open space. Apartments are to address the street, with ground floor apartments providing direct access to public footpaths.

Rear loaded medium density housing

The provision of laneways within the street network allows for a narrow terrace typology with rear garages on the laneway. Typically fronting onto the open space corridor, the lack of front driveways and garages serves to further enhance the overall streetscape.

Front loaded medium density housing

Front loaded typologies add to the housing diversity and affordability. The design of this typology can contribute to the streetscape through landscaped front setbacks and reduced driveway/garage widths where appropriate

Low density housing

Detached dwellings will make up the remainder of the residential housing at Redmond Place, providing housing choice more typical of the existing housing provision across Orange's suburbs.

Community focal points

The blue green corridor contains two community focal points: a local park in the north focused around the existing hangar building, and a central park in the middle of the development.

Density on amenity

Increased density is located facing onto open space, allowing a greater number of residents close access and views to open space while reinforcing the structure of the open space corridor with a built edge.

2024 Award for Planning Excellence

The Redmond Place Master Plan was recently awarded that 2024 Award for Planning Excellence NSW under the Improving Planning Processes Category.

Exhibition

The Redmond Place Explanation and Intended Effects, along with the supporting planning proposal, master plan and other supporting technical documentation, was placed on public exhibition by the Department of Planning, Industry and Environment on the Planning Portal for a period of 28 days from 21 October 2024 to 18 November 2024. Landcom, Council and DPHI also held on 2 November a community forum in the Orange Civic Theatre Foyer, and a pop-up information session in the Summer Centre. There were 30 attendees at the community forum and around 15 genuine conversations at the pop-up information session. During the exhibition period two (2) submissions were received.

Submissions Summary

Landcom will provide detailed responses to DPHI regarding the submissions received, however, they have been summarised accordingly:

Submission 1

The submission did not object to the planning proposal, however identified further biodiversity matters for refinement as part of the planning proposal and any future Development Applications. The submission noted:

- The proposal has recorded plant community type (PCT) 3387, which is associated with White Box, Yellow Box, Blakeley's Red Gum Woodland and Derived Native Grassland Critically Endangered Ecological Community (Box Gum Woodland CEEC).
- The presence of Box Gum Woodland CEEC would meet the definition of High Environmental Value under the Central West and Orana Regional Plan 2041, and that the planning proposal be updated to avoid areas with (PCT 3387).
- The future development of the site is likely to exceed the Biodiversity Offsets Scheme (BOS) area threshold (0.25ha, as indicated in Appendix A of the BCOR), in which case a Biodiversity Development Assessment Report (BDAR) will be required at subdivision stage and is to be prepared in accordance with the NSW Biodiversity Assessment Method (BAM) 2020.
- With regards to the extent of native vegetation on the subject site, the BCOR indicates 0.47 ha of native vegetation to be present. This should be verified prior to rezoning the areas of land zoned C3 Environmental Management for residential use, in accordance with Section 9.1 Planning Direction 3.1(2).
- The site-specific Development Control Plan (DCP) should provide a summary of the Biodiversity Offset Scheme to guide future development.
- Avoidance and protection of Box Gum Woodland CEEC should be protected within RE1 Public Recreation (note the submission refers to RE2 which is private recreation), and that the submitter supports the site specific DCP provide provisions to achieve this.
- The submitter does not object to the planning proposal in relation to flooding.

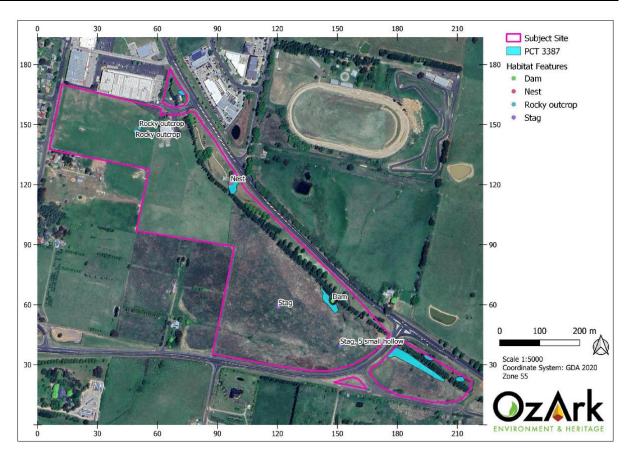


Figure 1: Excerpt from Biodiversity Constraints and Opportunities Report: Redmond Place, Orange (Ozarks Environment and Heritage, May 2024)

The above noted is located within the open space component as identified under the draft master plan. The Development Application will be required to address, avoid, mitigate and offset hierarchy, and ensure that the future open space design considers any impact to native vegetation. Further consideration as to the proposed zone for the open space will be considered through the Planning Proposal and has little impact on the draft master plan. Other matters raised in the submission will be dealt with at the Development Application stage.

Submission 2

The submission did not object to the planning proposal, however noted potential noise and vehicle air emissions in relation to the state road, being Bathurst Road (Mitchell Highway A32).

The submission also noted that preliminary site investigations, in relation to contamination, that the PFAS National Environmental Management Plan (PFAS NEMP) 2020 is being updated and any future Development Applications will need to take into consideration the new guidance and standards once published. The submission also noted that future Development Applications should address the Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land (EPA and Department of Urban Affairs and Planning, 1998).

The submission largely relates to matters to be addressed at the Development Application stage and does not require any amendments to the draft master plan.

ATTACHMENTS

1 Redmond Place Master Plan, D24/136253

Attachment 1 Redmond Place Master Plan



We acknowledge the Wiradjuri people as the Traditional Custodians of this place.

We honour Elders past and present, whose profound knowledge systems can teach us much about how we care and design for Country.

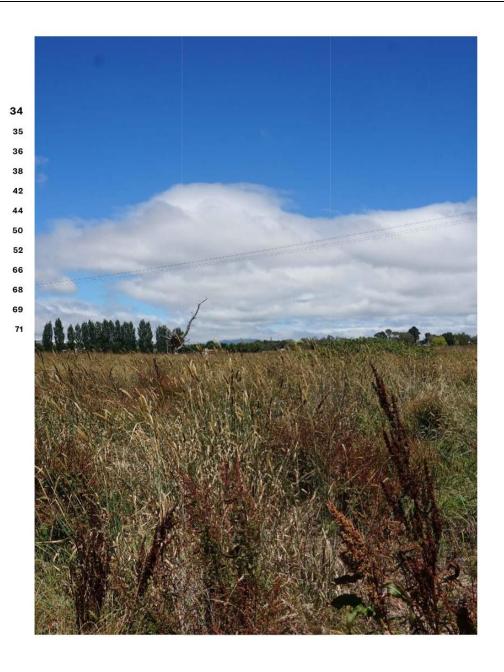
Rev	Issue	Date	Ву	Checked
	Draft	30.05.24	SL/RB	SB/KS
В	Draft	08.06.24	SL/RB	SB/KS
	Draft	13.06.24	SL/RB	SB/KS
	Draft	28.06.24	SL/RB	SB/KS
	Draft	27.06.24	SL/RB	SB/KS
	Draft	01.07.24	SL/RB	SB/KS
	Draft	02.07.24	SL/RB	SB/KS

COUNCIL MEETING
Attachment 1 Redmond Place Master Plan

17 DECEMBER 2024

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³ Redmond Place Master Plan Report

1.0 Introduction and Context

1.1 Introduction



Subject Site. The site comprises three lots identified in Table 2.

Figure 1 - The Site

Site information

The Site is located on the southeast fringe of Orange, the largest city in the Central West Region. It is adjacent to the suburb of Glenroi, 4.4km from Orange City Centre and approximately 3.2km from Orange train station.

The Site has a significant frontage along Mitchell Highway (A32) which runs from east to west from the M4 Motorway in Greater Sydney connecting through Penrith, Katoomba, Bathurst to Orange. The site is intended to be the first line of housing on entry to Orange.

The Site lies on the southern side of Redmond Place, bounded by Bathurst Road / Mitchell Highway (on the northeast), Lone Pine Avenue (on the west) and Dairy Creek Road to the south. It is surrounded by a mixture of land uses with low density residential to the west, retail and large format retail to the north, rural farmland to the south and east, as well as a kart racing track on the opposite side of the Mitchell highway.

The Site is approximately 24.2 Ha in size and is currently vacant, except for a structure that previously housed an emergency services helicopter hangar.

Table 2 - The Site

Legal description	Address	Area
Lot 1 DP 153167	154 Lone Pine Avenue	4.10 ha
Lot 6 DP 1031236	3 Redmond Place	2.28 ha
Lot 200 DP 1288388	5255 Mitchell Highway	17.85 ha
Total		24.23 ha

The land is owned by Orange City Council, who will remain owners throughout the course of the project. Landcom and Orange City Council have signed a Project Delivery Agreement, with Landcom leading the planning proposal to rezone the land for residential use.

The Planning Proposal

The planning proposal is to amend Orange Local Environmental Plan 2011 to rezone the site to facilitate delivery of a residential precinct in accordance with a prepared Masterplan.

The objectives of the Masterplan are to:

- increase the supply of land to facilitate housing through the creation of lots to support a sustainable, innovative and affordable community.
- promote housing diversity through supporting a diverse mix of product, including houses and townhouses.
- + increase the supply of land for affordable housing by delivering at least 20% of all residential dwelling sites for affordable housing managed by a community housing provider.
- develop a climate resilient, healthy and inclusive place, at the forefront of environmental and social sustainability.

Definitions/explanations of common terms

Low density housing is single detached dwellings and secondary dwellings.

Medium density housing includes a range of housing forms including dual occupancies, townhouses, terraces and manor housing.

Affordable housing is housing for very low to moderate income households. Generally speaking, affordable housing is priced below market pricing so that a household is spending no more than a specified proportion of its income on rent. This is generally set at 30% of the household's gross income. Affordable housing is available to everyone who meets the eligibility criteria.

Introduction

Context

Redmond Place is a new residential neighbourhood to be developed in collaboration with Landcom and Orange City Council.

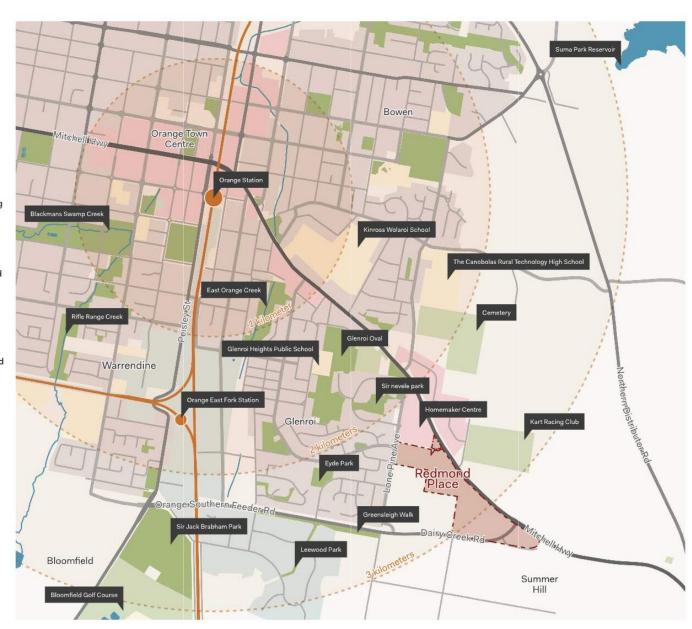
"Landcom is working with Orange City Council to create a new residential neighbourhood that will increase and diversify housing options for this growing regional city.

The project will unlock 24.2 hectares of Councilowned land at Orange's eastern entrance to deliver 300+ homes with a mix of housing types including single dwellings, duplexes, town houses and low-rise apartments - providing people with greater choice and affordability.

Redmond Place will cater to various household sizes and incomes, with at least 20% of homes to be set aside as Affordable Housing.

The project will be designed with innovation, sustainability and liveability in mind, aiming to set the standard for contemporary new housing in Orange and Central West NSW."

- Landcom, Welcome to Redmond Place



Attachment 1 Redmond Place Master Plan

2.0 Site Analysis

Attachment 1 Redmond Place Master Plan

2.1 Open Space and Social Infrastructure

Analysis Diagrams

Redmond Place will neighbour the suburb of Glenroi which contains a wide range of open space and social infrastructure offerings.

Glenroi has varied parks and sporting facilities as well as a primary school, three early childhood education and care facilities and two community centres.





Attachment 1 Redmond Place Master Plan

2.2 Ecology

Analysis Diagrams

Prior to clearing for agricultural use, the Redmond Place project site would have been home to the Central Tableland Clay Apple Box Grassy Forest and the Southern Tableland Grassy Box Woodland.

GIS mapping of extant vegetation communities by NSW Government Department of Planning and Environment shows that both of these communities still exist in nearby parkland.

Field work undertaken by OzArk has located small scattered pockets of native vegetation within the site boundary. OzArk also identified 6 notable habitat features on site.

Legend **Pre Clearing Vegetation** Central Tablelands Red Stringybark Grassy Forest Central Tablelands Dry Slopes Stringybark-Box Forest Southern Tableland Grassy Box Woodland Central Tableland Clay Apple Box Grassy Forest **Extant Vegetation** Central Tablelands Red Stringybark Grassy Forest Central Tablelands Dry Slopes Stringybark-Box Forest Southern Tableland Grassy Box Woodland Central Tableland Clay Apple Box Grassy Forest OzArk Ecological Findings Native Vegetation Habitat Features **Biodiversity Features** Biodiverse Riparian Land



2.3 Climate & Winds

Analysis Diagrams

Orange has a cool temperate climate, experiencing warm Summers and cold wet Winters.

Wind direction and speed information collected at Orange Agricultural Institute indicates Orange receives gentle Easterly breezes in the Summer and a mix a powerful Westerly gusts and Southerly breezes in the

High temperatures peak in January at an average of 26.6 °C and lows dip down in July to an average of 1.6

Average rainfall peaks in August at 94.0mm with an annual average of 925.7mm.

Location: 063254 Orange Agricultural Institute 130 120 110 100 25 90 20 15 10 Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Month

Data collected by the Australian Government Bureau of Meteorology Accessed Tue 30 Jan 2024 14:25 PM AEDT



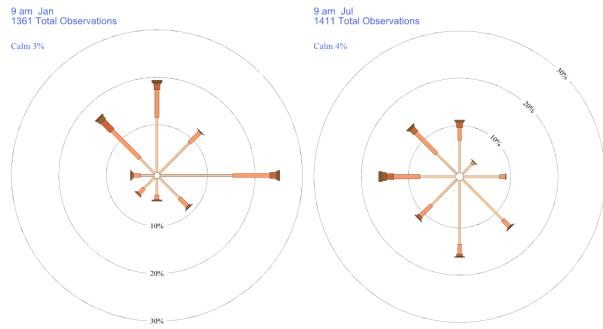
Rose of Wind direction versus Wind speed in km/h (01 Jan 1976 to 11 Aug 2023)

Custom times selected, refer to attached note for details

ORANGE AGRICULTURAL INSTITUTE

Site No: 063254 • Opened Jan 1966 • Still Open • Latitude: -33.3211" • Longitude: 149.0828" • Elevation 922m

An asterisk (*) indicates that calm is less than 0.5%. Other important info about this analysis is available in the accompanying notes.







Copyright © Commonwealth of Australia: 2023. Prepared on 11 Aug 2023
Prepared by the Burnau of Meteorology.
Contact us by phone on (03) 9669-4082, by fax on (03) 9669-4615, or by email on climatedata@bom.gov.au
Me have taken all due care but cannot provide any warranty nor accept any liability for this information.

2.4 LEP Zoning

Analysis Diagrams

The Redmond Place project site is currently zoned as E3 Productivity Support in the North West and C3 Environmental Management in the South East.





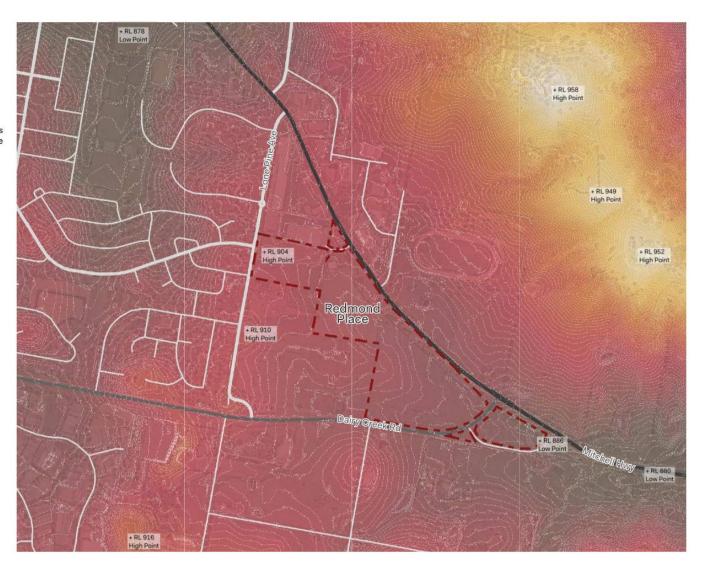
2.5 Topography

Analysis Diagrams

Redmond Place slopes gently downwards from the high point on Lone Pine Avenue in the North West to the shallow valley along the edge of Mitchell High Way in the South East.

The Site's high point sits at RL 904.00 and the site falls away to a low point of RL 886.00. Three tall hills can be seen to the East reaching up to RL 958.00.





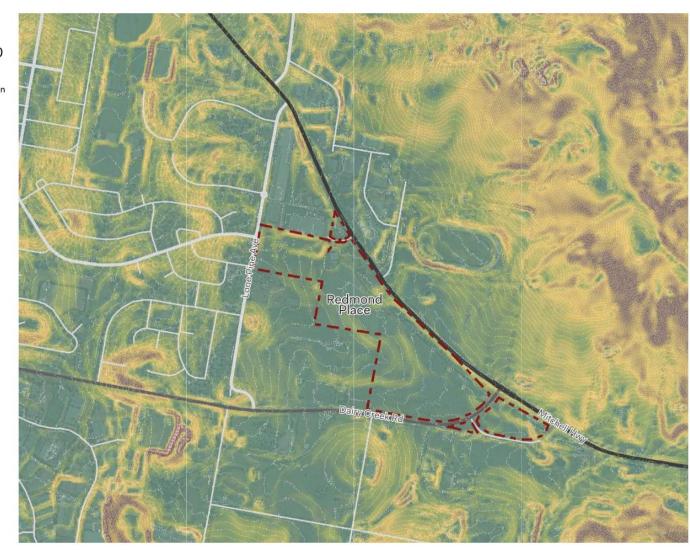
Attachment 1 Redmond Place Master Plan

2.6 Slope Analysis

Analysis Diagrams

Redmond Place has a gradual slope down to the South East, falling at a grade greater than 1:50 in most places.

Steeper sections of the site have falls ranging between 1:10 and 1:20, most notably the valley to the edge of Mitchell High Way.



Legend

> 1:50

1:20 - 1:50

1:10 - 1:20

1:5 - 1:10

2.7 Heritage items

Analysis Diagrams

Desktop research and a site walk has been conducted by OzArk to locate Aboriginal and historic items within the study area and surrounds.

Searches did not return any heritage items within the study area, however LEP listed items are adjacent:

Name of Database Searched	Date of Search	Type of Search	Comment
National and Commonwealth Heritage Listings	17/1/24	Orange LGA	No places listed on the National or Commonwealth databases are located within or near the study area.
State Heritage Listings	17/1/24	Orange LGA	No state listed items are located within or near the study area.
Local Environment Plan (LEP)	17/1/24	Orange LEP of 2011	No locally listed items are located within the study area. LEP item #1355 and LEP item #1113 border the southern portion of the study area.

- + The Old Dairy building in Lot 200 DP1288388 has been assessed as having local heritage values. Due to the item's significance to the local community, the building and its immediate surrounds should be preserved.
- + The memorial gardens in the Gateway Park have social values for the local community and should be preserved.
- + The heritage curtilages of item I113 (Lot 2 DP1087281) and item I355 (Lot 7 DP793145) should be preserved.
- Consideration should be made to include appropriate screening along the northern boundary of Lot 2 DP1087281.



Items of local heritage listed on the Orange LEP close to the study area (OzArk Historic Heritage Assessment Report)

Legend



2.8 Aboriginal Heritage

Analysis Diagrams

- + A search of the Aboriginal Heritage Information Management System completed on 17 January 2024 shows there are no previously recorded Aboriginal sites within or near the study area.
- + No Aboriginal sites or areas of archaeological sensitivity were identified during the survey, nor was there any information indicating that sites or other specific cultural heritage values may be present. The field survey was completed on 13 February 2024.



Attachment 1 Redmond Place Master Plan

2.9 Active/Public Transport Network

Analysis Diagrams

Orange is an ideal place for walking and riding. Most people who live close to the city centre can walk or ride within 20 minutes to their local shops, school or work. Orange is also fairly flat, with wide shaded streets that are very distinctive to this city.

- Orange Active Travel Plan, Orange City Council

The Orange Active Travel Plan of 2016 states that in the 2011 census only 1% of Orange residents report commuting by bus, 5% walk and 90% commute by car.

Corresponding to this low uptake of bus use, bus services to the area surrounding Redmond Place are infrequent mostly running between 6:30 am and 6:30 pm, with some later services on Thursdays and Fridays.





Attachment 1 Redmond Place Master Plan

2.10 Views

Analysis Diagrams

Views from the Redmond Place project site are largely defined by the strong avenue of poplars along the Eastern boundary, grassy meadows to the South and East and distant mountains to the west.

The avenue of poplars frame views in and out of the site creating a unique sense of place as they shake their leaves in the breeze. The site contains many distinctive features including large boulders, the hangar building in the North East and the historic dairy building by the Mitchell High Way.



2.11 ViewsAnalysis Diagrams











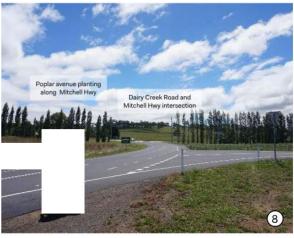
COUNCIL MEETING 17 DECEMBER 2024 Redmond Place Master Plan

Views Analysis Diagrams

Attachment 1











Attachment 1 Redmond Place Master Plan

Views Analysis Diagrams











Views Analysis Diagrams



2.12 Stormwater Analysis Diagrams

The Redmond Place Water Cycle Management and Flood Impact Assessment (Colliers 2024) identifies

a number of constraints and recommendations that

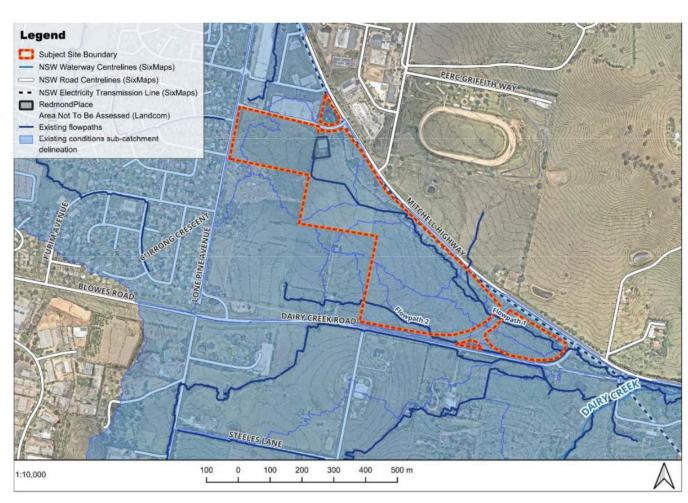
Recommendations included:

Incorporate bio-retention and detention basins.

guided the development of the Master Plan.

- Upgrade existing swale to open channel for better flow conveyance adjacent to proposed basins.
- Incorporate open space, green space and adopt permeable pavement where possible.
- Set aside land along the eastern boundary as a blue-green corridor / open space area for both Water Sensitive Urban Design (WSUD) and aesthetic values.
- Place wetlands / bioretention basins within the blue-green corridor where the land is already "swampy".
- Depending upon flow volumes from the west, focus design of stormwater trunk drainage along the south boundary of the subject site to the southern bio-retention basin.
- + Utilise the southeast corner for flow detention
- The stormwater infrastructure will avoid or incorporate the Poplar trees and no removal or relocation of the trees will be proposed.

Refer to the Water Cycle Management and Flood Impact Assessment for full flood and stormwater assessment.



Existing conditions flow paths and catchment delineation (Colliers Water Cycle Management and Flood Impact Assessment)

2.13 Bushfire Constraints

Analysis Diagrams

Perimeter Roads

Provide perimeter roads at all interfaces with the remaining bushfire hazards. Within the site, based on the above assumptions, this will mean a perimeter road along the south western zig zag boundary. The Mitchell Highway and Southern Feeder Rd/Dairy Creek Road can provide the other perimeter roads.

Perimeter roads need to be provided as follows:

- + Are two-way sealed roads
- + Minimum 8m carriageway width kerb to kerb
- Parking is provided outside of the carriageway width
- + Hydrants are located clear of parking areas
- Are through roads, and these are linked to the internal road system at an interval of no greater than 500m
- Curves of roads have a minimum inner radius of 6m
- The maximum grade road is 15 degrees with average grade of no more than 10 degrees
- + The road crossfall does not exceed 3 degrees
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided
- Where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road



 \land

0 100 200 m

Figure 12: Road Network

Road Network (Integrated Consulting Strategic Bush Fire Study)

Bushfire Constraints

Analysis Diagrams

General Access Requirements and Other Non-Perimeter Road Requirements

- Have more than one access in and out of the development
- Traffic management devices are constructed to not prohibit access by emergency services vehicles
- + All roads are through roads
- + Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end
- + Minimum 5.5m carriageway width kerb to kerb
- Parking is provided outside of the carriageway width
- + Hydrants are located clear of parking areas
- Roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m
- Curves of roads have a minimum inner radius of 6m
- + The road crossfall does not exceed 3 degrees
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided

Asset Protection Zones (APZ)

APZs are to be provided at the interfaces with the remaining bushfire hazards. This is shown on the preliminary constraints map.

APZs are a fuel-reduced area surrounding a built asset or structure which provides a buffer zone between a bushfire hazard and an asset. The APZ includes a defendable space within which firefighting operations can be carried out. The APZ can contain the perimeter road.



0 100 1:3,000 @ A3

Figure 10: APZs Required on Site

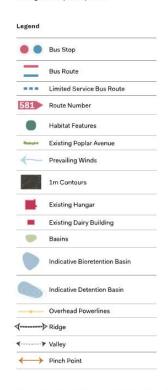
Asset Protection Zones (Integrated Consulting Strategic Bush Fire Study)

2.14 Opportunities & Constraints

Analysis Diagrams

The Redmond Place project site interfaces a wide variety of edge conditions, including large format retail to the North, low density housing to the West, open fields to the South and the Mitchell High Way to the East.

Many opportunities lie within the site and surrounds to create a vibrant, well connected and ecologically grounded community, with abundant access to blue and green open space.





3.0 Visioning

3.1 Community Consultation

Establishing a Vision

Process

Multiple engagement methods were used during the engagement process. The process commenced with an online survey conducted jointly by Orange City Council and Landcom, which asked residents of Orange about their housing needs and aspirations.

A pop-up event was held by the sala4D and Landcom team, on the 10th of February, 2024 in the Orange City Centre. This event engaged with about 60 people, providing an opportunity to share information about the project, invite the community to attend the workshops, and ask them to share what they feel is special about Orange.

The sala4D team then conducted two community workshops on the 13th of February, 2024, with the aim of understanding the values of the community. These values were elicited through creating a safe environment for communication and by using a variety of methods to engage participants. It is important that all attendees feel that they have agency in the process.

Notes from the consultation are detailed in the following section. The information gathered gives the design team a sound background of community preferences, ideals and values for the new residential precinct.

Recognising that workshops and pop-ups only capture a small section of the community, sala4D, in conjunction with Orange City Council, also carried out an online survey that ran for 15 days, after the workshops.

Establishing a Vision

The results from the range of consultation techniques used reveal consistent, shared community values for the future neighbourhood at Redmond Place.

Based on the findings from the community consultation, the following guiding principles have been developed for use in the Redmond Place Masterplan. They form a useful rationale that grounds the project in the values of the community and provides a basis for future design stages.

Guiding principles

- ACTIVE: Provide opportunities for children's play and for youth to be active
- CONNECTED: Provide path networks and amenities for walking and riding during the day and night
- COMMUNITY: Provide community amenities including gardens and a place to meet
- NATURAL: Utilise the natural assets to provide natural parks with wetlands
- + TREES: Include trees in streets and open space to provide shade, colour and character
- HOUSING CHOICE: Provide diverse housing options, including multi-storey housing
- + SHOPS: Provide basic amenity through access to
- PUBLIC TRANSPORT: Design to encourage good public transport connections and ease of use

Vision

"Redmond Place is the future of sustainable living in Orange, with housing choices for people at every stage of life.

An inclusive, safe and well-connected community, nestled within parklands and tree lined streets. A neighbourhood designed to foster opportunities for the community to learn, grow and evolve together".

3.2 Project Principles

Through considering the heard community values alongside project objectives, Landcom and Orange City Council propose a set of project principles to guide design and delivery of Redmond Place.



Connecting with Country

Prioritise Country and support the sharing of traditional stories and knowledge

Actions

- + Engage with First Nations stakeholders
- + Incorporate designing with Country principles
- + Respect and regenerate the land and waterways

Active & Healthy

Provide opportunities for play, exercise and healthy living for people of all ages and disabilities

Inclusive & Welcoming

Foster a sense of belonging and community, with places that bring people together

Actions

- Provide public amenity in the form of community facilities and open space
- + Create a community focal point around the existing hangar building
- Design a place that is safe and equitable for all



Heritage & Culture

Celebrate the history and beauty of the heritage landscape

Actions

- Use landscape to reinforce the site as a gateway to Orange, with open space concentrated along the eastern edge of the site
- Retain the memorial planting and poplar avenue along Mitchell Highway
- + Front housing onto the eastern open space, avoiding rear fences to the Highway

Project Principles







Housing Choice

Provide diverse housing options, including medium density and affordable housing

Actions

- + Provide a range of housing typologies and price points
- + Provide a minimum of 20% affordable housing
- + Consider a small number of apartments
- Provide a range of medium density housing types as a 'proof of concept' for regional areas
- Consider local housing types and character in developing housing typologies
- + Locate density where there is greater amenity

Connected & Safe

Create safe, walkable and beautiful streets that connect people to homes, open spaces and public transport

Actions

- + Invest in streets as a key structuring element of the master plan
- + Create streets and connections that are safe, comfortable and direct for pedestrians, with ample street tree canopy cover
- Use trees to define key streets and avenues, with a mixture of natives and deciduous exotics that reflect both the local environment and Orange as the 'Colour City'
- + Ensure streets support multiple modes of transport

Natural Landscape & Waterways

Design with nature by working with natural systems for water management and biodiversity conservation by providing new parks, wetlands and tree-lined streets

Actions

- + Achieve a minimum 5 Star Green Star Communities rating
- Incorporate best practice water treatment throughout the project, and make a feature of water treatment corridors and basins
- + Maximise canopy cover and understorey vegetation
- + Provide local and biodiverse planting

3.3 Connecting with Country Overview

Connecting with Country embraces an intention that is based on deep engagement with Aboriginal and/or Torres Strait Islander stakeholders and creatives. It aims to activate an authentic voice to draw out knowledge, protocols, history, culture and the contemporary stories of Aboriginal and Torres Strait Islander communities, for interpretation from the beginning to the end of projects. The objective is transformational design thinking informed by Aboriginal and Torres Strait Islander worldviews.

Balarinji has partnered with Oculus to embrace the opportunity Redmond Place presents to embed an understanding and sense of Country into urban and landscape design. This will contribute to a supportive community that provides housing diversity, is environmentally regenerative and is an aesthetically pleasing gateway to Orange.

Stakeholder Engagement

Stakeholder engagement is a fundamental process in developing this Connecting with Country Framework for the Redmond Place project. A key pillar of Balarinji's cultural design methodology is collaborative engagement with local Aboriginal and Torres Strait Islander groups through authentic, thorough and ongoing consultation.

Balarinji met with 8 community members with a connection to Orange and the surrounding area. A cross-section of community members were consulted, with a particular focus on community-nominated elders and leaders with strong connections to the area. These consultations gathered the Aboriginal and Torres Strait Islander narrative for the project area. This consultation process has brought out some specific stories and knowledge but most importantly has prioritised key outcomes and themes from a community perspective.

Key Design Themes and Recommendations

Through consultation with the locally connected Aboriginal community, five key design themes were identified for integration into the Redmond Place project.

The Redmond Place Connecting with Country Framework provides recommendations for how each theme might be integrated. A co-design process was used to construct these recommendations. They draw from responses from the local Aboriginal community during stakeholder consultations, a close analysis of GANSW's Connecting with Country Framework, and desktop research of the Aboriginal history of the site. Refer to the Connecting with Country Framework for further information.



SAFE AND ACCESSIBLE HOUSING

Community highlighted that when Aboriginal and Torres Strait Islander People have access to safe and accessible housing, they are able to thrive in other areas of their lives, including education, employment, health, personal relationships and cultural practice.

A variety of dwelling types enable this by ensuring families of all sizes and stages in life are catered to.



CREATING COMMUNITY

Creating a strong sense of community in a new housing development promotes well-being, cooperation, and a feeling of belonging. For Aboriginal and Torres Strait Islander People, Country is what provides belonging and purpose.

The project team is adding value to Redmond Place by incorporating Country and the stories of Country into communal spaces, including playgrounds, youth spaces and wetland areas.

Key Design Themes and Recommendations, Redmond Place Connecting with Country Framework



RESTORING RESOURCE PLACES

Water is life and it provides a unique point of difference for Redmond Place. The cultural value of water and its associated resources are celebrated in design through the incorporation of a blue green corridor into the master plan. Accompanied by endemic planting, the blue green corridor nurtures traditional ecosystems, supporting the revitalisation of cultural practice (women's business in particular), Aboriginal and Torres Strait Islander businesses and contemporary food production.



GAANHA-BULA

For Aboriginal and Torres Strait Islander People, heritage includes tangible and intangible elements. Prominent landscape features, such as Gaanhabula or Mount Canobolas, reflect thousands of years of continuous connection with Country through physical evidence of occupation, such as stone tools and rock engravings, as well as intangible oral histories and ceremonial practice. Redmond Place will acknowledge the cultural significance of Gaanha-bula by maintaining sightlines where possible and telling the story of the three feuding brothers in communal areas.



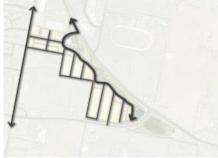
SHARED IDENTITY

By incorporating Aboriginal and Torres Strait Islander representation into Redmond Place, the urban landscape invites the broader community to appreciate the richness of Wiradjuri culture and partake in a more inclusive society. Many key figures have and continue to call Orange home, including Wiradjuri and other Aboriginal and Torres Strait Islander People who moved to the area as part of the regional resettlement scheme. Their impact can be celebrated through public art opportunities, and potentially place naming as the project progresses.

3.4 Key Moves

The following key moves respond to the intrinsic characteristics of the site and define the structure of the Redmond Place Master Plan.









Blue-green corridor

A consolidated open space corridor is provided along the eastern edge of the development that provides connected recreational and ecological amenity.

Functional grid

A functional grid of streets and lots is implemented to optimise lot efficiency, solar access and connectivity. The grid is then interrupted by a meandering park edge street along the west connecting from north to south.

Community focal points

The blue green corridor contains two community focal points; a local park in the north focused around the existing hangar building, and a central park in the middle of the development.

Density on amenity

Increased density is located facing onto open space, allowing a greater number of residents close access and views to open space while reinforcing the structure of the open space corridor with a built edge.

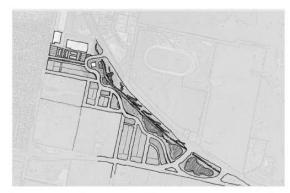
3.5 Design Process

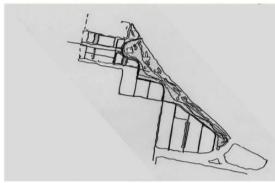
The master plan is the result of a comprehensive design process.

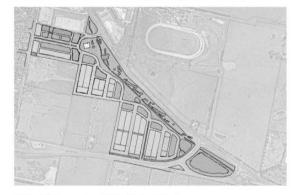
The initial site analysis combined with community consultation and visioning provided a starting point for design. Having this as a basis of design ensured an authentic and site responsive plan that is reflective of its place, both physically, and as part of the future Orange community.

From here, the design team worked closely with Orange City Council and Landcom to develop the master plan through an iterative process of design options, testing and workshops.

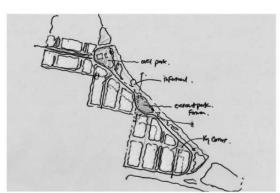
Initial design principles and structural layout were also presented and discussed with Landcom's Design Review Panel, providing valuable peer review and input that shaped the direction of the master plan.

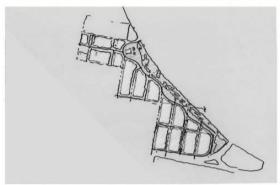
















4.1 Master Plan

Legend

Lege	end
1	Homemaker precinct
2	Northern Entry Street
3	Existing picnic shelter and toilet block
4	Hangar building
5	Northern park
6	Central park
7	Stormwater basins
8	Southern entry street
9	Drainage swale
10	Wetland
11	Sewer pump station
	Open Space
	Low Density Lots
	Medium Density Lots
	Low Rise Apartments
	Site Boundary





Attachment 1 Redmond Place Master Plan

4.2 Planning

Proposed Zoning

The proposal seeks to amend the Land Zoning Map as it applies to the Redmond Place precinct to align with the masterplan. The proposal seeks to rezone land zoned E3 Productivity Support and C3 Environmental Management as follows:

- + R1 General Residential, for the parts of the precinct proposed for residential development
- RE1 Public Recreation for the land to be set aside for public open space and recreation
- + SP2 Infrastructure for the land where the sewer pump is to be located





Planning

Proposed Urban Release Area

The Urban Release Area Map is proposed to be amended to identify Redmond Place Orange as an 'Urban Release Area'. This will mean that Part 6 Urban release areas will apply to the land.

It is proposed to add an additional clause to Part 6 of the Orange Local Environmental Plan 2011. This clause would apply specifically to the Redmond Place Urban Release Area. The intention of the clause is to ensure that development of the precinct includes public open space, and the public open space provides for stormwater management and improvements to stormwater quality.

The clause will require that development consent for a future subdivision can only be granted if a minimum area of 3 ha of land within the R1 General Residential zone is set aside for open space. The purpose of this is to provide recreational areas and is designed to ensure stormwater management and improvements to stormwater quality in accordance with the master plan. This will ensure that the linear open space indicated in the master plan is provided.

Proposed Additional Permitted Uses

The proposal seeks to add additional permitted uses to the land on which the hangar is located. This will allow for flexibility in the future use of this land.

The following additional uses are proposed for the land identified on the map below:

- + Artisan food and drink industry
- + Creative industry
- + Function centre
- + Market

The hangar can provide a community gathering space, providing opportunities for people to come together, meet each other and form social connections with their neighbours and community. The proposed R1 General Residential zone will apply to the land where the hangar is located. This zoning permits a range of uses including community facilities and recreation facilities (indoor) which can encourage community gathering. Providing additional permissible uses will allow for flexibility in the future use of the hangar building.



4.3 Aerial Views Aerial Views 01



Views Aerial Views 02



Attachment 1 Redmond Place Master Plan

Views Aerial Views 03



Attachment 1 Redmond Place Master Plan

Views Aerial Views 04









4.4 Water Sensitive Urban Design



Water Sensitive Urban Design

Southern Wetland



Artist's impression only

Attachment 1 Redmond Place Master Plan

4.5 Open Space

The residential development site is proposed to include approximately 5.3ha (excluding water bodies and drainage infrastructure) of future open space, including:

- A linear open space along Bathurst Road/Dairy Creek Road, including the proposed:
 - Neighbourhood Park with a community and family focus
 - Village Green with a youth focus
 - 2 pocket parks
 - Boardwalks and gathering space at the southern wetland
 - A shared path loop connecting the parks and wetland area
 - Potential for three fitness stations along the loop track
- + 1 pocket park fronting Lone Pine Avenue

Legend



Open Space included as part of the residential development (5.3ha)

_ _ Site Boundary





Open Space Linear Open Space



Artist's impression only

Redmond Place Master Plan Attachment 1

Open Space Northern Park

The Northern Park will have a family and community focus, with opportunities for play, gathering, recreation and community events.

Legena	
100m² community garden	
600m² playground, ages 0-12	
Hangar building with plaza curtilage	
Hangar parking retained	
Open lawn	
Picnic shelter	
Shared pedestrian / cycle path	
Existing poplars retained	
Existing dairy building picnic shelter	
Exercise station	
Site Boundary	
	100m² community garden 600m² playground, ages 0-12 Hangar building with plaza curtilage Hangar parking retained Open lawn Picnic shelter Shared pedestrian / cycle path Existing poplars retained Existing dairy building picnic shelter Exercise station





Open Space Northern Park



Artist's impression only

Open Space Central Park

The Central Park will have a youth focus, providing a hangout and recreation space for teenagers and young adults. The park elements noted below may be considered as part of this space.

Legend

Legen	egenu	
1	Exercise station	
2	Half basketball court	
3	Sports practice wall / handball court	
4	Youth play equipment	
5	Open lawn	
6	Picnic shelters	
7	Bioretention basin	
8	Shared pedestrian / cycle path	
9	Existing poplars retained	
	Site Boundary	





Open Space Central Park



Artist's impression only

4.7 Connecting with Country Opportunities

The Master Plan builds in the opportunities identified in the Connecting with Country Framework Report as identified in the adjacent plan. These opportunities, along with others identified in the Framework Report, will add a richness, authenticity and functionality to Redmond Place for all residents and visitors.

Legend

Safe and Accessible Housing

- 1 Diverse housing options apartments
- 2 Diverse housing options medium density
- 3 Diverse housing options low density

Creating Community

- Potential for community use of refurbished hangar building
- 5 Youth and play spaces
- 6 Community amenities shelters and small gathering spaces
- 7 Lighting to streets and public places

Restoring Resource Places

- 8 Endemic planting across parks and open space
- Celebrate water on site wetlands and bio retention basins with opportunity for education / interpretation
- Celebrate water on site opportunity to provide 10 provide viewing deck and small gathering space adjacent to southern wetland
- 11 Community Gardens

Gaanha-bula

Sightline to Gaanha-bula retained in northern open 12 space. Opportunity for wayfinding / storytelling signage and interpretation in plaza area.

Shared Identity

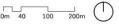
- .3 Artwork opportunity northern park plaza and playground
- 14 Artwork opportunity central park hardspace / walls
- 15 Artwork opportunity sculptural installation at wetland as interpretation / entry marker













Connecting with Country View to Gaanha-bula/Mt Canobolas

The view to Gaanha-bula from the northern park is to be maintained where possible and highlighted through planning controls restricting the heights of housing within this view corridor, ensuring the public retains views of this primary landscape feature from within public space.





Artist's impression only

4.8 Street Network

Overview

Streets are vital public infrastructure that help to connect places and create opportunities for social interaction and community building. Streets are for everyone; pedestrians, cyclists, public transport and private vehicles.

'Green streets' with enhanced tree planting in the north and south of the site define the entries to Redmond Place, connecting perimeter streets into the development and providing direct views and access to the primary open space corridor.

An unbroken public edge to the linear park is provided by the Park Street, meandering from north to south in contrast to the strict grid of local streets. Laneways are provided to support a diversity of housing density and typologies, as well as enabling enhanced streetscapes through the removal of driveways in key locations.

Footpaths will be provided to both sides of the majority of streets, with a shared path network further supporting active transport.

All streets will be characterised by tree planting within verges on both sides of the street and within the median when a median occurs. They will be visually dominated by a mix of beautiful, large tree species of primarily introduced origins, with endemic species where practical.

Shade from the trees will provide a comfortable walking and cycling environment. In addition, the trees will also provide protection from wind and separation from traffic.





17 DECEMBER 2024



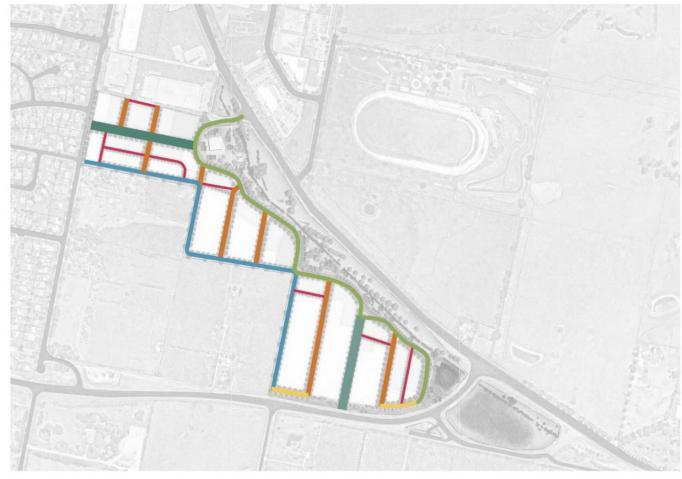


Attachment 1 Redmond Place Master Plan

Street Network

Streets Types

	Local Street	
	Park Street	
	Northern Entry Street	
	Southern Entry Street	
	Interface Street	
•	Southern Interface Street	
	Laneway	

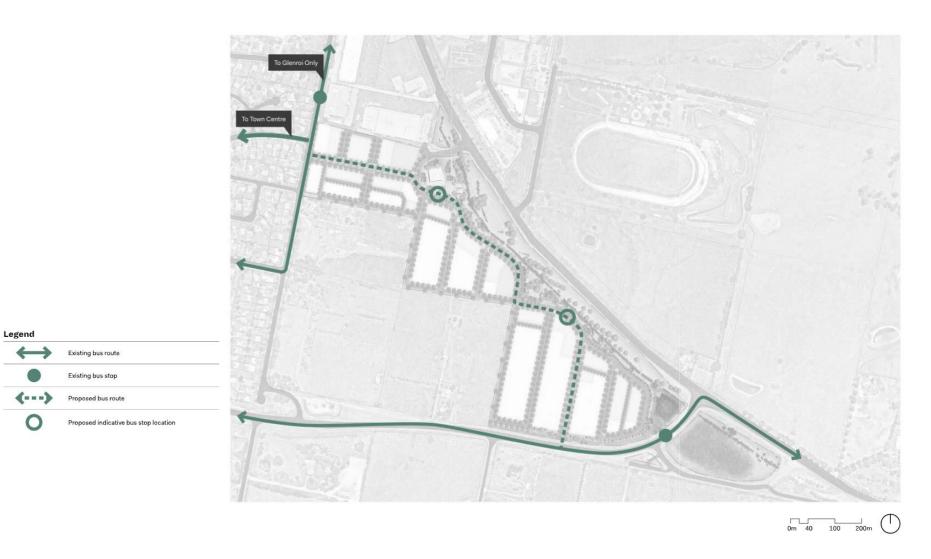




Attachment 1 Redmond Place Master Plan

Street Network

Indicative Bus Route



64 Redmond Place Master Plan Report

COUNCIL MEETING
Attachment 1 Redmond Place Master Plan

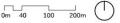
17 DECEMBER 2024

Street Network

Active Transport



	Footpath to both sides of street
	Footpath to one side of street
0	Indicative dedicated pedestrian crossing
\longrightarrow	Existing/ previously proposed on road cycleway (Orange City Council (2012), Orange City Bicycle Plan 2012-2017 (chapter 6))
·····>	Proposed shared path
	Proposed on road cycleway
	Park path



Street Network

Local Street

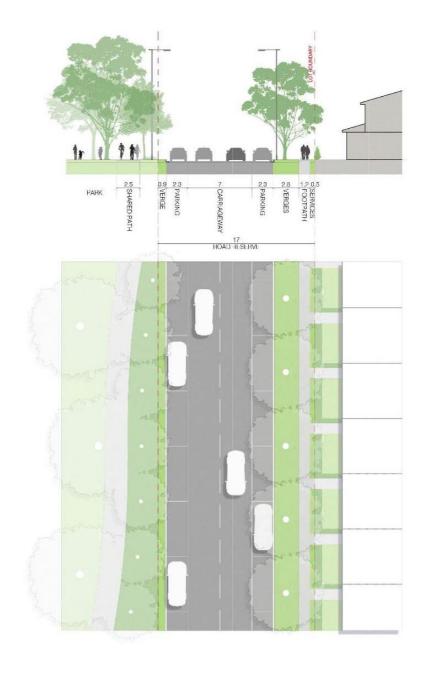
+ Trees in carriageway to be considered, subject to available room and distances between driveways



Street Network

Park Street

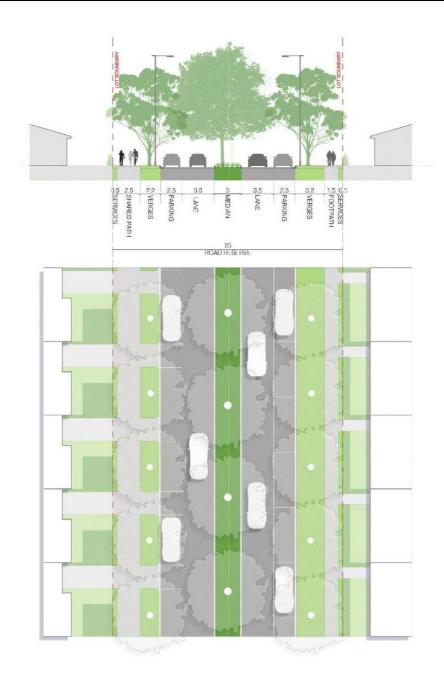
- + Verge incorporated into park to reduce reserve width
- + Bus route (partial)



Street Network

Northern Entry Street

- + Create an avenue / green link to open space
- + Opportunity for WSUD in median
- + Bus route



Attachment 1 Redmond Place Master Plan

Street Network Northern Entry Street

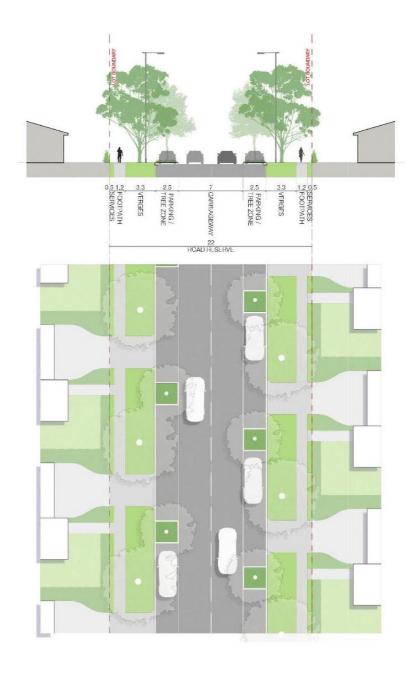


Artist's impression only

Street Network

Southern Entry Street

- + Create an avenue / green link to open space
- + Trees in carriageway to be considered against available room and distances between driveways
- Footpath both sides and consider trees in parking zones
- + Bus route



Attachment 1 Redmond Place Master Plan

Street Network Southern Entry Street



Artist's impression only

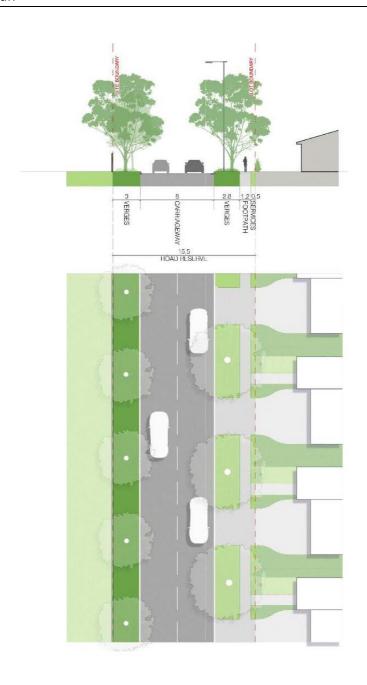
COUNCIL MEETINGAttachment 1 Redmond Place Master Plan

17 DECEMBER 2024

Street Network

Interface Street

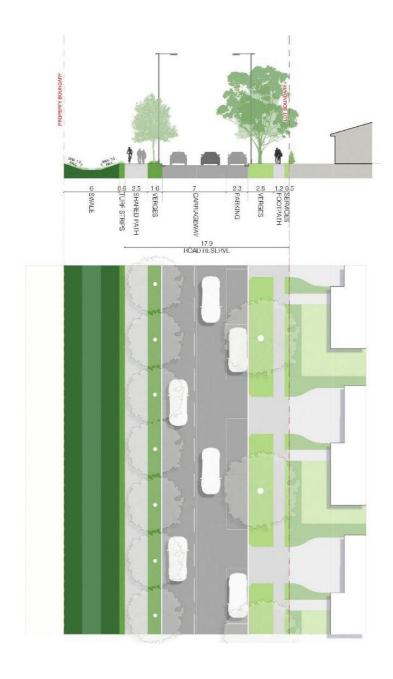
- + 3m landscape verge/strip vs boundary with planting to meet APZ requirements
- + 8m 2-way carriageway with no designated parking.
- + 8m road + 3m verge = 11m APZ
- + Reduced tree canopy within APZ



Street Network

Southern Interface Street

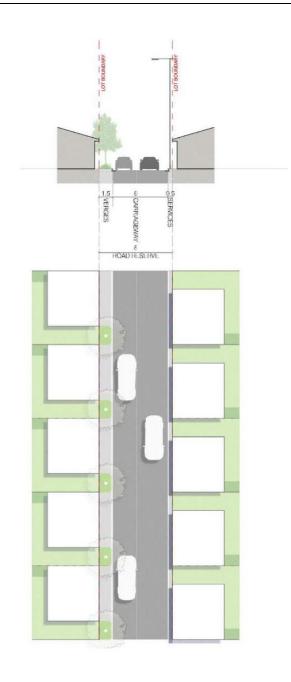
- + Parking on northern side only
- + 2.5m shared path connects into open space
- + 6m swale along southern boundary



Street Network

Laneway

+ Laneways to act as shared pedestrian / vehicle



View Entry from Redmond Place



Artist's impression only

4.9 Trees and Vegetation

Overview

Tree Strategy

New trees and planting across Redmond Place will increase biodiversity, visual amenity and shade, and define the character of the development. Tree planting across public and private space is to be maximised in order to significantly increase the overall canopy cover for the site and its associated benefits.

Tree species selection is to be consistent with the Orange Street Tree Master Plan (Orange City Council, 2012).

The selection of species shall take into account of a number of factors including:

- + Climate/microclimate
- + Size requirements/constraints
- + Form
- + Endemic / exotic
- Density of foliage
- + Growth rate
- + Availability
- Maintenance (i.e. leaf fall, fruit drop) and safety (branch drop)
- Cultural interpretation and Connecting with Country

To maintain a strong connection to place, a focus on locally endemic species shall be selected in conjunction with exotic species that provide vibrant seasonal and colour variations in support of Orange as the 'Colour City'.

Street tree species include a mix of native and exotic species, selected for qualities including scale, form, shade and sense of place.

Landscape setbacks within private lots will typically use small exotic deciduous species such as that will provide shade in summer and solar access in winter as well as displaying contrasting foliage and flowers to those of the endemic evergreens.

Tree species within open space will include a mix of large endemic trees for scale and shade, smaller endemic evergreen shade trees and select use of exotic deciduous trees for accent.

Refer to the Selecting & Planting Trees and Management Strategies sections of the Orange Street Tree Master Plan for further information and guidance.

Understorey Planting

Endemic species for the bioretention basins and wetland area are to be used as they are ideally suited to the local microclimate, create habitat for birds and micro fauna, and do not require high fertiliser input. These plants may include a selection of wetland edge vegetation, such as wildflowers, sedges, rushes and shrubs. Their root systems enhance infiltration, maintain or even augment soil permeability, provide moisture redistribution, take up nutrients and sustain diverse microbial populations involved in bio-filtration.

Other low level plant species used throughout the development will enhance the vibrancy and amenity of the public domain through their flowers and foliage. These shrub and ground cover planting also provide habitat for local birds and insects that contribute to the ecology of the precinct. A predominantly endemic plant palette will be used within the public open spaces.









Trees and Vegetation

Indicative Species List

Parks and Open Space

- + Acacia elata, Cedar Wattle
- Acer platanoides 'Crimson King', Purple Norway Maple
- + Acer platanoides, Norway Maple
- + Aesculus hippocastanum, Horse Chestnut
- + Calocedrus decurrens, Incense Cedar
- + Casuarina glauca, Swamp She Oak
- + Cedrus deodara, Deodar Cedar
- + Cercis canadensis, Forest Pansy
- + Cupressus sempervirens 'Stricta', Tuscan Cypress
- + Eucalyptus melliodora, Yellow Box
- + Eucalyptus pauciflora, Snow Gum
- + Eucalyptus viminalis, Manna Gum
- + Fagus sylvatica, European Beech
- + Juglans nigra, Black Walnut
- Juniperus virginiana, Eastern Red Cedar
- + Liquidambar styraciflua, Liquidambar
- Liriodendron tulipifera, Tulip Tree
- + Magnolia x soulangeana, Saucer Magnolia
- + Melaleuca decora, White Feather Honey Myrtle
- + Melaleuca linariifolia, Snow in Summer
- + Picea abies, Norway Spruce
- + Picea pungens, Spruce
- + Populus simonii, Simon's Poplar
- + Prunus x amygdalo-persica, Almond-Peach
- + Quercus coccinea, Scarlet Oak
- + Quercus ilex, Holm Oak
- + Quercus palustris, Pin Oak
- Quercus robur, English Oak
- + Sequoia sempervirens, Coastal Redwood
- + Thuja occidentalis, Northern Whitecedar
- + Tilia x europaea, Lime Tree

Street Trees

- + Acer buergerianum, Trident Maple
- + Acer palmatum, Japanese Maple
- + Acer platanoides 'Crimson King', Purple Norway Maple
- Acer platanoides 'Crimson Sentry', Upright Purple Norway Maple
- + Acer platanoides, Norway Maple
- + Acer rubrum, Red Maple
- + Acer saccharinum, Silver Maple
- + Acer x freemanii, Autumn Blaze Maple
- + Callistemon citrinus, Crimson Bottlebrush
- + Callistemon salignus, White Bottlebrush

- + Callistemon viminalis, Weeping Bottlebrush
- + Eucalyptus bridgesiana, Apple Box
- + Eucalyptus cineria, Argyle Apple
- + Eucalyptus crebra, Narrow leaved iron bark
- + Eucalyptus sideroxylon, Mugga Ironbark
- + Fraxinus americana, White Ash
- Fraxinus excelsior 'Aurea', Golden Ash
- + Fraxinus x 'Raywoodii', Claret Ash
- + Hakea salicifolia, Willow-leaved Hakea
- + Lagerstroemia indica, Crepe Myrtle
- + Liquidambar styraciflua, Liquidambar
- + Liriodendron tulipifera, Tulip Tree
- + Livistonia australis

- + Malus tschonoskii, Pillar Crabapple
- + Parrotia persica, Persian Ironwood Tree
- + Pistacia chinensis, Chinese Pistachio
- Populus simonii, Simon's Poplar
- + Prunus persica, Peach
- Pyrus calleryana 'Capital', Capital Callery Pear
- + Quercus coccinea, Scarlet Oak
- + Quercus palustris, Pin Oak
- + Quercus robur 'Fastigiata', Cypress Oak
- + Tilia cordata, Small Leafed Lime
- + Tilia x europaea, Lime Tree
- + Ulmus parvifolia, Chinese Weeping Elm
- + Zelkova serrata, Japanese Zelkova



Attachment 1 Redmond Place Master Plan

4.10 Lighting Overview

A well-designed public domain is safe, legible and functional for vehicles and pedestrians during both day and night. An overall lighting strategy is key to providing a usable public domain after dark.

Lighting provision to the shared path and public open space corridor in particular will be critical to ensuring a safe and active neighbourhood.

Considerations and strategies for Redmond Place lighting:

- Provide lighting for streets and key pedestrian routes and spaces, giving particular attention to vehicle/ pedestrian conflict points.
- + Adopt a smaller, human scale approach to lighting for key pedestrian areas.
- + Avoid unnecessary light pollution.
- Consider a range of lighting options, such as poles, bollards, wall-mounted, strip lighting and feature / sculptural lighting as suited to the application.
- Use lighting to highlight key elements of the public domain.
- Provide additional lighting in areas available to night time activities such as around the hangar building.
- Consider solar panels and solar light fittings for public domain lighting.
- Explore opportunities to provide feature lighting to key public domain elements or natural features.









4.11 Housing

Typologies

Redmond Place will provide a range of housing typologies to create a diverse neighbourhood catering to a broad spectrum of potential residents.

The housing typologies can be broadly broken down into the following categories:

Apartments

Apartment buildings of up to four stories will be located adjacent to open space and provide a range of 1, 2 and 3 bedroom apartments. Apartments are to address the street, with ground floor apartments providing direct access to public footpaths.

Rear loaded medium density housing

The provision of laneways within the street network allows for a narrow terrace typology (minimum 6m wide) with rear garages on the laneway. Typically fronting onto the open space corridor, the lack of front driveways and garages serves to further enhance the overall streetscape.

Front loaded medium density housing

Front loaded typologies (minimum 7.5m wide) add to the housing diversity and affordability. The design of this typology can contribute to the streetscape through landscaped front setbacks and reduced driveway / garage widths where appropriate.

Low density housing

Detatched dwellings will make up the remainder of the residential housing at Redmond Place, providing housing choice more typical of the existing housing provision across Orange's suburbs. These lots provide greater opportunity for greening within private gardens and a more open streetscape.









Housing

Housing Typologies





COUNCIL MEETING
Attachment 1 Redmond Place Master Plan

17 DECEMBER 2024

4.12 Indicative Staging and Yield

	Stage 1A	Stage 1B	Stage 2	Stage 3	Total
Apartments	-	143	29	37	66
Medium Density lots (215m² average lot size)	37	16	26	51	130
Low Density lots (422m² average lot size)	30	44	37	23	134
Total dwellings	67	60	92	111	330





Redmond Place Master Plan Attachment 1

Melbourne

Wurundjeri Woi Wurrung Country Level 2, 33 Guildford Lane Melbourne, VIC +61 3 9670 0699

Sydney Gadigal Country Level 1, 5 Wilson St Newtown, NSW +61 2 9557 5533

Canberra

Ngunnawal and Ngambri Country Room 2, Pavilion Studios 14 Kendall Lane Canberra, ACT +61 2 9557 5533

ABN 34 074 882 447 oculus.info

5.4 DEVELOPMENT APPLICATION DA 497/2024(1) - 123 AND 125 PEISLEY STREET

RECORD NUMBER: 2024/794

AUTHOR: Ben Hicks, Senior Planner

EXECUTIVE SUMMARY

Application lodged	3 April 2024		
Applicant/s	Collab Developments		
Owner/s	Ananta Hotels Group Pty Ltd		
Land description	Lots 10 and 11 DP 1290605 - 123 and 125 Peisley		
	Street, Orange		
Proposed land use	Demolition (entire building except facade); and Mixed-		
	Use Development (hotel or motel accommodation, and		
	commercial premises)		
Value of proposed development	\$29,119,763, excluding GST		

Council's consent is sought for the construction of a mixed-use, multistorey building comprising a 117-room hotel with associated facilities, including a conference room, restaurant, lounge, swimming pool, gym, outdoor guest areas, and parking distributed across basement, ground, and first-floor levels and internal laneway. The development includes four commercial tenancies - two fronting McNamara Street and two fronting Peisley Street - as well as ancillary works such as demolition, site landscaping, outdoor dining areas, signage, tree removal, and utility upgrades. A key feature is the retention of the Peisley Street façade and a through-site shared pedestrian pathway connecting Peisley Street and McNamara Street

A variation to the Height of Building (HoB) and Floor Space Ratio (FSR) development standards are requested as part of this Development Application. Specifically, the proposal includes a height increase of 8.86m or 73.8% on Peisley Street, and 4.64m or 29% on McNamara Street. In terms of FSR, the Peisley Street portion proposes an FSR of 2.32:1, which is 0.82:1 above the 1.5:1 FSR control, representing a 54.7% increase. The McNamara Street site complies with an FSR of 2:1, being 0.05:1 under the control.

The proposal comprised advertised and notified development pursuant to Council's Community Participation Plan 2019 for a period of 14 days. At the completion of the advertisement/notification period, one submission had been received. The key concern raised relates to parking. The matter has been addressed within the report.

Advice and concurrence from Transport for NSW (TfNSW) regarding the development's frontage and works on a classified regional road have informed the conditions of consent. Additionally, Essential Energy have provided their comments and requirements.

In assessing the application, the critical planning issues included ensuring the proposed building's integration within its heritage context, its compatibility with the broader urban setting, the adequacy of parking provisions, and the implications of the Clause 4.6 variation requests for HoB and FSR, particularly concerning bulk and scale and cumulative impacts. All these concerns have been thoroughly addressed and resolved.

The proposal, with an estimated development cost (EDC) of \$29,119,763 (excluding GST), exceeds the \$2.5 million threshold set by Orange City Council's *Declaration of Planning and Development Assessment Procedures and Protocols* (Version 5, 2019).

The declaration further stipulates that any variation exceeding 10% to a development standard, in this case, the HoB and FSR, requires the application to be determined by the Council or Planning and Development Committee. Accordingly, the proposal has been referred to the Committee for determination in line with Clause 4.10 of the Delegations.

Overall, the proposed development is consistent with the land's zoning and is expected to deliver a high-quality, well-designed addition to Orange, contributing to employment opportunities and economic growth. The application adheres to the majority of relevant planning controls, and any outstanding issues can be effectively addressed through specified conditions. Consequently, the application is recommended for approval.



Figure 1 - site context and locality plan

DECISION FRAMEWORK

The development proposal is subject to several frameworks and regulations that govern development in the Orange Local Government Area. These include the Environmental Planning and Assessment Act 1979 and accompanying regulations, the Orange LEP 2011, and various SEPPs. The Orange Development Control Plan 2004 (DCP) and Infill Guidelines are also used to guide development. All relevant matters have been taken into consideration in assessing the proposed development.

Council's Community Participation Plan outlines the parameters for community participation in environmental and land-use planning in the Orange LGA, including notification and exhibition requirements. The proposal was exhibited for a period of 14 days, during which one submission/representation was received related to parking.

The development is neither integrated nor designated development as defined under Section 4.46 of the Act and Schedule 3 of the Regulation respectively.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

The application required concurrence from Transport for NSW (TfNSW) under Clause 2.119 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) and Section 138 (Non-integrated) of the Roads Act 1993, due to the development's frontage to a classified road and associated works. Concurrence was granted by TfNSW, subject to conditions, on 29 May 2024.

The proposed development, with a value of \$29,119,763, does not qualify as regionally or state significant under the provisions of the State Environmental Planning Policy (Planning Systems) 2021. In accordance with Clause 1.6 of the Orange LEP 2011 and Clause 4.5(d) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council is the designated consent authority with jurisdiction over this application.

Given the estimated cost of the development and the exceedances to HoB and FSR controls, the matter has been tabled to Council for determination pursuant to Clause 4.10 of the Delegations in Orange City Council's Declaration of Planning and Development Assessment Procedures and Protocols (Version 5, 2019).

DIRECTOR'S COMMENTS

This application proposes the partial demolition of existing structures (formerly Elders and currently has temporary tenancy of the Salvo's Store), along with the construction of a \$29.1M multistorey building at 123 Peisley Street through to McNamara Street at the rear, comprising a 117-room hotel, with a conference room, restaurant, lounge, swimming pool, gym, outdoor guest areas, and parking distributed across basement, ground, and first-floor levels.

The proposal includes four commercial tenancies - two fronting McNamara Street and two fronting Peisley Street - as well as ancillary works such as demolition, site landscaping, outdoor dining areas, signage, tree removal, and utility upgrades. A key feature is the retention of the Peisley Street façade and a through-site shared pedestrian pathway connecting Peisley Street and McNamara Street.

Key planning issues identified in the staff assessment in relate to heritage, parking provision, height and floor space of the building. The applicant has requested a variation to the LEP controls for this site pertaining to overall height and floor area. This request is considered to be reasonable, particularly as the development has direct access to key public transport, being the railway station.

The proposed building demonstrates a high level of urban design, contributing to the regional status of the City's Central Business District. The applicant has worked extensively with staff and paid particular attention to façade features, external materials, building articulation, colour schemes, and advertising elements, which are important for a building of this size and one which is located in the Heritage Conservation Area and close to heritage items.

The proposed development delivers active frontages to both Peisley Street and McNamara Street through ground-floor commercial uses, while enhancing pedestrian amenity and connectivity via a shared thru-site link/laneway and public domain improvements. The development will contribute to the activation, vitality, and ongoing gentrification of the precinct, reinforcing its role in the CBD's broader strategic vision.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

The proposal includes 120 car parking spaces and relies on valet arrangements which are similar to other CBD motels that Council has approved in the past. The most recent of these approvals is the Quest units, which indicate valet parking in busy times can work.

In terms of overall required parking spaces, the proposal has a deficiency of seven spaces in accordance with Council's parking provisions. A condition of consent has been included in the draft consent that details the appropriate contribution payable by the proponent under Council's contributions plan. These contribution funds are directed toward broader parking improvements and infrastructure within the Orange CBD to ensure the overall parking demand is managed effectively.

The staff development assessment concluded that the development provides an appropriate response to the applicable design criteria, including character, scale and form, siting, materials and colours, and detailing. While there are some outstanding matters, these matters have been discussed and addressed within the body of this report with a series of conditions being recommended to address issues in the attached Notice of Determination.

Overall, this is an exciting development, showing good investment interest in the Orange economy. It is recommended that Council supports the development subject to the adoption of the attached Notice of Determination.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy "11.1. Ensure plans for growth and development are respectful of our heritage".

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

The proposed variation to the Height of Building (HoB) and Floor Space Ratio (FSR) under the Orange Local Environment Plan 2011 does not have any significant policy or governance implications. The justification provided for the variation is reasonable and is supported by the site context and circumstances of the case. Additionally, there is no indication that the proposed variation would lead to the abandonment of the HoB or FSR development standard. Therefore, it is recommended that the proposed variation be supported by Council.

RECOMMENDATION

That Council consents to development application DA 497/2024(1) for *Demolition (entire building except facade); and Mixed-Use Development (hotel or motel accommodation, and commercial premises)* at Lots 10 and 11 DP 1290605 - 123 and 125 Peisley Street, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

THE APPLICATION / PROPOSAL

Development

Council's consent is sought for the partial demolition of the existing building at 123-125 Peisley Street, Orange, retaining the contributory Peisley Street façade, and the construction of a five-storey mixed-use building and basement. The development includes hotel accommodation, commercial tenancies, and associated amenities and facilities.

The hotel component consists of 117 rooms, including 37 dual-key configurations designed to accommodate families or groups. Guest facilities include a 148m² conference room, a 212m² restaurant (exclusively for hotel guests), a swimming pool, a gym, and outdoor recreational spaces. The ground floor incorporates four commercial tenancies with a combined leasable area of 200m².

The building will have a maximum height of 20.86m (to the top of the lift overrun), a gross floor area (GFA) of 7,300m², and an overall FSR of 2.22:1. Parking provisions include 120 spaces, consisting of 99 self-parking spaces, 21 valet-managed overflow spaces, and two drop-off bays in a porte-cochère. A through-site shared pedestrian link connecting Peisley Street and McNamara Street is also proposed.

Site preparation involves the partial demolition of the existing structure while retaining the Peisley Street façade. Additional works will include the removal of existing concrete, driveways, and crossovers, as well as the removal of one tree. Utility upgrades will include stormwater drainage to McNamara Street via onsite detention, sewer infrastructure upgrades, and provisions for power and telecommunications.

The design adopts a contemporary architectural style, incorporating a mix of brick, glazing, and metal cladding, with articulated facades and integrated landscaping to complement the retained heritage façade. Ancillary works include outdoor dining along Peisley Street and landscaping within the site and the public domain.

The following figures offer a visual representation of the proposal:



Figure 2 - perspective view from Peisley Street



Figure 3 - perspective view from McNamara Street



Figure 4 - overall site layout and building configuration

Operational Matters

Trading Hours:

- Hotel: Open 24 hours, 7 days a week (Reception staffed 24 hours daily).
- Restaurant: 6:00 am to 11:00 pm.
- Office/Business Areas: 8:00 am to 6:00 pm.

Staffing:

- Hotel and Restaurant:
 - One Manager
 - Two Receptionists
 - Three Restaurant staff
 - Three Housekeeping staff
 - Total: Nine staff
- Commercial Areas:
 - One Staff Member per Leased Space

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

ENVIRONMENTAL PLANNING ASSESSMENT

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

Section 1.7 - Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

Pursuant to Section 1.7:

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

Based on the site's highly modified urban and commercial setting, which lacks significant natural features, native vegetation, or habitat value, the proposed development is unlikely to significantly impact endangered species, ecological communities, or aquatic habitats. While the proposal includes the removal of one tree, this does not exceed the established clearing thresholds, and the tree is not expected to serve as habitat within the current environment. Additionally, no concerns regarding the removal have been raised by Council's Manager of City Presentation. Furthermore, no critical fish habitats or areas of significant aquatic biodiversity have been identified in the vicinity of the site.

Given these considerations, a Biodiversity Assessment Report is not required. The proposal satisfies the relevant criteria under Section 1.7 of the Act, and no further ecological or aquatic assessments are necessary.

Part 4 Development Assessment and Consent

Section 4.15 - Evaluation

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under Subclause 2. Those relevant to the application are as follows:

- (a) to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,
- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,
- (f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.

The application is considered to be consistent with the above listed aims, as outlined in the following sections of the report.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map: E2 Commercial Centre

Lot Size Map: No Minimum Lot Size

Heritage Map: Dalton Central Heritage Conservation Area

Height of Buildings Map:

Building height limit 16m (McNamara Street)

and 12m (Peisley Street)

Floor Space Ratio Map: Floor space limit 2:1 (McNamara Street) 1.5:1

(Peisley Street)

Terrestrial Biodiversity Map: No biodiversity sensitivity on the site

Groundwater Vulnerability Map: Groundwater vulnerable

Drinking Water Catchment Map: Not within the drinking water catchment

Watercourse Map: Not within or affecting a defined watercourse

Urban Release Area Map: Not within an urban release area

Obstacle Limitation Surface Map: No restriction on building siting or construction

Additional Permitted Uses Map: No additional permitted use applies

Flood Planning Map: Within a flood planning area (Blackmans Swamp

Creek PMF)

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
- (b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or
- (c) to any conservation agreement under the National Parks and Wildlife Act 1974, or
- (d) to any Trust agreement under the Nature Conservation Trust Act 2001, or
- (e) to any property vegetation plan under the Native Vegetation Act 2003, or
- (f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or
- (g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The site of the proposed development is zoned E2 Commercial Centre under Orange Local Environmental Plan 2011. The proposed development represents a mixed-use development as defined by the LEP i.e., building or place comprising two or more different land uses. The applicant is seeking consent for the following:

- (a) Hotel or Motel Accommodation.
- (b) Commercial Premises.

The Land Use Table for the E2 Commercial Centre zone permits these uses with prior consent. Orange LEP 2011 defines the described land uses as follows:

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that -

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

commercial premises means any of the following -

- (c) business premises,
- (d) office premises,
- (e) retail premises.

The proposal has been assessed in relation to the above definitions and explanations, with the following considerations:

- The proposed hotel or motel accommodation includes 117 self-contained suites, providing short-term accommodation for guests. Guest parking is provided, along with the option for onsite meal services. These elements align with the intended function of hotel or motel accommodation as defined under the LEP.
- The proposal includes four commercial tenancies. Council would ordinarily seek to characterise a particular development's land-use to the closest and best fit under the LEP rather than use the higher order uses such as commercial premises. Notwithstanding this, given that the application seeks consent only to create a series of commercial tenancies with the exact uses/occupants of the tenancies unknown at this stage, it is considered appropriate to characterise the development as a commercial premises for the purposes of this assessment. It will be necessary, once the proposed tenancies are created, for proponents to seek development consent for first use and fit-out. A relevant condition is attached in this regard.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

Clause 2.3(2) of the Orange LEP 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the E2 Commercial Centre zone are:

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract
 pedestrian traffic and to contribute to vibrant, diverse and functional streets and public
 spaces.
- To promote development that contributes to the role of the Orange CBD as the primary retail and business centre in the City and region.

The development as a whole supports the activation and economic vitality of the commercial centre, providing a combination of accommodation and commercial opportunities in line with the zoning intent.

Clause 2.7 - Demolition Requires Development Consent

This clause establishes that development consent is required for the demolition of any building or structure.

The proposal includes the demolition of all existing buildings and structures on the site, as outlined in the demolition plan, with the exception of the building façade fronting Peisley Street. The applicant is seeking Council's consent for this proposal.

The demolition works proposed will have no significant impact on adjoining lands, streetscape or public realm. Conditions are imposed in respect of hours of operation, dust suppression and the need to investigate for, and appropriately manage the presence of any materials containing asbestos or other contaminants.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.3 - Height of Buildings

This clause establishes limits on the HoB as outlined in the Height of Buildings Map. The HoB control regulates the maximum vertical extent of buildings to ensure compatibility with the surrounding built environment, preserve the desired urban character, and mitigate adverse impacts on amenity, such as overshadowing, loss of privacy, and visual disruption.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

For the subject site, the HoB limit is 16m for the McNamara Street portion and 12m for the Peisley Street portion (Figure 5). The proposed development exceeds these limits, with a maximum height of 20.64m on McNamara Street portion (an increase of 4.64m or 29%) and 20.86m on Peisley Street portion (an increase of 8.86m or 73.8%). The non-compliance generally occurs in the central areas of the site, where the development steps back from the compliant height at the street frontages. The applicant has submitted a request to vary the development standard under Clause 4.6 of the LEP, which will be examined in detail in the subsequent section of this report.



Figure 5 - HoB Map

Clause 4.4 - Floor Space Ratio

This clause limits the FSR permitted on land identified on the Floor Space Ratio Map. The FSR is a measure of the total floor area of a building in relation to the area of the land on which it is built.

For the subject site, the FSR limit is 2:1 McNamara Street portion and 1.5:1 Peisley Street portion (Figure 6). An FSR of 2:1m that the total floor area of the building can be up to twice the area of the land. While An FSR of 1.5:1m that the total floor area of the building can be up to 1.5 times the area of the land. The proposed development exceeds the FSR limit for the Peisley Street portion, where the FSR increases from 1.5:1 to 2.32:1. This represents a 54.7% increase, resulting in an additional 1,986.04 m² of floor area. A request to vary the development standard under Clause 4.6 of the LEP has been submitted and will be addressed in the next section of this report.

¹ Note on Variations

It is important to note that there is no maximum percentage by which a development standard may be varied, and any proposed variation must still be justified on environmental planning grounds. While percentages may help to provide a sense of the extent of the variation, ultimately it is the environmental planning justifications that must carry weight in the decision-making process.

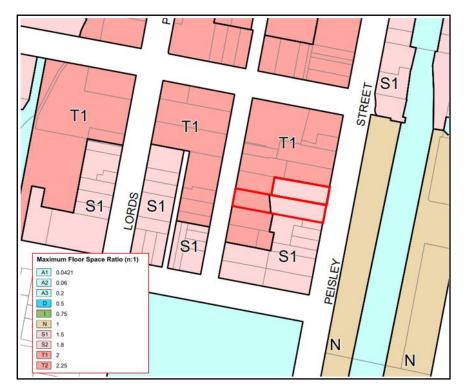


Figure 6 - FSR Map

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 exceptions to development standards of the Orange Local Environmental Plan 2011 provides flexibility in the application of certain development standards in particular circumstances, where compliance with a development standard is unreasonable and unnecessary. This provision applies to the current application due to proposed exceedances in the prescribed FSR and HoB standards.

In determining whether development consent may be granted, the Consent Authority must consider a written objection by the applicant to the development standard. The written objection must demonstrate:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Concurrence Requirement for Development Standards Variations

Previously, Council could grant consent to contraventions of development standards only with the concurrence of the Planning Secretary. Under Section 55 of the Environmental Planning and Assessment Regulation 2021, Planning Circular PS 20-002 permitted the Secretary's concurrence to be assumed for exceptions to development standards under Clause 4.6 of the Standard Instrument Local Environmental Plan (SILEP) or similar provisions, in most cases.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

Planning Circular PS 20-002 has since been repealed. The *Guide to Varying Development Standards* (November 2023) eliminates the formal concurrence requirement and replaces it with a monitoring and reporting framework managed through the NSW Planning Portal. This change formalises the previous practice, where the Secretary's concurrence was largely assumed.

The updated guidelines allow councils to grant consent under delegated authority for developments contravening a standard if the variation is 10% or less. Variations exceeding 10% must be determined by the relevant local planning panel in metropolitan areas, while in regional areas, the responsibility rests with the elected council. As the proposed variations exceed 10%, the matter will be determined by Council/PDC.

<u>Proposed Variations to FSR and Hob Standards</u>

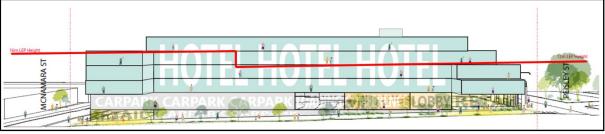
The Development Application is accompanied by Clause 4.6 variation requests to vary the FSR and HoB standards under the Orange Local Environmental Plan 2011. The applicant seeks to increase the FSR from 1.5:1 to 2.32:1 and the Hob by 8.86m or 73.8% on Peisley Street, and 4.64m or 29% on McNamara Street, arguing that the proposed variations are consistent with strategic planning objectives and deliver public benefits.

The applicant references the Orange City Future City (OCFC) strategy to justify both variations, suggesting that the precinct is identified as suitable for increased height and density to support the CBD's growth. For the FSR variation, they state that the additional gross floor area is integral to achieving a consolidated site design that incorporates a through-site pedestrian link and activated frontages on Peisley and McNamara Streets. They argue that setbacks, stepped façades, and material treatments mitigate visual bulk and scale, ensuring compatibility with the surrounding streetscape and nearby heritage properties.

In relation to the HoB variation, the applicant suggests that the additional height is consistent with the evolving character of the CBD as envisaged by the OCFC strategy. They emphasise that design measures, such as upper-level setbacks, articulation, and the retention of a human-scale street edge, ensure the height integrates with the streetscape and minimises impacts on adjoining properties.

Overall, the applicant submits that the variations facilitate a high-quality mixed-use development that supports the CBD's economic vitality, enhances pedestrian connectivity, and activates underutilised spaces, contributing to the area's long-term vibrancy.

The following figures detail the proposed variations:



exceedances of relative to current HoB Controls

Figure 7 -

	MCNAMARA LOT	PEISLEY LOT	OVERALL SITE	
SITE AREA	864	2422	3286	m2
ALLOWABLE FSR	2.0	1.5	1.63	:1
ALLOWABLE GFA	1728	3633	5361	m2
MAX LEP HEIGHT	16	12		m
MAX LEP VOLUME	13824	29064	42888	m3
PROPOSED GFA	1687	5609	7296	m2
PROPOSED FSR	1.95	2.32	2.22	:1

Figure 8 - proposed FSR for each lot

Assessment of Clause 4.6 Request

The proposal is seeking a variation to HoB and FSR controls associated with the Development Application for 123-125 Peisley Street for Mixed Use Development (hotel accommodation and commercial premises). In response to the written requests submitted by the applicant, Council staff have conducted a review of the proposed variations against Clause 4.6 exceptions to development standards of the Orange Local Environmental Plan 2011 (OLEP 2011) and the Guide to Varying Development Standards (November 2023). An assessment of the written request indicated numerous insufficiencies in the request. The insufficiencies are summarised as follows:

- The written request largely focuses on built-form responses not relating to the noncompliance.
- The written HoB request incorrectly refers to "available building volume" and implies that the proposed development is simply rearranging that volume by exceeding the HoB. This is an invalid argument as these controls are not intended to be achieved in isolation. The combined effect of the controls is to imply/encourage the use of setbacks and articulation.
- The written FSR request incorrectly interprets errors in Council's draft Orange City Future City (OCFC) (May 2022).

Staff have firstly considered the 4.6 variation in terms of the CBD height and density objectives generally and also the Future City Strategy. This review is summarised below.

Orange Central Business District

The Orange Central Business District is zoned E2 Commercial Centre surrounded by MU1 Mixed Use, RE1 Public Recreation and R1 General Residential. Generally, the CBD is bound by Hill Street to the west, Byng Street to the north, Moulder Street to the south and Peisley Street to the East (Figure 9). The CBD is located within the Dalton Central Heritage Conservation Area and there is a patchwork of Heritage Items, contributory items and successive periods of infill development within the CBD, and the CBD forms part of the Dalton Heritage Conservation Area. The character of the CBD is informed by its consistency of scale and harmony of styles evident from the 1870's through to the 1920's. Lot sizes vary from 20,000m² to lots as small as 180m² and are largely held in fragmented ownership, resulting in few opportunities for amalgamation.



Figure 9 - Site Planning Context

The Orange City Centre Plan (2010) identifies the area as the "City South" and notes it has the potential to accommodate larger floor plates and buildings up to four storeys. This study was the catalyst for the HoB and FSR Controls that were implemented across the CBD as part of the Standardised Local Environmental Plan (LEP) in 2010. The Planning Report for the standardisation of the LEP notes that further review of the controls is required and is to be supported by an Economic Land Use Strategy. A review has not since been undertaken.

Subsequently, the Orange City Future City (OCFC) (2020) (the Strategy) identified the site as a "Special Project - McNamara Street South Precinct 2," (Figure 10) emphasising its suitability for small-to-medium size amalgamations to support redevelopment for medium-rise (3-4 storeys) mixed-use infill development, including mid-block pedestrian links. The Strategy also highlights potential for land uses such as student housing, short-stay accommodation, and affordable housing. However, the 'Implications for Planning' section appears to have misinterpreted the current controls and constraints. The HoB and FSR controls referenced correspond to the precinct directly north of the site and represent a discrepancy in the documentation rather than an intended recommendation for increased height and FSR for this precinct.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

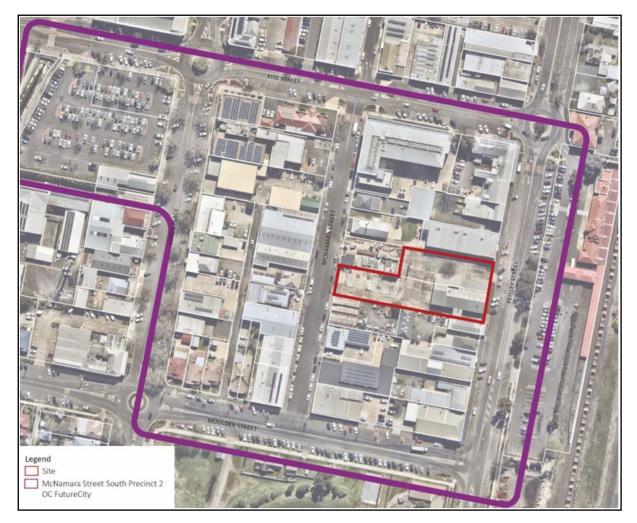


Figure 10 - OC Future City - McNamara Street South Precinct 2

The pre-conditions that must be satisfied before the application can proceed are examined in detail below, and the submitted documentation will be considered. The purpose of this assessment is to determine whether the applicant's request meets the necessary criteria and if the proposed development is appropriate for the site and the surrounding area.

1. Compliance with the development standard is unreasonable or unnecessary

With respect to Clause 4.6 (3)(a) the '5-part test' or the 'Wehbe test' (from the case of Wehbe v Pittwater Council [2007] NSWLEC 827) has been used to demonstrated that compliance with the standard is unreasonable and unnecessary. The test outlines five common ways in which Clause 4.6(3)(a) can be addressed, noting that only one of these needs to be satisfied. The applicant has provided the following justification, relevant to the area of non-compliance, that factually addressed the objectives of the development standard are achieved notwithstanding the non-compliance.

Height of Building

Clause 4.3 Height of Buildings (HoB) of the Orange Local Environmental Plan 2011 objectives are as follows:

1. To provide for taller buildings in the City Centre and to enable a transition in building height in response to varying urban character and function.

As abovementioned many sites across the CBD are constrained by fragmented ownership patterns and heritage considerations. Opportunities for taller buildings related to the E2 Commercial Centre have been identified through subsequent Urban Design studies for the CBD. The subject site is located on the fringe of the E2 Commercial Centre zone boundary, being approximately 110m from the RE2 Private Recreation zone being Moulder Park to the south, adjoining the SP2 Infrastructure to the east and approximately 149m north-east of the R1 General Residential Zone.



Figure 11 - Zone Transition Analysis

The most recent Urban Design study for the site, Orange City Future City (OCFC), characterises the urban character and function of the site as follows:

"A vibrant and dynamic sub-precinct that is a gateway to the Future City from the railway station and links the East City Precinct better to Wade Park. This sub-precinct retains an eclectic collection of heritage buildings, warehouse buildings, and provides accommodation for creative/artisan-type industries and new residents."

The objectives relevant to the site are summarised as follows:

- improve the arrival experience from the station and create east-west mid-block connections into the City Centre;
- integrate existing warehouses and heritage assets into new development proposals to retain an authentic character and identity within the precinct, with active uses at the ground floor; and
- introduce urban residential typologies above the ground floor (e.g., student housing, short-stay accommodation, and affordable housing).

Analysis of the proposed development indicates that the objectives of Clause 4.3 Height of Buildings have been achieved by accommodating taller buildings within the CBD. On this transition site, the proposed height aligns with the desired future character for the area, consistent with its identified function as a "gateway" from the railway station. The additional height sought in the proposal enhances this gateway role.

The non-compliant height has been set back at the upper levels, avoiding the creation of an undefined wall along the street and mitigating undue impacts on the heritage characteristics of the site. The applicant contends that the increased height has facilitated the provision of ground-floor retail spaces, activating both McNamara Street and Peisley Street, while also delivering the east-west mid-block pedestrian connection.

2. To protect the amenity of neighbouring properties and public places, with particular regard to visual bulk, scale, overshadowing, privacy and views.

The building design has provided for a graduation in setbacks to ameliorate any impact of visual bulk on neighbouring properties. Particular attention has been paid to the upper floor setbacks, ensuring that future compliant residential or commercial developments to the north and south of the site can achieve appropriate privacy and maintain view corridors, aligning with the objectives of the E2 Commercial Centre zone.

Shadowing plans submitted by the applicant indicate that by positioning the non-compliant height toward the centre of the site, the design minimises overshadowing beyond what would be expected under a compliant envelope.

The east and west elevations include a graduation in setbacks, reducing the perceived bulk of the built form as viewed from Peisley and McNamara Streets (Figure 12). For the non-compliant portions, this approach ensures a more sensitive integration with the streetscape, particularly above the third level on Peisley Street and the fourth level on McNamara Street.

While the proposed non-compliance will result in changes to the skyline, it is considered consistent with the desired future character of the area.

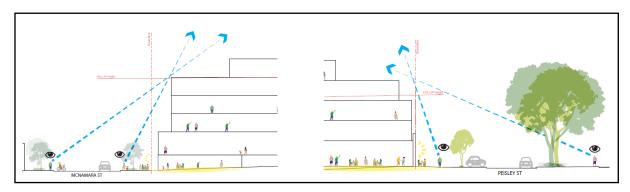


Figure 12 - graduated setbacks reduce bulk and scale on Peisley and McNamara Streets

Floor Space Ratio

Clause 4.4 Floor Space Ratio (FSR) of the Orange Local Environmental Plan 2011 objectives are as follows:

 to ensure the scale and bulk of development does not have an unacceptable or adverse impact on streetscape and the character of the area in which the development is located.

The proposal seeks a non-compliance of 1,986.04m² of additional floor space, representing a 54.7% increase. This non-compliance is primarily reflected in portions of the third and fourth levels.

On the Peisley Street frontage, the third floor is set back 3m, while the fourth floor is set back an additional 2m, resulting in a total setback of 5m to the site boundary at the balcony.

On the McNamara Street frontage, the third floor is set back approximately 3.2m, with the fourth floor set back an additional 6.8m, providing a total setback of 10m from the site boundary to the fourth-floor balcony.

The Peisley Street façade features a green metal cladding treatment and matching balustrades that visually differentiate the third floor. This design approach is mirrored on the McNamara Street façade, maintaining consistency from the second floor upward. The fourth-floor materiality incorporates light grey metal cladding, offering a neutral tone that integrates seamlessly with the skyline.

The HoB and FSR controls are not intended to be applied in isolation. The FSR is generally set below what the Hob would permit if the envelope were fully utilised. The combined intent of these controls is to encourage the use of setbacks, articulation, and thoughtful design.

The articulation and fenestration of the non-compliant portions align with prevailing design approaches, fostering unity and cohesion in the overall building form. The high-quality design incorporates graduated upper-level setbacks, avoiding unacceptable impacts on the streetscape. The use of neutral materials ensures that the non-compliant aspects do not become visually obtrusive.

The additional floor space is considered to align with the precinct's vision and objectives, supporting its role as a well-designed "gateway" from the station into the CBD and contributing to the desired future character of the area.

2. Sufficient environmental planning grounds to justify contravening the development standard.

In accordance with Clause 4.6(3)(b), there are sufficient environmental planning grounds to justify the contravention of the development standard.

The term 'environmental planning grounds', while not explicitly defined in the Environmental Planning and Assessment Act 1979 (EP&A Act) or the Standard Instrument - Principal Local Environmental Plan, refers to considerations that align with the subject matter, scope, and purpose of the EP&A Act, including the objects outlined in Section 1.3 of the Act. This interpretation is consistent with the *Guide to Varying Development Standards* (November 2023).

The proposed non-compliance is consistent with Section 1.3(c) of the EP&A Act, which promotes the orderly and economic use and development of land. The proposal is one of the few developments either proposed or realised for this area, which has been identified as a priority for renewal. By seeking additional height and floor space, the development aims to:

- provide small-scale commercial premises to activate street frontages;
- deliver hotel accommodation adjacent to the train station; and
- demonstrate alignment with the strategic planning objectives for the Orange CBD, ensuring efficient land use.

The proposal also aligns with Section 1.3(g) of the EP&A Act, which seeks to promote good design and amenity in the built environment. The non-compliant height and floor space are integrated into a high-quality design that maintains the desired future character of the area without creating unacceptable or adverse impacts on the streetscape.

Furthermore, the proposal demonstrates sufficient environmental planning grounds to support the non-compliance by:

- improving public benefit by delivering a through site link consistent with strategic objectives for the precinct, which in turn has resulted in the proposal seeking a non-compliance to create a feasible proposal due to the space that has been utilised to provide for the through site link, and
- conserving bult and cultural heritage values by locating height and bulk of the building away from adjoining heritage items, which in turn has resulted in the noncompliance to create a feasible proposal.

Based on these considerations, the proposed non-compliance is deemed acceptable as there are sufficient environmental planning grounds to justify the increase in height and floor space ratio.

3. Cumulative Impact Assessment

Continued variations to development standards incrementally over time risk undermining the planning objectives relating to the CBD. In considering Section 4.15 of the EP&A Act the following justification for the departure is provided, indicating that the response is site-specific and will not undermine the planning objectives in relation to the CBD:

- (a) The site is located adjacent the train station and has been identified in Strategic Planning documents as a gateway site, limiting any future proposals outside of the immediate area from having a similar status or design response.
- (b) The proposal has achieved a through site link (which has contributed to the justification for the non-compliance) of public benefit and aligned with Council's Strategic Planning documents, therefore there are no other opportunities within the Precinct to realise such outcomes.
- (c) The proposal provides for a site-specific response that if in the event development did not proceed, any applications seeking variations to the standard would have to provide a similar, if not same outcome.
- (d) Fragmented ownership in conjunction with current lot sizes, heritage constraints, in addition to the RE2 Private Recreation and R1 General Residential zones create limited opportunities for justified departures on other sites that have the potential to seek a non-compliance.
- (e) An Economic and Employment Lands Strategy is intended to be prepared to support a 5-yearly review of the Orange Local Environmental Plan in which the CBD height and floor space ratio objectives and controls are to be reviewed.

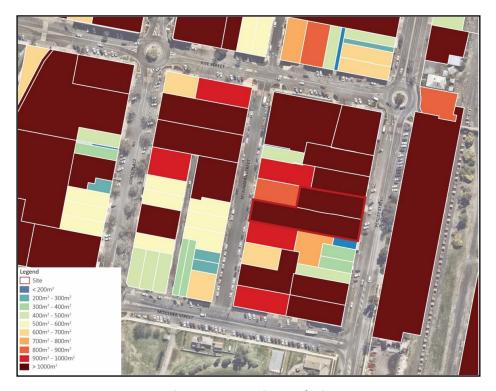


Figure 13 - Lot size analysis

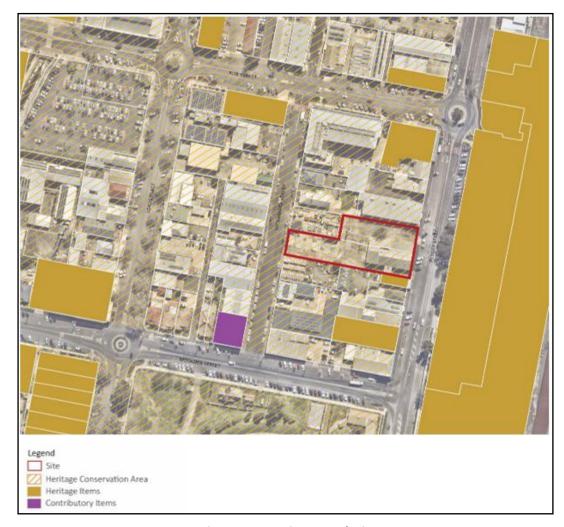


Figure 14 - Heritage analysis

Part 5 - Miscellaneous Provisions

5.10 - Heritage Conservation

The subject site at 123-125 Peisley Street is located within the Dalton Central Heritage Conservation Area (HCA) and contains a contributory building. It is adjacent to significant heritage assets, including the Orange Train Station (a state heritage-listed site) and single-storey locally heritage-listed property to the south. Careful consideration has been given to the potential impact of the development on these surrounding heritage items and the broader conservation area.

The following provides a summary of key heritage considerations, including aspects of the proposal that align with the conservation area, as well as matters requiring resolution through conditions of consent:

The retention of the Peisley Street façade preserves a critical element of the streetscape. A
condition will require the reuse of original bricks in the ground-floor retail interiors to
maintain the site's connection to its historical character.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

 The retention of the Peisley Street façade during basement excavation is a critical aspect of the proposal. A condition will require the submission of a detailed methodology to ensure the façade is appropriately retained throughout the construction process. Demolition or reconstruction of the façade will not be supported.

- The design adopts local heritage influences, particularly traditional hotels in Orange, and incorporates sympathetic materials and features, including steel balustrades and lighter materials on upper levels. These elements reduce visual bulk and align with the area's character.
- The scale and bulk are successfully managed along Peisley Street and the two long elevations through setbacks, which transition from a two-storey base to recessed upper levels. The McNamara Street façade, particularly at the western end, remains a key area of concern due to its bulk and scale. The lower levels are presented with a two-storey brick base, with the upper portions extending to five levels. While some design refinements have been made, the following matters remain unresolved:
 - the applicant has not adopted earlier recommendations to use brick materials on the returning walls of the lower two stories. These changes are necessary to improve the building's integration with the streetscape and reduce visual dominance.
- A heritage interpretation strategy will be conditioned to involve local groups, such as the Orange and District Historical Society, ensuring the site's historical significance is acknowledged.
- Preservation of existing bluestone kerbs will be required, with any redundant laybacks or footpath crossings reinstated using matching kerbstones to ensure consistency and maintain the heritage character of the area.
- Variations to height and floor space ratio exceed standard controls but are generally supported due to the proposal's setbacks, stepped design, and material treatments, which mitigate visual bulk on Peisley Street. The western end of McNamara Street will require further refinement, including reducing bulk and enhancing material transitions, which will be addressed through conditions of consent.

The proposal addresses the key heritage considerations along Peisley Street and demonstrates sensitivity to the conservation area. Subject to conditions addressing façade retention, landscaping, and refinements to the McNamara Street presentation, the development is considered acceptable within the heritage context.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

5.22 - Flood Planning

This clause applies to sensitive and hazardous development on land located between the flood planning area and the probable maximum flood. For other development, it applies to land that the consent authority determines, in the event of a flood, may:

- (i) pose a significant risk to life, or
- (ii) require the evacuation of people or involve other safety considerations.

Before any consent is issued, the consent authority must consider whether the proposed development will affect the safe occupation and efficient evacuation of people during a flood, incorporates appropriate measures to manage risks to life in the event of a flood, and causes any adverse environmental impacts during a flood.

The site has been identified on the Flood Planning Map as being within the Blackmans Swamp Creek Probable Maximum Flood (PMF) and listed as a land use (tourist and visitor accommodation) requiring Council to be satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land.

The application is supported by engineering documentation, which confirms that the development can be safely occupied in the event of the PMF, as it consists of four habitable floors above the lower ground and ground floors, which may be inundated. They further advise that the development can be safely evacuated in the event of the PMF, as there is a clear egress pathway from the hotel lobby to Peisley Street on the high side of the development, as shown in Figure 15 below. PMF flood level is 866.0m AHD. The proposed ground floor level is 867.00m AHD which corresponds with the Peisley Street footpath level.

Conditions are included in the draft consent that require the preparation and implementation of a Flood Emergency Response Plan for events exceeding the flood planning level. This plan would ensure the safe evacuation of occupants from the site and protect the operational capacity of emergency response facilities during such events.

Given the proposed land use, the development is unlikely to result in any adverse environmental impacts during a flood.

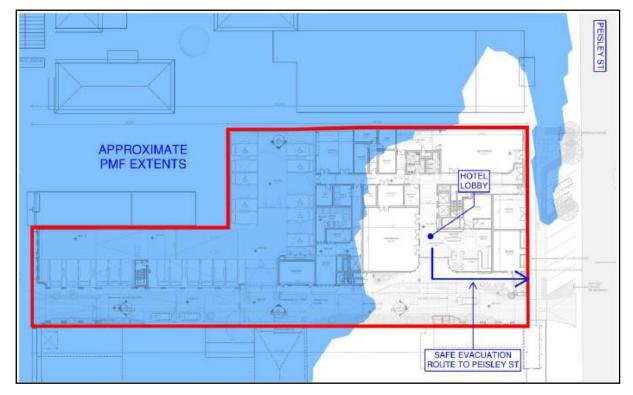


Figure 15 - safe evacuation route

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions

7.1 - Earthworks

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development
- (b) the effect of the development on the likely future use or redevelopment of the land
- (c) the quality of the fill or the soil to be excavated, or both
- (d) the effect of the development on the existing and likely amenity of adjoining properties
- (e) the source of any fill material and the destination of any excavated material
- (f) the likelihood of disturbing relics
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area
- (h) any measures proposed to minimise or mitigate the impacts referred to in Paragraph (g).

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

In consideration of the relevant matters:

• Earthworks will be required in associated with the provision of services, access and building construction inclusive of basement car parking.

- Sediment and erosion controls will need be installed and maintained in accordance with conditions of consent.
- Earthworks aim to support commercial development within an established commercial precinct and are unlikely to impact the future use of the land.
- Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014).
- Conditions are included to maintain neighbourhood amenity including preparation and implementation of an air quality management plan. Further, finished levels will provide suitable landform for congruous commercial built form.
- The site is not known to have European or Indigenous cultural values. Nonetheless, a condition has been included to ensure that any unexpected cultural finds discovered during civil works are appropriately managed.
- The subject land does not contain a waterway and is not within a mapped drinking water catchment.

On the basis of the above, the proposal satisfies the requirements of Clause 7.1 and is considered acceptable, subject to the recommended conditions of consent to manage any potential impacts effectively.

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water
- (b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and
- (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The application is supported by a detailed Stormwater Management Plan (SWMP), which comprehensively addresses both stormwater quantity and quality. The SWMP proposes onsite detention within the common driveway, with detention volumes designed to limit site discharge to a maximum of 20 L/sec at the kerb. Stormwater will discharge from the detention basin to the kerb and gutter on McNamara Street. Additionally, a debris filtration system will be installed to capture solids prior to discharge into Council's stormwater network.

Council's Technical Services have reviewed the proposed measures and confirmed that, with these measures in place, there are no flooding or overland flow risks associated with the development. It is considered that this comprehensive approach aligns with the requirements of Clause 7.3, demonstrating responsible stormwater management practices.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high-water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and
- (b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.

Furthermore, consent may not be granted unless Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided the development is designed, sited and will be managed to minimise that impact,
- (c) if that impact cannot be minimised the development will be managed to mitigate that impact.

The development is not anticipated to involve the storage or discharge of toxic or noxious substances. As such, the likelihood of contaminating groundwater or adversely affecting related ecosystems is considered low.

Wastewater and effluent disposal will be facilitated through connection to Council's sewer reticulation which will ensure the protection of groundwater-dependent ecosystems.

Should dewatering be necessary during construction activities, particularly for basement excavation, any approvals required under the *Water Management Act 2000* will need to be secured by the proponent separate to this consent where there are no exemptions. A Dewatering Management Plan will need to be developed and implemented, incorporating monitoring and reporting protocols in line with Water NSW guidelines. Appropriate conditions have been imposed to ensure compliance with these requirements.

Furthermore, the basement will need to be fully tanked to stop the removal of groundwater following construction. Design details must be prepared by a suitably qualified hydraulic and structural engineer and submitted to Council for approval prior to the issue of a Construction Certificate.

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) storm water drainage or onsite conservation,
- (e) suitable road access.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

In consideration of Clause 7.11, Council's Technical Services advise that the utility services listed are accessible to the land and can be sufficiently adapted for the proposed development. Conditions are included requiring extension, augmentation and/or upgrading of urban utility services to meet the requirements of the proposal. Any adjustments required to be undertaken will be at the expense of the developer.

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Planning Systems) 2021

Pursuant to Section 2.19 of the State Environmental Planning Policy (Planning Systems) 2021 ("PS SEPP 2021"), any development specified in Schedule 6 is declared to be a regionally significant development for the purposes Section 4.5(b) of the Environmental Planning and Assessment Act 1979. Schedule 6 delineates the categories of developments that are considered regionally significant, thereby necessitating higher levels of assessment and approval.

Within Schedule 6, there exists one potentially relevant category of regionally significant development specified under Section 2, as follows:

2 General development over \$30 million

Development that has an estimated development cost of more than \$30 million.

For a development to qualify under this category, the Estimated Development Cost (EDC) must exceed \$30 million. This threshold is a critical determinant in assessing whether the proposed development warrants classification as regionally significant and establishes the consent authority as the Western Region Planning Panel (WRPP).

The proposed development has been thoroughly assessed to determine its classification under the PS SEPP 2021. A cost report prepared by a suitably qualified quantity surveyor has been submitted, verifying the estimated development cost as follows:

Estimated Development Cost: \$32,031,739 (including Goods and Services Tax (GST))

In determining the estimated cost of development, Clause 6 of the Environmental Planning and Assessment Regulation 2021 provides the methodology for calculating the Estimated Development Cost and specifies certain inclusions and exclusions, as follows:

6 Estimated development cost

- (1) In this regulation, the estimated development cost, of proposed development, means the estimated cost of carrying out the development, including the following -
 - (a) the design and erection of a building and associated infrastructure,
 - (b) the carrying out of a work,
 - (c) the demolition of a building or work,
 - (d) fixed or mobile plant and equipment.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

- (2) The estimated development cost does not include the following -
 - (a) amounts payable, or the cost of land dedicated, or other benefit provided, under a condition imposed under the Act, Division 7.1 or 7.2 or a planning agreement,
 - (b) costs relating to a part of the development that is the subject of a separate development consent or approval,
 - (c) land costs, including costs of marketing and selling land,
 - (d) costs of the ongoing maintenance or use of the development,
 - (e) GST.

Clause 6(2)(e) explicitly stipulates that GST must not be included in the calculation of the Estimated Development Cost (EDC) for determining regional significance. While the cost estimate report indicates a total value of \$32,031,739, this figure includes GST. Therefore, it is imperative to adjust this figure to exclude GST in accordance with Clause 6 for the purpose of determining regional significance. It should be noted that GST is only factored into the EDC for the calculation of application fees, as set out in the current planning system circular PS 24-002 (Changes to how development costs are calculated for planning purposes), which supersedes previous guidelines PS 21-020 (Calculation of Capital Investment Value) and PS 21-022 (Calculating the Genuine Estimated Cost of Development).

In this regard, the EDC is adjusted as follows:

• Adjusted Estimated Development Cost (excluding GST): \$29,119,763

This adjusted figure is derived by removing the GST component from the initial estimate.

Given that the Estimated Development Cost, after excluding GST, is \$29,119,763, which is below the \$30 million threshold, the proposed development does not qualify as a regionally significant development. Consequently, the authority to assess and determine this application resides with Orange City Council under Section 4.5(d) of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

SEPP (Resilience and Hazards) 2021 is applicable, and states in part:

- 4.6(1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

In consideration of the above, a detailed contamination investigation was undertaken. The detailed site investigation concluded that the site was suitable for the proposed use but recommended that a hazardous materials survey be conducted prior to the demolition of the existing building, and that further soil sampling within the building footprints be performed following demolition to close data gaps. These recommendations have been incorporated as conditions. Furthermore, an unexpected finds condition has been included to ensure any unforeseen or unidentified contamination found during works is dealt with appropriately.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5 Electricity Transmission or Distribution

2.48 Determination of development applications - other development

The subject land adjoins existing overhead exposed electricity powerlines. Section 2.48 of the SEPP is appliable and states in part:

- (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following -
 - (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - (b) development carried out -
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line.
 - (c) installation of a swimming pool any part of which is -
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
- (2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must -
 - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

In accordance with this Section, the proposed development was referred to Essential Energy for consideration and comment. The comments and requirements provided by Essential Energy have been taken into account and included as conditions of consent.

Division 17 Roads and traffic

2.119 Development with frontage to classified road

The primary objective of this clause is to ensure that new development does not compromise the effective and ongoing operation and function of classified roads. The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In consideration of the above matters:

- The site is adjacent to Peisley Street to the east, which is classified as a regional road.
 Currently, there are two vehicular accesses to Peisley Street; the northernmost access will be removed as part of this proposal. Additionally, the site has access to McNamara Street.
- TfNSW is the designated road authority; therefore, the application was referred to TfNSW for concurrence. Concurrence was granted pursuant to Section 138(2) of the Roads Act 1993, with conditions and recommendations for the Council to consider in its assessment.
- In consideration of TfNSW's advice to the Council, a range of conditions have been imposed to ensure appropriate site access and maintain the safety and efficiency of the road network.
 These conditions include:
 - provision of a pedestrian refuge
 - installation of a median strip to facilitate left-in-only access to the site
 - construction management requirements.
- The removal of one access point on Peisley Street will also enhance the efficiency and safety of the road network.
- A Traffic Impact Assessment was prepared to support the proposal which confirms that Peisley Street has the capacity to accommodate the increase in traffic generated by the proposed development.
- The development is not of a type that is sensitive to traffic noise or vehicle emissions.

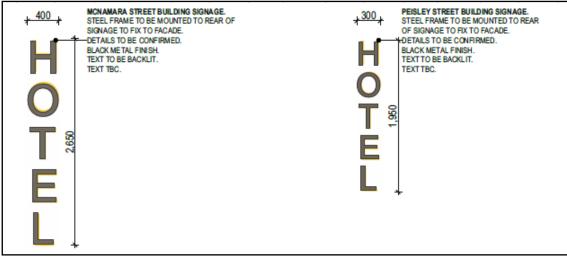
State Environmental Planning Policy (Industry and Employment) 2021

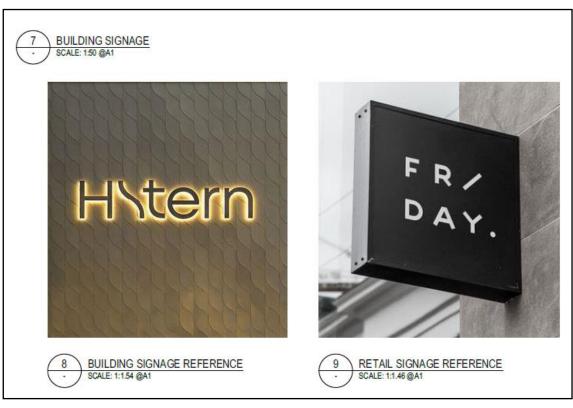
Schedule 5 Assessment Criteria

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

Chapter 3 of the SEPP require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5. In accordance with the provisions stipulated under Schedule 5 of the SEPP, the assessment below is provided.

Proposed Signage Scheme:





Schedule 5 Assessment Criteria

1 - Character of the Area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

The site is located within a commercial precinct. Existing signage in the area primarily includes wall signs, window signage, and occasional under-awning signage. The proposed signage aligns with these themes, complies with lawful signage practices, and does not detract from the character of the area.

2 - Special Areas

• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

The site is located within a heritage area. The proposal has been reviewed by Council's Heritage Advisor, who has provided support for the signage scheme, confirming it does not detract from the area's heritage character or visual quality.

3 - Views and Vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

The proposed signage will be affixed to the building façade and will not obstruct significant views, dominate the skyline, or interfere with other advertisers' visibility rights.

4 - Streetscape, Setting or Landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

The scale and form of the signage are appropriate for the host building and compatible with the surrounding streetscape. The signage enhances the façade's amenity and contributes positively to the visuals along both Peisley Street and McNamara Street. The proposal does not introduce clutter or unsightly elements and does not require vegetation management.

5 - Site and Building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage is well-scaled and complements the architectural design of the site. It provides clear business identification without overshadowing key features of the building. The materials and design are of high quality and appropriate for the location.

6 - Associated Devices and Logos with Advertisements and Advertising Structures

• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

No safety devices, platforms, lighting devices or logos are proposed.

7 - Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

The signage is proposed to be backlit. The level of illumination is unlikely to result in unacceptable glare or adversely impact the safety of pedestrians, vehicles, or aircraft. Furthermore, the proposed illumination is not expected to detract from the amenity of nearby residences or other forms of accommodation.

Conditions of consent may be included to ensure the intensity of the illumination is controlled, and adjustments or curfews can be imposed if required to mitigate any potential adverse impacts.

8 - Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

The signage is appropriately located on the building and does not obstruct sightlines or compromise the safety of vehicles, pedestrians, or bicyclists. Its placement ensures public safety and accessibility are maintained.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The Environmental Planning and Assessment Regulations classify certain large-scale or offensive projects as designated developments. With reference Schedule 3, this development is not categorised as designated development.

INTEGRATED DEVELOPMENT

The applicant has not identified any additional permits or licenses required from NSW Government agencies or approval bodies, such as Water NSW for potential dewatering, nor requested that the Development Application be treated as integrated development. Consequently, under Section 4.46 of the Environmental Planning and Assessment Act, this proposal is not classified as integrated development. Any required approvals must be obtained separately by the owner of the consent following the determination of this application.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Orange Development Control Plan 2004

The following parts of DCP 2004 are applicable to the proposed development:

- Chapter 0 Tree Preservation
- Chapter 2 Natural Resource Management
- Chapter 4 Special Environmental Considerations
- Chapter 8 Development in Business Zones
- Chapter 13 Heritage
- Chapter 15 Car Parking

The relevant matters in Chapters 2 and 4 were considered in the foregoing assessment under Orange LEP 2011. The relevant matters contained under 0, 8, 13 and 15 are addressed below:

CHAPTER 0 - TREE PRESERVATION

Council consent is sought for the removal of a single tree within the site (Figure 17). The tree meets the criteria for protection under DCP 2004 - 0.4-2, with a trunk diameter exceeding 300mm at breast height and not being listed as an exempt species.

The tree is situated in an environment and position within the lot that has constrained its long-term viability. Council's Manager City Presentation has reviewed the proposal and raised no objections to its removal.

The landscape plan includes the planting of two new street trees on Peisley Street, with Council's Manager City Presentation also recommending additional tree canopy along McNamara Street to offset the impact of its removal.



Figure 17 - tree proposed for removal

CHAPTER 8 - DEVELOPMENT IN BUSINESS ZONES

Section 8.1 - Orange CBD

COUNCIL MEETING

Section 8.1 - Orange CBD outlines planning outcomes for the Orange Central Business District, with an emphasis on design, character, parking and loading. The relevant planning outcomes are addressed below.

 Buildings have a high level of urban design to contribute to the regional status of the City's Central Business District with attention given to façade features, external materials, colour and advertising.

The proposed development demonstrates a high level of urban design, contributing to the regional status of the City's Central Business District. Particular attention has been given to façade features, external materials, building articulation, colour schemes, and advertising elements. Given the scale of the proposed development, its prominent location within the Orange CBD, and its proximity to nearby heritage items and the surrounding heritage conservation area, Council staff have collaborated closely with the Council's Heritage Advisor for a detailed assessment and recommendations.

Council's appointed Heritage Advisor has evaluated the proposal against the Orange Development Control Plan 2004 Infill Guidelines. In summary, the Heritage Advisor has determined that the development provides an appropriate response to the applicable design criteria, including character, scale and form, siting, materials and colours, and detailing. While there are some outstanding matters, these can be addressed through conditions of consent.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

Based on the advice and recommendations from the Council's Heritage Advisor, it is concluded that the proposed development is suitably designed with consideration for the site's context within the Orange CBD. This includes its relationship with nearby heritage elements and its contribution to the character and urban fabric of the area, subject to the implementation of the recommended conditions of consent.

Urban design demonstrates a clear reference to the CBD Strategic Action Plan

The proposal aligns with the principles of the CBD Strategic Action Plan and the more recent Future City Strategy. It delivers active frontages to Peisley Street and McNamara Street through ground-floor commercial uses, while enhancing pedestrian amenity and connectivity via a shared thru-site link/laneway, and public domain improvements, including landscaping and street furniture. The development will contribute to the activation, vitality, and ongoing gentrification of the precinct, reinforcing its role in the CBD's broader strategic vision.

 Provision of adequate fire-safety measures and facilities for disabled persons (according to the BCA) are addressed at the application stage (relevant for all development but particularly important where converting residential buildings for business use).

The applicant has provided a detailed preliminary Building Code of Australia (BCA) Report that has been prepared for the development. The report demonstrates that compliance with the BCA is readily achievable for the development. Additionally, the development application has been supported by an Access Report which demonstrates the development is capable of compliance with the applicable legislation, building codes and Australian Standards. Council's Building Surveyor has concurred with the reports and placed necessary Conditions of Consent on the Notice of Determination.

• Land use complements the role of the CBD as a regional centre for commerce and services.

The proposed development is considered to be complementary to the role of the CBD as a regional centre is it will make a substantial contribution to the existing supply of tourist and visitor accommodation within Orange.

• The reinstatement of verandahs on posts over footpaths is encouraged.

The façade of the industrial building on Peisley Street will be retained, maintaining a link to the site's historical industrial character. The original building did not include a verandah element.

• Car parking is provided to meet demand either as onsite parking areas or through contributions towards public parking in and adjacent to the CBD.

Section 15.4 - Parking Requirements sets out the minimum parking requirements for specific land uses. A detailed assessment against the requirements of Section 15.4 is undertaken below.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

• Advertising comprises business identification signs in accordance with SEPP 64.

No advertising signs have been proposed. The signage shown on the plans at the top of the building is for illustrative purposes only. It is anticipated that a separate application for advertising will be lodged once the applicant has entered into an agreement with a primary tenant for the hotel.

• Loading areas are provided for developments requiring access by large trucks in a manner that doesn't reduce active frontages for important pedestrian pathways.

The applicant has proposed an internal loading and service area, including waste collection, within the proposed internal laneway. The application includes a plan demonstrating the swept paths of expected servicing vehicles, including a garbage collection vehicle. Council's Development Engineer has reviewed and confirmed this arrangement as acceptable.

 Where possible, new buildings or external alterations in the CBD include an element of landscaping.

Landscaping is provided throughout the site, including all internal courtyards, recreational areas, the shared laneway, and the Peisley Street frontage. This includes the addition of two new street trees along Peisley Street. Plant selection is guided by the Orange Australia's Colour City Parks, Gardens and Your Garden Guide and the Orange Street Tree Master Plan July 2012, with consideration for Orange's local climate and an emphasis on native species. Council's Manager of City Presentation has reviewed the plan and expressed support.

CHAPTER 13 - HERITAGE

Sections 13.1-13.06 of Chapter 13 - Heritage of the DCP address heritage matters in detail, including heritage objectives, heritage items and heritage conservation areas, heritage consideration for development, development in the vicinity of heritage items, heritage proposals as advertised development, and incentives for heritage conservation.

Heritage matters have previously been addressed in detail under the heading "Clause 5.10 - Heritage Conservation". It is considered that the requirements of the DCP have been adequately addressed.

CHAPTER 15 - CAR PARKING

Sections 15.1-15.3 of Chapter 15 - Car Parking set out the background, objectives and relationship between on-street and off-street car parking in Orange. In particular, these sections highlight the importance of making provision for car parking in order that the demand for parking in the City is met and ensuring that the design and layout of car parking facilitates the safe and effective use of off-street parking. Section 15.4 - Parking Requirements sets out the minimum parking requirements for specific land uses.

The DCP prescribes the following applicable Planning Outcomes for Car Parking:

- Adequate off-street car parking is provided in accordance with the Table, or alternatively, according to an assessment that demonstrates peak parking demand based on recognised research.
- Car-parking areas are designed according to Australian Standard.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

- Car-park areas include adequate lighting and landscaping
- Bicycle-parking facilities are provided according to the relevant Australian Standard.
- Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.

Car Parking Demand

The proposed development comprises hotel accommodation with ancillary conference, restaurant, and lounge/bar areas, along with four commercial tenancies. The applicant has advised that the hotel component will require eight staff and one resident manager.

The proposed hotel is classified as 'Casual Accommodation' under the 'Motels; Hotel or Tourist Accommodation' category within the DCP parking provisions. The primary car parking requirement is one space per unit/bedroom/tent or caravan site. Additionally, one space is required for every two employees, and one space must be provided for a resident manager.

Additional parking is typically required for restaurant, function, or entertainment areas, as these facilities often attract external visitors, increasing parking demand. However, the applicant has advised that the conference room and restaurant/bar within the proposed development will be exclusively available to hotel guests. On this basis, the applicant considers that these facilities will not generate parking demand beyond what is already accounted for under the hotel's car parking requirements. While this argument relies heavily on operational policies that can be difficult to enforce in practice, Council has accepted similar arrangements in the past.

Accordingly, the need to provide additional parking for these components is not applicable in this instance. A limitation on the use of these areas will be included in the conditions of consent, consistent with Council's approach for comparable hotel developments in the City and will serve as a mechanism to ensure compliance.

The commercial component of the development attracts a parking requirement of one space per 40m² of gross floor area (GFA).

In accordance with the above, the required onsite parking is as follows:

Land use	Component	Yield	Parking rates per unit	Required parking spaces
Hotel	Studio	67 units		67 spaces
	1 bedroom	37 units	4it	37 spaces
	2 bedrooms	5 units	1 space per unit	5 spaces
	3 bedrooms	8 units		8 spaces
	Staff members	8 people	1 space per 2 staff	4 spaces
	Manager	1 person	1 per manager	1 space
	Subtotal	-	-	122 spaces
Commercial	200 m ² GFA		1 space per 40 m ² GFA	5 spaces
Total	127 spaces			

Table 1: Required Onsite Parking Provision

Proposed Parking Provision

A total of 120 car parking spaces are proposed to be provided onsite, distributed across the basement, ground floor, first-floor levels, and the internal laneway. This provision includes 99 self-parking spaces, of which six are in tandem arrangement and 21 overflow spaces, which are proposed to be managed through a valet arrangement.

Council has previously accepted valet-style parking arrangements for similar developments in the city, such as Quest Apartments and Lords Place Hotel. It is considered reasonable to apply the same approach to this application and accept the proposed parking arrangement for this development.

Notwithstanding, there remains a deficiency of seven spaces compared to the required parking provision. The parking provision for each component is detailed in the following table, with an indicative parking allocation layout shown in Figures 18 and 19:

Level	Standard spaces	Tandem parking	Accessible parking	Overflow parking	
Lower ground	61 spaces (56G+5S)	6 spaces (all for G)	-	13 spaces (all for G)	
Ground	20 spaces (all for G)	-	5 spaces (1C+4G)	6 spaces (all for G)	
Laneway	7 spaces (4C+3G)	-	-	2 spaces (all for G)	
Total	88 spaces	6 spaces	5 spaces	21 spaces	
Total	120 spaces				
Note that G=hotel guest, C= commercial, S=hotel staff					

Table 2: Proposed Onsite Parking Provision

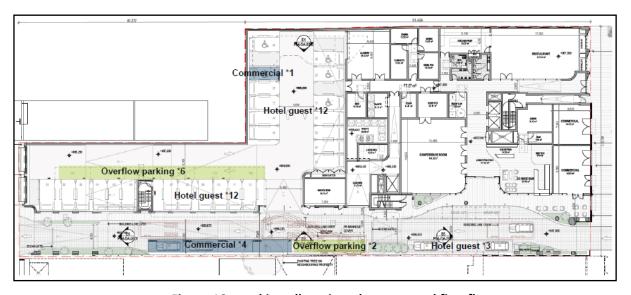


Figure 18 - parking allocation - laneway and first floor

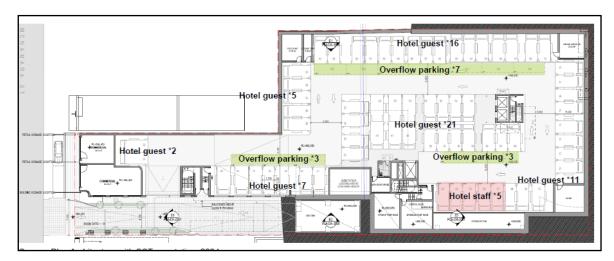


Figure 19 - parking allocation - basement

Parking Assessment

The traffic and parking assessment submitted in support of the proposed development relies on several arguments to justify a shortfall of seven parking spaces below the requirements outlined in the Orange DCP parking provisions. These arguments include the site's proximity to public transport, anticipated occupancy rates, and comparisons with similar developments in the region.

Having considered the proponent's arguments, which rely heavily on assumptions and projected behaviour, a degree of uncertainty remains regarding the adequacy of the proposed parking arrangements.

Council staff maintain that compliant car parking spaces are necessary, either through the physical provision of additional onsite spaces or a monetary contribution. Failure to meet the minimum parking requirements may result in increased parking pressure on surrounding streets, with potential negative impacts on the local community.

The proposed site falls within the car parking developer contributions catchment, making a monetary contribution a suitable mechanism to address the parking shortfall. However, the *Orange Car Parking Development Contributions Plan 2015* precludes car parking contributions for tourist or visitor accommodation. Council's policy position is that it is inappropriate for users of such developments to rely on public parking facilities that are physically removed from the site.

In this instance, onsite parking shall be prioritised for hotel guests, with any surplus allocated to staff and then to the commercial components of the development. Based on this allocation, 117 spaces can be provided exclusively for hotel guests onsite, along with parking for three staff members, utilising the total 120 spaces available. The remaining shortfall of two staff spaces and five commercial spaces (seven spaces in total) should be addressed through a monetary contribution to mitigate the deficiency.

In accordance with the *Orange Car Parking Development Contributions Plan 2015*, a contribution of \$18,085.89 per off-street car parking space not provided onsite is applicable. For the total shortfall of seven spaces, this equates to a monetary contribution of \$126,601.23. This contribution ensures compliance with parking requirements while addressing the deficiency in a manner consistent with Council policy.

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PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal involves the demolition of all buildings on the site, excepting the façade of the building fronting Peisley Street. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 2001: The Demolition of Structures* and the requirements of Safe Work NSW.

Fire Safety Considerations (clause 62)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (clause 64)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development. A Section J Energy Efficiency Statement will be required with the Construction Certificate application.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context and Setting

The site is positioned on the fringe of the Orange CBD, surrounded by a diverse mix of heritage and commercial elements that define the character of the area. This location is within a designated Heritage Conservation Area and is adjacent to several significant heritage items, including the Orange Railway Station, the Great Western Hotel, and other locally listed buildings along Peisley Street. The proposal carefully retains the contributory façade of the existing building, ensuring it aligns with the traditional streetscape while introducing a contemporary design that accommodates its mixed-use purpose.

The built environment in the immediate vicinity reflects a blend of historic and modern structures, with building heights ranging from single-storey heritage properties to more recent three-storey commercial buildings. The proposed five storey development respects this context by incorporating design elements such as upper-level setbacks and stepped massing, which reduce the perception of bulk and scale. These measures allow the building to complement its surroundings while establishing its role as a focal point in the urban fabric.

Peisley Street functions as a primary thoroughfare within Orange, providing a critical connection to the railway station and adjacent commercial areas. McNamara Street, located to the west, supports secondary vehicular and pedestrian access. The development enhances this connectivity by introducing a thru-site link between the two streets, which accommodates both pedestrian and vehicular movement. This link not only improves accessibility but also contributes to the vibrancy and functionality of the area.

The land uses surrounding the site are diverse, with a mixture of commercial premises, public amenities, and transport-oriented infrastructure. The development's ground-floor retail spaces and upper-floor hotel accommodations are designed to activate the streetscape, aligning with the strategic vision for the Orange CBD to create a lively and engaging urban environment.

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The introduction of landscaped areas and an enhanced public domain interface further strengthens the relationship between the development and its surroundings.

Overall, the proposal reflects a thoughtful response to its context and setting. By balancing historical sensitivity with contemporary urban design principles, the development contributes positively to the character and amenity of the area while enhancing the precinct's accessibility and vibrancy.

Visual Impacts

As detailed throughout the report, the development is considered acceptable in terms of how the development will sit within the street, particularly the development's relationship with the adjacent heritage items.

The development is considered acceptable in terms of visual impacts.

Traffic, Access and Parking Impacts

The potential traffic impacts of the development relate to traffic generation; capacity of the road system; access arrangements; internal layout and servicing; and parking provision.

Traffic

Peisley Street and McNamara Steet is the road system that services the subject site. Peisley Street is a collector road which runs in a north-south direction between Phillip Street and Forest Road providing generally one lane in each direction and kerbside parking. The road serves a mixed-use precinct comprising residential, commercial, and industrial development and connects the Orange urban centre to major land uses to the south including the Leewood Industrial Estate; the Orange Base Hospital; sporting fields; and the Cadia mines.

McNamara Street is a local road that runs north-south, with one lane in each direction and kerbside parking on both sides. It connects to Kite Street and Moulder Street, supporting access to residential and commercial areas. The road operates at a lower capacity compared to Peisley Street and primarily accommodates local traffic.

A Traffic Impact Assessment (TIA) indicates the development will generate 51 vehicle trips during peak hours, equating to less than one additional vehicle per minute on the surrounding road network. These trips are expected to disperse evenly through adjoining streets, minimizing local impacts. Based on the TIA findings, the traffic generated is considered insignificant and within the capacity of the existing road network.

Access Arrangements

The development provides access through a one-way internal laneway, with ingress from Peisley Street and egress onto McNamara Street. This arrangement supports site circulation, including access to parking levels and a porte-cochere.

TfNSW requirements and comments regarding the footpath crossing, preventing right-turn access from Peisley Street, pedestrian safety, and driver sightlines to the McNamara Street footpath have been addressed in the conditions of consent.

Onsite manoeuvring for garbage service and delivery vehicles has been confirmed with a swept path analysis, including overhead clearance. All vehicles will enter and exit in a forward direction.

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Car Parking

Car parking is addressed above in detail under the heading Chapter 15 of the DCP and is considered acceptable subject to a contribution being paid in lieu of the required physical spaces. The valet arrangement proposed by the applicant is considered acceptable with the procedure to be put in place once the hotel exceeds 76% occupancy rates or when parking demand exceeds 89 spaces.

Based on the adoption of the recommendations contained in the car parking assessment above, it is considered that the development will have an acceptable impact in terms of parking.

Infrastructure Impacts and Upgrades

Council's Technical Services advise that the existing 150mm diameter sewer main will need to be upgraded to a 225mm diameter sewer to accommodate the additional sewer loading of approximately 62 ETs, which exceeds the capacity of the existing downstream sewer main. The new 225mm sewer main will need to be constructed along McNamara Street and completed prior to the commencement of building works. Sewer manholes located in the laneway will be equipped with trafficable lids.

The adjoining property at 16 McNamara Street will be provided with a new sewer connection to the main, replacing the existing connection and long spur line currently located within 125 Peisley Street.

These requirements have been addressed through conditions.

Environmental Impacts

The site does not comprise any significant vegetation. The development involves the removal of a single exotic tree and therefore unlikely to significantly impact upon any endangered ecological communities, threatened species or habitat.

Waste Generation

The Waste Management Plan provides reasonable estimates for waste and recycling volumes for both the hotel and retail components, supported by adequate bin capacity and collection frequencies. A private collection arrangement is proposed to handle both general waste and recyclables. Council's Waste Manager is generally satisfied with the proposed plan.

Noise and Vibration

The ambient noise levels of the locality are considered to be typical of an area that lies in a mixed-use precinct and along a key transport routes (road and rail). Construction of the development is likely to be disruptive in the vicinity of the subject site. Any impacts will be temporary and short term and there are no long-term impacts from construction that raise concern. Given the nature of the proposed development, it is not expected there will be any ongoing impacts in the locality in relation offensive noise and vibration.

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Air and Microclimate

The construction phase of the development may generate some dust. Dust suppression and sediment controls will need to be in place during works to ensure minimal impact to adjoining properties and public during this period. Because of the specific nature of the proposed use, it is not expected that there will be any ongoing issues relating to air quality in the locality.

Social Impacts

The development is likely to have a neutral effect on the social cohesion of the city. There are no aspects of the development that would lead to unacceptable social impacts.

Economic Impacts

The development is expected to deliver significant economic benefits, including job creation and economic stimulation during the construction phase. Following construction, the inclusion of commercial tenancies will provide employment opportunities and support local businesses. Additionally, the short-stay accommodation will enhance the Orange tourism sector by catering to visitor demand. The proposed development is not expected to result in any unacceptable economic impacts on the locality.

Construction Impacts

The proposed development may result in short-term impacts typically associated with construction activities, including noise, dust, construction worker parking, and site deliveries. While these impacts are inherent to a project of this scale in an urban setting, they are temporary and limited to the construction phase.

To ensure these impacts are effectively managed, a condition has been imposed requiring the preparation of a comprehensive Construction Management Plan. This plan will address key considerations such as construction worker parking, site deliveries, dust mitigation, and traffic management, ensuring that construction activities are carried out in a controlled and responsible manner.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The proposed development is located in the E2 Commercial Centre zone and is permissible with the consent of Council. The subject land is considered to be suitable to undertake the proposed development due to the following:

- The development is permissible and compliant with the relevant provisions of the LEP, with Clause 4.6 used to justify the HoB and FSR variations.
- The development is considered to be satisfactory in regard to Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The potential impacts of the development can be managed appropriately through the conditions of consent.
- The development of the site will not create significant adverse impacts on the context and setting of the area.
- The development of the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflicts.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

- All utility services are or can be made available and can be made adequate
- PMF does not pose significant constraints
- There is no known contamination on the land.
- The subject land has no significant biodiversity or habitat value.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development was advertised and notified to adjoining landowners for 14 days in accordance with the provisions of Council's Community Participation Plan 2019. At the conclusion of the exhibition period, one submission was received. The details of the submissions are outlined below, along with Council's planning assessment and response:

Issue: The submission raised concerns regarding the adequacy of parking provisions for the proposed development. While the submitter acknowledges Traffic and Parking Assessment conclusions, they expressed concern that if hotel parking were to be fee-based, visitors might choose to utilise free parking at the nearby train station and coach interchange. This could reduce the availability of parking spaces for commuters or lead to the introduction of paid parking at the train station, which would negatively impact public access.

Assessment Response: Parking for the proposed hotel will be reserved for hotel guests only and some staff, with sufficient capacity provided to accommodate guests at full occupancy. There is no shortfall in guest parking, and hotel parking is not intended as a premium service or paid facility for guests. Therefore, it is unlikely that guests would seek alternative parking options at the nearby train station or coach interchange.

The development includes a shortfall of seven parking spaces, which pertains to the commercial component and the remaining staff parking. This shortfall will be addressed through a contribution payable by the proponent under Council's contributions plan. These funds are directed toward broader parking improvements and infrastructure within the Orange CBD to ensure the overall parking demand is managed effectively.

PUBLIC INTEREST s4.15(1)(e)

Generally, the proposed development is considered in the public interest. As detailed in the assessment report any potential impacts have been mitigated through various design iterations or conditions to mitigate impacts have been imposed. The proposed development is generally consistent with the relevant planning controls. No adverse impacts on the community, the environment or the economy are expected to result from the proposed development.

DEVELOPMENT CONTRIBUTIONS

Section 64 Local Government Act 1993

Council's Assistant Development Engineer advises:

1. Development contributions for water, sewer, and drainage works are applicable to the proposed development, which includes the hotel and associated facilities.

5.4 Development Application DA 497/2024(1) – 123 and 125 Peisley Street

2. Headworks charges of 42.2 ETs for water and 62.6 ETs for sewer will apply to the development, calculated as follows:

- 117 hotel rooms (136 bedrooms: 104 x one-bedrooms, six x two-bedrooms, seven x three-bedrooms) @ 0.30 ETw and 0.45 ETs per bedroom = 40.8 ET water and 61.2 ET sewer.
- Restaurant (145 m^2) @ 0.01 ETw and ETs per m^2 = 1.45 ET water and sewer.
- Commercial Tenancies (195m² total across four tenancies) @ 0.01 ETw and ETs per m² = 1.95 ET water and sewer.
- Total = 43.2 ET water and 63.6 ET sewer, less two ET credit for existing lots = 42.2 ET water and 62.6 ET sewer.

Conditions are included in the attached Notice of Determination requiring payment of the applicable contributions prior to the issuance of the Construction Certificate.

INTERNAL REFERRAL COMMENTS

The comments of the Environmental Health and Building Surveyor and the Engineering Development Section have been included in this report.

SUMMARY

The proposed development will enhance the Orange precinct by providing additional hotel accommodation to meet the growing demand for hospitality infrastructure within the region. The proposal will deliver high-quality accommodation, supporting local tourism and increasing options for visitors to the area. The design achieves a balanced outcome, retaining key heritage elements while introducing new additions that respect the character of the locality. The development also includes commercial tenancies, further contributing to the activation of the precinct. The proposal aims to establish a hub for both the community and visitors at a key gateway site to the city.

The development is permissible with Council's consent and is consistent with the relevant aims, objectives, and provisions of the Orange Local Environmental Plan 2011 (as amended) and Development Control Plan 2004, except for variations to the prescribed FSR and HoB standards under the LEP. The applicant has sought a variation to these standards under Clause 4.6 of the LEP, and the variation is considered acceptable.

A Section 4.15 assessment of the proposal confirms that the development is appropriate. A draft Notice of Notice Determination, including conditions to ensure the development proceeds in a satisfactory manner, is attached. It is recommended that Council approve the application subject to the adoption of the attached Notice of Determination.

ATTACHMENTS

- 1 Draft Notice of Determination, D24/138874
- 2 TfNSW Response Annexure A, D24/136403
- 3 Essential Energy Requirements Annexure B, D24/137252
- 4 Architectural Plans, D24/138877
- 5 Landscape Plans, D24/138871
- 6 Valet Management Plan, D24/137224
- 7 Submission, D24/136393

	ORANGE CITY COUNCIL
	Development Application No DA 497/2024(1)
NA24/446	Container PAN-422457

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the Environmental Planning and Assessment Act 1979 Section 4.18

Development Application

Collab Developments Applicant Name: Applicant Address: 3 Hanley Street

STANHOPE GARDENS NSW 2768

Ananta Hotels Group Pty Ltd Owner's Name:

Land to Be Developed: Lots 10 and 11 DP 1290605 - 123-125 Peisley Street, Orange

Demolition (entire building except facade); and Mixed Use Development Proposed Development:

(hotel or motel accommodation, and commercial premises)

Building Code of Australia

building classification: To be determined by the Certifier

Determination made under

Section 4.16 Made On:

18 December 2024

CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW: Determination:

Consent to Operate From:

18 December 2024

Consent to Lapse On: 18 December 2029

Terms of Approval

The reasons for approval:

- The proposed development will reasonably satisfy Local and State planning controls.
- The proposed development will comply with the requirements of State approval authorities. 2.
- Impacts of the proposed development on the natural and built environment will be within acceptable limit, subject to mitigation conditions.
- The proposed development will complement the existing or desired future character of the area.
- The proposed development will be consistent with the zone objectives and principal development standards.
- 6. The proposed development is permitted in the zone.
- Utility services are available and adequate.
- Public exhibition of the application was undertaken in accordance with Council's Community Participation Plan or State legislation. During the exhibition period one (1) submission was received. Public submissions were considered. Mitigation conditions are included where considered necessary.

The reasons for the imposition of conditions:

- 1. To ensure a quality urban design for the development which complements the surrounding environment.
- To maintain neighbourhood amenity and character.
- To ensure compliance with relevant statutory requirements.
- 4. To provide adequate public health and safety measures.
- 5. Because the development will require the provision of, or increase the demand for, public amenities and
- 6. To ensure the utility services are available to the site and adequate for the development.
- 7. To prevent the proposed development having a detrimental effect on adjoining land uses.
- 8. To minimise the impact of development on the environment.

This is page 1 of 13 page/s of Council's Approval of a Development Application

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 497/2024(1)

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Conditions

APPROVED PLANS AND DOCUMENTATION

- (1) The development must be carried out in accordance with:
 - (a) The approved stamped Architectural Plans prepared by Plus Architecture, Revision B and dated 17 June 2024
 - (b) The approved landscape plans prepared by Arcadia, Revision E and dated 21 June 2024
 - (c) The approved stamped Valet Parking Management Plan prepared by SCT Consulting dated 13 September 2024
 - (d) Statements of environmental effects or other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

PRESCRIBED CONDITIONS

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

- (4) Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

LIMITS OF CONSENT

- (5) Access to services and facilities within the hotel including the restaurant, lounge/bar and conference room shall be limited to overnight stay guest only. These areas are not permitted to be used by the general public. There is to be no advertisement for use of the restaurant, lounge/bar and conference room
- (6) A separate Development Application shall be made for the first use and fit out of each commercial tenancy created under this consent.

This is page 2 of 13 page/s of Council's Approval of a Development Application

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 497/2024(1)

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TfNSW CONDITIONS & ESSENTIAL ENERGY REQUIREMENTS

- (7) The development shall be carried out in accordance with the Conditions issued by Transport for NSW as listed in Annexure "A" attached to this consent.
- (8) The development shall be carried out in accordance with the requirements issued by Essential Energy as listed in Annexure "B" attached to this consent.

GENERAL CONDITIONS

(9) All of the following conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All engineering work required by the following conditions is to be completed prior to the issue of an Occupation Certificate, unless stated otherwise.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- (10) Prior to the issue of a construction certificate, a Construction Environmental Management Plan (CEMP) must be submitted to the satisfaction of Council's Manager Development Assessment. The CEMP must address, but not be limited to, the following matters where relevant:
 - (a) The location and materials for protective fencing and hoardings on the perimeter of the site;
 - (b) Provisions for public safety;
 - (c) Pedestrian and vehicular site access points and construction activity zones, including maintaining pedestrian access along Peisley Street at all times;
 - (d) Details of construction traffic management including:
 - proposed truck movements to and from the site
 - estimated frequency of truck movements
 - measures to ensure pedestrian safety near the site;
 - (e) Details of bulk earthworks to be carried out;
 - (f) The location of site storage areas and sheds;
 - (g) The equipment used to carry out works;
 - (h) The location of a garbage container with a tight-fitting lid;
 - (i) Dust, noise and vibration control measures;
 - (j) The location of temporary toilets;
 - (k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - AS 4970 Protection of trees on development sites
 - an applicable Development Control Plan
 - an arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

- (11) Prior to the issue of a Construction Certificate, the architectural plans by *Plus Architecture* shall be amended in accordance with the following:
 - (a) Face brick material is to be utilised on the lower two levels of the northern façade, which forms the return elevation of the western façade (McNamara Street). The selected brick material must maintain consistency with the materiality of the western façade.
 - (b) Relief patterning is to be achieved through the use of panel joints and concrete on the 2nd, 3rd, and 4th levels of the northern façade, as indicated in the design report prepared by Plus Architecture, dated 24 June 2024, Page 9.

(Condition (11) continued over page)

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NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 497/2024(1)

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Prior to the issue of a construction certificate (cont)

(11) (cont)

The revised architectural plans are to be submitted to and approved by Council's Manager Development Assessment.

- (12) Prior to the issue of a Construction Certificate, detailed landscape plans shall be submitted to and approved by Council's Manager Development Assessment. The detailed plans shall be generally in accordance with the concept prepared by Arcadia Rev E dated 21 June 2024 and include the following:
 - (a) Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
 - (b) The existing Green Pillar Oak (Quercus palustris 'Pringreen' Green Pillar) on Peisley Street is to be retained
 - **Note:** If the tree requires removal, the proponent must fund its transplanting and replanting on the Peisley Street frontage within a Strata Vault Tree Cell.
 - (c) The proposed two new street trees on the Peisley Street frontage are to be 150-litre Green Pillar Oaks (Quercus palustris 'Pringreen' Green Pillar) and planted within Strata Vault Tree Cells.
 - (d) Two new street trees, being 150-litre Green Pillar Oaks (Quercus palustris 'Pringreen' Green Pillar), are to be provided on the McNamara Street frontage and planted in a single Strata Vault Tree Cell at 8-metre centres.
 - (e) Bluestone cobblestone driveway pavers are to be used in lieu of precast concrete pavers for the internal laneway.
 - (f) A landscape maintenance strategy for the owner/occupier to administer over a 12-month establishment period following the issue of the Occupation Certificate. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilising, remedial pruning and plant replacement.
- (13) Original bricks from the building to be demolished are to be reused within the ground-floor commercial interiors. Detailed plans demonstrating the method and extent of their integration, as well as details on their removal and storage during construction works, shall be submitted to, and approved by, Council's Manager Development Assessment.
- (14) A heritage interpretation plan shall be prepared for the subject site by a suitably qualified heritage consultant in accordance with NSW Heritage Council guidelines and standard heritage practices. The heritage interpretation plan shall provide such things as murals, memory boards and interpretation signs relating to the historic uses of the land. The heritage interpretation plan shall be submitted to Council's Manager Development Assessment for approval prior to the issue of a Construction Certificate.
- (15) Prior to the issue of a Construction Certificate for any of the works on the site, the applicant shall seek all necessary permits/ approvals under the Water Management Act 2000 for construction dewatering and provide copies of such permits to Council and/or the PCA. Alternatively, in the event that such approvals are not required, the applicant shall provide written confirmation from Water NSW to that effect.
- (16) The basement carpark must be fully tanked to stop the removal of groundwater following construction. Design details must be prepared by a suitably qualified hydraulic and structural engineer and submitted to the Principal Certifier with an application for a Construction Certificate.
- (17) Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010. These plans must be submitted to the certifier.

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Prior to the issue of a construction certificate (cont)

- (18) Prior to the issue of a Construction Certificate, structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A5.2(1)(e) of the National Construction Code (previously known as Building Code of Australia) must be submitted to the satisfaction the Principal Certifier.
- (19) Detailed plans and a methodology for the retention and structural support of the façade of the existing building on Peisley Street must be prepared by a suitably qualified structural engineer and submitted to the Principal Certificate with the application for a Construction Certificate.
- (20) Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to certifier:
 - (a) Council's relevant development control plan,
 - (b) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
 - (c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).
- (21) Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person and submitted to the Principal Certifier.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- (a) comply with AS 1158: Lighting for Roads and Public Spaces;
- (b) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
- (c) lighting must be placed at all entrances to, and exits from the premises
- (d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- (e) lighting must not interfere with traffic safety;
- (f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- (g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
- (h) Relevant Council Development Control Plan
- (22) All signs that are proposed to be illuminated shall meet the Illumination and reflectance criteria for **Zone 4** set out within Table 5 of the *Transport Corridor Outdoor Advertising and Signage Guidelines* 2017. All illuminated sings must have the ability to be adjusted. Details of compliance shall be provided to the Principal Certifier with an application for a Construction Certificate.
- (23) Before the issue of a Construction Certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the Principal Certifier:
 - (a) Australian Standard 1668: The use of ventilation and air-conditioning in buildings; and
 - (b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - cause a nuisance to persons within or nearby to the premises, or
 - cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.

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Attachment 1

Draft Notice of Determination

COUNCIL MEETING 17 DECEMBER 2024

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 497/2024(1)

Prior to the issue of a construction certificate (cont)

- (24) Backflow Prevention Devices are to be installed to AS3500 and in accordance with Orange City Council Backflow Protection Guidelines. Details of the Backflow Prevention Devices are to be submitted to Orange City Council prior to the issue of a Construction Certificate.
- Prior to the issue of a Construction Certificate structural engineers' details shall be provided for piers/footings of any building located adjacent to the sewer main. Piers shall extend below the invert of the main and shall be located a minimum of 1.0m clear of the centreline of the main.
- (26) Payment of contributions for water, sewer and drainage works is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 42.2 ETs for water supply headworks and 62.6 ETs for sewerage headworks. A Certificate of Compliance, from Orange City Council in accordance with the Water Management Act 2000, will be issued upon payment of the contributions.
 - This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (27) Prior to the issue of a Construction Certificate, the payment of \$126,601.23 shall be made to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Orange Car Parking Development Contributions Plan 2015 in lieu of the physical provision of adequate onsite car parking spaces.
 - The contribution shall be indexed quarterly in accordance with the Orange Car Parking Development Contributions Plan 2015, which may be inspected at the Orange Civic Centre, Byng Street, Orange.
- A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issue of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.
 - Where applicable, the applicant is to enter into a Trade Waste Services Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.
- A Road Opening Permit in Accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve. The Road Opening Permit shall be accompanied by an engineering design for heavy-duty concrete kerb and gutter laybacks and footpath crossings to be constructed in both Peisley Street and McNamara Street.
- The development's stormwater design is to include the incorporation of stormwater detention within the development, designed to limit peak outflows from the land to the pre-existing natural outflows up to a 1% AEP storm event, with sufficient allowance in overflow spillway design capacity to safely pass flows of lower frequency (that is, a rarer event) without damage to downstream developments

The design of the detention storage is to be undertaken using the DRAINS rainfall-runoff hydrologic model (or an approved equivalent capable of assessing runoff volumes and their temporal distribution as well as peak flow rates) based on the most recent version of Australian Rainfall and Runoff calculations allowing for applicable climate change factor(s). The model is to be used to calculate the flow rates for the existing and post-development conditions. The developed flows are to be routed through the proposed storage within the model so that the outflows obtained are no greater than the flows obtained for the pre-existing natural flows. Stormwater discharge to kerb is limited to 20 litres/sec. A report detailing the results of the analysis, which includes:

- · catchment plan showing sub-catchments under existing and developed conditions;
- schematic diagram of the catchment model showing sub areas and linkages;
- tabulation detailing the elevation, storage volume and discharge relationships; and
- tabulation for the range of frequencies analysed, the inflows, outflows and peak storage levels for both existing and developed conditions,
- together with copies of the data files for the model and engineering design plans of the required drainage system,

are to be submitted to and approved by Orange City Council prior to the issuing of a Construction Certificate.

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Prior to the issue of a construction certificate (cont)

- (31) A 225mm sewer main is to be constructed from Council's existing 600mm trunk sewer main located at the intersection of McNamara Street and Kite Street to service the proposed development. The new sewer main shall be constructed within the McNamara Street roadway and shall connect to the existing sewer manhole located in the proposed common driveway. The adjoining property (16 McNamara Street) shall be reconnected to the new sewer main and an access chamber installed at the termination of the existing main on 131 Peisley Street as part of this work. Engineering plans for this sewerage system must be submitted to and approved by Orange City Council before a Construction Certificate is issued for building works.
- (32) A concrete centre median island, extending 20 metres both north and south of the Peisley Street vehicle entrance, shall be constructed to prevent right turns into the development. Additionally, a concrete pedestrian refuge island, along with kerb extensions on both sides of Peisley Street, shall be built adjacent to the northern property boundary and shall incorporate the proposed footpath dining area. This pedestrian refuge shall connect to the central median island as necessary. Engineering plans for these pedestrian and traffic facilities must be submitted to, and receive approval from, Orange City Council prior to the issuance of a Construction Certificate.
- (33) Prior to the issue of a Construction Certificate a report from a practising consulting engineer certifying that the proposed structure is (structures are) able to safely withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate up to and including the 1% AEP flood level.
- (34) Detailed plans and specifications are to be provided to Council specifying the proposed fit-out of the food preparation and storage areas in accordance with the requirements of Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code.
- (35) An approval under Section 68 of the Local Government Act is to be sought from Orange City Council, as the Water and Sewer Authority, for water, sewer and stormwater connection. Details concerning the proposed backflow prevention between the nominated water tank supply and the potable system are to be provided. No plumbing and drainage is to commence until approval is granted.
- (36) Sewer main diversion works (construction of 225mm sewer main and manholes) are to be undertaken by a contractor experienced in constructing sewer mains. The cut in works to the live sewer are to be undertaken by Orange City Council. A private works order for the live cut in and associated works necessary to be undertaken by Orange City Council shall be paid to Orange City Council prior to the issue of a Construction Certificate.
- (37) Prior to the issue of a Construction Certificate for any building or site works the sewer main diversion works shall be completed to the satisfaction of Orange City Council. Written confirmation from Orange City Council shall be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- (38) Prior to the issue of a Construction Certificate, an easement to drain sewage and to provide Council access for maintenance of sewerage works; a minimum of 2.0 metres wide is to be created over the new sewer main. Evidence of the registration of the sewer easement shall be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate for any building or site works.
- (39) Where any excavation work on the site extends below the surface level of the adjoining public road reserve, the person having the benefit of the development consent must, at the person's own expense protect and support the adjoining public road reserve from possible damage from the excavation.
 - Structural engineer's details of the method(s) of support to be used both during construction and on completion of the basement works shall be submitted to Orange City Council prior to the issuing of a Construction Certificate.

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Prior to the issue of a construction certificate (cont)

- (40) Prior to the issue of a Construction Certificate plans of the carpark and internal driveway from Peisley Street to McNamara Street shall be submitted to the Principal Certifying Authority for approval. The carpark plans shall provide details of levels, cross falls of all pavements, and proposed drainage works. All parking spaces, access aisle dimensions, line marking and signage shall be in accordance with AS/NZS 2890.1:2004 (Off-street car parking). 'No Entry' signage shall be installed on the property boundary facing McNamara Street, signage, mirrors and pavement arrows shall be installed to regulate traffic flow through the carpark and internal driveway from the Peisley Street entry to the McNamara Street exit. The plans shall detail how compliance is achieved with AS/NZS 2890.1:2004 Section 3.2.4(b) and ensure that there are no obstructions located within the required sight triangles to ensure pedestrian safety from vehicles exiting the driveway to McNamara Street.
- (41) A Road Opening Permit in accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve.
- (42) A survey to determine the existence of any hazardous materials on the site is to be provided. Suitable arrangements are to be made to dispose of, or remediate any identified hazardous materials including the notification of authorities and/or the obtaining of any required permits. Particular care and attention is to be paid to the disposal of any waste containing asbestos material.
- (43) After demolition works are concluded, and prior to the issuing of a Construction Certificate, a detailed site investigation contamination assessment shall be undertaken within the footprints of the demolished buildings to confirm the site remains suitable for the proposed development in accordance with the recommendations of the report by Soilsrock (report number: SRE/1202/OR/24/DSI, dated 31 May 2024).
- (44) Due to the extensive nature of the works and their proximity to the public footpath, the applicant is to provide public liability and public risk insurance cover for a minimum of \$10,000,000, endorsed to cover Council for its respective rights and interests. Evidence of valid insurance cover must be submitted to Council.

PRIOR TO WORKS COMMENCING

- (45) Any adjustments to existing utility services that are made necessary by the demolition work are to be at the full cost of the developer.
- (46) Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) at the same time.

- (47) Appoint Principal Certifier. The person having the benefit of the development consent and a construction certificate shall:
 - (a) Appoint a Principal Certifier and notify Council of the appointment (if Council is not appointed)
 - (b) Notify Council of their intension to commence the erection of the building (at least two (2) days' notice is required).

The Principal Certifier shall determine when inspections and compliance certificates are required.

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COUNCIL MEETING

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION NO DA 497/2024(1)

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Prior to works commencing (cont)

- (48) A Construction Certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the Construction Certificate is obtained from an accredited certifier, the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.
- (49) The construction works the subject of this development consent MUST NOT be commenced until:
 - (a) Detailed plans/specifications of the building have been endorsed with a construction certificate by:
 - i. the Council, or
 - ii. a registered certifier, and

The person having the benefit of the development consent:

- i. has appointed a Principal Certifier, and
- ii. has notified the Council of the appointment
- (b) The person having the benefit of the development consent has given at least two (2) days' notice to the Council of the person's intention to commence the erection of the building; and
- (c) Builder's name and licence number has been supplied to Council or the Principal Certifier; or
- (d) Owner Builder's Permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifier; and
- (e) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and
- (f) A sign has been erected onsite in a prominent position containing the information prescribed by Clause 98A(2) and (3) of the EP&A Regulations, being the name, address and telephone number of the Principal Certifier for the work, name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained onsite while work is being carried out and removed when the work has been completed.
- (50) A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.
- (51) Sediment and erosion control measures shall be implemented on the site.

DURING CONSTRUCTION/SITEWORKS

- (52) The façade of the existing building on Peisley Street must be retained and appropriately supported during basement excavation and construction.
- (53) While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- (54) While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
- (55) While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the Principal Certifier:
 - (a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
 - (b) At other stages of construction any marks that are required by the Principal Certifier.

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During construction / siteworks (cont)

- (56) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (57) All driveway and parking areas are to be sealed with hot mix or concrete, except for the internal laneway which is to be constructed of bluestone cobblestone driveway pavers or in a brick format, and are to be designed for all expected loading conditions and be in accordance with the Orange City Council Development and Subdivision Code.
- (58) A heavy-duty concrete kerb and gutter layback and footpath crossing is to be constructed in Peisley Street and McNamara Street. The works are to be carried out to the requirements of the Orange City Council Development and Subdivision Code and Road Opening Permit.
- (59) The water and sewerage services to the existing building, where they are not proposed to be used as part of this development, are to be sealed off at their respective Council mains.
- (60) The existing basalt (bluestone) kerb and gutters in Peisley Street and McNamara Lane are to be retained. Where bluestone exists in the location of the proposed new driveways, the bluestone gutter is to be retained and incorporated into the new vehicular layback. Any kerb stones removed as a result of the works are to be firstly used as kerb stones in the areas of reinstated kerb and any leftover stones returned to Council. The existing kerb and gutter layback in Peisley Street that is not proposed to be used is to be replaced with bluestone and the bitumen footpath reinstated to the requirements in the Orange City Council Development and Subdivision Code and Road Opening Permit. Orange City Council can assist with the supply of kerbstones where required.
- (61) All stormwater from the site is to be collected and piped to the McNamara Lane kerb and gutter in accordance with the approved on-site stormwater detention design. Stormwater discharge to kerb is limited to 20 litres/sec.
- (62) Any asbestos material must be removed and disposed of in accordance with the provisions of the Work Health & Safety Act 2011 and any guidelines or Codes of Practice published by SafeWork NSW.
- (63) All construction work on the site is to be carried out between the hours of 7am and 6pm Monday to Friday inclusive, 7am to 5pm Saturdays, and 8am to 5pm Sundays and Public Holidays. Written approval must be obtained from the Chief Executive Officer of Orange City Council to vary these hours.
- (64) The swimming pool is to be in accordance with the Swimming Pools Act 1992 and Regulations.
- (65) An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.
- (66) No water is to be placed in the swimming pool until the required protective fencing has been inspected and approved by Council.
- (67) The fit-out of the food preparation and storage areas are to be installed in accordance with the requirements of Food Safety Standard 3.2.3 "Food Premises and Equipment" of the Australian New Zealand Food Standards Code.
- (68) In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work onsite must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works onsite must not resume unless the express permission of Council's Director Development Services is obtained in writing.

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During construction / siteworks (cont)

- (69) If Aboriginal objects, relics, or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease, and the NSW Office of Environment and Heritage (OEH), and representatives from the Orange Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.
- (70) All materials onsite or being delivered to the site are to be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 are to be complied with when placing/stockpiling loose material, or when disposing of waste products, or during any other activities likely to pollute drains or watercourses.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- (71) Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:
 - (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 - (b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and
 - (c) a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier, or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
- (72) Certificates for testable Backflow Prevention Devices are to be submitted to Orange City Council by a plumber with backflow qualifications prior to the issue of an Occupation Certificate.
- (73) Certification from Orange City Council is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate stating that all works relating to connection of the development to Council assets, works on public land, works on public roads, stormwater, sewer and water reticulation mains and footpaths have been carried out in accordance with the Orange City Council Development and Subdivision Code and the foregoing conditions, and that Council will take ownership of the infrastructure assets.
- (74) A Road Opening Permit Certificate of Compliance is to be issued for the works by Council prior to any Occupation Certificate being issued for the development.
- (75) A Certificate of Compliance, from a Qualified Engineer, stating that the stormwater detention basin complies with the approved engineering plans is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (76) Landscaping must be installed in accordance with the approved plans and must be permanently maintained to the satisfaction of Councils Manager Development Assessment.
- (77) No person is to use or occupy the building or alteration that is the subject of this approval with the prior issuing of an Occupation Certificate
- (78) Where Orange City Council is not the Principal Certifier, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Compliance Certificate issued, prior to the issue of an occupation certificate.
- (79) Prior to the issue of an Occupation Certificate, evidence of registration of the swimming pool/spa on the NSW Swimming Pool Register is to be submitted to Council / accredited certifier.

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Prior to the issue of an occupation certificate (cont)

- (80) The approved heritage interpretation plan shall be fully implemented prior to the issue of a final Occupation Certificate.
- (81) An appropriate flood emergency response plan is to be prepared by suitably qualified person, experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the building owners; to include an education and awareness component for occupiers, staff and guests and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. A Flood Emergency Response Plan is to describe the following components:
 - (a) likely flood behaviour
 - (b) flood warning systems
 - (c) education awareness program
 - (d) evacuation and evasion procedures
 - (e) evacuation routes and flood refuges; and
 - (f) flood preparedness and awareness procedures for staff, visitors, and guests
 - (g) Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources.
- (82) Prior to the issue of any Occupation Certificate details of the operation of the waste collection are to be submitted to and approved by Orange City Council, including details of a private service agreement with a waste contractor. The private service agreement must be to the satisfaction of Council's Waste Services Manager.

MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT

- (83) The approved valet parking arrangement management plan shall be enacted at times when the hotel exceeds 76% occupancy rates or when parking demand exceeds 89 spaces.
- (84) The maximum sized delivery or service vehicle permitted to enter the site is an 8.8 metre length Medium Rigid Vehicle.
- (85) All vehicular loading and unloading shall be carried out within the site to provide for safe off-street loading and unloading of vehicles servicing the site and to prevent interference with the use of the public road by vehicles and pedestrians.
- (86) During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.
- (87) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures as required by Clause 177 of the Environmental Planning and Assessment Regulation 2000.
- (88) Compliance with the Food Act and Regulation and the Australian Food Safety Standards is required in relation to the storage of ingredients, temperature control, cross contamination, cleaning and sanitising of contact surfaces, labelling and packaging, health and hygiene of food handlers, and handwashing.
- (89) Any outdoor lighting must be in accordance with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting". Any ancillary light fittings fitted to the exterior of the buildings must be shielded or mounted in a position so as to minimise light spill and glare to adjoining properties.

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Matters for the ongoing performance and operation of the development (cont)

(90) The applicant shall obtain an acoustic report which assesses actual noise emissions and impacts from the normal operation of the development within three (3) months of the issue of an Occupation Certificate and provide a copy of the report to Council. Where the report recommends noise attenuation works to be carried out, these works shall be undertaken within 28 days from the date of the acoustic report.

Other Approvals

- (1) Local Government Act 1993 approvals granted under Section 68.
- (2) General terms of other approvals integrated as part of this consent.

Nil

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.

Disability Discrimination Act 1992:

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land: The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Signed: On behalf of the consent authority ORANGE CITY COUNCIL

Signature:

Name: PAUL JOHNSTON - MANAGER, DEVELOPMENT ASSESSMENTS

Date: 18 December 2024

This is page 13 of 13 page/s of Council's Approval of a Development Application

Transport for NSW

29 May 2024

TfNSW reference: WST24/00182/001 | SF2024/092335

Your reference: DA497/2024 | CNR-68562

NSW GOVERNMENT

General Manager Orange City Council By Email: council@orange.nsw.gov.au

Attention: Ben Hicks

DA497/2024 – Demolition of existing structure and construction of mixed-use development - hotel and ground floor retail/commercial premises – Lots: 10, 11 DP1290605 – 123-125 Peisley Street, Orange

Dear Ben.

Transport for NSW (TfNSW) is responding to the abovementioned development application (DA) referred on 8 May 2024.

TfNSW has reviewed the information and has **no objections** to the proposed development **provided the conditions in Attachment 1** are considered in Council's assessment and determination.

If the Consent Authority determines to approve the DA, any **conditions of development consent** need to be consistent with the *Roads Act 1993* requirements and consideration of TfNSW conditions and recommendations must be included.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Brendan Croft, Development Services Case Officer, on 1300 019 680 or email development.west@transport.nsw.gov.au.

Yours faithfully,

Team Leader Development Services (West) Community & Place Regional and Outer Metropolitan

OFFICIAL

Lvl 1, 51-55 Currajong Street, Parkes NSW 2870 E. development.west@transport.nsw.gov.au

1300 207 783

transport.nsw.gov.au

Transport for NSW



Attachment 1

DA497/2024 – Demolition of existing structure and construction of mixed-use development - hotel and ground floor retail/commercial premises – Lots: 10, 11 DP1290605 – 123-125 Peisley Street, Orange

This attachment relates to TfNSW's response dated 29 May 2024 reference WST24/00182/001.

Context

TfNSW understands the subject application:

- Proposes demolition of existing building with construction of a mixed-use development (hotel and retail/commercial premises) consisting of:
 - Hotel accommodation up to 80 rooms
 - Conference room, restaurant, and lounge for hotel guests
 - Swimming pool, gym, and outdoor areas
 - Parking for 100 vehicles (90 spaces on-site and 10 spaces on-street)
 - Provision of a thru-site shared way link between Peisley Street and McNamara Street including an upgrade to the existing driveway layback.
- The affected classified (Regional) road is Peisley Street (MR245).
- Council is seeking TfNSW advice prior to determining the subject development application as
 future road works associated with the development, including any improvements made to the
 existing vehicle layback, would require Council to seek TfNSW concurrence before granting
 approval, pursuant to s.138(2) of the Roads Act 1993.

TfNSW Conditions

TfNSW provides the following conditions of consent for Council's review prior to determination:

- The replacement access driveway and layback must be constructed with appropriate materials
 and in accordance with Council's engineering specifications, match existing road levels and not
 adversely alter or interfere with exiting road drainage. The driveway gradient must be designed
 to prioritise pedestrian safety and does not encourage high-speed entry.
- 2. Vehicle movements from Peisley Street into the site must be in a forward direction only.
- 3. No vehicles are permitted to reverse exit into Peisley Street from the driveway.
- 4. External works, such as landscaping, placement of outdoor furniture, signage, etc, are to impede sight lines of traffic or pedestrians using the existing footpath when passing, entering the site. Furthermore, all footpaths must be unobstructed at all times to allow for safe pedestrian movement around the site.

Transport for NSW

5. The site must not accommodate or promote access of heavy rigid and/or oversize vehicles to load and unload within the internal roadway in the site.

Additional comments

TfNSW has identified the following areas that should be considered to achieve better outcomes for the transport network.

TfNSW notes that there is potential for queuing and delays of through movements resulting from
right-turn movements into the site from Peisley Street particularly during the peak period, due to
the presence of on-street parking. Council must consider all reasonable measures to prevent the
development adversely affecting the function and operation of the existing classified road
network. TfNSW requests that Council consider the warrants for intersection treatments within
Part 4A: Unsignalised and Signalised Intersections of Austroads Guide to Road Design and possible
restrictions to street parking to improve through vehicle movements.

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From:

Sent: Thursday, 30 May 2024 8:45 AM

To: Benjamin Hicks

Subject: CNR-68652 -A-82904 - 123 PEISLEY STREET ORANGE 2800 - 125 PEISLEY STREET

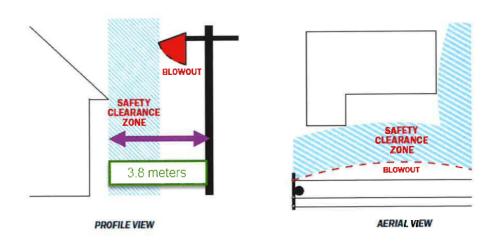
ORANGE 2800

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Development description : Demolition of structure and construction of mixed-use development - hotel and ground floor retail/commercial premises

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

 A safe distance of 3.8 metres measured horizontally is required to the centreline of the low voltage 400/230 volt powerline(s) which run along McNamarra street.



 If wanting to encroach (come closer than advised above), then the Next Step for the applicant is,

To contact Essential Energy's network encroachments group <u>using this link, Encroachments</u> (essentialenergy.com.au) and provide where applicable supporting documentation, including a report

from a Level 3 Accredited Service Provider calculating the blowout distance of the powerline (if applicable).

Applicants are advised that fees and charges will apply where Essential Energy provides this service. (Please reach out to Essential's Network Encroachment team on 132391 for advice).

(Please note Essential Energy's Network encroachments team would then provide advice from there forward, Technical Enquiry's cannot provide any further site-specific advice/solutions in the Network encroachments sphere).

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.
- Information relating to developments near electrical infrastructure is available on our website <u>Development</u>
 Applications (essentialenergy.com.au).
- Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW).
 Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.
- It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions

Should you require any clarification, please do not hesitate to contact us	Should you require any o	clarification.	please do not	t hesitate to	contact us
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Technical Enquiries

COUNCIL MEETING 17 DECEMBER 2024



PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

DEVELOPMENT APPLICATION

123-125 PEISLEY STREET ORANGE





Sheet Index		RELEVANT SCHEDULES AND PROJECT SPECIFICATION	-
Series	Drawing No.	Drawing Name	Revision
PLA-DA-0000 PRE		Drawing Name	Revision
FLA-DA-0000 FRE	PLA-DA-0000	COVER SHEET	B
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	PLA-DA-1003	GENERAL FLOOR PLAN - LEVEL 03	В
	PLA-DA-1004	GENERAL FLOOR PLAN - LEVEL 04	В
	PLA-DA-1005	GENERAL FLOOR PLAN - ROOF 05	В
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	PLA-DA-2001	ELEVATIONS - EAST & WEST	В
PLA-DA-3000 SEC	TIONS		
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PLA-DA-4000 FAC	ADE TYPOLOGIES	AND DETAILS	
	PLA-DA-4000	FACADE DETAIL - SHEET 01	В
	PLA-DA-4001	FACADE DETAIL - SHEET 03	В
	PLA-DA-4002	FACADE DETAIL - SHEET 02	В
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PLA-DA-8000 PER			
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	PLA-DA-8001		В
	PLA-DA-8002	PERSPECTIVE - MCNAMARA ST	В

DEVELOPMENT SUMMARY

SITE AREA: 3,286 m 2 TOTAL GFA: 7,300 m 2 TOTAL FSR: 2.22:1 NO. OF STOREYS: 5-6 CAR PARKING: 120

FOR DEVELOPMENT APPLICATION

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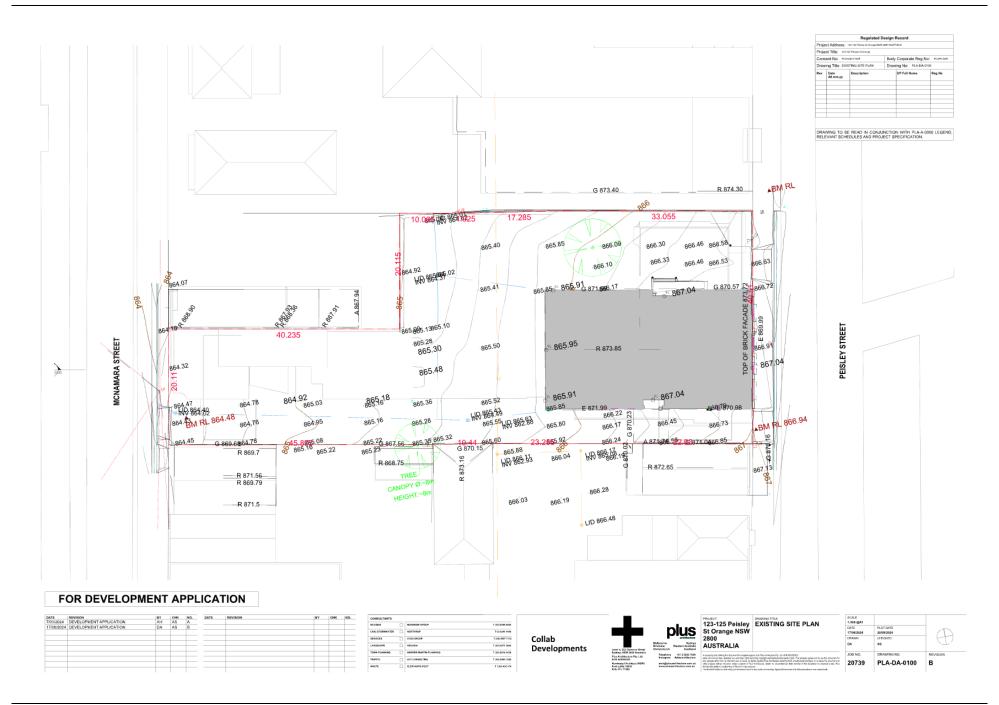
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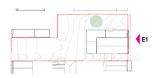


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17 DECEMBER 2024

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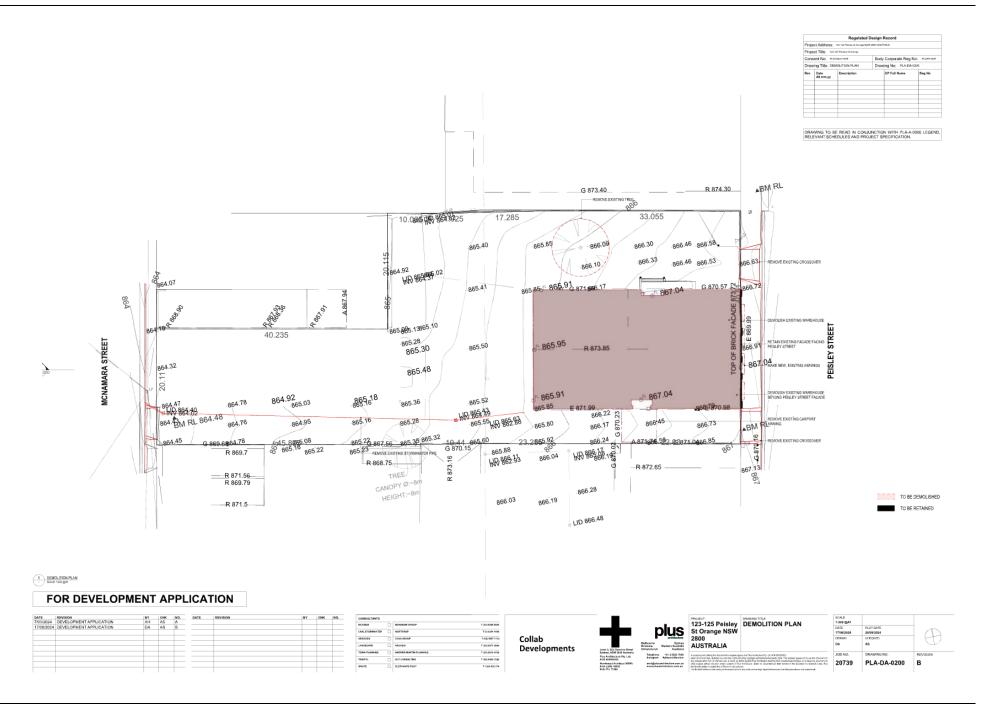
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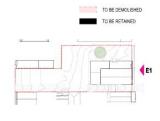




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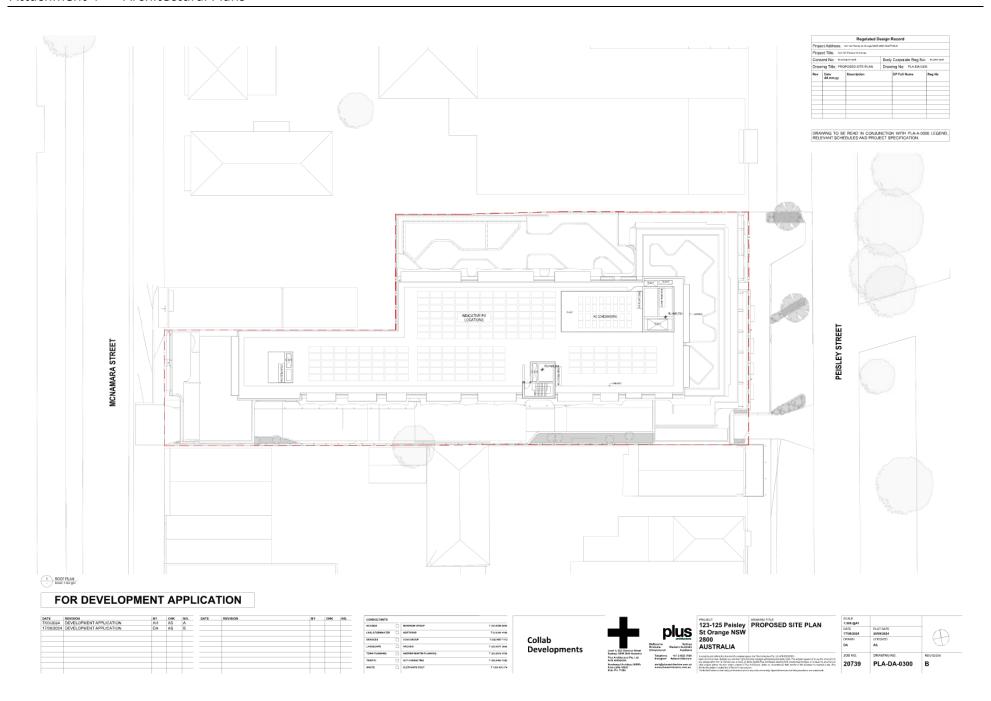
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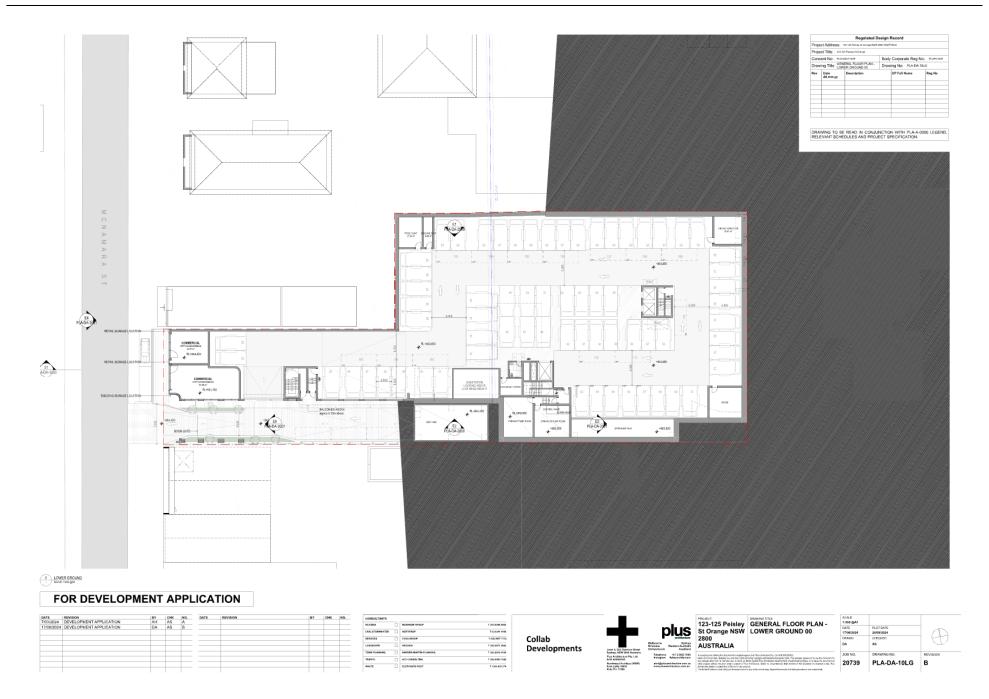
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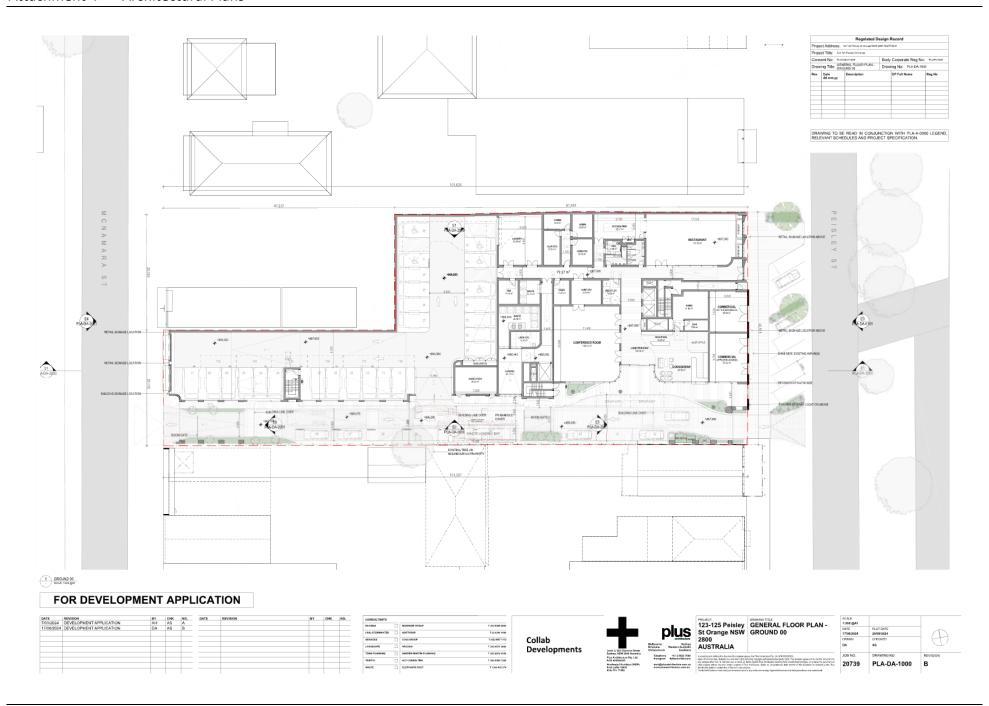


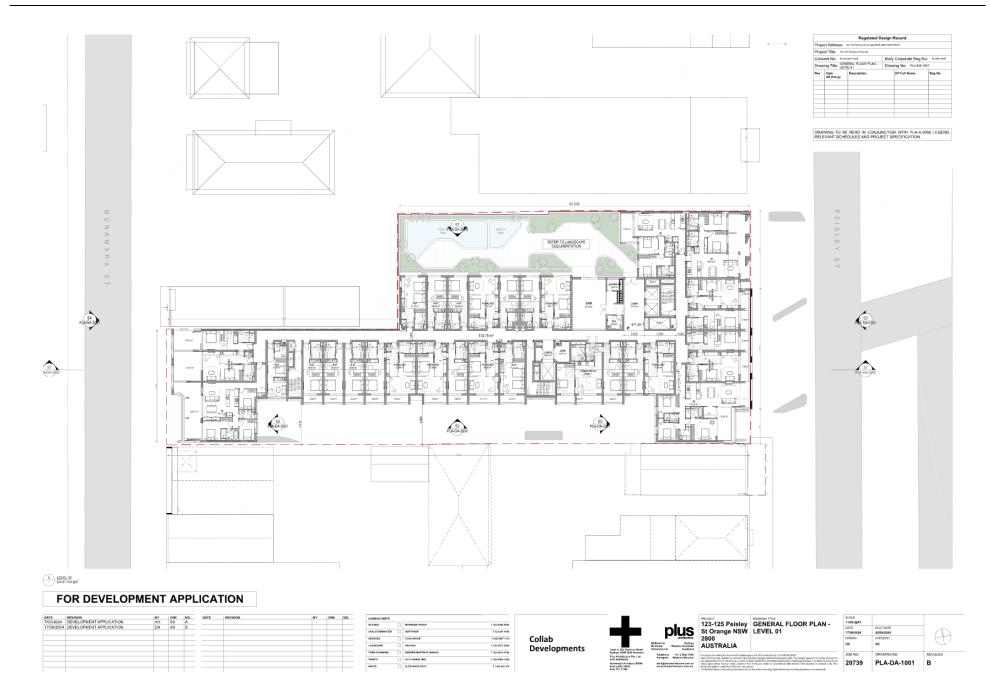
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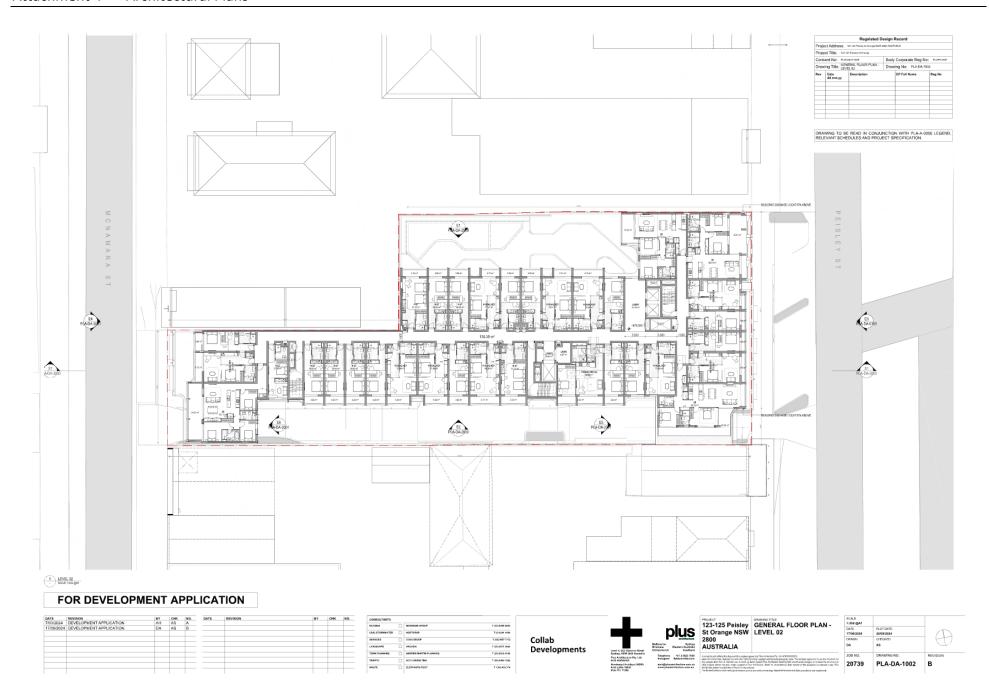


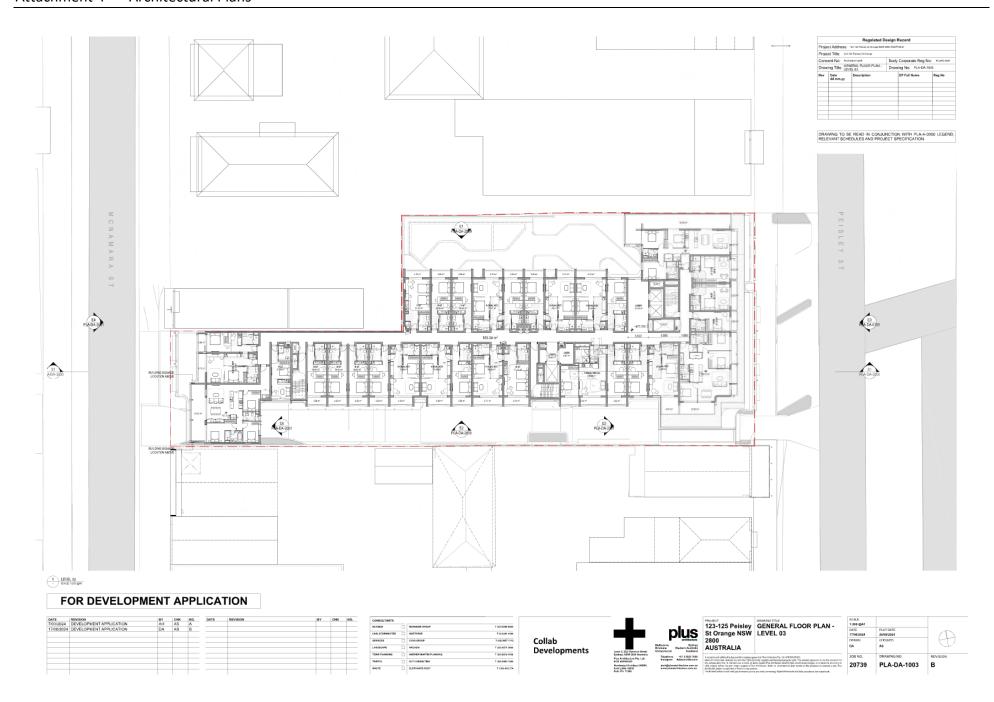


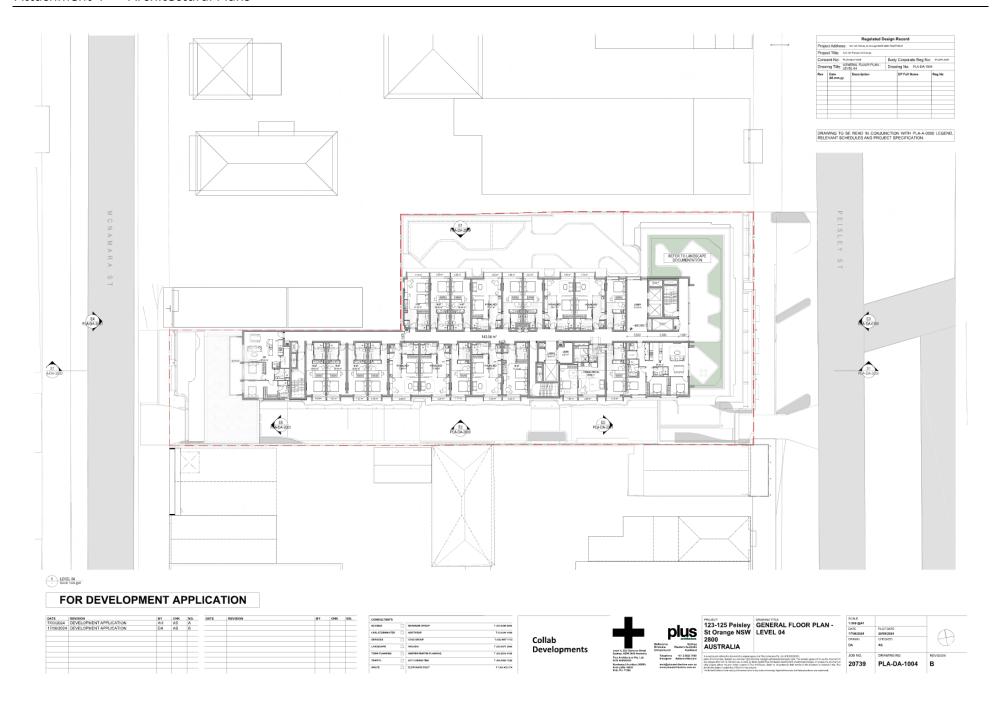


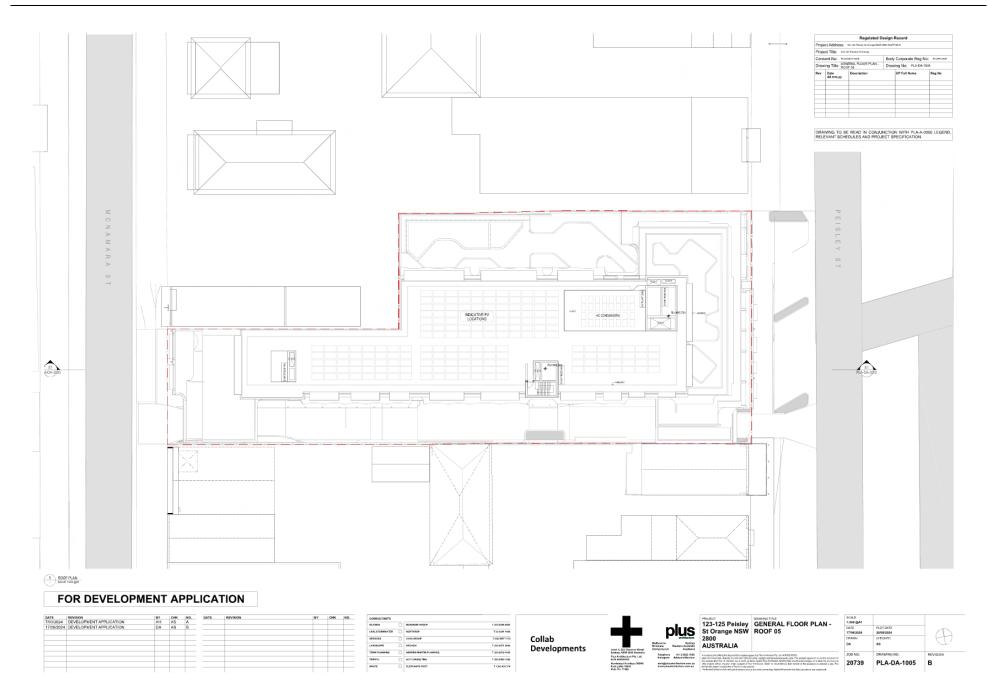


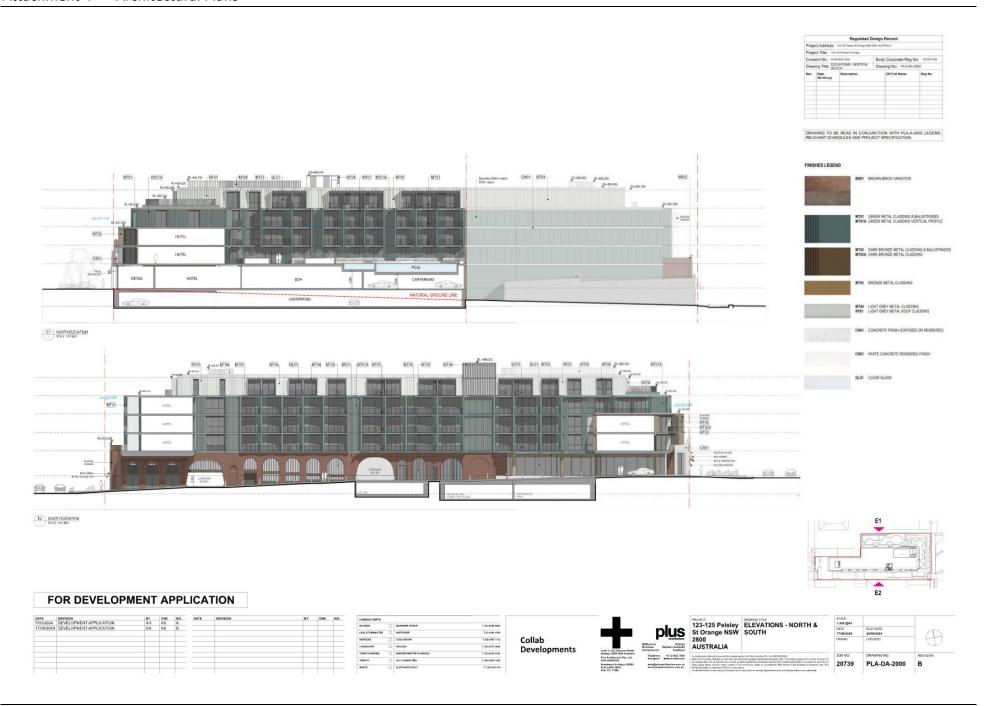


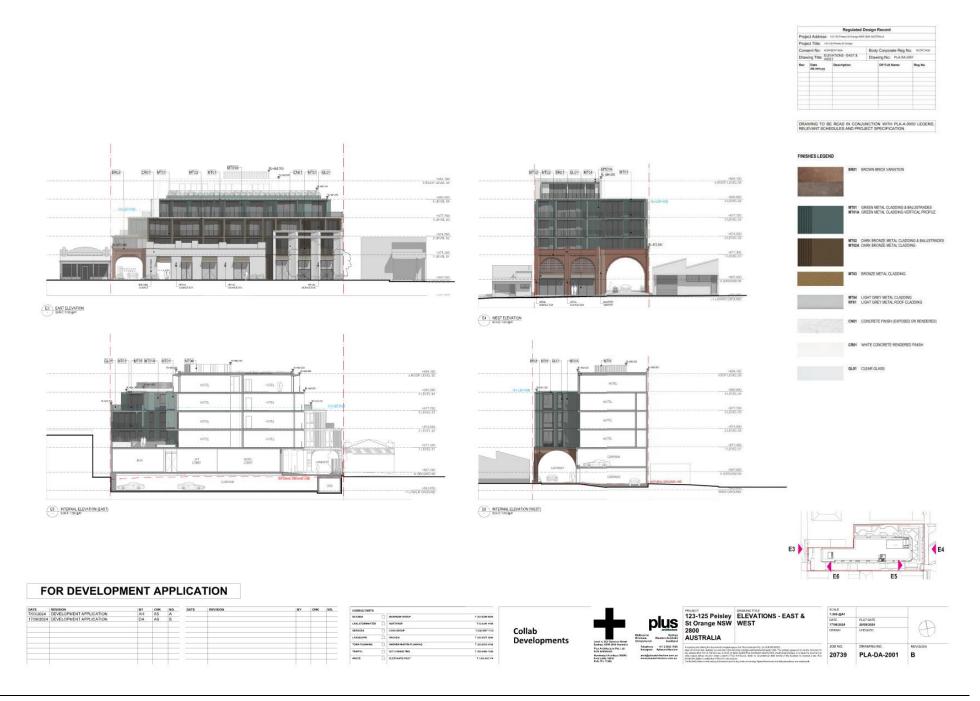




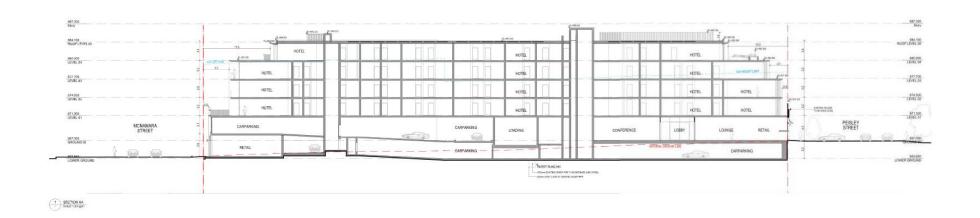








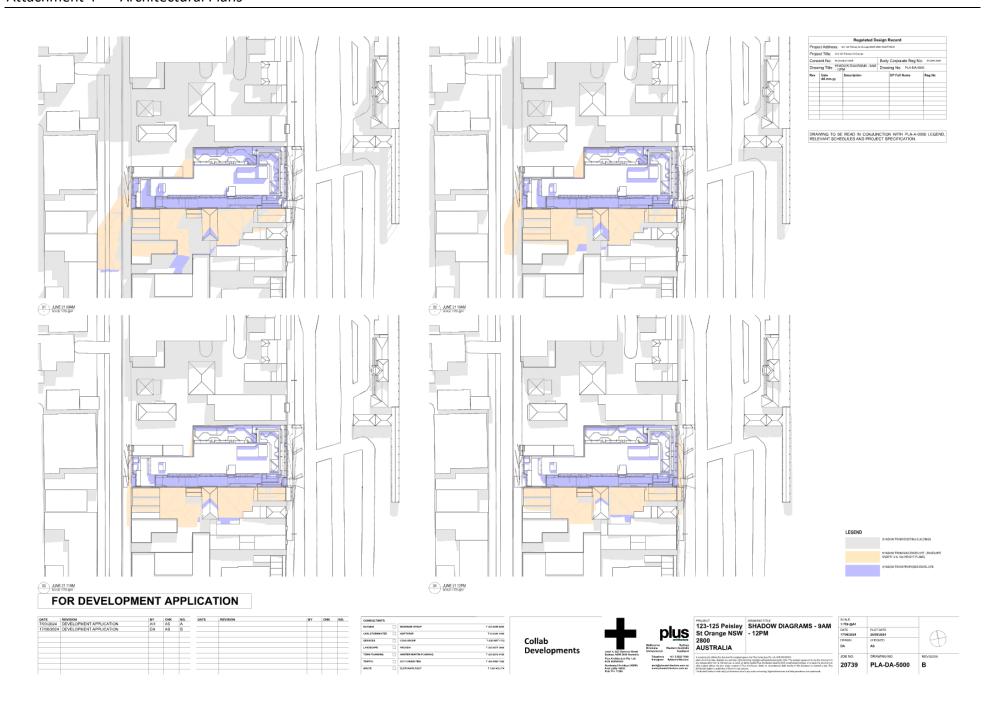


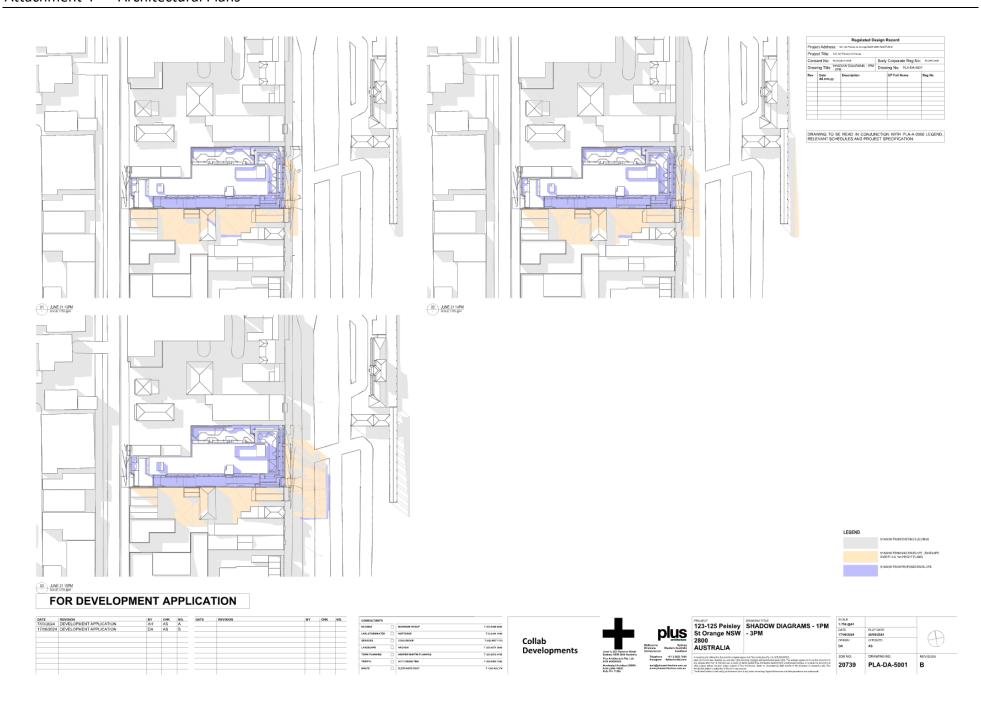
















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COUNCIL MEETING



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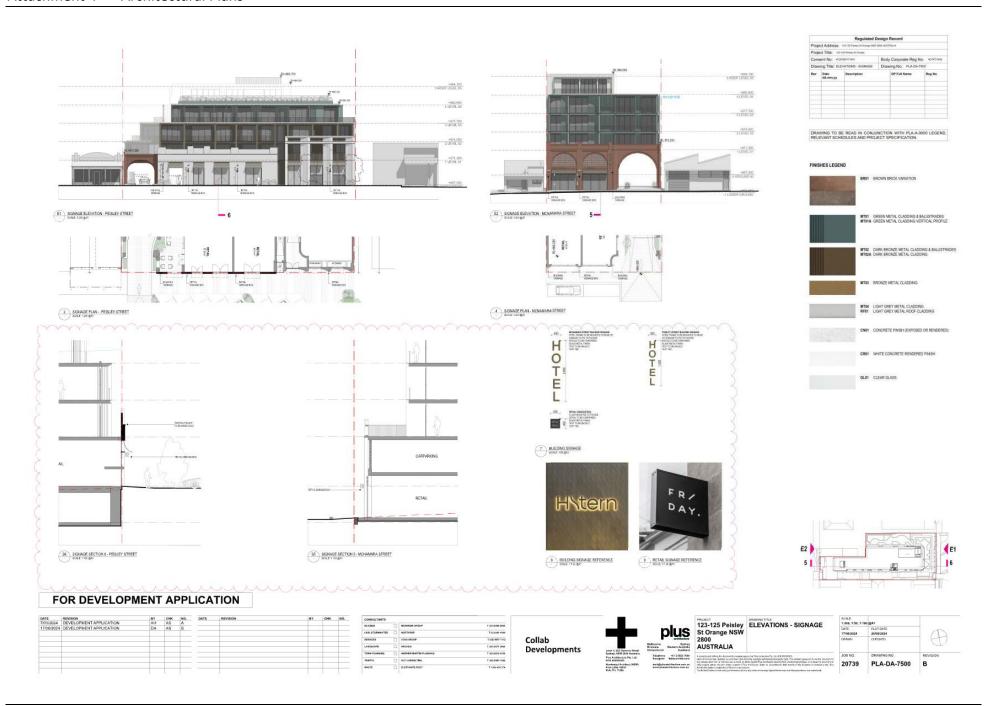
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FOR DEVELOPMENT APPLICATION

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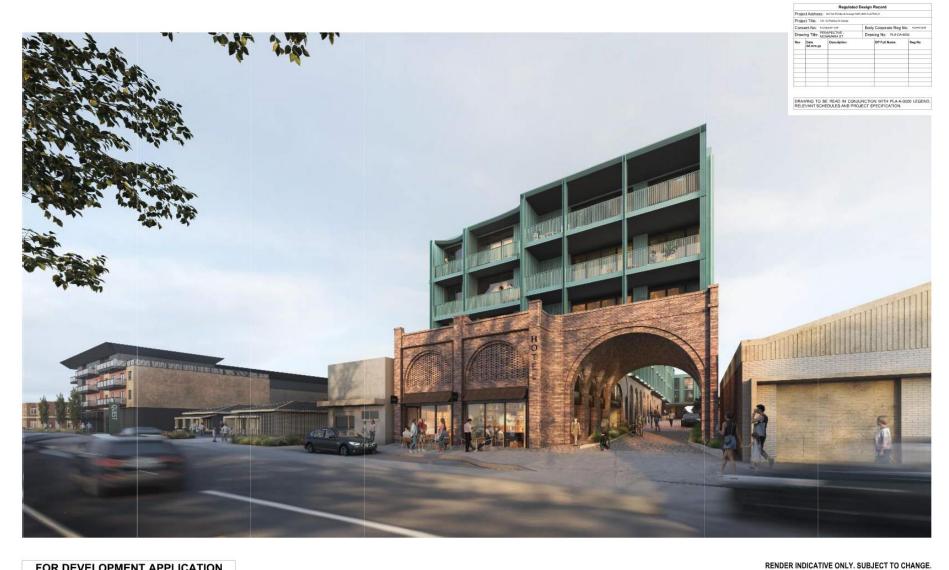
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FOR DEVELOPMENT APPLICATION

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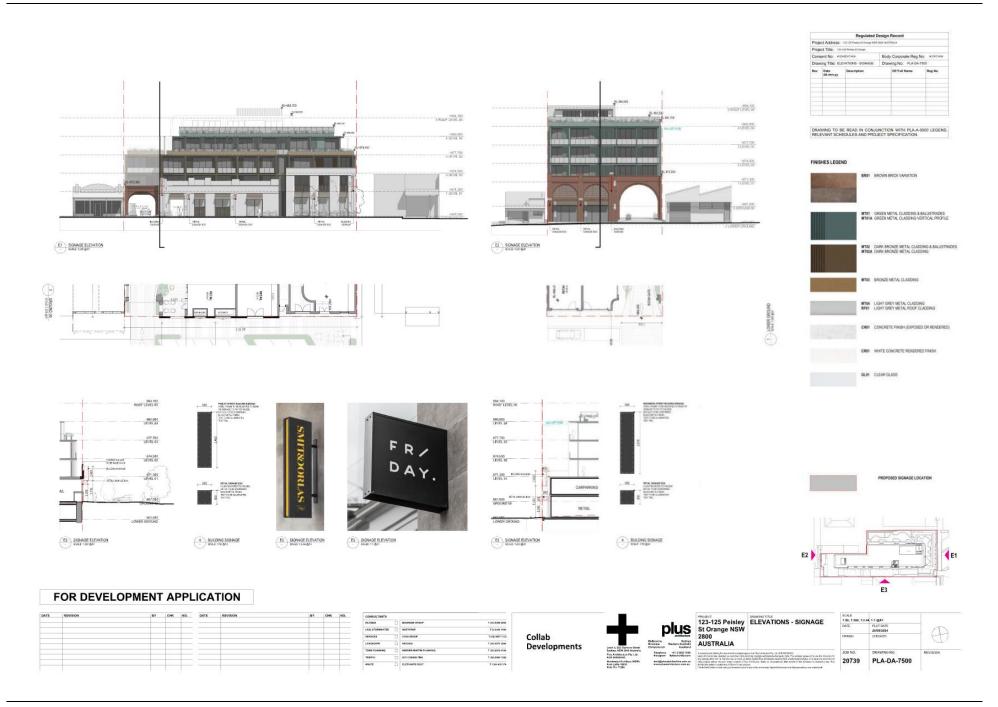
Collab Developments

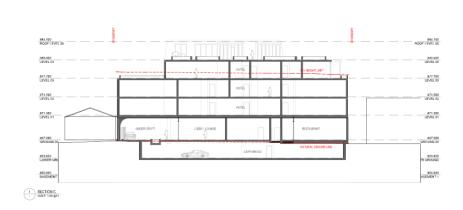


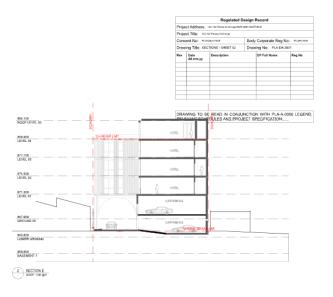


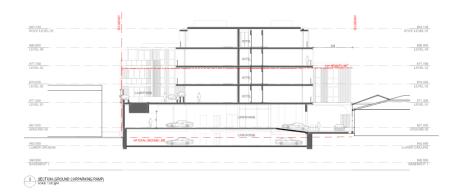
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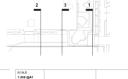
123-125 Peisley PERSPECTIVE - MCNAMARA ST











FOR DEVELOPMENT APPLICATION

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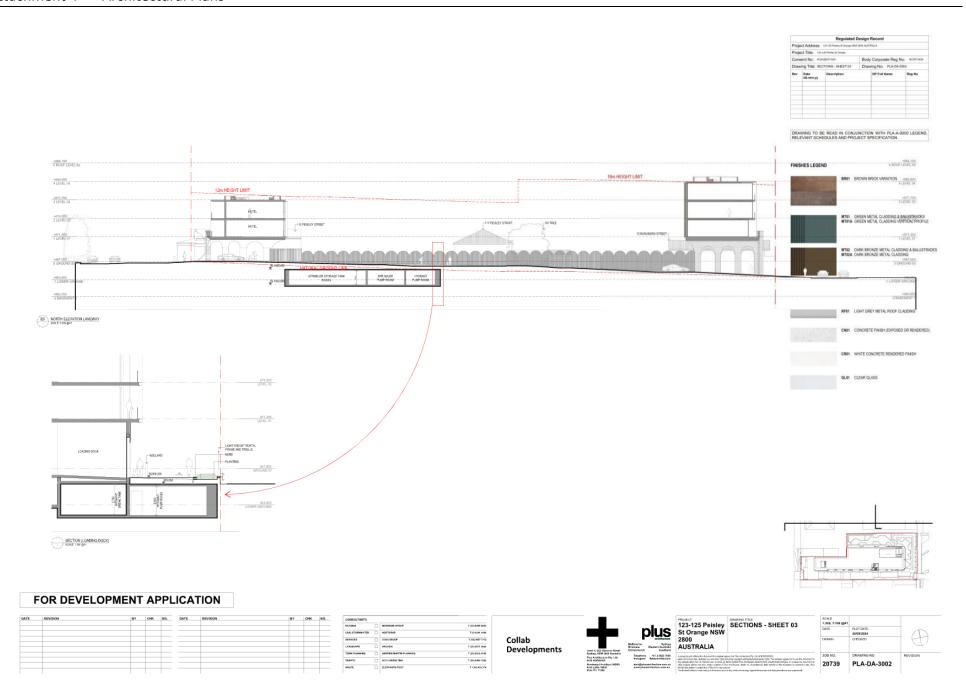


Collab

Developments







Attachment 4 Architectural Plans

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DRAWING TO BE READ IN CONJUNCTION WITH PLA-4-0000 LEGEND, RELEVANT SCHEDULES AND PROJECT SPECIFICATION.

FOR DEVELOPMENT APPLICATION

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Collab Developments



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Attachment 5 Landscape Plans



Attachment 5 Landscape Plans

We respectfully acknowledge the Traditional Custodians of the lands where we live and work. We acknowledge their unique ability to care for Country and deep spiritual connection to it. We honour Elders past, present and emerging whose knowledge and wisdom has and will ensure the continuation of cultures and traditional practices.

Rev A	Issued 20th December 2023	Authorised by MB
Rev B	lssued 07th February 2024	Authorised by MB
Rev C	lssued 15th February 2024	Authorised by MB
Rev D	lssued 27th February 2024	Authorised by MB
Rev E	Issued 21th June 2024	Authorised by MB

Arcadia Sydney Jones Bay Wharf, Lower Deck, Suite 70 26-32 Pirrama Road, Pyrmont NSW 2009 T 02 8571 2900 E sydney@arcadiala.com.au arcadiala.com.au @arcadialandarch Arcadia Landscape Architecture Pty Ltd ABN 83 148 994 870

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Attachment 5 Landscape Plans

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Vision	0
Place Statement	C
Place Objectives	C



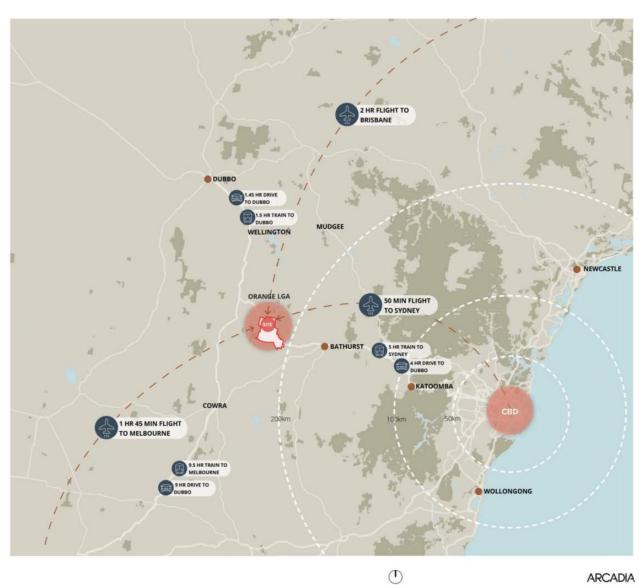
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THE PROJECTRegional Context

The project site is located just over 200km inland from Sydney CBD in a semi-rural area. It sits approximately 50km south east of Dubbo and is adjacent to Bathhurst which lies approximately 40km south-east.



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The Project **Key Documents**

The project site has key strategic background documents from Orange City Council.

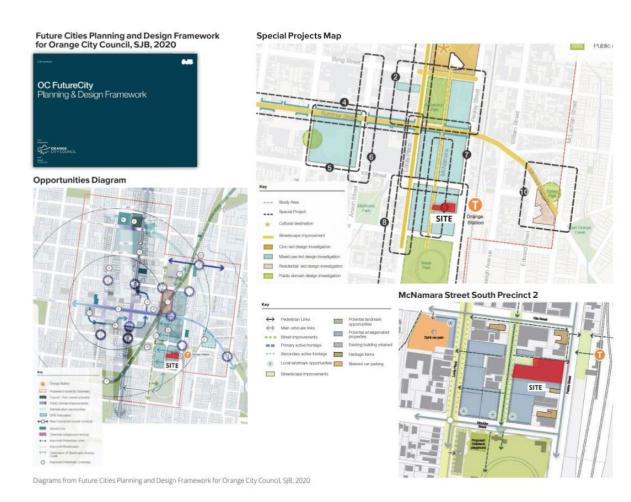
OC FutureCity Planning and Design Framework 2020 The OC FutureCity was supported by the Active Orange Economic Strategy which was developed by Orange City Council in 2018.

Overall, the framework seeks to support Orange's economic growth through a spatial approach which references and builds on the unique historic characteristics of Orange. The framework provide a clear direction for future projects ensuring all development "improves the appearance, performance and sustainability of the city whilst enhancing the visitor experience, encouraging walking and supporting greater economic activity" (OCC, 2020).

Our site sits amidst a series of key developent and public space improvement opportunities identified by the framework. We identified that within this framework, the project site directly engages with an objective to improve pedestrian connectivity to Orange train station.

The Opportunities Diagram highlights that the project site's location provides opportunity to encourage a walkable and engaging, active frontage to the train station along Piesley St - supporting the frameworks imperatives to attract more people to a walkable city centre.

We also note the importance of a legible, accessible and engaging connection between our project site and nearby cultural and ecological points of interest including including adjacent heritage buildings, Blackmans swamp creek and Robertson park which is the civic and cultural heart of Orange and holds significant First Nations heritage. There is opportunity for our site to provide this by linking to the Lords Place streetscape redevelopment.



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Analysis

Access and Circulation

The project site is accesible from both Peisley St and McNamara St.

Directly adjacent to the site on the east side of Piesley St, Orange Station provides a direct transport link to the site. Key Bus stops are located at Paisley St Opp Orange Station, Orange Station Coach Bays and Moulder St.

The main vehicular moment pathway would be from Piesley, Kite and Moulder St, with a concentrated traffic flow around Orange Station necessitating clear and safe pedestrian connections across Peisley St. In line with OCC's imperative to improve pedestrian and cycle connectivity, Piesley St, Mcnamara St and Lords Pl have potential to become vibrant walkable streetscapes, connected by Kite and Moulder St.

Solar Exposures

Vegetation surrounding this site is largely in the form of deciduous street trees with green connections to Matthews Park and Wade Park.

The site is oriented east west and is likely to experience consistent sun throughout the day, however, shading from the tall infrastructure onsite needs to be considered in the planting palette, particularly for planting on the southern side. Key pedestrian access routes to the site are likely to come from the Station and along Peisley Rd and from McNamara St, as both streets are North-South facing they are likely to experience harsh midday sun and would benefit from additional tree canopy planting to increase pedestrian comfort.

Additionally, it's essential to take into account the prevailing annual wind direction which primarily originates in the east or the south west and has potential to create a wind tunnel effect through train states in the



123-125 PIESLEY STREET | Project No. 23-994

Analysis

Street Trees

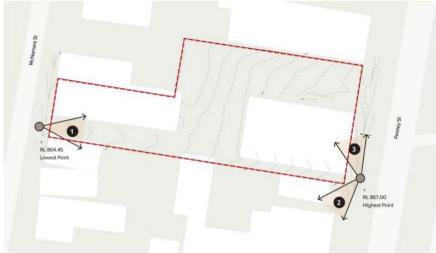
There are 9 street tree species account for 50 percent of all street trees in Orange. These species are widely distributed throughout the City and contribute to the colour palette. Most importantly, these species together provide a diverse range of tree sizes and shapes that can be selected to either integrate into the existing urban form or be used as signature plantings to highlight different locations within the City.

Observing a deficiency in street trees around the area, there is a growing need for new street tree planting to fill the existing gap.

Topography and Views

The project has to navigate a slope of 2.55m from one end of the site to the other. The main topographic navigation is being performed by the shareway that runs from Peisley St down to McNamara St.









Fraxinus excelsior 'Aurea' - Golden Ash Prunus cerasifera 'Nigra' - Purpie Leaf Plum Liquidambar styraciflua - Liquidambar Fraxinus x 'Raywoodii' - Claret Ash Acer negundo - Box Elder



Pyrus calleryana - Callery Pear Acer buergeranum - Trident Maple Betula pendula - Silver Birch Acer saccharinum - Silver Maple







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Attachment 5 Landscape Plans



EQUALITY

ACTIVATION

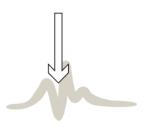
09 **123-125 PIESLEY STREET** | Project No. 23-994

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Attachment 5 Landscape Plans

DESIGN Strategies

"Change and transformation is necessary for the city's centre to meet the growing needs, aspirations and challenges of future generations"



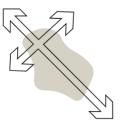
Placemaking and Activation

- / Connection to country
- / Respect to history and heritage
- Shared places for visitors and local communities
- / Upgrade as the centrepiece



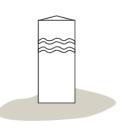
Open Space Typology

- / Pedestrian-friendly environment
- / Increase opportunities for outdoor dining
- Create a laneway 'small street' atmosphere that encourages new types of retail and public domain experience



Access and Street Trees

- / Green and cool the street
- Provide alternative street environment for different types of retailers, operators, events and activities

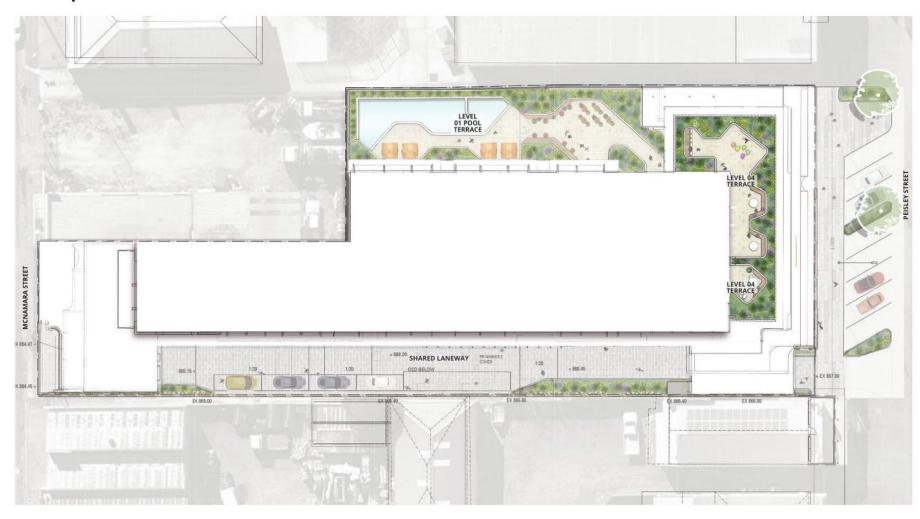


Branding and Wayfinding

- Integrate public arts into boundaries and fences
- / Implement lighting and colouring to enlight the place and encourage night events

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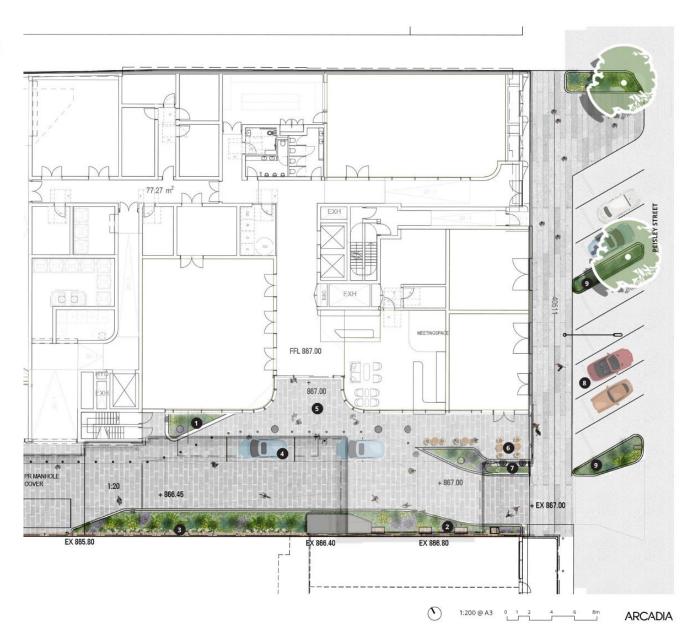
Design **Masterplan**



Design **Detail Plan - Ground Level**

KEY

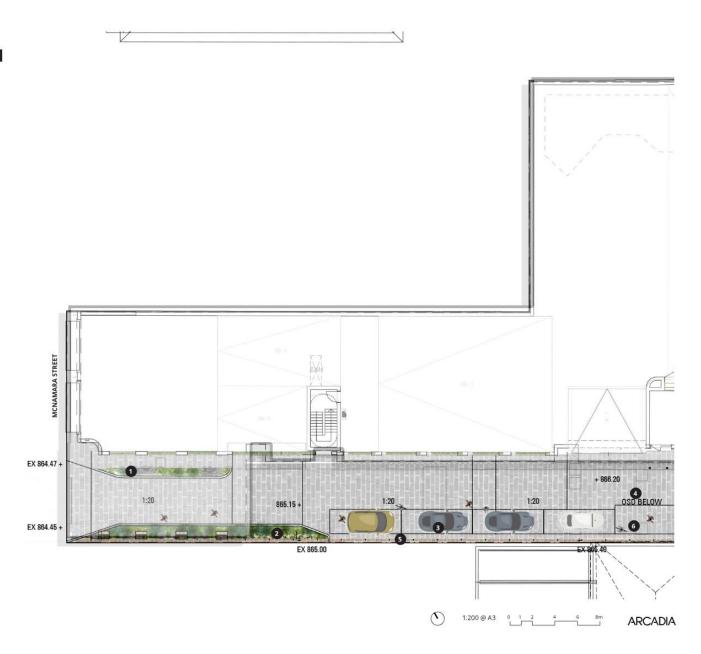
- 1 ENTRY PLANTING ALONG DRIVEWAY
- 2 STRIP OF LOW PLANTS AND CLIMBERS SOFTEN THE APPEARANCE OF THE WALL
- 3 PROVIDES SCREENING TO NEIGHBOURS AND VISUAL AESTHETIC TO THE HOTEL
- DROP OFF ZONE
- 5 LOBBY FORECOURT
- 6 OUTDOOR DINING
- LANDSCAPE BUFFER SEPARATES PEDESTRIAN AND VEHICLES
- 8 ANGLE PARKING ALONG PEISLEY STREET
- 9 LANDSCAPE BUFFER TO PARKING



Design **Detail Plan - Ground Level**

KEY

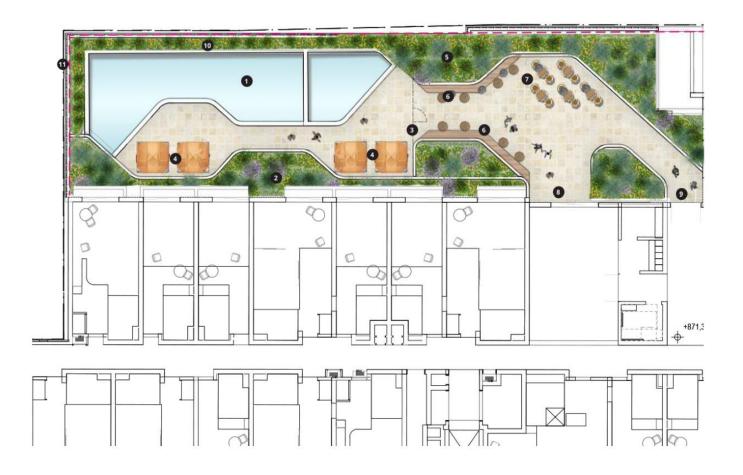
- 1 ENTRY PLANTING ALONG DRIVEWAY
- 2 STRIP OF LOW PLANTS AND CLIMBERS SOFTEN THE APPEARANE OF THE WALL
- 3 ROADSIDE PARKING
- 4 OSD TANK BELOW
- 5 LIGHTWEIGHT PORTAL FRAMES PROVIDES SCREENING
- 6 WASTE LOADING BAY



Design **Detail Plan - Level 01**

KEY

- 1 POOL
- 2 BUFFER PLANTING TO PROVIDE PRIVACY TO BEDROOMS
- 3 POOL FENCE (1200MM HIGH)
- 4 SUN LOUNGE
- 5 RAISED PLANTERS WITH PLANTING
- 6 SEATING BENCH ALONG PLANTER WALL
- OUTDOOR DINING
- ACCESS TO GYM
- 9 ACCESS TO LOBBY
- 10 PLANTS ON GROUND TO SOFTEN THE EDGE
- 11 PERIMETER FENCE (1.5M HIGH)





Design **Detail Plan - Level 04**

KEY

RAISED PLANTER WITH PLANTING SOFTENS THE WALL EDGE

2 BAR SEATING WITH VIEWS

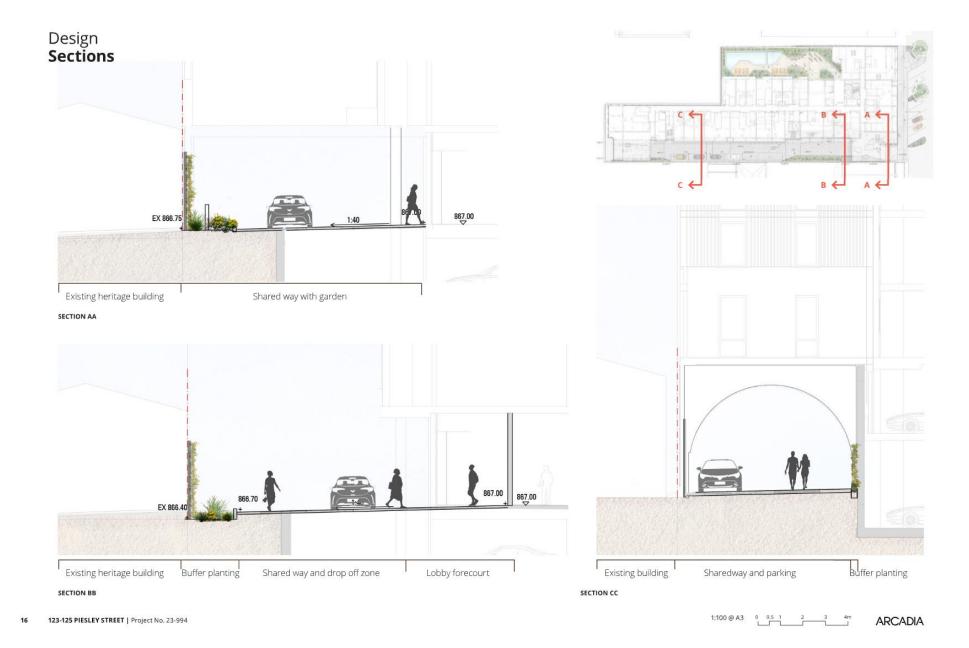
3 OUTDOOR CINEMA

4 QUIET LOUNGE SEATING NOOK

5 OUTDOOR DINING

6 PERIMETER FENCE (1.5M HIGH)





Attachment 5 Landscape Plans

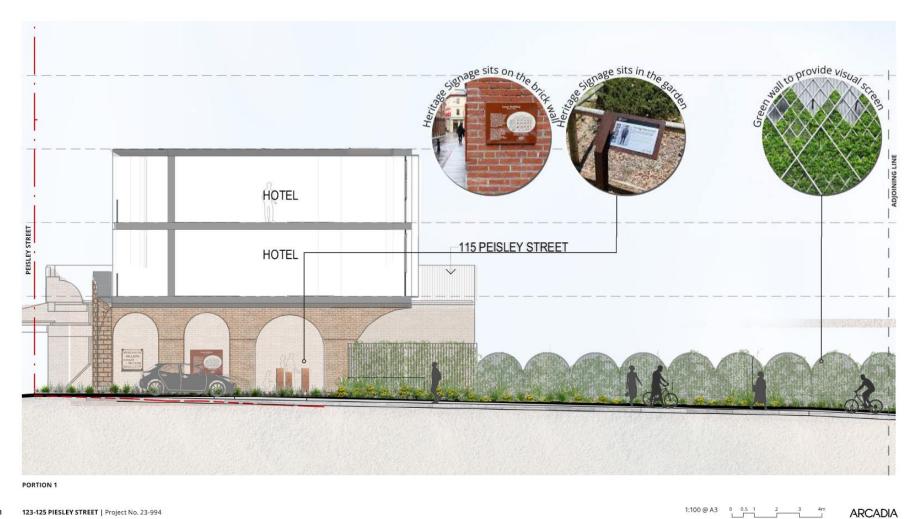
Design **Sections**





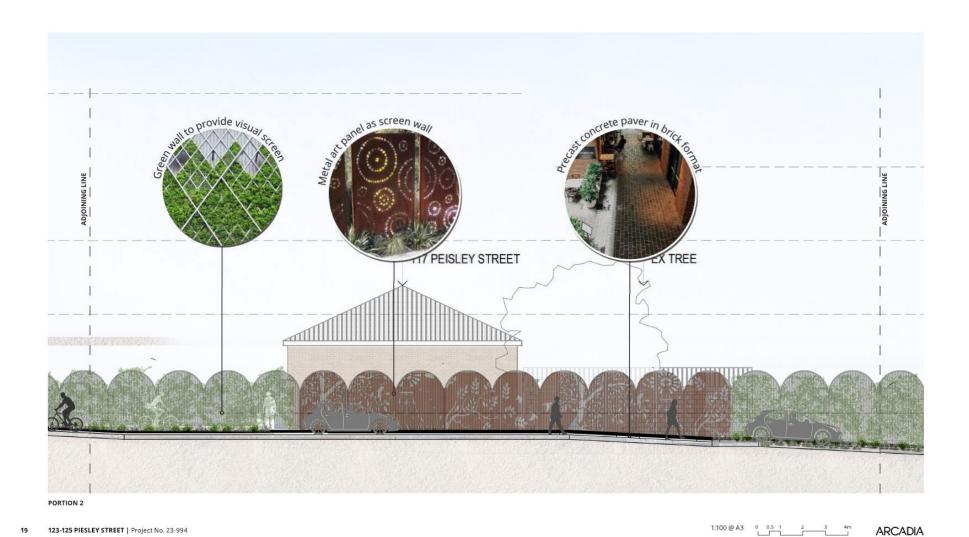
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Design **Long Elevation**



123-125 PIESLEY STREET | Project No. 23-994

Design **Long Elevation**

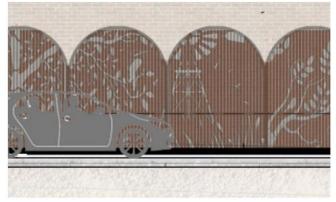




Design **Boundary Treatment**







CORTEN STEEL SCREEN WALL IN ELEVATION



GREEN WALL TRELLIS



CRISSCROSS WIRE PATTERN



CORTEN STEEL SCREEN WALL

- / Stainless Steel 316 or higher Wire Garden Trellis system
- / Crisscross wire fixing
- / Maximum Spacing of crisscross no over 100mm

/ Corten steel screen wall

/ Connect to country artwork opportunities

/ Maximum Spacing of gap no over 100mm

1:100 @ A3 0 0.5 1 2 3 4m ARCADIA



Planting Palette **Ground Level**



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Planting Palette
Rooftop Garden (Level 01& 04)

Landscape Plans

Attachment 5



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17 DECEMBER 2024

Planting Palette **Public Domain**



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APOSITION 123-125 PIESLEY STREET | Project No. 23-994





Technical Advisory Note

Project	123-125 Peisley Street Orange DA	Project Number	SCT_00490		
Client	Collab Developments				
Document Name	Valet Parking Management Plan				
Version	1.0	Date	13 September 2024		
Author	Shawn Cen	Principal Consultant			
Reviewer	Andy Yung	Director			
Authoriser	Andy Yung	Director			

Overview

This Valet Parking Management Plan (VPMP) sets out the operational protocols and procedures that the operator of the proposed hotel located at 123-125 Peisley Street, Orange NSW must adhere to throughout the operation of the hotel in the utilisation of overflow parking (OFP) spaces that have been designated on the ground floor and lower ground parking areas of the hotel.

Valet services are to operate to provide efficient pick-up and drop-off services while prioritising guest and vehicle safety and avoiding conflict with traffic movements on the site.

Background

SCT Consulting was engaged by Collab Developments to undertake a Traffic and Parking Impact Assessment to support a Development Application (DA) for proposed hotel accommodation and mixed-use development at 123 and 125 Peisley Street in Orange City Local Government Area (LGA). The proposed development would contain 117 hotel suites and associated amenities.

Council issued the Request for Information dated 9 May 2024 based on the lodgement in March 2024. SCT Consulting provided feedback on version 4.0 and version 5.0 of the Traffic and Parking Assessment on 19 June and August 14 2024 respectively, which addressed traffic-related matters including parking and laneway and service access etc.

On 25 August 2024, Council provided further comments on the shortfall of parking spaces as part of the development. A more robust justification of the proposed parking should be included together with an operational plan for different occupancy scenarios. Through negotiation with the Council, it is resolved that a VPMP needs to be developed to support the hotel operation and mitigate the impact of the proposal.

Hence, this document will discuss the proposed VPMP as part of the DA, which should be read in conjunction with the updated version 6.0 of the Traffic and Parking Assessment.

Parking requirements and provision

The total parking required for the proposal according to Council DCP is 127 spaces including:

- Hotel guests: 117 spaces
- Hotel staff: 5 spaces
- Commercial component: 5 spaces.

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It is believed that having overflow parking (OFP) on parking aisles is common in maximising the capacity of a private car park and its feasibility has been proved by many hotel operations. The overflow parking run by valet service provides a convenient parking solution for people visiting busy establishments such as hotels. It enhances guests' experience by offering:

- Convenience and comfort
- Time-saving efficiency
- Safety and security
- Professionalism and first impressions.

The on-site parking spaces (120 spaces) are provided as shown in **Table 1** where 21 OFP spaces have been provided:

- The proposed 89 parking spaces (before overflow parking) would satisfy a 76 per cent occupancy rate.
- With the provision of an additional 21 overflow parking, 94 per cent of the hotel occupancy could be satisfied.
- The commercial parking is not in use during weekends. Hence, the 115 spaces could further increase the capacity to cover 98 per cent of the occupancy.

Table 1 On-site parking provision

Level	Standard spaces	Tandem parking	Accessible parking	Overflow parking			
Lower ground	61 spaces (56G+5S)	6 spaces (all for G)	-	13 spaces (all for G)			
Ground	20 spaces (all for G)	-	5 spaces (1C+4G)	6 spaces (all for G)			
Laneway	7 spaces (4C+3G)		-	2 spaces (all for G)			
Parking No.	The rest	No. 46-51	No. 17-21	No. 100-120			
Total	88 spaces	6 spaces	5 spaces	21 spaces			
Total	120 spaces						

Note that G= Hotel guest, S= hotel staff and C= Commercial

The proposed parking allocation is shown in Figure 1 and Figure 2.

Figure 1 Parking allocation - ground



Source: Plus Architecture with SCT annotation, 2024



Figure 2 Parking allocation - lower ground



Source: Plus Architecture with SCT annotation, 2024

The hotel features 21 overflow parking spaces designated on ground floor (No. 113-120) and lower ground (No. 100-112). Though the overflow parking spaces are located on the parking aisles, the layout has minimised the impact on the access of standard parking spaces. Swept path analysis has been carried out to confirm aisle manoeuvrability is preserved to allow vehicles to exit the parking area independently to ensure swift operation of valet services minimising guest wait times (**Appendix A**).

Car parking operation scenarios

The parking demand is highly dependent on the hotel occupancy rate. The various operation scenarios and the triggering point of engaging valet service are identified in **Table 2**.

Table 2 Car parking operation scenarios

Scenario	Occupancy (whichever is triggered first)		Operational plan
Scenario	No. of units	Hotel parking demand	Operational plan
Α	Up to 86 units (<74%)	Up to 86 spaces	Up to 86 units are occupied and the car park will operate in a standard procedure, with hotel residents allocated one space per unit. No. 1-16, 18-25, 30-45, 49-62, 68-99 are in use.
В	Up to 89 units (74% - 76%)	Up to 89 spaces	It is noted that three tandem parking spaces will be used for units operating as dual-key. They are occupied by "related" residents (No. 46-48 will be in use). The other 34 dual-key units will still have one independent parking space per room.
С	Up to 110 units (76% - 94%)	Up to 110 spaces	A valet operation will be triggered to manage the parking area once the hotel occupancy exceeds 76%. The space used are No. 100-120.
D	Up to 117 units (>94%)	Up to 117 spaces	The valet service is still valid. The likelihood of this scenario will be low. Even if the hotel is booked over 94%, the parking demand may not exceed 110 spaces accordingly given the public transport use and car sharing by dual key units.



Staffing

The proposed hotel will be staffed 24/7 allowing this plan to activate and operate at any time of the day. The proposed hotel shall at all times have staff designated to valet guest vehicles. During peak hours, anticipated to be during check-in and check-out windows (8am to 11am and 3pm to 7pm), the hotel shall have at least two (2) staff available to return and park guest vehicles. The Manager of the hotel shall oversee the valet operations and also assist in valeting vehicles as and when required during peak periods.

The hotel shall bear in mind the valet service the hotel is required to offer and will adopt necessary measures during human resourcing and employment to ensure a team of staff is recruited with sufficient experience and qualifications to handle the responsibilities set out in this VPMP.

The proposed hotel has been signed to ACCOR HOTELS to manage under a premium hotel brand. ACCOR is a global operator and highly experienced with valet parking management across Australia and the world. This would enhance the efficiency and reliability of the valet parking service on-site.

Valet management protocols

The valet service at the hotel shall operate in accordance with the following protocols:

Arrival

- 1. Reception staff is to obtain booking information prior to guest arrival, ideally at the time of booking, to confirm if the guest is bringing a vehicle and ascertain their estimated time of arrival. The check-in time for the hotel shall be 3pm, hence the peak window of time in which most guests will be arriving is anticipated to be from 3pm to 7pm. During this time, two (2) designated valet staff shall be available to collect and valet guest vehicles. This may include the Manager and one reception staff member in addition to one reception staff member that will remain at the desk to carry out check-in procedures.
- Guests shall arrive through the Peisley Street entrance of the proposed development and turn into the porte cochere to avoid congestion of the laneway and any public right of way, where they will park and hand over their keys to designated hotel valet staff.
- 3. On receipt of vehicle keys, valet staff shall promptly take note of the reservation name and vehicle registration number on a valet ticket, and attach the ticket to the keys of the vehicle and issue the guest the corresponding valet ticket tag. This tag must be presented by the guest each time they wish to have the car returned by valet staff to the porte cochere for use.
- 4. The valet staff shall assist in swiftly unloading guest luggage and direct the guest to the reception desk to complete their check-in procedure. If another car has arrived in this time, the valet staff shall also repeat steps 2 and 3 and gueue the car.
- 5. The valet staff shall then take control of the vehicle and drive through the laneway boom gate using their staff access card, and enter either the ground floor or lower ground parking areas and park the vehicle in the furthest available designated OFP space.
- 6. The valet staff shall then exit and lock the vehicle and promptly return to reception via the back of house corridor accessible from ground floor parking or elevators located in lower ground parking. The valet staff shall immediately store the vehicle keys in the secured key safe in the office on the hanger number that corresponds to the OFP parking space in which the vehicle has been parked. (Hanger No. 1 to 21).
- The valet staff shall then immediately return to the reception desk ready for the next arrival or to the porte cochere if the next vehicle has already arrived and / or has been queued and repeat the steps.

During Stay

- Should the guest wish to access their vehicle for use during their stay at the hotel, they can present their valet
 ticket tag to reception and request their vehicle. Noting the provision of the porte cochere allows for a safe and
 covered area for the guest to wait for their vehicle.
- The designated valet staff on duty shall match the ticket tag to the corresponding valet ticket and attached keys in the secured key safe, noting the hanger number to denote the OFP parking space number in which the car has been parked.



- The valet staff shall access the parking area through the back of the house corridor on the ground floor, or by the guest elevators to access lower ground.
- 4. The valet staff shall take control of the vehicle and manoeuvre out through the aisle exiting the parking area and turning right into the laneway, from where they will follow the Prescribed Return Route (discussed in the following section) as set out in this VMP.
- The valet staff shall place the vehicle in park and turn the engine off, and return the keys to the guest with the valet ticket left attached to the keys.
- The guest shall drive straight through the laneway, swiping their guest room key card to pass through the boom gates and exit the hotel via McNamara Street.
- Upon their return to the hotel, they shall stop in the porte cochere and return the keys to the designated valet staff on duty to repeat the parking process and store the keys back in the secured key safe on the corresponding hanger number.

Departure

- 1. The designated valet staff shall, the night before, or early in the morning, review all departures for the day, and obtain the vehicle keys for all departures that have their vehicles valet parked. The hotel's latest check-out time will be 11 am, hence the peak window of time where most guests are departing is anticipated to be from 8am to 11am. During this time, two (2) designated valet staff shall be available to collect and return guest vehicles. This may include the Manager and one reception staff member in addition to one reception staff member who will remain at the desk to carry out check-out procedures.
- 2. At the time of checking out, the guest shall present their valet ticket tag at reception. While the guest completes the check-out process, the designated valet staff shall proceed swiftly to the parking area to collect the guest's vehicle and follow the prescribed return route as described above. Noting the provision of the porte cochere allows for a safe and covered area for the guest to wait for their vehicle.
- 3. Upon returning the keys to the guest, the valet staff is to remove the valet ticket from the keys and discard it in the recycling bin.
- The guest shall drive straight through the laneway, swiping their guest room key card to pass through the boom gates and exit the hotel via McNamara Street.

Should hotel staff require access or egress to their parking spaces (No. 63 to 67), they will also utilise the valet system. However, it is unlikely this will take place during the peak check-in and check-out period, hence, this should not impact the efficiency of the valet service. Commercial spaces (No. 13, 26-29) are accessible at all times, regardless of the mode of operation.

Prescribed return route

The prescribed return route for guest vehicles operated by valet staff is outlined below. A backup return route is also provided where the primary return route is obstructed for any reason. Both return routes utilise public roads to manoeuvre the vehicle from the parking area of the hotel back to the hotel's porte cochere where it can be safely parked and returned to the guest. Noting the provision of the porte cochere allows for a safe and covered area for the guest to wait for their vehicle. The exceptions are No. 119 and 120 on the laneway where no circulation is needed to occur. The proposed circulation is shown in **Figure 3** including a primary return route (green route) and a backup return route (orange route).



Figure 3 Prescribed return route



Source: Google Maps, 2024

Primary Return Route (in green):

- Left turn from hotel laneway onto McNamara Street
- Left turn onto Moulder Street
- Left turn onto Peisley Street
- Left turn into the hotel entrance

Backup Return Route (in orange):

- Right turn from hotel laneway onto McNamara Street
- Right turn onto Kite Street
- Right turn at roundabout onto Peisley Street
- Right turn into hotel entrance

Conflicts with self-parking spaces

Where a vehicle has been valet-parked in an OFP space that results in a vehicle parked in a self-parking space being obstructed, the designated valet staff on duty shall promptly return to reception and notify the affected guest immediately. This shall be done by searching the vehicle's registration number in the hotel's property management

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system's records of in-house guests and calling the guest's room phone. If valet staff is unable to reach the guest, a physical note must be dropped under the door of their hotel room without delay.

The notification, via phone or via physical note, must inform the guest that at any time they wish to exit the hotel with their vehicle, valet staff will accompany them to their car to remove the vehicle parked in the OFP space that is causing the obstruction. The valet should move the car within the parking aisle to allow space for self-parking vehicles and there should be no need to circulate on the prescribed return route. The valet staff shall then return the vehicle to its designated OFP space once the guest has left. A designated valet staff member shall be available to carry out this procedure 24/7 to ensure the operation of this valet plan, and the utilisation of the designated OFP spaces of the hotel, do not hinder the convenient use of the self-park spaces.

Service vehicles

Two (2) OFP parking spaces (No. 119 and 120) are designated within the loading zone located in the laneway of the hotel. These OFP spaces are only to be used after all other OFP spaces have been exhausted. Where possible, valet staff is to manage OFP parking space utilisation to utilise these two spaces for guests staying the shortest period of time in the hotel.

In the event these two OFP spaces are utilised at a time when a waste collection vehicle needs to access the site for servicing, valet staff shall promptly remove the vehicle/s and perform a 'loop' via the prescribed return route allowing the waste truck to park and service the development. The valet staff shall temporarily park the vehicle/s in the porte cochere drop off bays until the waste truck leaves the site, at which time the valet staff may return the vehicle/s to those OFP spaces. It is noted that only the waste truck requires access to the loading zone for servicing purposes, all other service vehicles such as delivery trucks, maintenance contractors and tradesmen can utilise the loading bay which is not hindered whatsoever by any OFP space or the operation of valet services at the hotel. It is further noted that waste collection does not occur daily, but rather only a few times a week, at a time of day that the operator instructs the waste contractor to adhere to, being during the off-peak times (between 12pm and 3pm).

Summary

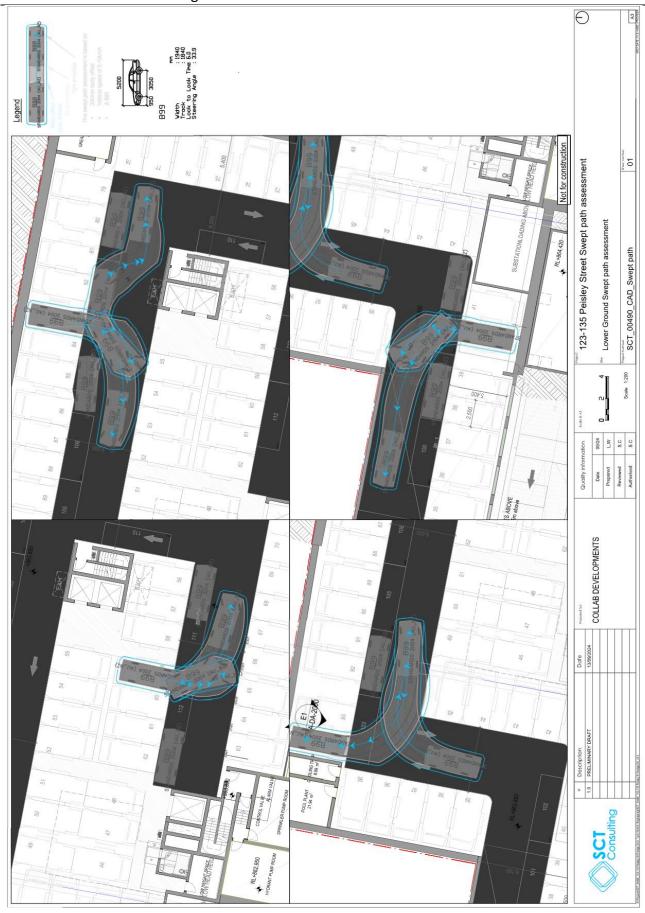
It is concluded that the proposed 89 parking spaces (before overflow parking) would satisfy a 76 per cent occupancy rate, this is considered a very high stabilised trading level for the proposed hotel located in regional NSW. This is also consistent with the general hotel occupancy in the east coast of Australia.

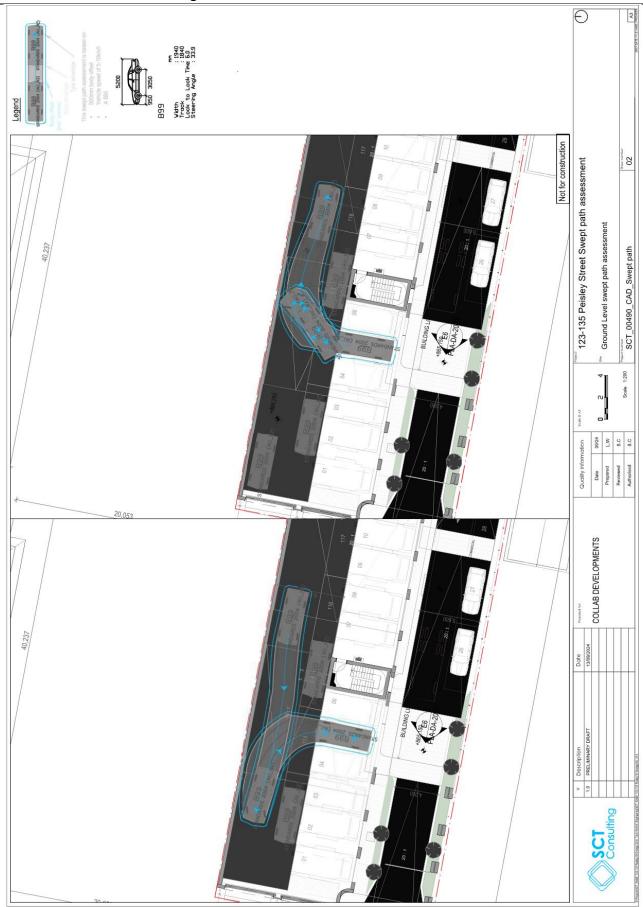
Valet service will be operated when the hotel occupancy is above 76 per cent or the parking demand exceeds 89 spaces. The likelihood of the hotel occupancy exceeding 94 per cent is relatively low. The valet service should be still in place. However, the hotel parking demand may not exceed 110 spaces accordingly (full capacity of the hotel parking) given the public transport use and car sharing by dual key units.

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H

From:

Sent: Thursday, 3 October 2024 12:32 PM

To: Orange City Council

Subject: Submission Regarding DA 497/2024(1) – 123 and 125 Peisley Street,

Orange

i,

With regards to the proposal for **DA 497/2024(1) - 123 AND 125 PEISLEY STREET, ORANGE**, I would like to raise a comment regarding parking provisions.

I have read the Traffic and Parking Assessment and have no issues with the proposal as it does appear adequate parking provisions have been made.

However, given the proximity to the Orange train station and coach interchange, I have some concerns that if hotel parking were to be paid parking, then visitors may choose instead to use free parking across the road, therefore nullifying any adequacy of parking spaces within the hotel. This has the risk of either reducing the number of parking spots for commuters, or possibly the introduction of parking fees at the train station car park.

I acknowledge I do not know how likely this situation is, or even if it can be taken into account in the decision-making process. I don't need any feedback.

Thanks for the opportunity to comment,

COUNCIL MEETING 17 DECEMBER 2024

5.5 ORANGE LEP 2011 - MAP AMENDMENT 4 - 26 LYSTERFIELD ROAD

RECORD NUMBER: 2024/1836

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

At the 7 November 2023 meeting Council considered a planning proposal in relation to 26 Lysterfield Road and resolved to proceed to Gateway Determination and public exhibition, subject to that determination. A Gateway Determination was received, and the matter was placed on public exhibition between 8 July 2024 and 6 August 2024, ending just at the start of the caretaker mode for the Council elections. There were no submissions received.

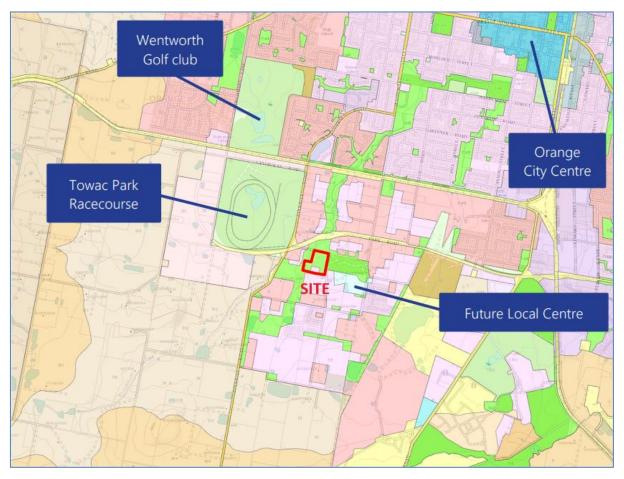


Figure 1: site locality

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "8.1. Plan for growth and development that balances liveability with valuing the local environment".

FINANCIAL IMPLICATIONS

The planning proposal relates to an existing Voluntary Planning Agreement. The VPA enables the dedication of public open space to Council at no cost in exchange for consideration of this Planning Proposal to enable additional residential lots.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolve to support the planning proposal and authorise the CEO to formally make the plan.

That any final mapping updates required by the Department of Planning Housing and Infrastructure shall be at the proponent's cost.

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

Background

The Planning Proposal seeks to amend the Orange Local Environmental Plan (LEP) to rezone portions of land at 26 Lysterfield Road from RE1 Public Recreation to R2 Low Density Residential and assign a minimum lot size of $200m^2$ to the rezoned areas. This initiative stems from a deferred commencement development consent (DA 387/2021(1)) that approved a subdivision comprising 14 residential lots and three public open space lots. Two of these open space lots (A and B in Figure 2) were earmarked for investigation under a Voluntary Planning Agreement (VPA) to assess their suitability for residential zoning.



Figure 2: showing areas A and B to be rezoned for residential and residue to remain open space

Voluntary Planning Agreement

DA 387/2021(1) was issued as a deferred commencement consent on 6 September 2022. This required the applicant to enter into a VPA within 12 months (ie by 6 September 2023) in order to commence the usual 5-year period for the consent's operation. The VPA was to give effect to the public benefits described in a letter of offer from the developer.

The VPA was finalised in February 2023, with the view of the proponent submitting a Planning Proposal for Council to assess the strategic and site-specific merits of the proposal.

Rezoning the identified parcels would result in the creation of approximately nine additional residential lots, with the remaining open space lot dedicated to Council at no cost - representing the public benefits outlined in the letter of offer.

The proposal aligns with the broader objectives of the Shiralee Masterplan, addressing evolving stormwater management needs and promoting efficient land use. The proposal is consistent with relevant state and regional planning strategies, including the Central West and Orana Regional Plan (CWORP) 2041, and supports the strategic goals of housing diversity, affordability and effective integration with infrastructure.

Exhibition Process

The proposal was exhibited in accordance with statutory requirements between 8 July 2024 and 6 August 2024. No public submissions were received, and the Gateway Determination did not require agency consultations.

Gateway Determination

Under the Gateway Determination, Council has been granted delegations to exercise the functions of the plan-making authority subject to satisfying all Gateway conditions, being consistent with section 9.1 Ministerial Directions, and there being no outstanding objections from public authorities.

Gateway Conditions

The Gateway contains three conditions. The first condition requires that public exhibition be undertaken for 20 working days. The remaining 'conditions' confirm that consultation with public authorities or government agencies is NOT required, and that a public hearing under Section 3.34(2)(e) of the Act is similarly NOT required.

As stated above, public exhibition was undertaken and no submissions were received. Accordingly, all Gateway conditions have been satisfactorily completed.

Section 9.1 Ministerial Directions

A review of the current section 9.1 Ministerial Directions indicates that most are not relevant to the proposal, either due to being specific to other sites (ie Western Sydney Aerotropolis, Sydney Harbour Foreshores etc) or related to issues that are not present on the site (ie Recreation Vehicle Areas, Shooting Ranges, Acid Sulphate Soils etc). The following section details relevant directions.

5.5 Orange LEP2011 – Map Amendment 4 – 26 Lysterfield Road

Direction 1.1 - Implementation of Regional Plans

Applies to land where a regional plan has been released and requires the proposal to be consistent with the plan. The *Central West and Orana Regional Plan 2041* (CWORP) is the relevant plan in this regard.

Part 3 of the CWORP relates to housing, and objective 13 seeks to provide well located housing options to meet demand. In this respect the additional residential lots are located centrally within the Shiralee precinct and will have ready access within walking distance to a mix of services when they develop in the local centre.

Direction 4.1 - Flooding

Applies to proposals that create, remove or alter a zone or provision that affects flood prone land, and requires that affected land not be rezoned to residential, employment, mixed use, working waterfront or special purpose zones.

However, a proposal may be inconsistent with this direction if it can be shown that:

- the proposal is consistent with a floodplain risk management study, or
- (in the absence of such a study) the proposal is consistent with a flood study adopted by the Council, or
- the proposal is supported by a flood and risk impact assessment by the relevant planning authority in accordance with the principles of the Floodplain Development Manual 2005, or
- the provisions of the proposal that are inconsistent are of minor significance as determined by the relevant authority.

Council is the relevant authority and Technical Services staff reviewed the proposal prior to the matter first going to Council on 7 November 2023 and confirmed the inconsistency to be of minor significance. This was apparent to the Department of Planning when issuing the Gateway Determination. Accordingly, while the proposal is inconsistent with the direction, it is considered to be within the scope of inconsistency allowed for under the direction.

Direction 4.3 - Planning for Bush Fire Protection

At the time that the proposal was lodged the land was not identified as bush fire prone lands. However, on 14 November 2024 the Rural Fire Service Commissioner certified an update to the bush fire prone lands map in relation to the Orange LGA. The site and adjoining lands are now mapped as bush fire prone lands, specifically category 3 grasslands. Accordingly, Council needs to be satisfied that the site can be developed safely in accordance with the RFS document *Planning for Bush Fire Protection 2019* (PBP).

COUNCIL MEETING

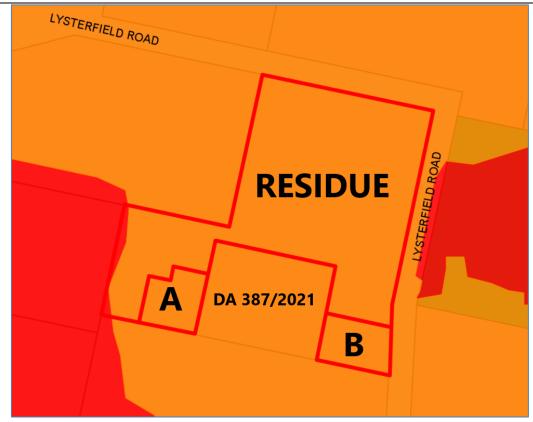


Figure 3: Extract of bush fire prone land mapping

Section 7.9 of PBP contains grassland deeming provisions which state that if a 50m Asset Protection Zone (APZ) is achievable then no further Bush Fire Protection Measures (BPM's) are required.

In this respect Lysterfield Road and the approved roads of DA 387/2021(1) provide part of the APZ to the east. The eastern edge of the site is already subject to a 7m wide easement for sewer. When combined with the road reserve this establishes a 26m managed area. The land to the east of Lysterfield Road is also zoned for residential land, which will ultimately remove the hazard from that direction. As an interim measure the developer could seek temporary easement on that land for APZ purposes until it ultimately develops.

To the north and west of the site the residue of open space land that is to be dedicated to Council can then be considered as managed land that provides APZ space. To the southern boundary the proposed road reserve under DA 387/2021 is 9.6m wide (being a ½ road reserve construction). When the land to the south of this site develops the full road reserve will be increased to approximately 19m, with land beyond that becoming residential lots, making them managed land at that time.

Again, the developer could seek an easement from the southern neighbour for access to maintain an APZ partly extending into that lot. Given that the land to the south will be developed for residential lots in the future, this approach is seen as viable but will need to be demonstrated at the DA stage.

Should the developer be unable to negotiate such easements to achieve the 50m APZ, the houses to be built on the affected lots may need to adhere to appropriate Bush Fire Attack Levels (BAL). Ultimately bush fire hazard management will need to be addressed further during any DA for the subdivision of this land into individual residential lots, as well as the DA or CDC for the houses themselves.

COUNCIL MEETING 17 DECEMBER 2024

5.5 Orange LEP2011 – Map Amendment 4 – 26 Lysterfield Road

Applies to all relevant planning authorities when preparing a planning proposal and requires that the proposal must not create, alter or reduce existing zoning or reservations of land for public purposes.

However, a proposal may be inconsistent with this direction if it can be shown that the provision of the proposal that are inconsistent are of minor significance.

In this respect the extent of public open space zoned land at 26 Lysterfield Road was originally based on both the flooding characteristics and the assumption that a detention basin would be required in this location. Technical Services staff have subsequently pursued alternative stormwater management measures, including basins at other locations, such that the extent of open space required has been reduced.

The reduction in public open space in this instance can therefore be regarded as minor, especially considering that the majority of the open space area will still be dedicated to Council at no cost.

Direction 6.1 - Residential Zones

Applies to proposals that affect land within an existing or proposed residential zone and requires that the proposal include measures to:

- broaden the range of housing types in the market, and
- make more efficient use of existing infrastructure and services, and
- reduce consumption of land for housing and associated urban development on the urban fringe, and
- be of good design,
- require the land to be adequately serviced, and
- not reduce the permissible residential density of land.

The proposal will enable approximately nine additional residential lots, which will make a marginal contribution to the local housing market. The lots will utilise existing infrastructure and services. As the site is located centrally within the Shiralee Precinct it will not fragment the urban fringe. Design of the subsequent housing will be assessed via the DA or CDC pathways, and the proposal does not reduce density of residential land.

Public Authorities

As consultation with public authorities and government agencies was not required by the Gateway Determination, the matter was not explicitly referred to any such authority/agency. Therefore, there are no outstanding matters to be addressed.

ATTACHMENTS

- 1 Gateway Determination, D24/136198
- 2 Draft Planning Proposal, D24/138897
- 3 Draft Land Zone Map, D24/138903
- 4 Draft Lot Size Map, D24/138913



Department of Planning and Environment

Mr David Waddell Chief Executive Officer Orange City Council PO Box 35 ORANGE NSW 2800 Our ref: IRF23/3327

Dear Mr Waddell

Planning proposal (PP-2023-1363) to amend Orange Local Environmental Plan 2011

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 16 November 2023 in respect of the planning proposal to rezone land at 26 Lysterfield Road, Orange.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway Determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.1 Flooding is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 30 September 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway Determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway Determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

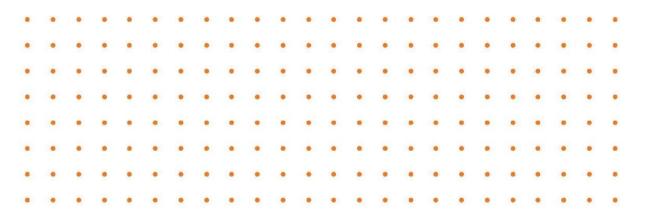
Should you have any enquiries about this matter, I have arranged for Meredith McIntyre to assist you. Ms McIntyre can be contacted on 6229 7912.

Yours sincerely

Garry Hopkins Director Western Region Local and Regional Planning

Encl: Gateway determination

22/12/2023





PLANNING PROPOSAL

Rezoning - RE1 Public Recreation to R2 Low Density Residential – 26 Lysterfield Road, Orange



ABN 39 585 269 237

A Level 10, 70 Pitt Street, Sydney NSW 2000 P GPO Box 5013, Sydney NSW 2001

T (02) 9249 4100 F (02) 9249 4111 E info@glnplanning.com.au

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Planning Proposal

Rezoning - RE1 Public Recreation to R2 Low Density Residential – 26 Lysterfield Road, Orange

Prepared for

The Bathla Group

Ву



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Acknowledgement of Country

GLN Planning Pty Ltd. respectfully acknowledges the Traditional Custodians of Country throughout Australia and recognises and respects their continuing cultural heritage, beliefs and connection to land, sea and community. We pay our respects to their Elders past, present and emerging. This land always was and always will be traditional Aboriginal Land.



Date of final issue: 26/06/2023

File Path: https://glnplanning.sharepoint.com/sites/GLNPlanning/Shared

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Planning Proposal.docx

Project Manager: Pip Hyde
Client: Bathla
Project Number: 11888

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Document History and Status

Version	Issue To	Qty	Date	Prepared by	Reviewed by
V1 Draft	Bathla	1-e	1/06/23	E. Scott	P.Hyde
V2 Final	Lodgement	1-e	26/06/23	E.Scott	P.Hyde

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Planning Proposal – RE1 to R2	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
26 Lysterfield Road, Orange	•	•	•	•	•	•	•	•	•	•	•	•	•	•	

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26 Lysterfield Road, Orange



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Appendices

Appendix A: Statement of Consistency – Section 9.1 Directions Appendix B: Maps

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Executive Summary

This Planning Proposal seeks to amend *Orange Local Environmental Plan 2011* to rezone surplus RE1 Public Recreation zoned land to R2 Low Density Residential at Lot 76, DP 750401, 26 Lysterfield Road, Orange. It follows on from a deferred commencement consent (DA 387/2021(1)) which granted approval for subdivision to create 14 Torrens title lots and three open space lots (proposed lot 15, 16 and 17).

The deferred commencement condition under DA 387/2021(1) required a Voluntary Planning Agreement to be entered into within 12 months of the date of determination. This Voluntary Planning Agreement was executed with Council and identified that the open space lots included one lot to be dedicated for public recreation (Lot 17) and two investigation lots (Lot 15 and 16). The investigation lots were subject to further review with the landowner able to prepare a Planning Proposal for Council's consideration to rezone these lots from RE1 Public Recreation to R2 Low Density Residential. The deferred commencement consent was satisfied, and the consent activated with a new lapsing date of 23 February 2028.

Following further investigations into the open space land, it was identified that Council no longer required all of this land to be dedicated for public recreation land. This was based on an updated flood study which was undertaken in 2019 and revised the original number and location of detention basins required within the Shiralee Precinct. As a result, proposed Lot 15 and 16 are considered surplus land and are proposed to be rezoned from RE1 Public Recreation to R2 Lot Density Residential. The minimum lot size map is also proposed to be amended to align with the changes proposed.

The objectives of this Planning Proposal can be achieved by amending relevant *Orange Local Environmental Plan 2011* map tiles as outlined below:

- 1. Land Zoning Map: LZN_008B
- 2. Lot Size Map: LSZ_008B

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's 'Local Environmental Plan Making Guideline' dated September 2022.

The Planning Proposal is consistent with relevant State and local policies and is considered a 'standard' Planning Proposal in accordance with the Department's Guidelines which will facilitate the proposed amendment to land use zoning.

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26 Lysterfield Road, Orange



Introduction

This Planning Proposal (**PP**) seeks to amend *Orange Local Environmental Plan 2011* (**LEP**) to rezone surplus land zoned RE1 Public Recreation within proposed Lot 15 and 16 approved under DA 387/2021(1) at Lot 76, DP 750401, 26 Lysterfield Road, Orange.

Under Schedule 3(4) of the Voluntary Planning Agreement (**VPA**) associated with DA387/2021(1), it identified that the landowner may prepare a PP which Council must consider relating to the rezoning of proposed Lot 15 and 16 from RE1 Public Recreation to R2 Low Density Residential.

The rezoning is being sought as Council no longer requires this land for future public recreation with the Shiralee Masterplan providing for a significant amount of RE1 zoned land. The total area of RE1 Public Recreation to be rezoned is approximately 3,091m². This land is therefore deemed surplus and would be more suitable rezoned to R2 Low Density Residential to provide for additional housing within the area as it will be well serviced.

The site consists of the following:

- Fourteen residential lots (future Lots 1 to 14) wholly located within land zoned R1 General Residential under Orange LEP 2011
- One public recreation lot (future Lot 17) wholly located within land zoned RE1 Public Recreation under Orange LEP 2011
- Two investigation lots (future Lot 15 and 16) currently zoned RE1 Public Recreation under Orange LEP 2011.

This PP has been prepared by GLN Planning Pty Ltd for The Bathla Group (**Bathla**) as a proponent initiated PP for submission to Orange City Council (**Council**). It is considered a 'standard' PP which will facilitate a proposed amendment to the land use zoning. In accordance with the Department of Planning and Environment's 'Local Environmental Plan Making Guideline' (**Guidelines**), the Department provides a benchmark timeframe of a maximum 320 working days to finalise a standard application.

Stage	Maximum Benchmark Timeframes (working days)								
	Basic	Standard	Complex	Principal					
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days					
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days					
Stage 3 - Gateway determination	25 days	25 days	45 days	45 days					
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days					
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days					
Stage 6 - Finalisation	25 days	55 days	70 days	80 days					
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days					
Total (end to end)	220 days	320 days	420 days	420 days					

Note: Department target of 380 working days is measured from Stage 3 - Stage 6 (inclusive).

Source: Local Environmental Plan Making Guideline, Department of Planning and Environment

Figure 1 Maximum assessment timeframes for Planning Proposals



Attachment 2

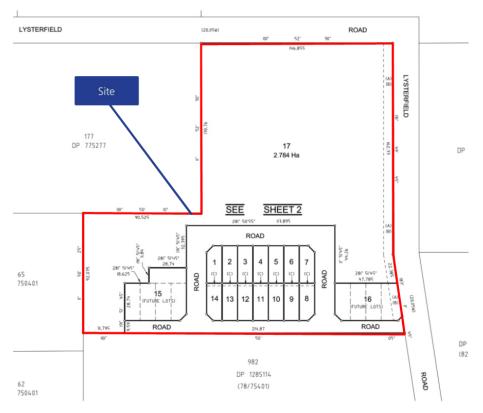
Planning Proposal – RE1 to R2

26 Lysterfield Road, Orange

Background

Bathla is the owner of the site which is situated within the Orange Local Government Area (LGA) and zoned under Orange LEP 2011.

The site is subject to a Deferred Commencement Consent under DA 387/2021(1) dated 6 September 2022. This approval granted consent for subdivision to create 14 Torrens title lots and three open space lots. A copy of the approved subdivision plan is illustrated within Figure 2.



Source: Andrew Frank Usher (Surveyor)

Approved Subdivision Plan under DA 387/2021(1)

In accordance with Part A – Deferred Commencement Conditions, Condition A, Bathla was required to enter into a Voluntary Planning Agreement (VPA) (as defined in Section 7.4 of Environmental Planning and Assessment Act 1979) with Council for the delivery of the public benefits described in the letter of offer from The Batha Group dated 24 June 2022 and accepted by Council on 6 September 2022.

The VPA was executed with Council satisfying the Deferred Commencement Condition under DA 387/2021(1) on 22 February 2023 thus activating the consent with a new lapsing date of 23 February 2028. Schedule 3, clause 4 'Dedication Land (Lots 15 and 16)' within the VPA states:

26 Lysterfield Road, Orange



(a) The Landowner must prepare and submit the Planning Proposal to the Council no later than 12 months after the date on which the Plan is registered as a plan of subdivision that creates separate freehold lots for each of the lots shown in the Plan (including the Dedication Land (Lots 15 and 16) and Dedication Land (Lot 17)".

As identified within Schedule 1 – 'Reference schedule', Item 3 – 'Planning Proposal' it identified that the PP shall seek amendments to Orange LEP 2011 for the rezoning of proposed Lot 15 and 16 to R2 Low Density Residential. In accordance with the VPA, where a determination is made under section 3.34 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) being a Gateway determination, there is no obligation for the landowner to transfer the freehold ownership of future Lot 15 and 16 to Council. Where a PP is not proposed or there is a Gateway determination under section 3.34 of the EP&A Act that the PP should not proceed, future Lot 15 and 16 would be required to be transferred to Council at no cost.

Following discussions and meetings with Council, it was considered that the dedication of future Lot 15 and 16 is no longer required for open space purposes and can be rezoned for residential land uses under a PP. This was based on discussions during the DA assessment process between Council (Manager Development Assessments) and the applicant including email advice on 1 April 2022. This email advice identified that due to an updated flood study which was completed in 2019, the number and location of detention basins within the Shiralee Precinct had been revised. This meant there was an option to consider reducing the extent of open space at the subject site. This PP therefore seeks to rezone future Lot 15 and 16 from RE1 Public Recreation to R2 Low Density Residential.

Technical input and consultation

A formal pre-lodgement meeting was not undertaken give the minor nature of the rezoning and discussions during the Development Application assessment process.

Structure of the Planning Proposal report

The Guidelines issued by DPE outline the steps in progressing a PP through to finalisation as summarised in **Table 1**.

Table 1 Local Environmental Plan Making Guideline 2021 - Steps

No	Step	Explanation
1	Pre-lodgement	Early analysis of the development potential of the relevant land including key environmental or site constraints, review of the strategic planning framework, obtaining advice and consultation with authorities and government agencies and identification of study requirements to underpin a planning proposal.
2	Planning Proposal	Where the planning proposal has been initiated by a proponent, council is to review and assess the planning proposal and decide whether to support and submit it to the Department for a Gateway determination.
3	Gateway Determination	Department assesses the strategic and site-specific merit of a planning proposal and issues a Gateway determination specifying if the planning proposal should proceed and whether consultation with authorities and government agencies is required

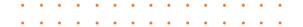
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Attachment 2 Draft Planning Proposal

Planning Proposal – RE1 to R2

26 Lysterfield Road, Orange



No	Step	Explanation
4	Post Gateway	Actioning Gateway determination conditions PPA reviews the Gateway determination and actions any required conditions prior to public exhibition.
5	Public Exhibition and Assessment	Consultation with the community, key authorities and government agencies (as required). Review of the planning proposal to address conditions of Gateway determination and submissions.
6	Finalisation	Final assessment of the planning proposal and if supported, preparation of the draft LEP, review and finalisation. Once finalised, the LEP may be made, notified and come into effect.

This PP is considered a 'Standard' application as defined by the Guidelines as it will facilitate a proposed amendment to the land use zoning. The pre-lodgement step was not considered necessary given routine nature of this PP and earlier discussions.

A PP must also include the following components as set out within Section 3.33(2) of the EP&A Act:

- Part 1 Objectives and intended outcomes which should include a statement of the objectives of the proposed LEP
- Part 2 Explanation of provisions which should provide an explanation of the provisions that are to be included in the proposed LEP
- Part 3 Justification of strategic and site-specific merit which must provide justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- Part 4 Maps which are to identify the effect of the PP and the area to which it applies
- Part 5 Community consultation which details the community consultation that is to be undertaken on the PP
- Part 6 Project timeline which details the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline

The following sections of this Report address this structure.

4



26 Lysterfield Road, Orange



The Site and Locality

This PP relates to future Lots 15 and 16 approved under DA 387/2021(1) and located within Lot 76, 750401, 26 Lysterfield Road, Orange (Figure 3).

Site Location

On a regional scale, the located approximately 3.25km from Orange City Centre. It is accessed off Lysterfield Road which runs along the northern and eastern boundary of the site and is situated approximately 200m from the intersection between Lysterfield Road and Pinnacle Road.



Source: Nearmap (17 April 2022)

Aerial of subject site Figure 3

Site Description

The site has an overall area of 4.17ha with future Lot 15 having an area of 1,688m² and future Lot 16 having an area of 1,403m². The site has two frontages to Lysterfield Road measuring 147m along the northern boundary and 223m along the eastern boundary.

The site currently does not contain a dwelling and has sparse tree coverage. Topographically the land is relatively flat with most of the drainage from the site being conveyed towards Blackman's Swamp Creek located towards the western boundary of Lot 15.

The site is predominantly comprised of open grassland. There is an existing group of trees along the eastern boundary with other isolated trees located within the site.

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Surrounding Locality

Key feature surrounding the site are shown within Figure 4 and include:

- Towac Park Racecourse and Wentworth Gold Course to the north west
- Orange Town Centre and train station approximately 3.25km to the north east
- A future Local Centre to the east of the site
- Blackman's Swamp Creek generally to the west of the site
- Large lot residential properties and a few newly established residential subdivisions in the immediate surrounds of the site.



Figure 4 Surrounding locality

6

gln.



Planning context

Strategic planning background

An overview of the relevant strategic planning documents applying to the site and this rezoning is outlined within **Figure 5**.

•Environmental Planning and Assessment Act 1979
•Environmental Planning and Assessment Regulation 2021
•Relevant State Environmental Planning Policies (SEPPs)

•Central West and Orana Regional Plan 2041

•Orange Local Environmental Plan (LEP) 2011
•Orange Community Strategic Plan 2022
•Orange Local Strategic Planning Statement (LSPS) - July 2020
•Shiralee Development Control Plan
•Orange Sustainable Settlement Strategy 2004 (Updated 2010)

•Shiralee DCP Structure Plan - South Orange Urban Release Area

Source: GLN Planning

Figure 5 Overview of relevant strategic planning policies

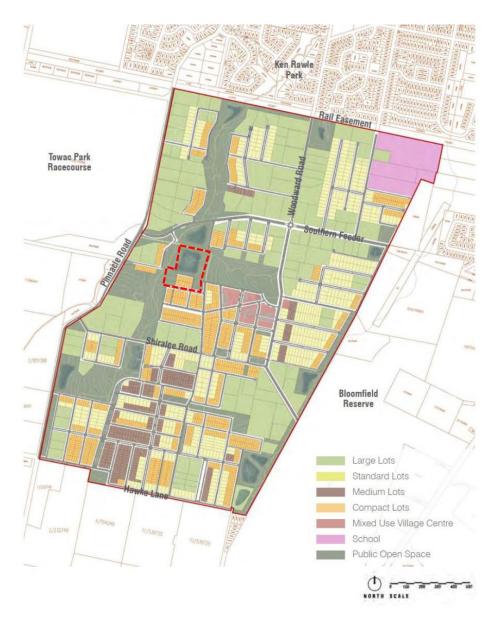
The site is located within the South Orange Urban Release Area which was supported by a structure plan for the area. This structure plan informed the basis of the land use zoning and planning controls adopted under Orange LEP 2011 and is illustrated within **Figure 6**. The structure plan also informed the Shiralee Development Control Plan (**DCP**) which was originally adopted by Council on 2 September 2015 and later amended and adopted by Council on 15 December 2015.

The structure plan shows the urban release of land including compact lots within close proximity to the site, a village centre and district park to the east, Orange Christian School to the north east corner and Blackman's Swamp Creek riparian corridor spanning south west through the release area.

7

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Source - Shiralee DCP

Figure 6 Structure Plan (site boundary shown dashed red)

As illustrated within the Structure Plan, a future arterial road reserve is proposed to extend across the Precinct to create future connections to Towac Park Racecourse in the west and the existing Orange South Feeder Road to the east. The site is directly adjacent to a future District Park and Blackman's Swamp Creek Riparian Corridor.

8

gln.

26 Lysterfield Road, Orange



As part of the Shiralee DCP, the structure plan evolved into a more detailed masterplan, 'Shiralee Masterplan', as illustrated within **Figure 7**.



Figure 7 Shiralee Masterplan

9



26 Lysterfield Road, Orange



Given the significant amount of public open space within both the Shiralee Structure Plan and Masterplan which are also identified to provide for stormwater detention basins, proposed Lot 15 and 16 under DA 387/2021(1) are no longer required by Council for recreation purposes. As such, the land use zoning needs to be amended under a PP.

The RE1 Public Recreation component of the site, located to the north of the residential zoned land is identified to provide for a detention basin (refer to Figure 7, item 15). The R1 General Residential zoned land within the site is intended to provide for compact lots. This PP will allow for a logical extension to compact residential lot subdivision consistent with the Structure Plan and Masterplan without compromising the stormwater management design for Shiralee.

The area subject to this rezoning is generally identified within **Figure 8.** It relates to a total RE1 zoned area of 3,091m² which is proposed to be rezoned R2 Low Density Residential.



Source: ePlanning Spatial Viewer

Figure 8 Existing zoning under Orange LEP 2011

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26 Lysterfield Road, Orange



Part 1 - Objectives of the Planning Proposal

The objective and intended outcomes of this Planning Proposal are as follows:

Objective

The objective of this PP is to amend Orange LEP 2011 to rezone surplus RE1 Public Recreation land to R2 Low Density Residential. This PP is required to be submitted under the terms of the VPA as Council no longer requires this land to be dedicated for public recreation purposes. The PP relates to proposed Lot 15 and 16 approved under DA 387/2021(1) at Lot 76 DP 750401, 26 Lysterfield Road, Orange

Without the PP, it will not be possible to develop Lots 15 and 16 for residential purposes as it is inconsistent with the objectives of the RE1 Public Recreation Zone. These lots are proposed to be zoned R2 Low Density Residential and will require a minimum lot size of 200m² consistent with the adjoining compact residential lots. The rezoning relates to a total area of 2,225m² which is currently zoned RE1 Public Recreation and is proposed to be rezoned R2 low Density Residential.

Intended Outcomes

- 1. To amend the zoning boundary to permit residential development.
- To establish appropriate development controls by adopting a minimum lot size of 200m² which will guide future development within the area being consistent with the adjoining land.



26 Lysterfield Road, Orange



Part 2 – Explanation of provisions

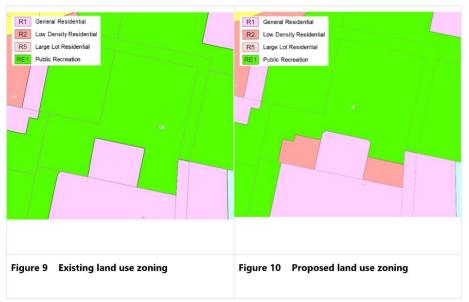
This section provides a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP.

Intended Provisions

The objectives can be achieved by amending the Land Zoning Map (Tile LZN_008B) for Orange LEP 2011 to show the land currently zoned RE1 Public Recreation as R2 Low Density Residential. It also requires an amendment to the Minimum Lot Size Map (Tile LZN_008B). This is to ensure the minimum lot size relating to the site is consistent with the adjoining residential land zoned R1 General Residential and surrounding residential properties which are identified within the Masterplan to provide for 'compact housing' having a minimum lot size of 200m².

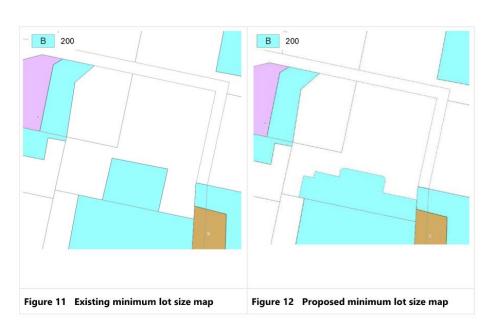
The existing and proposed changes to Orange LEP 2011 are shown within Figure 9 to Figure 12.

Future development of the site for residential purposes would then be intended to be carried out in accordance with the objectives and permissible uses specified within the R2 Low Density Residential Land Use Table under Orange LEP 2011.





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No other provisions of Orange LEP 2011 are proposed to be amended.

A comparison of the land use zone with the subdivision layout has also been prepared as illustrated within **Figure 13** and **Figure 14**. This demonstrates that the R1 General Residential zone boundary has been massaged to align with the approved lot boundaries. This provides a more consistent land use zoning within the road pattern and is considered to help in the future management of this road asset by having a more uniform zone overlay.

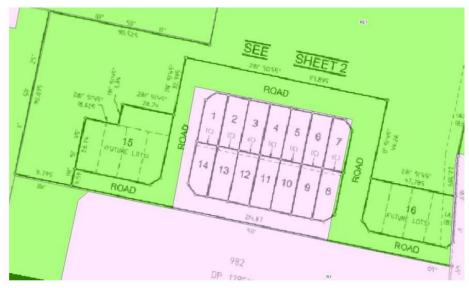


Source: GLN Planning

Figure 13 Proposed land use zoning with approved subdivision plan overlay

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Source: GLN Planning

Figure 14 Existing land use zoning with approved subdivision plan overlay

14

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Planning Proposal – RE1 to R2 26 Lysterfield Road, Orange

Part 3 – Justification

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the PP should be supported. The following sections discuss the considerations within the Department's Guidelines.

Section A - Need for the Planning Proposal

Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes, the PP is not inconsistent with the South Orange Urban Release Area and Structure Plan which helped inform Council's Community Strategic Plan, Local Strategic Planning Strategy (**LSPS**), Sustainable Settlement Strategy, Business Centre Review Strategy and Public Domain Strategy.

Orange's Community Strategic Plan identifies a need to improve housing supply, diversity and affordability which this PP is consistent with. Further, this PP will also assist in achieving the aims of the Orange LSPS including:

- Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase the range of housing options in existing urban areas.
- Provide a range of facilities and services to meet community needs, and foster a culturally rich, creative and socially connected Orange community.
- Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.
- Improve access to, from and within Orange, and encourage active transport.
- Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland.

As illustrated within **Figure 7**, the rezoning will not be inconsistent with the Masterplan and results in a minor increase to the overall number of residential lots consistent with the land already identified to deliver compact lots on the site. This will ultimately provide more opportunities for residential accommodation that can facilitate a range of dwellings to suit the market. The site is located within an urban release area that will be highly connected through new link roads and active transport opportunities throughout the Shiralee Precinct and wider area.

More recently, Council prepared an updated flood study (2019) which looked at the Shiralee Precinct. This study identified that the number and location of detention basins may be reduced, therefore reducing the overall amount of open space required within Shiralee. The existing Masterplan provides for a detention basin in the northern end of the site. The proposed rezoning of RE1 zoned land to R2 within proposed Lot 15 and 16 (to the east and west) would therefore have no impact on this proposed basin with the basin anticipated to be reduced in size following the findings of the flood study. As such, it's likely the amount of usable RE1 zoned land to the north would increase.

The decision to consider changes to the Structure Plan is at Council's discretion and has already been considered as part of the DA process where it was identified that Council no longer required the

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dedication of future Lot 15 and 16 under DA 387/2021(1) for public recreation purposes. The option to rezone this land was then captured within the associated VPA for this DA.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the PP is the best way of achieving the objectives and intended outcome. The proposed amendments are required to update the Land Use Zoning map and Minimum Lot Size map to give the site a new purpose noting it is no longer required by Council for recreational purposes. The amendments will also guide future landowners in determining what they can do on the site in line with relevant planning controls as part of any future application.

Section B – Relationship to the strategic planning process

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The PP supports the intended outcomes within Central West and Orana Regional Plan 2041

- Objective 11 of the CWORP aims to strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities. This includes focusing on the provision of new residential development in and around CBDs which will support population growth. Relevant to this PP is the strategic focus for Orange is to increase 'capacity to facilitate improved housing diversification and affordability through a mix of infill development and new greenfield development encompassing design quality principles.' As illustrated within Figure 15 the rezoning is located within urban land.
- Objective 13 of the CWORP aims to provide well located housing options to meet demand.
 This includes an adequate supply of affordable, well-designed housing in places where people want to live.

The site is located around 3.25km from Orange City centre and is part of a planned expansion of the city forming part of the South Orange URA. The site, once developed, will be well connected, and be supported by employment opportunities within the LGA. This PP will rezone future Lots 15 and 16 approved under DA 387/2021(1) to provide for residential land uses. This land, once subdivided, will assist in the supply of housing in a well located area close to Orange town centre and other local amenities including public recreation land and a local commercial centre to the east of the site.

Objective 14 of the CWORP aims to plan for diverse, affordable, resilient, and inclusive
housing. This relates to aspects such as lot sizes, the type of dwelling, number of bedrooms
and suitability of accommodation for different people within the community.

This PP facilitates the delivery of residential lots consistent with Structure Plan developed as part of the South Orange URA. Once subdivided, these lots will provide opportunities for the delivery of various housing products to suit the varying needs of people within the

16

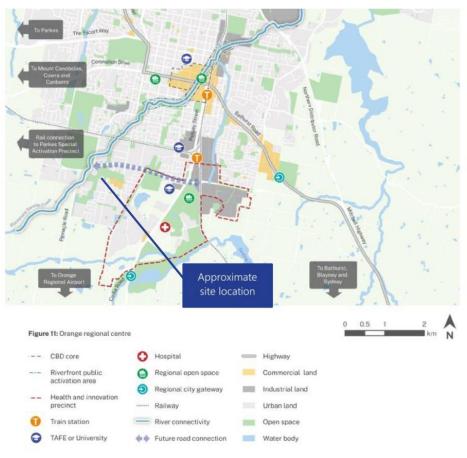


¹ Central West and Orana Regional Plan 2041, pg 64.

26 Lysterfield Road, Orange



community. The ultimate configuration of future dwellings will be determined by the future purchaser and their specific needs in line with Objective 14.



Source: DPE - Central West and Orana Regional Plan 2041

Figure 15 Orange Regional Centre Plan

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, this PP is generally consistent with the Orange LSPS and will assist in the delivery of housing as part of the South Orange URA – refer to Section A 'Is the Planning Proposal a result of an endorsed LSPS, strategic study or report' on Page 15.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The PP is broadly consistent with Central West and Orana Regional Plan 2041.

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Is the planning proposal consistent with applicable SEPPs?

The PP has been reviewed against the provisions of relevant State Environmental Planning Policies (**SEPP**s) to confirm the intended outcomes would be consistent and not compromise future applications once rezoned – refer to **Table 2**.

Table 2 Assessment against relevant SEPPs

SEPP Title	Comment			
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The PP does not include any provisions which impede the operation of this SEPP over the subject land.			
Ch 2 Vegetation in non-rural areas	This chapter is applicable to the PP as it includes R1 General Residential land.			
	The development of the site is generally in accordance with the Structure Plan and will necessitate the clearing of existing vegetation primarily comprised of grass with the site generally clear of any significant vegetation as illustrated within Figure 16 .			



Source: NearMap (17 April 2023)

Figure 16 Existing vegetation over site

State Environmental Planning Policy (Resilience and Hazards) 2021 The PP does not include any provisions which impede the operation of this SEPP over the subject land.



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SEPP Title	Comment
Ch 4 Remediation of land	This will be further addressed as part of the DA process to subdivide the land for residential uses.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The PP does not include any provisions which impede the operation of this SEPP over the subject land.
Ch 2 Infrastructure	These provisions would apply to the future development of the land during the DA assessment process and do not impact this rezoning application.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Exempt and complying development under this SEPP will continue to apply as relevant to the site.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)

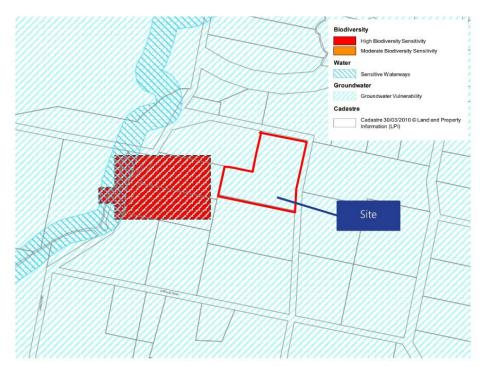
The Minister for Planning and Public Spaces (previously the Minister for Planning and Environment) issued Local Planning Directions that Councils must follow when preparing a PP. This PP is generally consistent with the Section 9.1 Directions. **Appendix A** provides a statement of consistency against each of the Directions as they apply to this application.

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

Future Lots 15 and 16 are largely devoid of vegetation due to historical land clearing. Additionally, the land is not mapped on the Biodiversity Values Map or on the Terrestrial Biodiversity Map as shown in **Figure 17**. However, the site is adjacent to land mapped with high biodiversity sensitivity although the area to be rezoned is setback within the site providing separation. It is therefore unlikely that the areas to be rezoned under this application would have any significant impact on threatened species or their habitats.





Source: Legislation NSW

Figure 17 Terrestrial Biodiversity, Watercourse and Groundwater Vulnerability Map

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No.

Has the planning proposal adequately addressed any social and economic effects?

There is not considered to be any negative social or economic effects as a result of the rezoning. This PP will amend the land use zoning over future Lots 15 and 16 approved under DA 387/2021(1) as Council no longer requires the acquisition of these lots for public recreation. Based on the supply of public recreation zoned land within the Shiralee Structure Plan and Masterplan, there is sufficient land to provide for recreational purposes. As such, the rezoning of this land would not have any social or economic impact to future residents within the area. Further there is an economic benefit to Council as it no longer has to purchase these sites from the landowner.

Section D - Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The Precinct provides for adequate public infrastructure including public utilities and servicing which will cater for these lots. This PP will result in a minor uplift of approximately nine additional residential allotments within the Precinct. However, their impact on public infrastructure will be minimal.

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Adjacent Lots 1 to 14 on the site approved under DA 387/2021(1) and surrounding road are already zoned R1 General Residential with public infrastructure available for these lots and to augment to include the proposed lots within future Lots 15 and 16.

Section E – State and Commonwealth Interests

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination

No specific feedback has been requested or provided that would impact the determination of this PP.



Part 4 – Maps

The following map tiles are proposed to be amended as part of the PP.

Мар	Tile Number
Land Zoning	Sheet LZN_008B
Lot Size	Sheet LSZ_008B

The existing and proposed land use zoning and minimum lot size maps relevant to this PP under Orange LEP 2011 are attached at **Appendix E.**

Part 5 – Community consultation approach

Schedule 1, clause 4 of the EP&A Act requires the relevant planning authority to consult with the community for PPs to amend an LEP in accordance with the Gateway Determination.

The Orange City Council Community Participation Plan identifies that PPs are required to be notified for a minimum period of 28 days (unless this timeframe is modified as part of the Gateway Determination process). Community consultation is required to be undertaken by written notice and on the website. However, this will be a process for Council and DPE to undertake.

The key steps in relation to the PP are outlined below showing when community consultation occurs in the process.

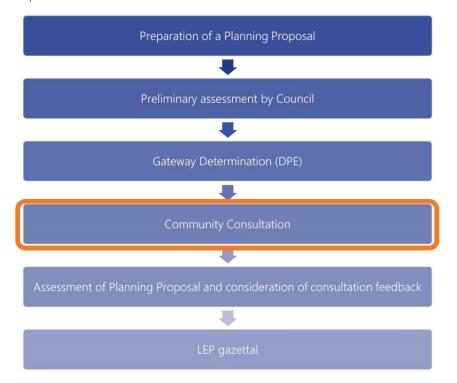


Figure 18 Key steps in Planning Proposal process



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Part 6 - Project timeframe

The project timeline provides a mechanism to monitor and resource the various steps required to progress the PP through the plan making process. Table 3 provides estimated timeframes for the various steps of the process (based on working days in line with DPE's Guidelines). Council will need to review these to ensure they align with resourcing and meeting agendas.

Project Timeline Table 3

Step	Projected Dates
Lodgement (approximate)	23 June 2023
Consideration by Council	6 October 2023
Council Decision	18 October 2023
Gateway Determination	22 November 2023
Commencement and completion of the public exhibition period.	5 February 2024 – 8 March 2024
Consideration of submissions	Starting 11 March 2024
Finalise post-exhibition review	6 May 2024
Submission to the Department for finalisation (where applicable)	20 May 2024
Gazettal of the LEP amendment	7 June 2024
Total working days	243 days

June 2023



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Planning Proposal – RE1 to R2 26 Lysterfield Road, Orange

Conclusion

This PP seeks to amend Orange LEP 2011 to rezone future Lots 15 and 16 approved under DA 387/2021(1) at Lot 76, DP 750401, 26 Lysterfield Road, Orange from RE1 Public Recreation to R2 Low Density Residential.

The VPA associated with DA 387/2021(1), identified that future Lots 15 and 16 were subject to further review with the landowner able to prepare a PP for Council's consideration to rezone these lots from RE1 Public Recreation to R2 Low Density Residential as they were no longer required by Council for recreational purposes. This PP has therefore been prepared in line with the requirements of the VPA and will result in approximately 3,091m² of RE1 Public Recreation being rezoned to R2 Low Density Residential.

The rezoning is not inconsistent with the Structure Plan or Masterplan for the South Orange Urban Release Area and will facilitate the development of this land for an approximately nine additional residential lots. The PP is also consistent with relevant local and State strategic plans including the LSPS which will facilitate the intended built form outcome for this urban release area. It also stems as a result of the recent flood study prepared by Council which identified that the location and number of detention basins within the Shiralee Precinct could be reduced therefore reducing the amount of RE1 zoned land required.

It is therefore recommended that this PP be progressed to DPE for Gateway Determination.



Glossary

Abbreviation	
Bathla	Bathla Group
BAM	Biodiversity Assessment Method
BDAR	Biodiversity Development Assessment Report
Council	Orange City Council
DA	Development Application
DP	Deposited Plan
DPE	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Strategy
PP	Planning Proposal
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
URA	Urban Release Area
VPA	Voluntary Planning Agreement

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APPENDIX A: STATEMENT OF CONSISTENCY – SECTION 9.1 DIRECTIONS

26 Lysterfield Road, Orange



Direction	Consistent				
Focus Area 1: Planning Systems					
1.1 Implementation of Region Plans	The PP is consistent with the Central West and Orana Regional Plan 2041 as discussed within Section B – Relationship to the strategic planning process.				
1.3 Approval and Referral Requirements	No new referral or concurrence conditions are proposed as part of the PP.				
1.4 Site Specific Provisions	The PP utilises appropriate zones to achieve the intended land use outcomes which do not require or impose any additional provisions or development standards and hence is consistent with this direction.				
Focus Area 1: Planning Systems – Place- based	Not applicable				
Focus Area 2: Design and Plan	Not adopted yet				
Focus Area 3: Biodiversity and Conservation					
3.1 Conservation Zones	The PP proposes to amend certain land within the site from RE1 Public Recreation to R2 Low Density Residential.				
	The site is not identified as being part of a conservation zone.				
3.2 Heritage Conservation	The PP does not propose changes to the LEP clause or Maps relating to Heritage.				
	All future DAs submitted will be required to comply with the relevant provisions within the LEP, <i>National Parks and Wildlife Act 1974</i> and <i>Heritage Act 1977</i> .				
	The PP is consistent with this Direction.				
Focus Area 4: Resilience and Hazards					
4.1 Flooding	Council recently prepared an updated flood study for Shiralee (2019). This study mapped the current flood hazard (shown light blue) and overland flows (shown dark blue) as illustrated within Figure 19 relating to the site.				
	This mapping identifies that proposed Lot 15 is not flood affected. Further, following discussions with Council it was identified that while proposed Lot 16 was partially impacted by overland flooding, it would be feasible to reshape this land and reduce the extent of flooding to convey the overland flood via the road network and within drainage pipes along the road. This would therefore reduce the extent of flooding over the site and provide additional land for development also noting the flood study had identified that the number and location of basins could be reduced within Shiralee meaning there would be a surplus of RE1 zoned land.				
4.3 Planning for Bushfire Protection	The land is not mapped as bushfire prone land.				
4.4 Remediation of Contaminated Land	The site is clear of existing structures that could create potential for contamination. The site is considered to have a low risk of				

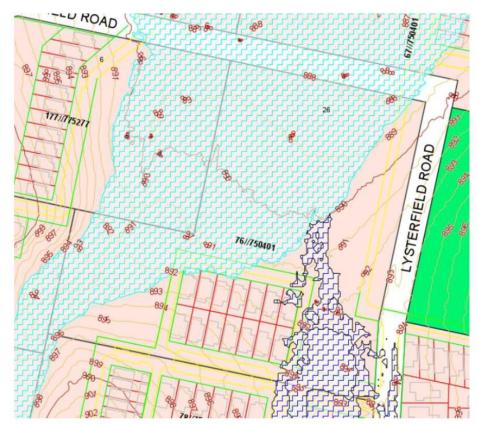


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Direction	Consistent
	contamination due to the historic grazing uses. As part of any future DA to subdivide the site, further investigation into contamination will be undertaken including a Preliminary Site Investigation.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Future residential lots will be provided with access to key transport nodes/networks via appropriate road, cycle and pedestrian linkages within the estate. The PP is considered consistent with this Ministerial Direction.
5.2 Reserving Land for Public Purposes	Council considered the site during the DA assessment and determined that the land may be rezoned as it is no longer required to be dedicated for public recreation purposes noting the significant amount of RE1 zoned land within the Shiralee area.
5.3 Development Near Regulated Airports and Defence Airfields	The site is not located near any regulated airports or defence airfields.
Focus Area 6: Housing	
6.1 Residential zones	This PP is consistent with this Direction as it will facilitate the delivery of residential lots that will encourage a variety of housing typologies to suit the needs of people within the Shiralee community. It will also make efficient use of infrastructure being outlaid within South Orange URA therefore being able to easily connect into this wider network.
Focus Area 7: Industry and Employment	Not applicable
Focus Area 8: Resources and Energy	Not applicable
Focus Area 9: Primary Production	Not Applicable





Source: Orange City Council – Flood Study 2019

Figure 19 Flood map

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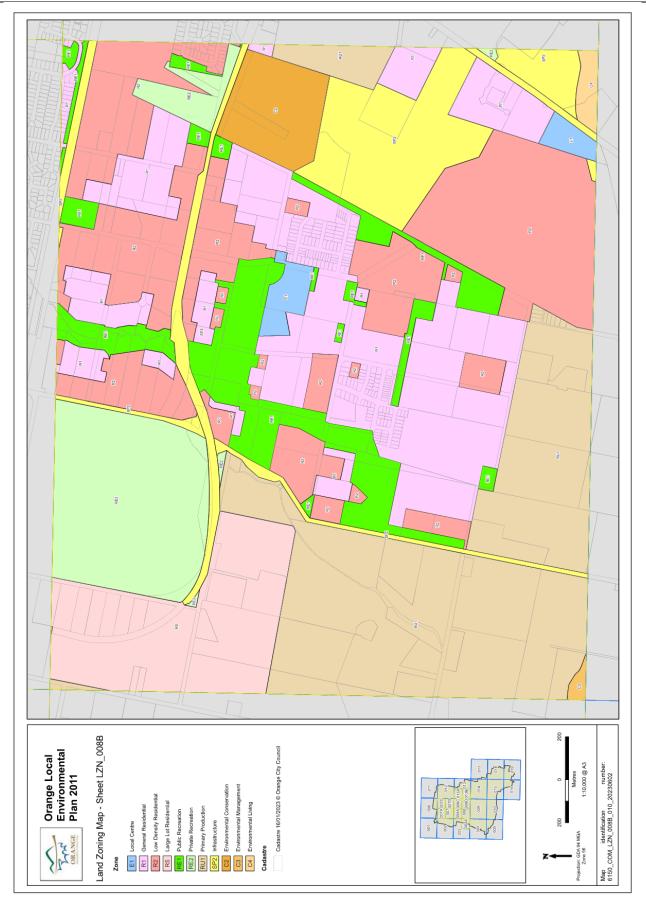
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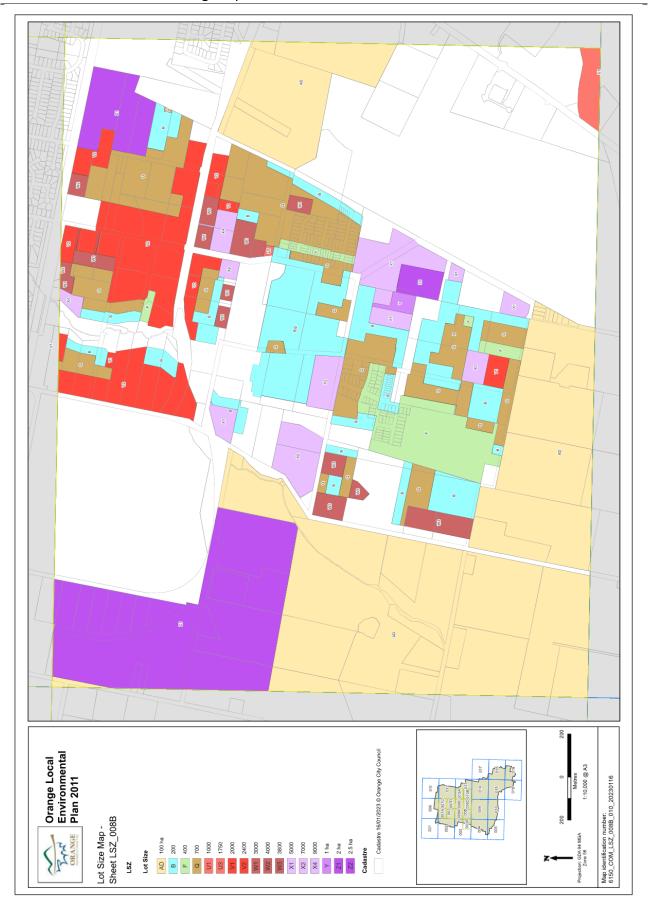
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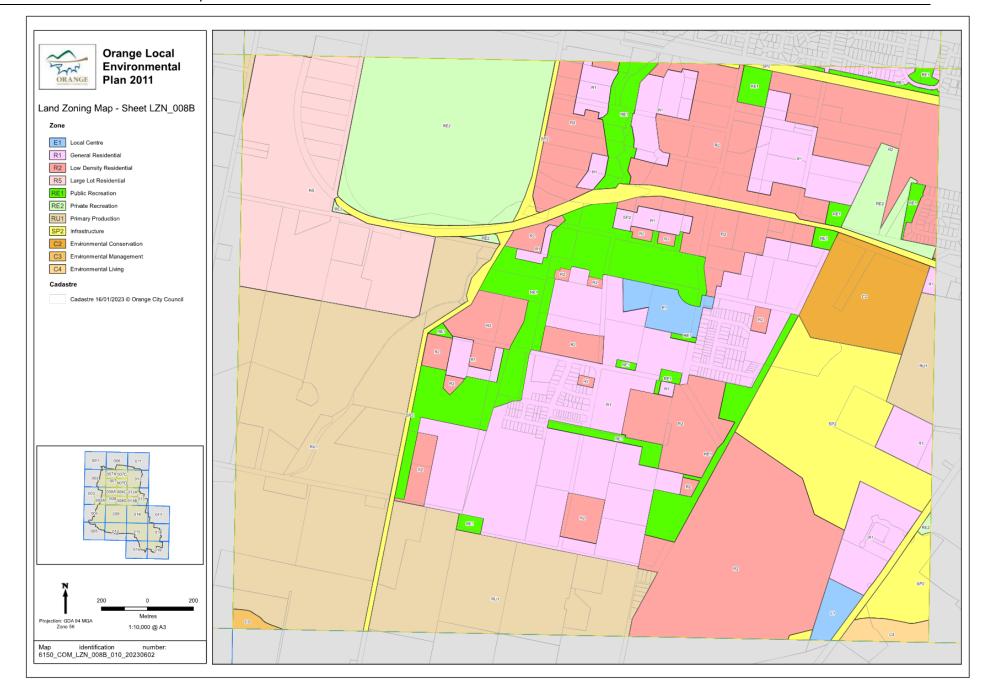
APPENDIX B: MAPS

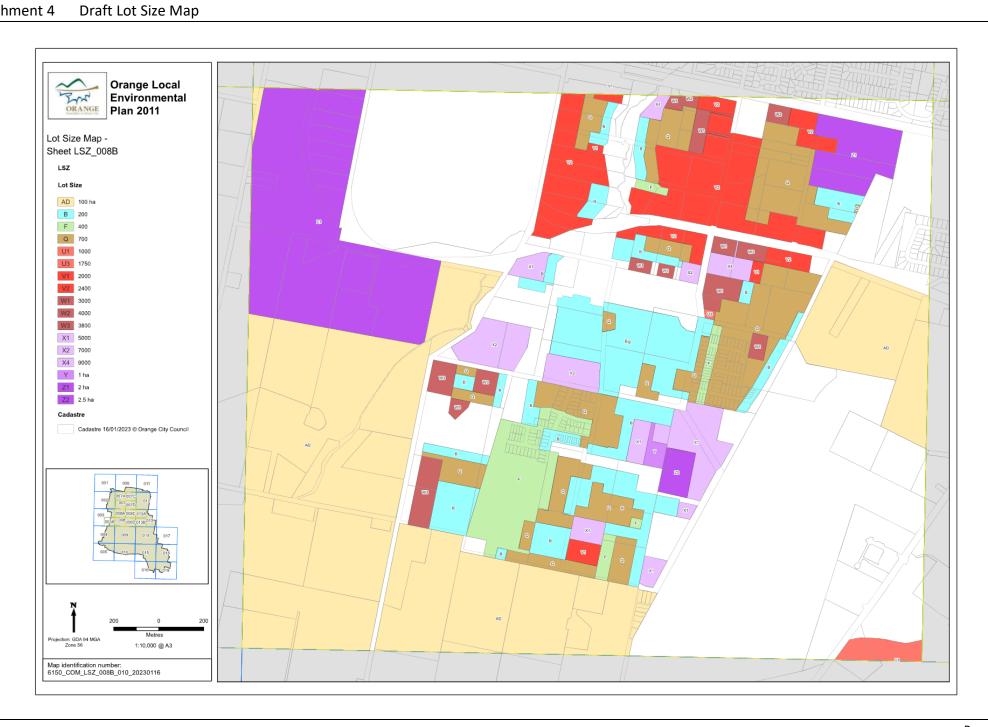












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5.6 STATEMENT OF INVESTMENTS - NOVEMBER 2024

TRIM REFERENCE: 2024/1857

AUTHOR: Claire Wright, Acting Chief Financial Officer

EXECUTIVE SUMMARY

The purpose of this report is to provide a statement of Council's investments held for the period November 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:

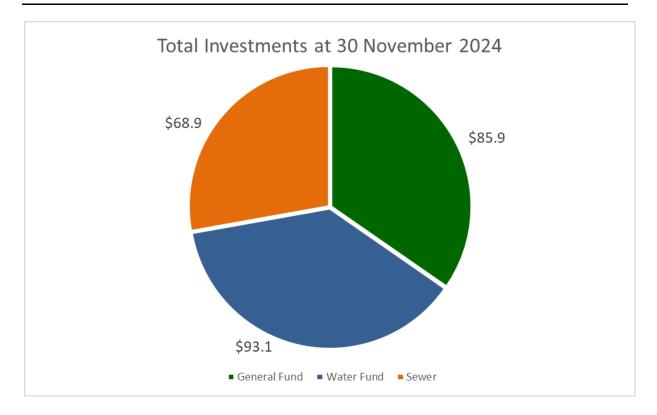
- 1 Note the Statement of Investments for the period November 2024
- 2 Adopt the certification of the Responsible Accounting Officer.

SUPPORTING INFORMATION

Statement of investments - 30 November 2024

The investments held by Council in each fund is shown below:

	31/10/2024	30/11/2024
General Fund	89,491,513.75	85,903,163
Water Fund	91,804,725.99	93,078,292
Sewer Fund	66,527,342.88	68,937,142
Total Funds	247,823,583	247,918,596



Portfolio Performance

As at the end of November 2024, Council's investment portfolio remains largely secured through fixed rate term deposits (86%), with the remaining portfolio allocated to floating rate note (3%), bonds (1%) and cash (10%).

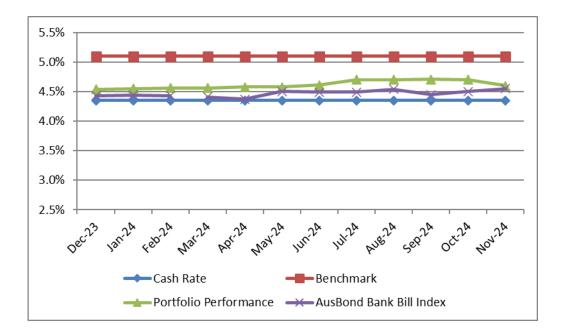
Overall Council's portfolio remains highly liquid and diversified with approximately 70% of assets maturing under 12 months and no exposure to the unrated ADI sector.

The weighted average interest rate of Council's investment portfolio for the period ending 30 November 2024 was 4.60 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 November 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 November 2024, the AusBond rate was 4.46 percent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 4.61 percent. The AusBond rate is supplied to Council by our investment consultants Arlo Advisory Pty Ltd.



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%	27.42%	72.58%
3 - 12 Months	100.00%	42.15%	57.85%
1 - 2 Years	70.00%	18.76%	51.24%
2 - 5 Years	50.00%	11.67%	38.33%
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).

Table 2: Credit rating limits

			Remaining		Return on
Credit Rating	Maximum	Holding	Capacity	Value	investment
Bank Accounts	100.00%	10.62%	89.38%	26,336,898.38	4.30%
AAA	100.00%	0.40%	99.60%	996,169.00	4.50%
AA	100.00%	40.51%	59.49%	100,422,099.90	4.33%
Α	60.00%	28.66%	31.34%	71,056,035.40	4.84%
BBB & NR	40.00%	19.81%	20.19%	49,107,393.70	4.96%
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, Claire Wright, 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 Orange City Council Monthly Investment Report November 2024, D24/136178



Investment Report

01/11/2024 to 30/11/2024



Portfolio Valuation as at 30/11/2024

Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Suncorp Bank	AA-	TD	WATER	Quarterly	21/12/2023	19/12/2024	5.1500	5,000,000.00	5,000,000.00	48,678.08	21,164.38
ING Bank (Australia) Ltd	Α	TD	WATER	At Maturity	14/11/2024	02/01/2025	4.4800	7,000,000.00	7,000,000.00	14,606.03	14,606.03
MyState Bank	BBB	TD	SEWER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	10,642.47	10,642.47
MyState Bank	BBB	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	10,642.47	10,642.47
Australian Unity Bank	BBB+	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.7000	4,000,000.00	4,000,000.00	8,756.16	8,756.16
Westpac	AA-	TD	GENERAL	At Maturity	12/09/2024	16/01/2025	4.9400	2,000,000.00	2,000,000.00	21,654.79	8,120.55
Newcastle Greater Mutual Group Ltd	BBB+	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.5411	350,120.05	350,000.00	1,434.61	1,434.61
Newcastle Greater Mutual Group Ltd	BBB+	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.5411	350,120.05	350,000.00	1,434.61	1,434.61
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	21/11/2024	06/02/2025	4.9900	3,500,000.00	3,500,000.00	4,784.93	4,784.93
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	1,000,000.00	1,000,000.00	1,356.16	1,356.16
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	500,000.00	500,000.00	678.08	678.08
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,110.30	609.86
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,110.30	609.86
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	206,178.08	21,328.77
ING Bank (Australia)	Α	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	2,067.53	2,067.53



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Ltd											
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	36,616.44	12,205.48
Defence Bank	BBB+	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	188,668.49	21,041.10
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	11,615.89	4,052.05
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	11,615.89	4,052.05
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	11,615.89	4,052.05
Defence Bank	BBB+	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	130,060.27	15,123.29
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	23,630.14	10,273.97
ING Bank (Australia) Ltd	Α	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	25,066.30	2,926.03
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	70,002.74	8,235.62
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	52,502.05	6,176.71
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	17,538.36	8,486.30
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	7,516.44	3,636.99
NAB	AA-	TD	SEWER	At Maturity	21/11/2024	10/04/2025	5.0500	4,000,000.00	4,000,000.00	5,534.25	5,534.25
Rabobank Australia Limited	Α	TD	WATER	At Maturity	28/11/2024	01/05/2025	5.0500	1,000,000.00	1,000,000.00	415.07	415.07
Rabobank Australia Limited	Α	TD	GENERAL	At Maturity	28/11/2024	01/05/2025	5.0500	4,000,000.00	4,000,000.00	1,660.27	1,660.27
BOQ	A-	TD	WATER	Annual	26/04/2024	01/05/2025	5.0000	2,500,000.00	2,500,000.00	75,000.00	10,273.97
JUDO BANK	BBB	TD	WATER	At Maturity	23/05/2024	22/05/2025	5.3000	1,000,000.00	1,000,000.00	27,879.45	4,356.16
JUDO BANK	BBB	TD	SEWER	Annual	23/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	27,879.45	4,356.16



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
MyState Bank	BBB	TD	SEWER	At Maturity	30/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	26,863.01	4,356.16
MyState Bank	BBB	TD	WATER	Annual	30/05/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	26,863.01	4,356.16
P&N Bank	BBB+	TD	GENERAL	At Maturity	06/06/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	25,846.58	4,356.16
Rabobank Australia Limited	Α	TD	GENERAL	Annual	06/06/2024	12/06/2025	5.3200	1,000,000.00	1,000,000.00	25,944.11	4,372.60
NAB	AA-	TD	WATER	At Maturity	28/06/2024	19/06/2025	5.5000	4,000,000.00	4,000,000.00	94,027.40	18,082.19
NAB	AA-	TD	SEWER	At Maturity	28/06/2024	19/06/2025	5.5000	3,000,000.00	3,000,000.00	70,520.55	13,561.64
Rabobank Australia Limited	Α	TD	WATER	Annual	06/06/2024	19/06/2025	5.3200	1,000,000.00	1,000,000.00	25,944.11	4,372.60
NAB	AA-	TD	GENERAL	At Maturity	04/07/2024	26/06/2025	5.4300	5,000,000.00	5,000,000.00	111,575.34	22,315.07
Rabobank Australia Limited	Α	TD	SEWER	Annual	06/06/2024	26/06/2025	5.3200	1,000,000.00	1,000,000.00	25,944.11	4,372.60
NAB	AA-	TD	SEWER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	111,986.30	22,397.26
NAB	AA-	TD	WATER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	111,986.30	22,397.26
Rabobank Australia Limited	Α	TD	GENERAL	Annual	01/07/2024	03/07/2025	5.4600	5,000,000.00	5,000,000.00	114,435.62	22,438.36
Rabobank Australia Limited	Α	TD	WATER	At Maturity	18/07/2024	17/07/2025	5.3300	2,000,000.00	2,000,000.00	39,719.45	8,761.64
NAB	AA-	TD	WATER	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	42,312.33	8,876.71
NAB	AA-	TD	GENERAL	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	42,312.33	8,876.71
NAB	AA-	TD	GENERAL	At Maturity	25/07/2024	24/07/2025	5.3500	3,000,000.00	3,000,000.00	56,724.66	13,191.78
Rabobank Australia Limited	Α	TD	GENERAL	Annual	18/07/2024	24/07/2025	5.3300	3,000,000.00	3,000,000.00	59,579.18	13,142.47



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	SEWER	At Maturity	18/07/2024	31/07/2025	5.3000	3,000,000.00	3,000,000.00	59,243.84	13,068.49
NAB	AA-	TD	SEWER	At Maturity	25/07/2024	31/07/2025	5.3500	2,000,000.00	2,000,000.00	37,816.44	8,794.52
NAB	AA-	TD	GENERAL	Annual	02/08/2024	07/08/2025	5.0500	2,000,000.00	2,000,000.00	33,482.19	8,301.37
NAB	AA-	TD	GENERAL	Annual	02/08/2024	14/08/2025	5.2000	2,000,000.00	2,000,000.00	34,476.71	8,547.95
NAB	AA-	TD	WATER	Annual	02/08/2024	28/08/2025	5.2000	2,000,000.00	2,000,000.00	34,476.71	8,547.95
Defence Bank	BBB+	TD	SEWER	At Maturity	28/11/2024	04/09/2025	5.1000	2,000,000.00	2,000,000.00	838.36	838.36
Defence Bank	BBB+	TD	GENERAL	At Maturity	28/11/2024	04/09/2025	5.1000	3,000,000.00	3,000,000.00	1,257.53	1,257.53
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	637.81	637.81
ING Bank (Australia) Ltd	Α	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	226,306.85	19,232.88
ING Bank (Australia) Ltd	Α	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	125,726.03	10,684.93
ING Bank (Australia) Ltd	Α	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	150,871.23	12,821.92
ING Bank (Australia) Ltd	Α	TD	WATER	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	48,931.51	19,315.07
ING Bank (Australia) Ltd	Α	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	168,544.66	14,613.70
ING Bank (Australia) Ltd	Α	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	132,493.15	12,230.14
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	1,178.08	1,178.08
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	1,178.08	1,178.08
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	1,178.08	1,178.08



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Rabobank Australia Limited	Α	TD	GENERAL	Annual	05/09/2024	05/03/2026	4.9200	4,000,000.00	4,000,000.00	46,908.49	16,175.34
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	4,339.73	1,479.45
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	2,893.15	986.30
P&N Bank	BBB+	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	48,931.51	19,315.07
P&N Bank	BBB+	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	15,123.29	9,452.05
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	1,658.08	1,463.01
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	1,658.08	1,463.01
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	3,316.16	2,926.03
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	7,461.37	6,583.56
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	4,931.51	1,643.84
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	9,863.01	3,287.67
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	9,863.01	3,287.67
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	4,906.30	3,978.08
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	1,287.67	1,287.67
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	19,309.22	5,363.67
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	433,672.20	450,000.00	3,468.08	1,072.60
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	433,672.20	450,000.00	3,468.08	1,072.60
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	996,169.00	1,000,000.00	17,136.99	3,698.63
AMP Bank	BBB+	FRN	SEWER	Quarterly	13/09/2024	13/09/2027	5.6945	3,407,153.60	3,400,000.00	41,905.28	15,913.40



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4941	1,514,755.50	1,500,000.00	13,998.67	6,773.55
ING Bank (Australia) Ltd	Α	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.4400	1,806,035.40	1,800,000.00	2,951.01	2,951.01
Rabobank Australia Limited	Α	TD	GENERAL	Annual	22/08/2024	29/08/2029	4.8500	5,000,000.00	5,000,000.00	67,102.74	19,931.51
Rabobank Australia Limited	Α	TD	GENERAL	Annual	29/08/2024	30/08/2029	4.8500	3,000,000.00	3,000,000.00	37,471.23	11,958.90
Rabobank Australia Limited	Α	TD	SEWER	Annual	05/09/2024	06/09/2029	4.8500	4,000,000.00	4,000,000.00	46,241.10	15,945.21
Commonwealth Bank	AA-	CASH	WATER	Monthly	30/11/2024	30/11/2024	4.3000	2,448,330.47	2,448,330.47	35,466.27	35,466.27
Commonwealth Bank	AA-	CASH	SEWER	Monthly	30/11/2024	30/11/2024	4.3000	3,541,440.58	3,541,440.58	12,970.78	12,970.78
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/11/2024	30/11/2024	4.3000	20,347,127.33	20,347,127.33	14,270.17	14,270.17
TOTALS								247,918,596.38	247,926,898.38	3,614,074.65	798,465.34



Portfolio by Asset as at 30/11/2024

Asset Type: CASH

Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Commonwealth Bank	AA-	CASH	WATER	Monthly	30/11/2024	30/11/2024	4.3000	2,448,330.47	2,448,330.47	35,466.27	35,466.27
Commonwealth Bank	AA-	CASH	SEWER	Monthly	30/11/2024	30/11/2024	4.3000	3,541,440.58	3,541,440.58	12,970.78	12,970.78
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/11/2024	30/11/2024	4.3000	20,347,127.33	20,347,127.33	14,270.17	14,270.17
CASH SUBTOTALS								26,336,898.38	26,336,898.38	62,707.22	62,707.22

Asset Type: TD

Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Suncorp Bank	AA-	TD	WATER	Quarterly	21/12/2023	19/12/2024	5.1500	5,000,000.00	5,000,000.00	48,678.08	21,164.38
ING Bank (Australia) Ltd	Α	TD	WATER	At Maturity	14/11/2024	02/01/2025	4.4800	7,000,000.00	7,000,000.00	14,606.03	14,606.03
MyState Bank	BBB	TD	SEWER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	10,642.47	10,642.47
MyState Bank	BBB	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	10,642.47	10,642.47
Australian Unity Bank	BBB+	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.7000	4,000,000.00	4,000,000.00	8,756.16	8,756.16
Westpac	AA-	TD	GENERAL	At Maturity	12/09/2024	16/01/2025	4.9400	2,000,000.00	2,000,000.00	21,654.79	8,120.55
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	21/11/2024	06/02/2025	4.9900	3,500,000.00	3,500,000.00	4,784.93	4,784.93
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	1,000,000.00	1,000,000.00	1,356.16	1,356.16

IMPERIUM MARKETS

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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	500,000.00	500,000.00	678.08	678.08
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,110.30	609.86
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,110.30	609.86
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	206,178.08	21,328.77
ING Bank (Australia) Ltd	А	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	2,067.53	2,067.53
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	36,616.44	12,205.48
Defence Bank	BBB+	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	188,668.49	21,041.10
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	11,615.89	4,052.05
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	11,615.89	4,052.05
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	11,615.89	4,052.05
Defence Bank	BBB+	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	130,060.27	15,123.29
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	23,630.14	10,273.97
ING Bank (Australia) Ltd	Α	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	25,066.30	2,926.03
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	70,002.74	8,235.62
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	52,502.05	6,176.71
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	17,538.36	8,486.30
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	7,516.44	3,636.99



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	SEWER	At Maturity	21/11/2024	10/04/2025	5.0500	4,000,000.00	4,000,000.00	5,534.25	5,534.25
Rabobank Australia Limited	Α	TD	WATER	At Maturity	28/11/2024	01/05/2025	5.0500	1,000,000.00	1,000,000.00	415.07	415.07
Rabobank Australia Limited	Α	TD	GENERAL	At Maturity	28/11/2024	01/05/2025	5.0500	4,000,000.00	4,000,000.00	1,660.27	1,660.27
воо	A-	TD	WATER	Annual	26/04/2024	01/05/2025	5.0000	2,500,000.00	2,500,000.00	75,000.00	10,273.97
JUDO BANK	BBB	TD	WATER	At Maturity	23/05/2024	22/05/2025	5.3000	1,000,000.00	1,000,000.00	27,879.45	4,356.16
JUDO BANK	BBB	TD	SEWER	Annual	23/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	27,879.45	4,356.16
MyState Bank	BBB	TD	SEWER	At Maturity	30/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	26,863.01	4,356.16
MyState Bank	BBB	TD	WATER	Annual	30/05/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	26,863.01	4,356.16
P&N Bank	BBB+	TD	GENERAL	At Maturity	06/06/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	25,846.58	4,356.16
Rabobank Australia Limited	Α	TD	GENERAL	Annual	06/06/2024	12/06/2025	5.3200	1,000,000.00	1,000,000.00	25,944.11	4,372.60
NAB	AA-	TD	WATER	At Maturity	28/06/2024	19/06/2025	5.5000	4,000,000.00	4,000,000.00	94,027.40	18,082.19
NAB	AA-	TD	SEWER	At Maturity	28/06/2024	19/06/2025	5.5000	3,000,000.00	3,000,000.00	70,520.55	13,561.64
Rabobank Australia Limited	Α	TD	WATER	Annual	06/06/2024	19/06/2025	5.3200	1,000,000.00	1,000,000.00	25,944.11	4,372.60
NAB	AA-	TD	GENERAL	At Maturity	04/07/2024	26/06/2025	5.4300	5,000,000.00	5,000,000.00	111,575.34	22,315.07
Rabobank Australia Limited	Α	TD	SEWER	Annual	06/06/2024	26/06/2025	5.3200	1,000,000.00	1,000,000.00	25,944.11	4,372.60
NAB	AA-	TD	SEWER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	111,986.30	22,397.26
NAB	AA-	TD	WATER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	111,986.30	22,397.26
Rabobank Australia	Α	TD	GENERAL	Annual	01/07/2024	03/07/2025	5.4600	5,000,000.00	5,000,000.00	114,435.62	22,438.36



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Limited											
Rabobank Australia Limited	Α	TD	WATER	At Maturity	18/07/2024	17/07/2025	5.3300	2,000,000.00	2,000,000.00	39,719.45	8,761.64
NAB	AA-	TD	WATER	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	42,312.33	8,876.71
NAB	AA-	TD	GENERAL	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	42,312.33	8,876.71
NAB	AA-	TD	GENERAL	At Maturity	25/07/2024	24/07/2025	5.3500	3,000,000.00	3,000,000.00	56,724.66	13,191.78
Rabobank Australia Limited	Α	TD	GENERAL	Annual	18/07/2024	24/07/2025	5.3300	3,000,000.00	3,000,000.00	59,579.18	13,142.47
NAB	AA-	TD	SEWER	At Maturity	18/07/2024	31/07/2025	5.3000	3,000,000.00	3,000,000.00	59,243.84	13,068.49
NAB	AA-	TD	SEWER	At Maturity	25/07/2024	31/07/2025	5.3500	2,000,000.00	2,000,000.00	37,816.44	8,794.52
NAB	AA-	TD	GENERAL	Annual	02/08/2024	07/08/2025	5.0500	2,000,000.00	2,000,000.00	33,482.19	8,301.37
NAB	AA-	TD	GENERAL	Annual	02/08/2024	14/08/2025	5.2000	2,000,000.00	2,000,000.00	34,476.71	8,547.95
NAB	AA-	TD	WATER	Annual	02/08/2024	28/08/2025	5.2000	2,000,000.00	2,000,000.00	34,476.71	8,547.95
Defence Bank	BBB+	TD	SEWER	At Maturity	28/11/2024	04/09/2025	5.1000	2,000,000.00	2,000,000.00	838.36	838.36
Defence Bank	BBB+	TD	GENERAL	At Maturity	28/11/2024	04/09/2025	5.1000	3,000,000.00	3,000,000.00	1,257.53	1,257.53
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	637.81	637.81
ING Bank (Australia) Ltd	Α	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	226,306.85	19,232.88
ING Bank (Australia) Ltd	Α	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	125,726.03	10,684.93
ING Bank (Australia) Ltd	Α	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	150,871.23	12,821.92
ING Bank (Australia) Ltd	А	TD	WATER	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	48,931.51	19,315.07



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ING Bank (Australia) Ltd	Α	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	168,544.66	14,613.70
ING Bank (Australia) Ltd	Α	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	132,493.15	12,230.14
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	1,178.08	1,178.08
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	1,178.08	1,178.08
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	1,178.08	1,178.08
Rabobank Australia Limited	Α	TD	GENERAL	Annual	05/09/2024	05/03/2026	4.9200	4,000,000.00	4,000,000.00	46,908.49	16,175.34
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	4,339.73	1,479.45
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	2,893.15	986.30
P&N Bank	BBB+	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	48,931.51	19,315.07
P&N Bank	BBB+	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	15,123.29	9,452.05
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	1,658.08	1,463.01
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	1,658.08	1,463.01
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	3,316.16	2,926.03
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	7,461.37	6,583.56
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	4,931.51	1,643.84
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	9,863.01	3,287.67
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	9,863.01	3,287.67
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	4,906.30	3,978.08



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Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	1,287.67	1,287.67
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	19,309.22	5,363.67
Rabobank Australia Limited	Α	TD	GENERAL	Annual	22/08/2024	29/08/2029	4.8500	5,000,000.00	5,000,000.00	67,102.74	19,931.51
Rabobank Australia Limited	А	TD	GENERAL	Annual	29/08/2024	30/08/2029	4.8500	3,000,000.00	3,000,000.00	37,471.23	11,958.90
Rabobank Australia Limited	Α	TD	SEWER	Annual	05/09/2024	06/09/2029	4.8500	4,000,000.00	4,000,000.00	46,241.10	15,945.21
TD SUBTOTALS								212,290,000.00	212,290,000.00	3,465,570.09	701,407.10

Asset Type: FRN

Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Newcastle Greater Mutual Group Ltd	BBB+	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.5411	350,120.05	350,000.00	1,434.61	1,434.61
Newcastle Greater Mutual Group Ltd	BBB+	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.5411	350,120.05	350,000.00	1,434.61	1,434.61
AMP Bank	BBB+	FRN	SEWER	Quarterly	13/09/2024	13/09/2027	5.6945	3,407,153.60	3,400,000.00	41,905.28	15,913.40
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4941	1,514,755.50	1,500,000.00	13,998.67	6,773.55
ING Bank (Australia) Ltd	А	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.4400	1,806,035.40	1,800,000.00	2,951.01	2,951.01
FRN SUBTOTALS								7,428,184.60	7,400,000.00	61,724.19	28,507.19



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Asset Type: BOND

Issuer	Rating	Туре	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	433,672.20	450,000.00	3,468.08	1,072.60
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	433,672.20	450,000.00	3,468.08	1,072.60
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	996,169.00	1,000,000.00	17,136.99	3,698.63
BOND SUBTOTALS								1,863,513.40	1,900,000.00	24,073.15	5,843.84





Portfolio by Asset Totals as at 30/11/2024

Туре	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
CASH	26,336,898.38	26,336,898.38	62,707.22	62,707.22
TD	212,290,000.00	212,290,000.00	3,465,570.09	701,407.10
FRN	7,428,184.60	7,400,000.00	61,724.19	28,507.19
BOND	1,863,513.40	1,900,000.00	24,073.15	5,843.84
TOTALS	247,918,596.38	247,926,898.38	3,614,074.65	798,465.34





Counterparty Compliance as at 30/11/2024

Long Term Investments

IMPERIUM MARKETS

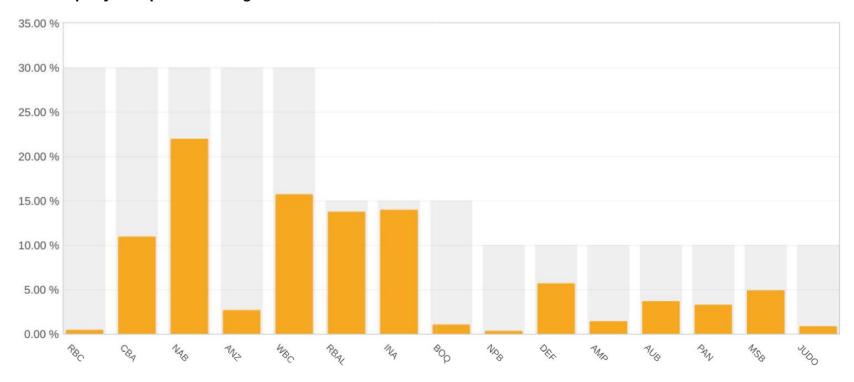
Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
4	Royal Bank of Canada	Long	AA-	996,169.00	0.40	30.00	-	73,379,409.91
*	Commonwealth Bank	Long	AA-	27,036,898.38	10.91	30.00	-	47,338,680.53
~	NAB	Long	AA-	54,367,344.40	21.93	30.00		20,008,234.51
*	ANZ Bank	Long	AA-	6,514,755.50	2.63	30.00		67,860,823.41
4	Westpac	Long	AA-	38,840,000.00	15.67	30.00	-	35,535,578.91
*	Rabobank Australia Limited	Long	Α	34,000,000.00	13.71	15.00		3,187,789.46
4	ING Bank (Australia) Ltd	Long	Α	34,556,035.40	13.94	15.00		2,631,754.06
*	воо	Long	A-	2,500,000.00	1.01	15.00	-	34,687,789.46
~	Newcastle Permanent	Long	BBB+	700,240.10	0.28	10.00		24,091,619.54
*	Defence Bank	Long	BBB+	14,000,000.00	5.65	10.00		10,791,859.64
•	AMP Bank	Long	BBB+	3,407,153.60	1.37	10.00	-	21,384,706.04
•	Australian Unity Bank	Long	BBB+	9,000,000.00	3.63	10.00		15,791,859.64
~	P&N Bank	Long	BBB+	8,000,000.00	3.23	10.00	-	16,791,859.64
~	MyState Bank	Long	BBB	12,000,000.00	4.84	10.00	-	12,791,859.64



Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
4	JUDO	Long	BBB	2,000,000.00	0.81	10.00	*	22,791,859.64
TOTALS				247,918,596.38	100.00			



Counterparty Compliance - Long Term Investments





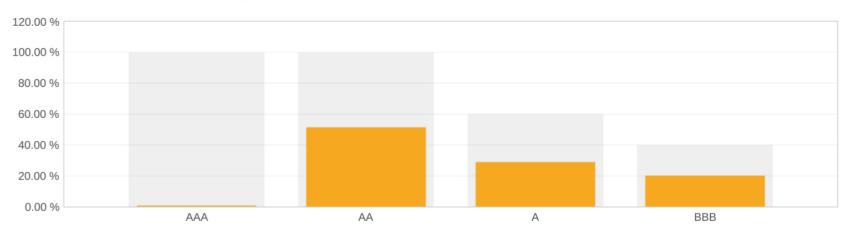


Credit Quality Compliance as at 30/11/2024

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
~	AAA	996,169.00	0.40	100.00	246,922,427.38
✓	AA	126,758,998.28	51.13	100.00	121,159,598.10
~	А	71,056,035.40	28.66	60.00	77,695,122.43
*	BBB	49,107,393.70	19.81	40.00	50,060,044.85
TOTALS		247,918,596.38	100.00		

Credit Quality Compliance - Long Term Investments





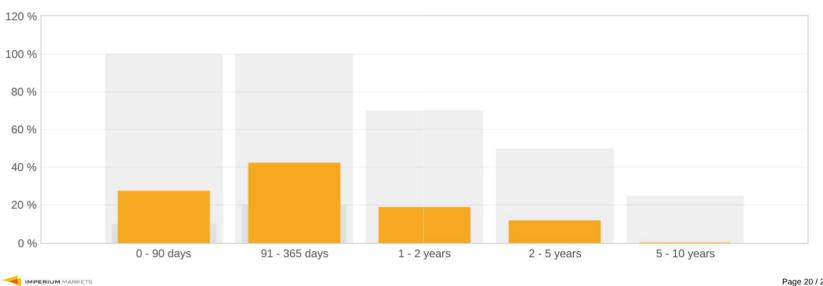


17 DECEMBER 2024

Maturity Compliance as at 30/11/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
~	0 - 90 days	67,987,138.48	27.42	10.00	100.00	179,931,457.90
*	91 - 365 days	104,500,000.00	42.15	20.00	100.00	143,418,596.38
✓	1 - 2 years	46,500,000.00	18.76	0.00	70.00	127,043,017.47
~	2 - 5 years	28,931,457.90	11.67	0.00	50.00	95,027,840.29
✓ 5 - 10 years		-	0.00	0.00	25.00	61,979,649.10
TOTALS		247,918,596.38	100.00			

Maturity Compliance



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COUNCIL MEETING 17 DECEMBER 2024

5.7 ELECTRIC VEHICLE CHARGING FEES - POST EXHIBITION

RECORD NUMBER: 2024/1916

AUTHOR: Eli Todman, Sustainability Officer

EXECUTIVE SUMMARY

Council successfully obtained three grants to subsidise the installation costs of electric vehicle charging stations, which will be installed later in 2024. There are operating costs associated with these electric vehicle charging stations. This report considers projected costs based on current market conditions and proposes to pass these onto the users. Charging technology must be identified in Councils Fees and Charges Policy. This requires exhibition of a proposed new fee. Exhibition was undertaken from 24 October 2024 – 22 November 2024. No submissions were received. It is recommended that Council now adopt the fees.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "8.2. Ensure best practice use of renewable energy options for Council and community projects".

FINANCIAL IMPLICATIONS

The proposed fee adjustments have not been allocated in the current budget.

POLICY AND GOVERNANCE IMPLICATIONS

Being a proposed fee that is not in Council's adopted Fees and Charges, it is required to be placed on public exhibition for 28 days in accordance with s610f of the Local Government Act 1993.

RECOMMENDATION

That Council adopt the Car Parking – Electric Vehicle Charge Stations (Council operated) fee for Council operated electric vehicle charging stations of \$0.47/kWh for 7kW chargers and \$0.50/kWh for 22kW chargers.

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

At its Meeting of 6 August 2024, Council resolved to place Car Parking — Electric Vehicle Charge Station (Council operated) fees on exhibition for public comment. The exhibition period was undertaken from 24 October 2024 to 22 November 2024. No submissions were received. It is recommended by staff that Council adopt the following fee for use of electric vehicle charging stations operated by Orange City Council:

5.7 Electric Vehicle Charging Fees - Post Exhibition

Car Parking – Electric Vehicle Charge Stations (Council operate	d) fee:
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Fee Name	Existing fee Ex GST	Proposed fee Ex GST	Justification
Electric Vehicle Charge Stations (Council operated) – 7kW	Not included in Fees & Charges	\$0.47/kWh	As outlined below
Electric Vehicle Charge Stations (Council operated) – 22kW	Not included in Fees & Charges	\$0.50/kWh	As outlined below

Additional Information provided to Council at its meeting of 6 August 2024

In March 2024, Council was successful in three applications under Round 2 of the NSW Government Destination Chargers Grant. The grant provides funding for the following costs associated with electric vehicle (EV) charging:

- 75% towards the initial purchase cost of eligible 7kW and 22kW EV charges from the approved charger hardware list
- 75% towards the cost of EV charger installation (capped at \$3,000 per port)
- 75% towards the cost of the first year of an eligible annual software subscription, per port, from the grant's approved EV charger software list

Remaining installation costs will be funded by the existing renewables budget.

It is significant to mention that the funding is only available for Level 2 / Mode 3 chargers, which are a cost-effective solution but charge vehicles at a slower rate. The existing NRMA and Tesla chargers in Orange are Level 3 / Mode 4, which charge at faster rates but require extensive capital expenditure. Figure 1 provides an overview of the different EV chargers currently in Australia.

Figure 1: Electric Vehicle Charger Types

Level 1 / Mode 2

Existing power point (10-15 Amp, single phase), used in combination with a specialised cable which is typically supplied with the vehicle.

Typically used in standalone domestic homes.

This method will add between 10 and 20km of range per hour plugged in.

It will top up daily use, but will not fully recharge a typical pure electric vehicle overnight.

Level 2 / Mode 3

A dedicated AC EV charger at up to 22kW (32 Amp. 3-phase).

Typically installed in homes, apartment complexes, workplaces, shopping centres, hotels, etc – anywhere the vehicle will be parked for a while

This method will add 40 to 100km of range per hour of charging depending on the vehicle.

It will top up average daily vehicle use in an hour, or deliver a full recharge overnight.

Level 3 / Mode 4

A dedicated DC EV charger at power levels from 25kW to 350kW (40 – 500 Amp, three phase)

Typically used in commercial premises and road-side locations to provide for faster recharging than Level 1 and 2 can achieve.

At the lower end, this method will add up to 150km of range per hour plugged in

At the upper end, this method can fully recharge some electric vehicles in 10 to 15 minutes.

With Government funding, five (5) electric vehicle charging units will be purchased and installed at the following sites:

- Library / Civic car park
- Orange Botanic Gardens
- Orange Aquatic Centre

The sites were strategically selected to accommodate for the increase in demand (highlighted by the success of the NRMA charger in the Civic car park) and further encourage visitors to the precincts. The size and amount of chargers varied dependent on parking demand and the electrical capacity of each site.

Orange Visitor Information Centre (Library car park)

This site will see the installation of two dual port 7kW chargers.



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Orange Botanic Gardens

This site will see the installation of two dual port 7kW chargers.





Orange Aquatic Centre

This site will see the installation of one single port 22kW charger.





Operation Costs

The total annual operating cost for the EV chargers is projected to be \$8,870. As Orange City Council presently does not operate any EV chargers, the operational costs were estimated based on data from other regional and metropolitan councils. These estimates considered average session times, energy consumption, energy prices, maintenance, software expenses, and the number of sessions per charger per year. A more precise understanding of the associated costs will be gained after an extended period of public use. Table 1 delineates the costs for the EV charger locations, with energy expenses varying depending on factors such as network tariffs. It is critical to note that energy expenses were averaged for each site, with time of use not factored into calculations as site charging patterns are unknown at this stage.

Table 1: Orange City Council Projected Electric Vehicle Charger Costs.

Site	Chargers	Annual electricity cost	Annual maintenance	Annual software	Estimated annual total costs			
Orange Visitor Information Centre	Visitor nformation Centre 2 x dual port 7kW \$2,100 Centre 2 x dual port 7kW \$1,600		\$200	\$1,120	\$3,420			
Orange Botanic Gardens			\$200	\$1,120	\$2,920			
Orange Aquatic Centre 1 x single port 22kW		\$2,050	\$2,050 \$200		\$2,530			
	Total							

In order to completely recover projected operation costs, each site would need to set a minimum fee of:

- Orange Visitor Information Centre: \$0.47/kWh (ex. GST)
- Orange Botanic Gardens: \$0.41/kWh (ex. GST)
- Orange Aquatic Centre: \$0.32/kWh (ex. GST)

Fees vary dependent on factors such as network tariffs and charger sizes.

Implementing the fee for use is feasible through the EV charger software subscription. Sufficient and clear signage will be provided to ensure users understand parking regulations.

Locally, the City of Orange currently has several EV chargers that are operated by private providers. Table 2 provides information on these sites sourced from the online map, PlugShare (June 2024).

Table 2: Electric Vehicle Chargers in Orange

Charger Location	Charger Size (kW)	Price (cents per kWh, GST inc.)	Average time to recharge vehicle	Cost to fully charge vehicle
Orange Visitor Information Centre (Council)	7 (x4)	52*	11hrs 30mins	\$42
Orange Botanic Gardens (Council)	7 (x4)	52*	11hrs 30mins	\$42
Orange Aquatic Centre (Council)	22	56*	3hrs 40 mins	\$45

Charger Location	Charger Size (kW)	Price (cents per kWh, GST inc.)	Average time to recharge vehicle	Cost to fully charge vehicle
Orange Civic Centre (NRMA)	50	60	1hr 36mins	\$48
The Village on Summer Street (Tesla)	250 (x6)	85	19mins	\$68
Waratah Sports Club	22 (x2) 85		3hrs 40mins	\$68
Town Square Motel & Metropolitan	22 (x2)	\$25 per session	3hrs 40mins	\$25
The Remington Orange	7 (x6)	Free for guests	11hrs 30mins	Free
Quest Orange	22 (x2)	\$35 per session	3hrs 40mins	\$35
Nile Street Café	7	Free for customers	11hrs 30mins	Free

^{*}Based on the fee recommended by staff.

It should be noted the calculations in Table 2 are based on an average EV battery of 80kWh and do not consider the rate of charge capacity of vehicles or slow charging rates to prevent battery damage.

Future EV charging station locations will further consider if there is battery energy storage available on site, such as Wade Park, which would reduce operation costs and better utilise available energy.

In line with other EV chargers in Orange and to recover operation costs, it is recommended by staff that Council apply a fee of \$0.47/kWh (ex GST.) for 7kW chargers and \$0.50/kWh (ex GST.) for 22kW chargers.

COUNCIL MEETING 17 DECEMBER 2024

5.8 ECONOMIC DEVELOPMENT STRATEGY

RECORD NUMBER: 2024/1844

AUTHOR: Chris Rawlins, Manager Economic Development

EXECUTIVE SUMMARY

A new Economic Development Strategy ('the Strategy') has been developed to establish a framework to guide Council's activity in this area for the next 8 years. The Strategy outlines a vision for Orange, and the goals and prioritise to support this vision. An Economic Development Strategy is an important price of our strategic architecture, as it outlines our goals for the economy, our priority industries, and can be used to advocate for funding for government and to attract targeted investment for our city. The role of Council in this strategy is to facilitate collaborative networks, advocate for funding support and infrastructure development, and implementing transparent procurement policies to drive community benefit.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "13.1. Attract and grow strategic investment".

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That Council resolves:

- 1 To note the completion of the extensive engagement process on the Economic Development Strategy.
- 2 To endorse the Economic Development Strategy.

SUPPORTING INFORMATION

The development of the Strategy began in late 2023. In early 2024, consultations were conducted with the local business community, staff from the Orange City Council, and the wider Orange community to gather insights that would shape the objectives and priorities of the strategy. The strategic plan was formulated based on the input received during these sessions, aiming to achieve short-term goals (leveraging existing strengths and enhancing performance), medium-term goals (supporting emerging opportunities and diversification), and long-term goals (creating new economic opportunities). A draft Strategy was presented to the Economic Development Community Committee in June 2024.

The strategy has a vision for Orange to be NSW's leading inland economy by 2023, and is structured around three strategic pillars:

- 1. Championing regional collaboration
- 2. Enhancing depth within priority industries
- 3. Prioritising equitable growth and community capacity

The priority industries identified through this process include Healthcare and Social Assistance, Education, Tourism and Visitor Economy, Resources and Renewables, Value-Added Agriculture,

COUNCIL MEETING 17 DECEMBER 2024

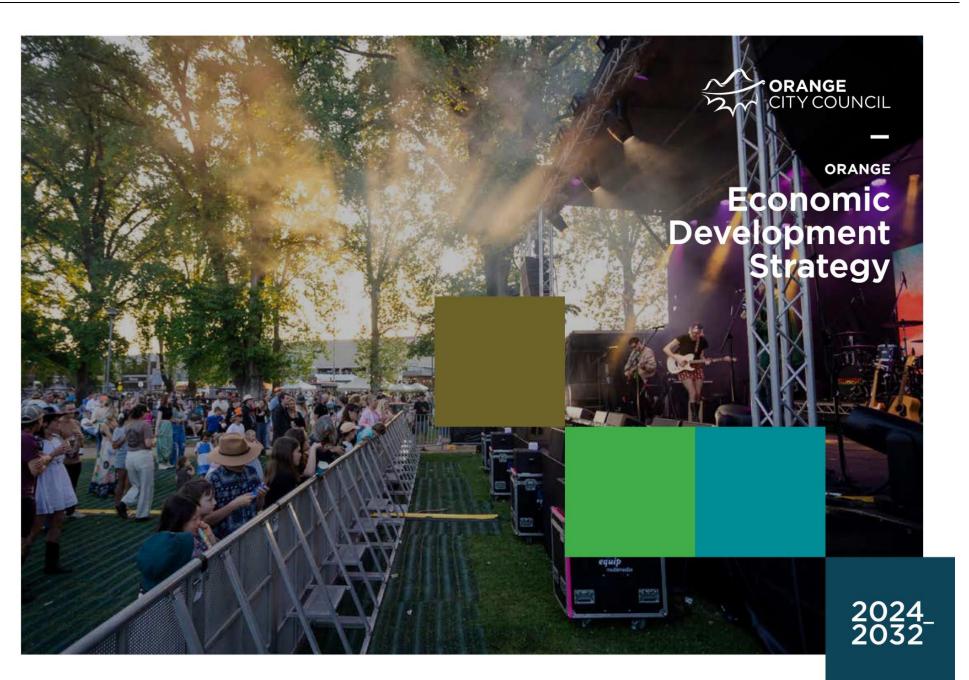
5.8 Economic Development Strategy

Public Administration, Manufacturing, and Construction. A set of economic indicators will be used to monitor and assess the effectiveness of the strategy, including net business growth, unemployment rate, housing affordability, economic diversity, gross regional product growth rate, and working-age population.

ATTACHMENTS

1 Orange Economic Development Strategy, D24/137881

COUNCIL MEETING

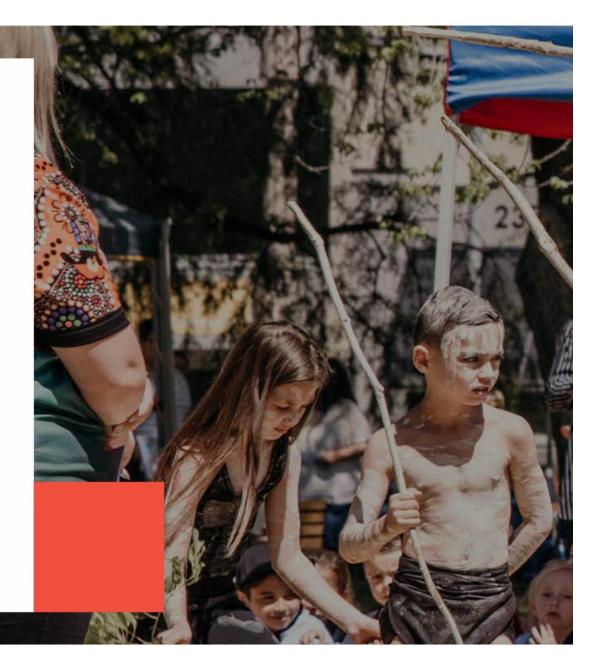


COUNCIL MEETING

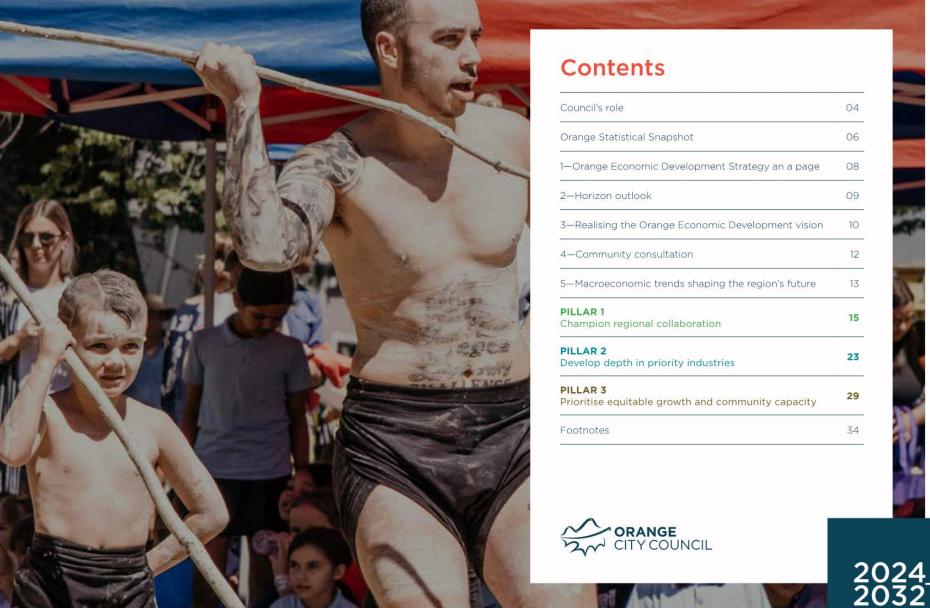
Acknowledgement of Country

Orange City Council is situated within the traditional lands of the Wiradjuri Nation.

We acknowledge the traditional custodianship of these lands, and pay our respect to the Wiradjuri people for their care and stewardship of these lands for more than 40,000 years and to the Elders of the Wiradjuri Nation, past, present and emerging.



ORANGE CITY COUNCIL



COUNCIL MEETING

ORANGE ECONOMIC DEVELOPMENT STRATEGY

Council's role

Local Government has a direct impact on economic activity through planning, infrastructure, service delivery functions and procurement practices. It also influences the economic environment through the creation of vibrant and liveable communities, and by enabling partnerships and networks within the Local Government Area (LGA) and the wider region.

Orange City Council's participation in the economic development process is to:

PROVIDE

Council is a major employer within the Orange region, with direct employment of council staff and indirect employment procuring services from a range of businesses. Direct expenditure is a tool Council can use to influence supply chains and boost local business confidence. Procurement can also be used to influence the types of businesses delivering services within the LGA.

ADVOCATE

Council acts as an advocate for the Orange community to higher levels of government for funding support, grants, and infrastructure delivery, that will provide long term benefit to the Orange community.

FACILITATE

Council acts as conduit for collaboration, able to facilitate local connections and coordinate regional partnerships.



Orange City Council Community Strategic Plan (CSP)



Regional Economic Development Strategy



Economic Development Community Engagement



Orange Economic Development Strategy

ORANGE CITY COUNCIL



Orange Economic Development Strategy Attachment 1

ORANGE ECONOMIC DEVELOPMENT STRATEGY

Orange Statistical Snapshot'

KEY

COUNCIL MEETING

- A Data shows a higher result which is positive
- Data shows a lower result which is positive
- Data shows a higher result which is negative
- V Data shows a lower result which is negative
- Data shows result isn't positive or negative
- V Data shows result isn't positive or negative

CATEGORIES

- City The city of Orange which is calculated by using the Orange Significant Urban Area (less the rural land).
- LGA The Orange Local Government Area.
- OCB The Orange, Cabonne and Blayney Local Government Areas combined. This area is termed a Functional Economic Region.
- CWNSWJO Central NSW Joint Organisation area. This is made up of the LGAs of Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Oberon, Orange, Parkes and Weddin Councils.
- · Rest of NSW All the LGAs in NSW outside of the Greater Sydney area.
- · NSW All of NSW.

ORANGE AT A GLANCE

- Orange LGA Population 44.244 ABS 2023
- 37 average age
- \$1,023 median weekly income
- 1.6% unemployment rate
- \$530,000 average house price

ECONOMY & RETAIL DATA



GROSS REGIONAL PRODUCT

\$4B

OCB \$6B **CNSW** \$16B

ANNUAL RETAIL AND SERVICES SPEND IN ORANGE LGA

Year ending 30/9/24

\$1,288B

 $(\triangle$24.8M on previous year)$

OUR LABOUR MARKET



UNEMPLOYMENT RATE

V0.2% compared to June 23

OCB 1.3% (V0.2%) CNSW 1.6% (0.3%) NSW 3.9% (**1**.0%)

SALM JUNE QTR 2024

LABOUR FORCE

25,701

\$\int_{2.221}\$ compared to June 23

OCB 38,480 (**A**3,419) **CNSW** 103,351 (**A**9,075) NSW 4.582,200 (**1**33,180)

SALM JUNE QTR 2024

NUMBER OF JOBS

33,589

OCB 50.832 **CNSW** 123,450 Rest of NSW 2.06M **NSW** 6.22M

ABS 2020

ABS 2020

TOTAL NUMBER OF BUSINESSES

3,745

OCB 6.554 **CNSW** 16.534

ABS 30 JUNE 2022

ABS 30 JUNE 2022

NUMBER OF PEOPLE FROM OUTSIDE THE ORANGE LGA **WORKING IN ORANGE**

5,305

1,406 since 2016

2021 CENSUS

KEY SOURCE OF WORKERS FOR ORANGE LGA

Cabonne - 2,410 persons Blayney - 996 persons Bathurst - 818 persons **Dubbo -** 135 persons Cowra - 97 persons

2021 CENSUS

NUMBER OF PEOPLE FROM THE ORANGE LGA **WORKING OUTSIDE THE ORANGE LGA**

2,797

204 since 2016

2021 CENSUS

LOCATIONS OF ORANGE WORKERS EMPLOYED IN OTHER LGAS

Cabonne - 673 persons Blayney - 609 persons Bathurst - 514 persons **Dubbo -** 70 persons Parkes - 54 persons

2021 CENSUS

LARGEST INDUSTRIES BY EMPLOYMENT

- 1. HEALTHCARE
- 2. RETAIL
- 3. EDUCATION
- 4. CONSTRUCTION
- 5. PUBLIC ADMIN

2021 CENSUS



POPULATION

LGA 44.244 (**△**0.6%) **OCB** 65,768 (**△**0.6%) **CNSW** 182,682 (**△**0.3%) **NSW** 8,342,285 (**^**2.1%)

AS AT 30.6.2023 ABS

2021 CENSUS

NUMBER OF FAMILIES

CITY 10,728 **LGA** 11,184 **OCB** 16,949 **CNSW** 41,558 **Rest of NSW** 755.789 NSW 2.135.964

2021 CENSUS

NUMBER OF HOUSEHOLDS

CITY 15,616 **LGA** 16,180 **OCB** 23.860 **CNSW** 59.572 **REST OF NSW** 1,071,609 NSW 2,900,468

2021 CENSUS

% OF POPULATION WHO ARE INDIGENOUS **AUSTRALIANS**

7.7%

OCB 6.9% **CNSW** 8.9% Rest of NSW 6.6% **NSW** 3.4%

2021 CENSUS

AVERAGE HOUSEHOLD INCOME

\$106,538

WORKING AGE POPULATION (AGED 15-64 YEARS)

60.1%

CNSW 59.5% Rest of NSW 64.2% **AUST** 64.6%

AS AT 30.6.2022 ABS

CHILDCARE **ACCESSIBILITY**

(Childcare places per child) (0 = BAD, 1 = GOOD)

ORANGE 0.57 ORANGE SURROUNDS (BLAYNEY & CABONNE) 0.18 **NSW** 0.43

MITCHELL INSTITUTE 2024

EVENTS

ORANGE CITY COUNCIL **ECONOMIC DEVELOPMENT LED EVENTS** 142

OUR URBAN ENVIRONMENT



TOTAL LAND AREA

City 12,432 ha **LGA** 28,422 ha

PER PERSON= City 293.6M² LGA 647.37M²

CURRENT AT JUNE 2023

SOCIO-ECONOMIC AVERAGE INDEX RANKING (1=LOWEST)

77

CNSW 56

TOTAL LENGTH OF ROADS (KM)

PER CAPITA=12M

OCB 3192km/49M **CNSW** 15,910.3/99M

NSW OLG 2020-21

HOUSING



HOME OWNERSHIP

OWNED 30.8% **PURCHASING** 33.7% **RENTING** 32.6%

2021 CENSUS

MEDIAN MONTHLY MORTAGE PAYMENT

\$1,700

CNSW \$1,375 **Rest of NSW** \$1.733 NSW \$2,167

2021 CENSUS

MEDIAN SALES PRICE

HOUSE \$690,000 (0.5% in 12 months)

UNIT \$470,000 (\sqrt{5.5\% in 12 months})

OCTOBER 2024

2021 CENSUS

MEDIAN RENTAL YEILD

HOUSES 4.3%

UNITS 5.1%

OCTOBER 2024

Attachment 1

1—ORANGE ECONOMIC DEVELOPMENT STRATEGY ON A PAGE

OUR VISION

To be NSW's leading economy by 2032



Strategic Objectives

- 11) INFRASTRUCTURE: Drive alignment between economic development priorities with enabling infrastructure—tourism, housing, water security and transport.
- 122 INVEST: Invigorate the regional value proposition that makes Orange an attractive place to invest.
- 1.3 SUPPLY CHAIN: Enhance regional supply chains to support regional circularity, and collaboration within industry clusters.

Outcomes

Evolving the collaborative LGA relationships promotes the region as a desirable place to live, work and play.

Orange will benefit from integrated infrastructure planning to support sustainable economic growth enabled by a fluid movement of people, goods and services.



PILLAR 2 Develop depth in priority industries

Strategic Objectives

- 21) SMALL AND MEDIUM BUSINESS: Foster an environment for small and medium business to thrive and support local industry innovation.
- LARGE BUSINESS: Attract new enterprises that diversify offering within our priority industries to increase economic resilience.
- TOURISM: Supercharge tourism and events, creating a vibrant city and an iconic destination.

Outcomes

Attract and support Orange industry growth to strengthen economic diversity and resilience.

Generate abundant economic opportunities for the community.



PILLAR 3

Prioritise equitable growth and community capacity

Strategic Objectives

- **ADVOCACY:** Implement and advocate for services and resources to build and support economic resilience.
- **PARTNERSHIPS:** Foster deep and long-term community partnerships and engagement.
- **3.3 WORKFORCE:** Attract and retain a skilled workforce that support and enable our growth industries.

Outcomes

Orange's economy is resilient across the economic and climactic cycle and balances economic outcomes across the community.

Advocate and implement strategies to increase local housing affordability, supply and social infrastructure to attract investment and workforce to Orange.

Enablers

- Continue to build strong relationships with neighbouring LGA's and Industry partners.
- · Build strategic relationships with all tiers of Government.
- Drive better alignment between business community requirements and policies (i.e. Community Strategic Plan, spatial planning, housing strategy).

Our Planning Horizons

Horizon 1-to Dec 2025 • Horizon 2-to Dec 2028 • Horizon 3-to Dec 2032

Our Priority industries Healthcare and social assistance, education, tourism and visitor economy, resources and renewables, value-add agriculture, public administration, manufacturing and construction.

Our Lead KPIs Net business growth, Unemployment rate, affordability, economic diversity, GRP growth rate (%), working age population.

Additional measures Business satisfaction, business confidence.

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COUNCIL MEETING 17 DECEMBER 2024



3—REALISING THE ORANGE ECONOMIC DEVELOPMENT VISION

Key economic indicators will be used to monitor, evaluate and learn from our strategic objectives and ensure we are on track to become NSW's leading inland economy, to create a better life for Orange residents.



PILLAR 1 Champion regional collaboration



PILLAR 2 Develop depth in priority industries

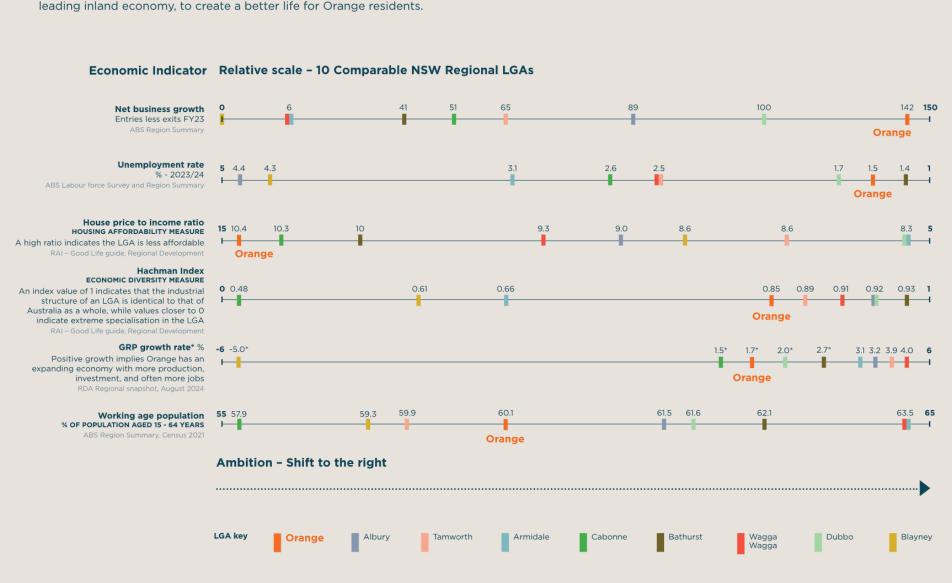


Prioritise equitable growth and community capacity

	ECONOMIC INDICATOR	DESCRIPTION	11	1.2	13	2.1	2.2	2.3	3.1	3.2	3.3
	Net business growth	Gross new business entries less exits. Indicates how conducive the economy is to support the business community.	✓	✓	✓	1	✓	✓	/	✓	✓
10	Unemployment rate	Insight into matching workforce to jobs, economic health by job growth and productivity and social and economic stability.	✓			1	✓				✓
	House price to income ratio (Average)	Housing affordability indicator based on the ratio of the median dwelling price to the estimated median local income.	✓			1	✓				✓
	The Hachman Index	Economic Diversity indicator shows the diversity of the industry mix in the respective LGA relative to the industry mix for Australia as a whole.	✓	✓	✓	1	✓	✓	/	✓	✓
	GRP growth rate (%)	Indicates regional economic health and performance shows how fast the Orange regional economy is growing.	✓	✓	✓	1	✓	✓	/	✓	✓
	Working age (%)	Show size of potential workforce (15-64yrs) within the region to support industry and services.				1	✓	✓	✓		✓

3-REALISING THE ORANGE ECONOMIC DEVELOPMENT VISION

Key economic indicators will be used to monitor, evaluate and learn from our strategic objectives and ensure we are on track to become NSW's leading inland economy, to create a better life for Orange residents.



4-COMMUNITY CONSULTATION

Community engagement is a critical component of our primary research, involving collaboration with the local business community, Orange City Council staff, and the broader Orange community. Industry and community consultation was undertaken in early 2024 to inform the development of the Orange Economic Development Strategy ('the Strategy'). 111 stakeholders from the local and business communities and Council staff were engaged across multiple forums which included a 2 hour targeted online stakeholder workshop, 3x 2 hour in-person workshops and an online survey.



Strengths

- · Natural environment
- Established mining support services and manufacturing
- Proximity to renowned viticulture and agriculture producers
- · Strong volunteering culture
- · Health and education infrastructure
- · Transport network and infrastructure



Weaknesses

- Affordability
- Housing shortage
- · Lack of community and visitor diversity
- Two-speed economy
- · Lack of CBD activation
- · Limited cultural and retail offering
- Lack of access to services and local infrastructure
- Ageing workforce and the ability to attract and retain a skilled workforce



Opportunities

- Health, education and public administration
- · Local and artisan makers and producers
- Orange Regional Sporting Precinct and parklands
- Mining support services and manufacturing
- The tourist experience and local retail offer
- Land management and potential to rezone



Threats

- Housing affordability, availability and supply
- Vulnerability to climate and economic shocks
- Water supply
- Ability to attract and retain skilled workforce
- Retention of existing and attraction of new small and medium businesses and workforce
- Mining (reliance and activity itself)

12

The role our community expects us to fulfill



NSW Government

Sets policy direction and leadership



Orange City Council

Promoting local character and key economic assets



Major industries and employers

Providing local employment opportunities and direct services



Local business and business groups

Promoting local character and key economic assets





5-MACROECONOMIC TRENDS SHAPING THE REGION'S FUTURE

Macro trends related to climate and migration have played a significant role in the Orange, Blayney and Cabonne region since 2018, and are likely to continue to have a strong influence on its future. With a growing population of remote workers, the impacts of successive natural disasters, and the shift towards net zero, the region faces both opportunities and risks associated with these trends.

TREND		OPPORTUNITIES AND RISKS
Digital transformation	The COVID-19 pandemic accelerated the digital economy in Australia, with increased uptake of remote working arrangements, telehealth and online services such as education.¹ Migration to the Orange region increases demand for efficient telecommunications that can support business growth and secure and attract innovative industries and required workforce. Sustained investment is needed to continue to improve digital infrastructure quality and coverage across the region.	Remote working and digital service provision can help enable access to a skilled workforce and expand small and medium business capacity and opportunity. Enhancing digital connectivity can support emerging industry opportunities and enable innovation in engine industries such as manufacturing.
Changing migration patterns	Many parts of regional NSW have experienced above average rates of population growth in recent years, catalysed by COVID-19 related migration. This is evident in the population shift in 2020-21, with regional NSW gaining an additional 26,800 residents while Sydney declined by 5,200.2 Given the increased ability to work remotely, population growth does not necessarily lead to significant increases in local workforce supply. Stakeholders involved in the development of the Orange, Blayney and Cabonne Regional Economic Development Strategy (REDS) noted that local jobs are being filled and created, but the need to attract workers and skills to support growth in a range of sectors remains, in particular within emerging knowledge-based sectors.	Accelerated population growth has put additional pressures on housing availability and affordability. Higher population also creates greater demand for services, particularly in the health, education sectors and community services, which are already facing significant workforce challenges. There is also a shift in workplace expectations to try and get the workforce back to the office. We are now starting to observe the migration shift as a result of the pandemic being reversed.
Towards Net Zero	Diversification in the energy sector presents potential future economic development opportunities for the region. Alongside existing renewable energy generation sites including the Manildra Solar Farm and Blayney Wind Farm, the Flyers Creek Wind Farm has capacity to generate approximately 450 gigawatt hours of electricity per year, equivalent to powering more than 80,000 Australian households, avoiding over 333,000 tonnes of carbon emissions per year. ³	The increased role of renewable energy generation sector presents potential supply chain opportunities for local industry. Stakeholder consultation revealed strong support for exploring supply chain opportunities in renewable energy but highlighted a lack of available industrial land as a potential inhibitor to fully capitalising on this opportunity.
	The region has experienced a succession of extreme climate events since 2018, including drought, bushfires and floods. Climate events have had significant and	Rising uncertainty presents an opportunity to support improvement in domestic



Rising uncertainty

ongoing impacts on local infrastructure and local industry.

As the frequency and intensity of these events is anticipated to increase in coming years, there is a need to enhance climate resilience within industry and the community, with stakeholders highlighting this as a priority across all parts of the Orange, Blayney and Cabonne region.

supply chain resilience in sectors such as agriculture and energy.

Rising uncertainty places upward pressure on inflation, driving up input costs and creating additional challenges for major projects.

On the other side of this, uncertainty caused by global geopolitical tensions can increase revenue, such as in the agriculture sector.

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17 DECEMBER 2024







PILLAR 1 Champion regional collaboration

Enhancing the existing relationships with adjacent Local Government Areas (LGAs) positions the region as an attractive destination for residents, professionals, and visitors.

potential to draw investment, fostering sustainable growth through the fluid movement of people, goods, and services.

Furthermore, comprehensive infrastructure planning will not only attract additional investment but also promote sustainable economic development, leading to increased employment opportunities across various sectors and services.



STRATEGIC OBJECTIVE

Drive better alignment between economic development priorities with enabling infrastructure tourism, housing, water security and transport.

1.2 STRATEGIC OBJECTIVE

Invigorate the regional value proposition that makes Orange an attractive place to invest.

1.3 STRATEGIC OBJECTIVE

Enhance regional supply chains to support regional circularity, and collaboration within industry clusters.

PRIORITIES

- Develop a shared approach to regional economy monitoring, evaluation and learning.
- Enable clear development pathways to deliver diverse housing options.
- Collaborate with key stakeholders to maximise
- Advocate for improvement in transport and connective infrastructure (activate airport, rail connectivity, road).
- Build confidence and education on the regions future water supply.

ENABLERS

Key Agencies: Australian Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA), NSW Department of Primary Industries and Regional Development (DPIRD), Central

Key Stakeholders: O360, Regional Development Australia Central West (RDA Central West), CWNSWJO

Policies/Strategies: Orange Local Housing Strategy, Central West and Orana Regional Plan 2041 (2022), Local Use Strategy.

PRIORITIES

- · Marketing/brand development. Develop a clear regional brand strategy.
- Be a leader for regional economic development collaboration, innovation and strategy.
- · Leverage agency relationships and support.
- Foster deeper collaboration with adjacent regional
- · Identify pipeline of available land across industrial, commercial and residential lots to deliver on the Rural

ENABLERS

Key Agencies: DPIRD, RDA Central West, CWNSWJO,

Key Stakeholders: O360, Business NSW/Orange, Biz HQ, Economic Development Community Committee,

Policies/Strategies: Regional Investment Framework (RIF), Regional Economic Development Strategy (REDs), Orange Local Strategic Planning Statement (LSPS)

PRIORITIES

- Promote closer ties between anchor industries and local business.
- Identify emerging opportunities for new anchor
- Identify opportunities for circular supply chains that will reduce consumption of virgin resources, keep materials in the local economy for longer and support
- Identify vulnerabilities in local supply chains that can lead to stronger advocacy & opportunity for local business.
- · Explore opportunities to support circular knowledge sharing and supportive council policies.

ENABLERS

Key Agencies: DITRDCA, DPIRD. NSW EPA

Key Stakeholders: O360, Business NSW Orange, Biz HQ,

Policies/Strategies: Orange Local Housing Strategy and Sustainability Strategies

Challenge

Orange thrives on regional cooperation, and the fluid movement of people, goods, and services across neighbouring LGAs.

- Increase in mix of housing/Increased number of houses built
- Industry brand awareness/preference for investment YoY growth/CAGAR target Number of industry clusters established
- Value and utilisation of Council land



11 STRATEGIC OBJECTIVE

Drive alignment between economic development priorities with enabling infrastructure—tourism, housing, water security and transport.

Orange depends on strong collaboration with neighbouring Local Government Areas (LGAs) for the efficient flow of goods and services, as well as the availability of skilled workforce.

The future economic development of Orange is significantly tied to regional connectivity, and broader regional prosperity will be fostered through coordinated planning and alignment of critical infrastructure. This includes enhancing and expanding year-round tourism, increasing affordable housing supply, continuing to address water security, and improving transport infrastructure and connectivity.

A collaborative approach to integrated planning with our neighbouring LGAs is essential for understanding strategic infrastructure and development initiatives, ultimately positioning the region for success and enhancing its appeal as a desirable place to live, work, and play.

Alignment with strategic economic policies and relationships with all tiers of government agencies such as Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA), Regional Development Australia (RDA), Department of Tourism and Sport, NSW Department of Primary Industries and Regional Development (DPIRD) and NSW Department of Creative Industries, Tourism, Hospitality and Sport etc strengthens the ability to secure funding and drive placebased infrastructure projects to deliver and distribute equitable benefits to the Orange Community outlined in the Community Services Plan.

NSW Government estimates \$12.6 billion of investment is expected to occur in major capital projects in the region over the next 5 years¹. Securing the appropriate resources is challenging for any new project.

Projects need to be able to demonstrate positive outcomes such as communitywide socio-economic benefits and partnerships and align with broader strategic objectives.

Collaboration is required to optimise the region's economic diversification, infrastructure provision, and development of strategic land use planning policy.











1.2 STRATEGIC OBJECTIVE

Invigorate the regional value proposition that makes Orange an attractive place to invest

Attracting investment requires the Orange region to clearly articulate the type of economy it is seeking, and to be explicit about the industry activity it seeks to support.

While this economic development strategy is a key component of this, a clear value proposition is also needed to enable potential investment to identify the strengths and opportunities in our region.

Orange has established a strong visitor economy brand through Orange360, and now seeks to build a comparable reputation as a vibrant, diverse inland economy with a skilled workforce, excellent infrastructure, and a great place to do business.

This extends to demonstrating the liveability of the Orange region to encourage people to settle here. New residents bring with them skills, experiences and new capacities which in turn benefit the broader community.

Attracting investment strategy



Orange City Council will work with industry partners and government agencies to drive appeal to investors and promote the region as a great place to work.

By partnering with government agencies, Orange360, Business Orange and other organisations to succinctly promote a value proposition targeted to attract

investment and required skilled workforce will be central to promote the region as a viable investment choice.

Focussing on key priority industries will enable sustainable growth by developing centralised hubs and leveraging Orange's natural assets, infrastructure and location.

Orang	e region strengths			1	Strong government presence/support	1	Attractive lifestyle
1	Proximity to major markets	1	Direct flights to SYD, MEL, BNE	1	Food and agriculture industry	1	Good infrastructure
1	Growing well trained workforce	1	Innovation ecosystem	1	Large health network	1	Mining services

Value proposition



Connected

- · Orange is strategically located along the Mitchell Highway, just 3.5 hours west of Sydney and 3.5 hours north of Canberra
- The city is a major service centre for the region, with good transport linkages via road and rail. and is located just over an hour from the Parkes Special Activation Precinct (SAP)
- · Orange Regional Airport is a key transport hub for the Central West, connecting passengers to Sydney, Melbourne and Brisbane



Workforce

- · Workforce of 46,500 within a 1-hour drive
- Large professional workforce



Strong economy

· The major industries for Orange are healthcare and social services, mining and resources, education, public administration, agriculture, tourism, manufacturing and construction



A cultural hub

- Well known for culture, arts, and unique events
- · The strong calendar of events, including the Canowindra Balloon Challenge, Orange F.O.O.D Week, Orange Wine Festival and the Orange Winter Fire Festival, are complemented by regular markets, exhibitions and a major community sporting presence



Outstanding education

- Orange is host to Charles Sturt University's (CSU) Rural Health Reseach Institute, the University of Sydney's School of Rural Heath and is CSU's primary health education campus teaching medicine, dentistry, pharmacy and physiotherapy
- · Orange is also home to multiple TAFE campuses, as well as a range of public and independent schools

ECONOMIC INDICATOR

✓ NET GROWTH

UNEMPLOYMENT RATE

✓ AFFORDABILITY

✓ ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

WORKING AGE POP.



1.3 STRATEGIC OBJECTIVE

Enhance regional supply chains to support regional circularity, and economic collaboration within industry clusters.

Orange is well connected to neighbouring LGAs to promote the free flow of goods, services and workforce which allow the Orange region to thrive.

Existing transport infrastructure provides a reliable gateway to Western NSW and connects regional NSW to capital cities to support local producers, manufacturers and community services. Enhancing the transport network will further promote resilient supply chains by attracting manufacturers who are looking to establish locations closer to their clients or searching for opportunities to lower their overheads without compromising on their supply chains. Enabling the establishment of local producers/ manufacturers enables a circular economy and contributes towards net-zero emissions by lowering the need to import goods and services into the region.

However, Orange will continue to operate as a component of a broader regional economy, with the associated flows of skills and resources between constituent LGAs.

Strategic plans also identify how Bathurst and Orange can further build a symbiotic relationship, offering complementary services and industry levers, such as process equipment that can be utilised co-operatively from growers across the region to reduce losses in the supply chain.

If the relationship between Bathurst and Orange is fostered intentionally, both areas can benefit from unique economic strengths that exist within each centre. Additionally, more co-operative initiatives within the agricultural sector such as cold stores, packing sheds, could support diversification for existing producers and enable more small-scale operations to become viable.



ECONOMIC INDICATOR

✓ NET GROWTH

✓ UNEMPLOYMENT RATE

✓ ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

✓ WORKING AGE POP.



1.3 STRATEGIC OBJECTIVE

Enhance regional supply chains to support regional circularity, and economic collaboration within industry clusters.

The notion of job self-containment indicates an alignment of local workers and local jobs. It can highlight opportunities to better utilise local skills, and to expand training pathways to re-localise skills.

In 2021, there were 22,454 jobs in the Orange LGA, with the majority of those (76.3 per cent) held by local residents. However 15.1 per cent live in the adjacent LGAs, with 10.7 per cent in Cabonne and 4.4 per cent in Blayney, meaning overall 91.4% of jobs are contained within the broader regional footprint. With this perspective, Orange has a reasonably high percentage of workers in key industries that live across our broader region

Having job and education opportunities close to residents is beneficial for productivity and wellbeing as well as reducing congestion and environmental impact.

Continuing to encourage regional containment will rely on ensuring conditions such as housing, access to childcare and transport, meets the needs of this workforce. Orange will continue to operate as a component of a broader regional economy, with the associated flows of skills and resources between constituent LGAs.

Closing the gap on industries with lower self-containment such as Mining and Financial and Insurance Services will also be influenced by wider amenity and supportive infrastructure that may entice relocation, such as access to housing choice, availability of schools and amenity qualities such as access to quality public space and retail and hospitality choices across a cost spectrum.

In sectors more influenced by work from home options such as Financial and Insurance Services, efforts in workforce attraction around bolstering the liveability qualities of Orange can lead to wages and salaries spent locally, building social capital and skill transfer for the local community.

Industry	Percentage of workers % living in Orange	Jobs in Orange
Health Care and Social Assistance	77.4	5,082
Retail Trade	82.4	2,233
Education and Training	77.1	2,198
Public Administration and Safety	72.6	1,920
Accommodation and Food Services	85.8	1,616
Construction	76.7	1,449
Mining	58.2	1,248
Other Services	75.2	1,006
Professional, Scientific and Technical Services	73.6	962
Manufacturing	74.3	816
Transport, Postal and Warehousing	75.2	783
Administrative and Support Services	82.6	558
Wholesale Trade	73.6	386
Financial and Insurance Services	69.6	381
Agriculture, Forestry and Fishing	77.9	344
Rental, Hiring and Real Estate Services	78.3	286
Electricity, Gas, Water and Waste Services	67.5	231
Arts and Recreation Services	84.7	144
Information Media and Telecommunications	80.7	135
Total Jobs	76.3	22,454

Source: ABS Census TableBuilder 2021, based on Place of Usual Residence

ECONOMIC INDICATOR

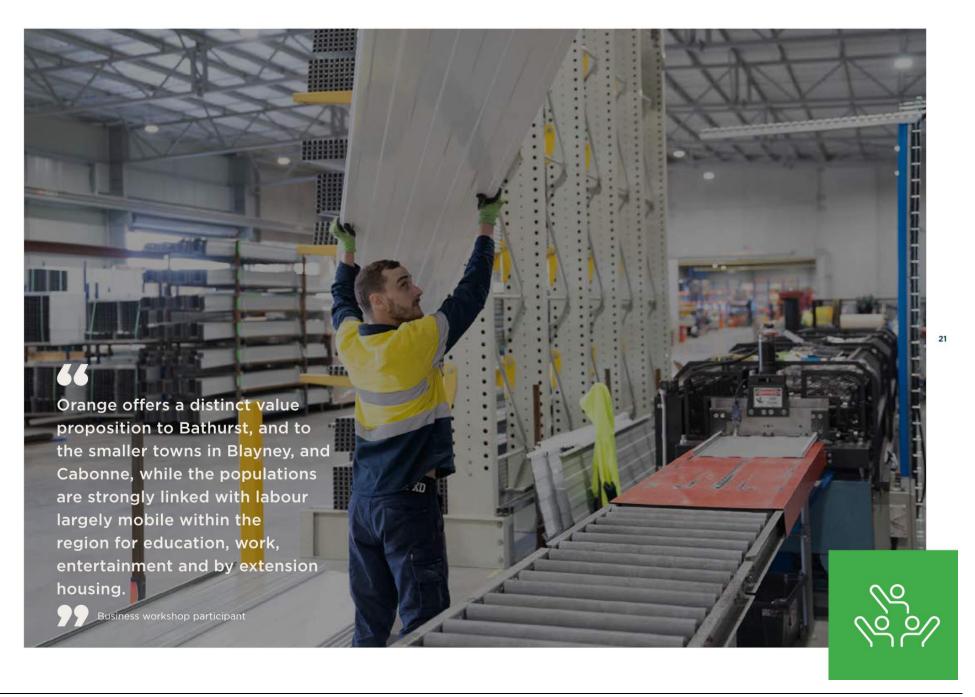
✓ NET GROWTH

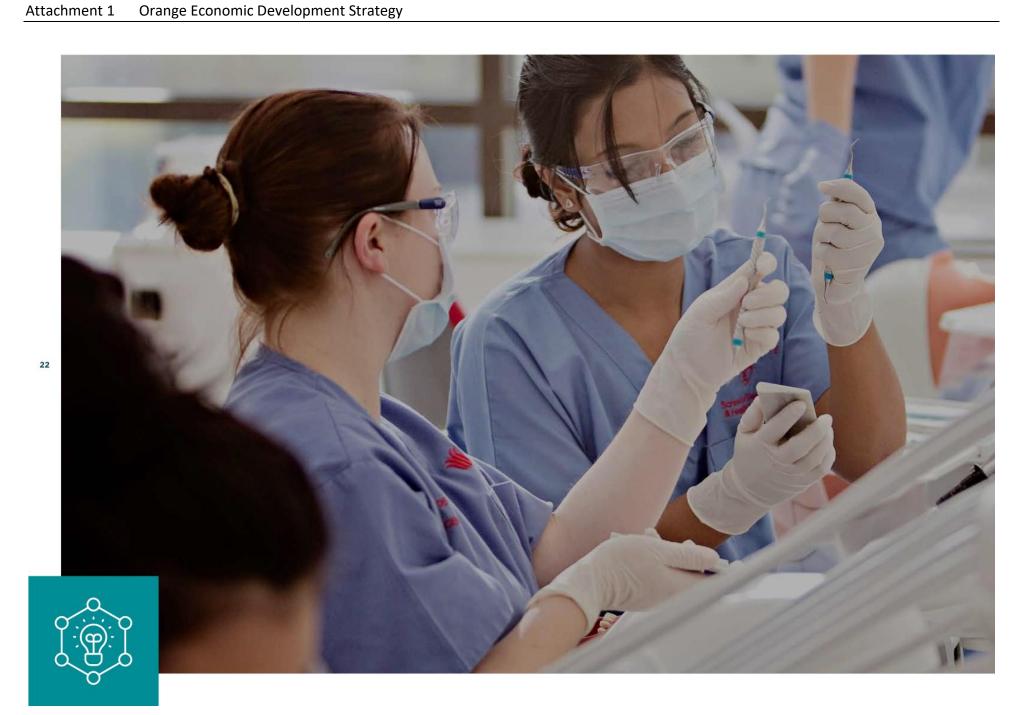
✓ UNEMPLOYMENT RATE

✓ ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

✓ WORKING AGE POP.









PILLAR 2 Develop depth in priority industries

Attract and support Orange industry growth to strengthen economic diversity and resilience. Generate abundant economic opportunities for the community.

Our priority industries:

- Healthcare and social assistance
- Education
- Tourism and visitor economy
- Resources and renewables
- Value-add agriculture
- Public administration
- Manufacturing and construction.

Develop depth in priority industries



STRATEGIC OBJECTIVE

Foster an environment for small and medium business¹ to thrive and support local industry innovation.

2.2 STRATEGIC OBJECTIVE

Attract new enterprises that diversify offering within our priority industries to increase economic resilience².

2.3 STRATEGIC OBJECTIVE

Supercharge tourism and events, creating a vibrant city and an iconic destination.

PRIORITIES

- Improve conditions for new business formation.
- Improve conditions to expand local small and medium business.
- Encourage a diverse business mix in the CBD and other identified commercial hubs.
- Develop support mechanisms to foster new business innovation (e.g. McNamara Lane business pods).

ENABLERS

Key Agencies: DPIRD, RDA Central West, DCS, Service NSW.

Key Stakeholders: O360, Business NSW/Orange, Biz HQ, Economic Development Community Committee (EDCC).

Policies/Strategies: RIF, REDs, Orange LSPS, Activate Orange Strategic Vision.

PRIORITIES

- Promote and support expansion in key anchor industries: Health and social support; Education; Public administration; Resources and renewables; Ag-innovation and value-add and manufacturing.
- Encourage import replacement to grow local supply chains.
- Deliver the long-term vision for Orange's emerging Precincts.

ENABLERS

Key Agencies: DPIRD, RDA Central West, Investment NSW.

Key stakeholders: O360, Business NSW/Orange, Biz HQ, Economic Development Community Committee (EDCC).

Policies/Strategies: RIF, REDs, Orange LSPS, Activate Orange Strategic Vision.

PRIORITIES

- Strengthen the night-time economy.
- · Attract new major events to Orange.
- Target new tourism sub-sectors to diversify the industry, primarily active recreation, agri-tourism, arts and culture.
- Attract funding for additional tourism infrastructure.
- Leverage sports precinct and conservatorium developments to drive additional visitation.

ENABLERS

Key Agencies: DPIRD, RDA Central West, NSW Department of Creative Industries, Tourism, Hospitality and Sport, DFAT / Tourism Australia, DITRDCA.

Key stakeholders: O360, Destination NSW.

Policies/Strategies: REDs, Live Music Action Plan, Orange Region Destination Management Plan, Central West Destination Management Plan, Central West Cycle Tourism Strategy.

Challenge

Orange businesses grow, with enhanced economic diversity and abundant employment options for the community.

Measures

- Increase diversity of local economy
- Increase in businesses locating to Orange region
- Growth in visitor economy, and reduction in escape spend
- Net gain in sustainable new business (new businesses greater than 1 year)
- Conversion rate (enquires to establishment)

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2.1 STRATEGIC OBJECTIVE

Foster an environment for small and medium business to thrive and support local industry innovation

Orange has a total of 3,745 locally registered businesses, the majority of these (91.6 per cent) are small and medium enterprises (SMEs) with a turnover up to \$2 million.

There are 58 businesses with a \$10 million annual turnover. most of these are in Retail Trade and Wholesale Trade indicating a depth to the local retail sector.

The largest industry by business count is the Construction industry. Figure 1 shows that 90 per cent of businesses in the Construction industry are either non employing or have four employees or less, suggesting there is a lot of self-employed and sole traders.

The second highest number of businesses are in the Rental, Hiring and Real Estate Services industry, reflective of the high number of tourism-based operations in Orange, inclusive of operations such as short stay accommodation and equipment hire.

Orange businesses are diverse in nature, and benefit from sizeable facilities and business premises, a skilled workforce, and a large catchment area. Orange's economy is stimulated from mining in neighbouring Blayney Shire (Newmont), gastrotourism from its and Cabonne's food and wine production, healthcare, public administration, manufacturing, education, and training (Think Orange Region, 2019).

()() Our economic development should be as diverse and varied as the Orange population and its must take all people on the ride and be equitable. $\bigcap \bigcap$ Community Workshop Participant

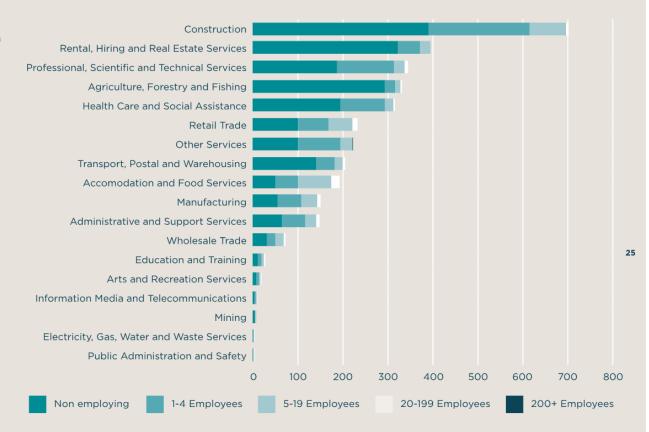


Figure 1: businesses by employment size registered in Orange, 2022

Source: Australian Bureau of Statistics (ABS) Business Register (2022) and SGS Economics Planning. The Australian Bureau of Statistics (ABS) Business Register is derived from the GST register held by the Australian Tax Office (ATO). Businesses are included if they are registered with the ATO, with an ABN used within the previous two financial years.

ECONOMIC INDICATOR

✓ NET GROWTH

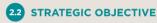
✓ UNEMPLOYMENT RATE

✓ AFFORDABILITY

✓ ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

✓ WORKING AGE POP.



Attract new enterprises that diversify offering within our priority industries to increase economic resilience

Emerging industries

The region's emerging specialisations have remained consistent since the development of the 2018 Regional Economic Development Strategy developed by the NSW Government. Public administration and safety has demonstrated strong growth between 2011 and 2020, averaging a 6.6% annual increase per year in Gross Value Added (GVA) over that period. Public administration and regulatory services is the strongest subsector, contributing \$272 million to the Functional Economic Region (FER) economy in 2020.

Industry subsectors significantly driven by the tourism sector, including accommodation and food services and retail trade, represent emerging specialisations. Accommodation and food services recorded 3.4% average annual growth between 2011 and 2020, adding \$108 million GVA in 2020. Retail trade has grown by 2.5% on average per year since 2011, with \$194 million GVA in 2020.

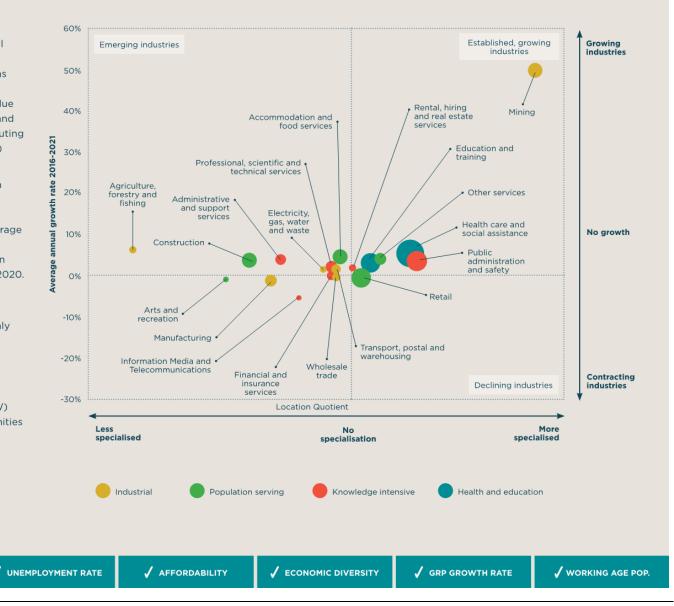
Energy generation has demonstrated strong growth within the region, with a 2.2% average annual growth rate recorded between 2011-2020. While the sector only contributed \$23 million to GVA in 2020, its near-term growth will be enhanced by the delivery of the Flyers Creek Wind Farm.

Research from DPIRD (formerly the Office of Regional Economic Development, Department of Regional NSW) assessed the competitive advantage, market opportunities and growth trends of the Orange region and indicate investor target groups should include;

✓ NET GROWTH

- Alternative Proteins
- AgTech
- Medical product recycling
- · Metal-based manufacturing
- · Nutraceuticals.

ECONOMIC INDICATOR



17 DECEMBER 2024



Attachment 1

2.3 STRATEGIC OBJECTIVE

Supercharge tourism and events, creating a vibrant city and an iconic destination.

Alignment of strategies with Regional Economic Development Plans (REDs), Destination NSW, and Orange360, Orange can establish partnerships with industry experts and neighbouring local government areas (LGAs) to enhance the Orange region tourism offerings and attract visitors beyond our main target demographic of couples and singles aged 45+. COVID delivered a boom to the visitor economy which needs to be captured and sustained.

Furthermore, by positioning ourselves as a central hub for emerging trends such as agritourism and ecotourism, Orange stands to benefit significantly given its proximity to numerous award-winning food and wine producers, as well as its stunning natural assets.

Making tourism more accessible to the region's produce and natural attractions will diversify offerings and appeal to secondary and tertiary markets, thereby increasing the region's resilience against external factors such as climate and economic shocks.

Developing a year-round calendar of signature events and experiences to attract a wide array of visitors will strengthen tourism resilience and position Orange and the NSW Central West region as an iconic destination for high-quality events.

Collaborating with government and industry partners on a well-defined strategy will allow Orange to prioritise essential infrastructure, such as accommodations, safe and accessible walking and biking networks, and enhanced digital connectivity, all of which are crucial to supporting tourism operators and related services.

Orange/Blayney/Cabonne Tourism to the year ending December 2023



INTERSTATE

INTERNATIONAL

INTRASTATE

DAY TRIPS

TOTAL SPEND

Total visitors (000)



Year-round iconic events













ECONOMIC INDICATOR

UNEMPLOYMENT RATE

AFFORDABILITY

✓ ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

✓ WORKING AGE POP.

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PILLAR 3 Prioritise equitable growth and community capacity

Orange's economy is resilient across the economic and climactic cycle and balances economic outcomes across the community.



Prioritise equitable growth and Community capacity



STRATEGIC OBJECTIVE

Implement and advocate for services and resources to build and support economic resilience.



Foster deep and long-term community partnerships and engagement.

3.3 STRATEGIC OBJECTIVE

Attract and retain a skilled workforce that support and enable our growth industries.

PRIORITIES

- Support local business to prepare for and recover from economic and climatic disruption so they can continue their key functions / systems should such disruptions occur in the region.
- Business community feedback to understand demand and priorities to plan best use of services/ resources to support economic resilience.
- Inform the community. Educate and help navigate businesses to relevant resources and services particular to their circumstances.

ENABLERS

Key Agencies: DPIRD, RDA Central West, Service NSW.

Key Stakeholders: 0360, Business NSW/Orange, Biz HQ, Economic Development Community Committee (EDCC).

Policies/Strategies: RIF, REDs, Central West Regional Drought Resilience Plan.

PRIORITIES

- Improve community-council relations and Council's reputation as a partner to business
- Inclusive and diverse voices in strategic planning processes
- Promote economic development action that result in a wide spread of benefits to reduce the gap of a two-speed economy
- Build strong connections with local industry groups.

ENABLERS

Key Agencies: DPIRD, RDA Central West.

Key Stakeholders: Business NSW/Orange,
Biz HQ, EDCC, O360, Orange Local Aboriginal
Land Council (OLALC).

Policies/Strategies: RIF, REDs.

PRIORITIES

- Develop strategies to retain and attract younger workforce to Orange and generate vibrancy within the region.
- Skills and capability development to encourage employment pathways in local services and industries.
- Develop diverse program of events targeted at locals.
- Understand skills gaps and explore potential for regional re/training.
- Encourage additional childcare/community services to allow maximum participation in the workforce.

ENABLERS

Key Agencies: DPIRD, RDA Central West.

Key Stakeholders: O360, Business NSW/Orange, Biz HQ, EDCC, OLALC, Education/Training providers.

Policies/Strategies: RIF, REDs, Federal and State Active Transport strategies.

Challenge

Orange's economy is resilient across the economic and climactic cycle, and balances economic outcomes across the community.

Measures

- Net youth migration
- Improvement in council reputation
- Number of roundtable/engagement opportunities delivered

30



3.1 STRATEGIC OBJECTIVE

Implement and advocate for services and resources to build and support economic resilience.

The Hachman Index shows the diversity of the industry mix in the respective LGA relative to the industry mix for Australia as a whole. Orange has a relatively high economic diversity score of 0.85. Maintaining and enhancing this economic diversity is a key component in ensuring the resilience of the economy to a range of external factors. Key issue from the business and local community consultations is water security and infrastructure that can keep pace with the region's population growth and support new industry.

Shocks and stresses

Economic development shocks refer to sudden and significant disruptions that impact the economic trajectory. In Orange, these shocks can lead to rapid changes in employment, income levels, production, and overall regional economic stability. They may arise from a variety of sources and have short-term or long-term effects on economic growth and development. Some common types of economic development shocks Orange is subject to include:

- Natural Disasters: Floods, bushfire etc can damage infrastructure, disrupt business operations, and lead to a sudden loss of income and jobs.
- Political Shocks: Major political events like conflicts or significant policy changes can alter trade relationships, investor confidence, regulatory environment and economic stability.
- Financial Shocks: These include sudden changes in financial markets, such as the global financial crisis of 2008, which caused widespread unemployment, business closures, and government debt crises. Regional communities are particularly vulnerable to financial shocks resulting in migration away to larger centres to pursue economic opportunities. It is hard to reverse the migration pattern and attract a skilled workforce back to regional areas.
- Supply chain Shocks: The COVID-19 pandemic is a clear example, where global supply chains, consumer demand, and employment were drastically impacted. Integrated infrastructure planning within the region enables the Central West region increase supply chain resilience and promote a circular economy and address emission reduction strategies
- Migration or Demographic Shocks: Sudden changes in population due to migration, aging populations can affect labour markets, housing demand, and public services.

Impacts from economic shocks that effect the business community

- Less discretionary spending in the region, reduced tourism, resulting in impacts on businesses and the local economy.
- Increase in pressure on the employment markets and housing in Orange as those from smaller centres move to the region seeking employment and/or women from farming families return to work. This often occurs at the same time there is reduced confidence in hiring.
- · Decrease in mental and physical health (increased stress and putting off health appointments); greater pressure on health services due to increasing demand.
- Increasing social dislocation through isolation, declining mental health, and lower participation in sport and recreation, and social activities.
- · Reduced access to water and heavy water restrictions impacted businesses and the community. There were high costs associated with purchasing water entitlements. Also decreases in air quality due to dust.
- Primary producers move back to standard agricultural practices where they might have previously adopted more innovative and newer practices.
- Mental anguish of seeing the environment deteriorate as greenspaces dry off and gardens and lawns decline.
- Rising economic inequality as drought impacts citizens differently.

Orange needs to plan and prepare to adapt quickly to these shocks to minimise the negative impacts on development and, where possible, find ways to turn the shocks into opportunities for innovation or transformation.

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ECONOMIC INDICATOR

✓ NET GROWTH

UNEMPLOYMENT RATE

AFFORDABILITY

ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

✓ WORKING AGE POP.



3.2 STRATEGIC OBJECTIVE

Foster deep and long-term community partnerships and engagement.

The Economic Development Team is dedicated to cultivating meaningful and sustainable partnerships within the community, with the aim of establishing trust with the business sector and facilitating seamless interaction between businesses and the Council.

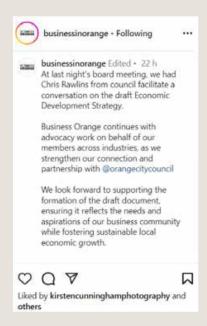
By prioritising a positive experience for businesses, we seek to gain insights into their needs, enabling us to foster an environment in which small and medium enterprises can flourish. This, in turn, will enhance economic diversity and strengthen the region's resilience against economic challenges.

Orange LGA serves as a hub for commerce, health, and education in the Central West, surrounded by primarily agricultural landscapes.

32 Consequently, the success of Orange is reliant on the smooth movement of goods, services, and people.

To effectively plan for community infrastructure projects and strategies with a focus on customer-centric economic development, Orange City Council must collaborate closely with industry partners and all levels of government to ensure equitable benefits for the broader Orange community.

In support of this strategic approach, the Economic Development Team intends to gather data and engage stakeholders in a shared vision and goals, facilitating informed decisions that positively impact the economic landscape.



Key operators in Orange























ECONOMIC INDICATOR

✓ NET GROWTH

UNEMPLOYMENT RATE

AFFORDABILITY

/ ECONOMIC DIVERSITY

✓ GRP GROWTH RATE

WORKING AGE POP.



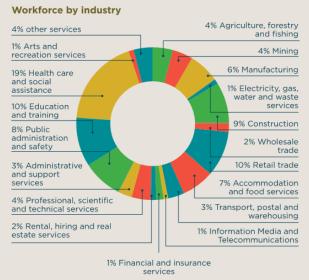
Attract and retain a skilled workforce that supports and enables our growth industries.

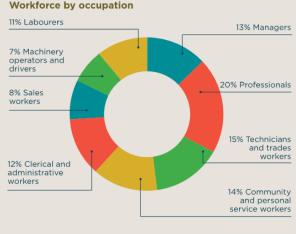
One of the recurring themes identified during various community consultations is the ongoing challenge of attracting and retaining a skilled workforce, a concern prevalent across all industries. Contributing factors include the availability of affordable housing, social infrastructure, and the cost of living for residents, as well as the promotion of lifestyle incentives to draw skilled professionals.

The region's priority and growing industries require a skilled workforce to effectively support their operations and attract investment. Establishing a workforce value proposition will facilitate a successful approach to increasing the proportion of the working-age population, thereby providing industries with greater access to a larger workforce.

To address skills shortages and enhance career pathway opportunities, it will be essential to develop a re-training and education strategy in collaboration with education institutions and industry partners. This strategy should aim to provide opportunities for quality education and enable residents to engage in a diverse range of courses and gain industry experience within the region. This will support closing the gap and provide opportunities to distribute equitable benefits within our community.

Orange population 60,000 1.6% 50,000 40,000 1.0% 0.8% 30,000 0.6% 20,000 0.2% 0.0% 10,000 -0.2% 2001 2006 2011 2016 2021 2026 2031 2036 2041 Census poulation Poulation growth NSW Government poulation projections





FOOTNOTES

PAGE 6

¹ Central NSW Joint Organisation, Orange NSW: Our statistical snapshot 2023.

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¹ The Planning Studio: Orange Economic Development Strategy, Engagement Summary report, 28 March 2024

² Office of Regional Economic Development, Department of Regional NSW, Investment attraction opportunities analysis: Orange Regional Council, August 2023.

¹ Mouratidis, K and Papagiannakis, A (2021), COVID-19, internet, and mobility: The rise of telework, telehealth, e-learning, and e-shopping, Sustainable Cities and Society 74(1).

² ABS (Australian Bureau of Statistics) (2022), More growth in the regions during the pandemic.

³Iberdrola Australia (2022), Flyers Creek Wind Farm.

PAGE 17

¹ NSW Government - Planning and Environment: Central West and Orana Regional Plan 2041, December 2022.

PAGE 24

¹ ABS define businesses employing 0-19 people are classified as small businesses, those employing 20-199 people are classified as medium sized and those employing more than 200 people are classified as large businesses.

PAGE 26

¹ Office of Regional Economic Development, Department of Regional NSW, Investment attraction opportunities analysis: Orange Regional Council, August 2023.

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Image courtesy, Storco.

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COUNCIL MEETING 17 DECEMBER 2024

Attachment 1 Orange Economic Development Strategy



Enquiries

For information about the Economic Development Strategy contact:

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COUNCIL MEETING 17 DECEMBER 2024

5.9 RESTRICTED SHOP TRADING DAYS

RECORD NUMBER: 2024/1832

AUTHOR: Tony Boland, Industry & Business Engagement Lead

EXECUTIVE SUMMARY

A request for investigation into holiday trade restrictions and a question taken on notice at a Council meeting have been followed through. The request was:

"That staff investigate application for and implications of an exemption to the Public Holiday trade restrictions in place during Easter Long Weekend for the Orange LGA"

A further question taken on notice was:

"Cr Greenhalgh asked what the cost of an application for Holiday Trade Exemption would be to Council."

Council is not in a legal position to apply for a blanket exemption to allow retailers to trade on restricted trading days. Council can support any shops to open through a letter of support or supplying data to support the application.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "13.1. Attract and grow strategic investment".

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY AND GOVERNANCE IMPLICATIONS

The legal instrument is the NSW Retail Trading Act 2008. The content within this report is paraphrased from the Act. Councillors and members of the public should do their own review of the legislation to ensure they are familiar with the exceptions listed within the legislation and not rely solely on the contents of this report for an individual business to open on a restricted training day.

RECOMMENDATION

That Council acknowledge the report on Restricted Shop Trading Days.

FURTHER CONSIDERATIONS

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

Service/Project	Council would only have an advocacy role in supporting businesses seeking
Delivery	an exemption to trade on a restricted trading day.
Reputation/Political	In 2010 the Shop, Distributive and Allied Employees Association become
	politically involved by lobbying Councillors to reverse their decision to
	support an application by a local retail to open on Boxing Day in
	conjunction with the 2010 Jazz Convention.
	Restricted trading days at Easter often draw adverse reaction from
	religious groups when attempting to lift the restriction.

SUPPORTING INFORMATION

The issue of restricted training days is governed by the *Retail Trading Act 2008*, which replaced the *Shops and Industries Act 1962*.

There are three ways a business can operate on a restricted trading day:

- Be listed as an exempt business in Schedule 1 of the Act
- Be considered a "small shop" under the Act
- Apply to the Secretary of the Department for an exemption for up to three years.

Certain businesses are considered exempt from the restricted shop trading days under Schedule 1 of the Act and these shops are:

- Bazaars, fairs or markets if the bazaars, fairs or markets are conducted for charitable or public fundraising purposes
- Book shops
- Cake and pastry shops
- Chemists shops
- Cooked provision shops
- Florists shops
- Fruit and vegetable shops
- Newsagencies
- Nurseries
- Pet shops
- Recorded music, video or DVD shops
- Restaurants, cafes or kiosks
- Seafood shops
- Shops ancillary to venues for playing sport or physical recreation
- Souvenir shops
- Take-away food and drink shops
- Tobacconists shops
- Vehicle shops, vehicle service centres or petrol stations

Any business that is predominantly in one of the categories above is automatically exempt from the trading restrictions provided that the employees who are working freely elected to work.

Small shops that comply with *Part 3, Division 1, Clause 8* of the Act are also exempt from the trading restrictions. To be compliant the business must:

- Have one or two owners or a single corporation owner; and
- Employees at the shop on any day (either at the same time or at different times) is not to exceed 4

The third option to allow a business to open is seeking, and receiving, an exemption from the Secretary of the Department of Customer Service to enable the business to open on a restricted trading day. The application form (copy attached) only has space for a business to make an

COUNCIL MEETING 17 DECEMBER 2024

5.9 Restricted Shop Trading Days

application on its own behalf. Council cannot apply for a blanket exemption for the city. There is no cost to make this application.

Prior to the Retail Trading Act of 2008 businesses operated under the *Shops and Industries Act* 1962. This Act permitted blanket geographic exemption approvals to allow for high numbers of visitors to the region during a certain period. For example, Bathurst was declared as exempt for Easter which would have coincided with the Easter bike races. When the *Shops and Industries Act* 1962 was repealed, blanket geographic approvals were no longer possible.

Subject to Council approval, staff can supply letters of support for any businesses that wish to apply for an exemption to open at Easter. This is a relatively simple process with low use of Council resources.

The alternative approach would be to lobby Ministers and Departmental Secretaries to seek a change to the Retail Trading Act 2008. This is a relatively intensive process for our resources and is likely to require demonstration of significant community support. This is at a time the organisation is undertaking consultation for a new Community Strategic Plan, which already has a high level of commitment of resources from the communications team.

It is possible that this course of action would draw opposition from the Shop, Distributive and Allied Employees Association as there has been no consultation with them to this point. It is also likely that this course of action would draw criticism from a range of church groups as both Good Friday and Easter Sunday are important days in the Christian calendar.

ATTACHMENTS

1 Application for retail trading on restricted trading days, IC24/29956

APPLICATION FORM

Retail Trading on Restricted Trading Days

Retail Trading Act 2008



1800 502 042 fairtrading.nsw.gov.au

Please read this information before completing this form.

This form can be completed in Adobe Reader and saved for your records.

Use this form to apply for retail trading on restricted trading days.

How to fill in this form

Please type directly into this form. When complete, save a copy before printing. If completing by hand, please print clearly and mark box(es) with a tick \checkmark where required.

You will need to ensure that all sections of the form are completed. Additional sheets may be included if there is insufficient space on the form to provide your supporting evidence. Please number all additional pages.

For assistance call 13 32 20.

Fees

There are no fees associated with this application.

How to lodge

Email: FTLicensing@customerservice.nsw.gov.au

Privacy compliance statement

Information that you voluntarily provide in this form is collected by NSW Fair Trading to assess and process your application. NSW Fair Trading intends to use and disclose the information

(including any personal information) you have provided to exercise its functions under the *Retail Trading Act 2008*, including to administer, monitor and enforce compliance with that Act.

The above information is intended as a guide only and is included to assist you in completing and lodging this form. This page is not part of the form. If required, professional advice should be obtained regarding the matters dealt with in this form.

Application Form - Retail Trading on Restricted Trading Days



APPLICATION FORM

Retail Trading on Restricted Trading Days

Retail Trading Act 2008

13 32 20 fairtrading.nsw.gov.au

Please read the information before completing t This form can be completed in Adobe Reader an		Fee - Nil
1. Applicant details		
Applicant's name (name of company / sole trader / parts	nership)	
Business / Trading name	ABN / ACN	
2. Contact details of person making the	application	
Title Given name(s) Address	Family/Surname	
Suburb Postal address (if different to above)	State	Postcode
Suburb	State	Postcode
Telephone number	Mobile number	
Email address		
Important note. In the case of an application for a day, the information below should be provided se provided, attach additional numbered sheets. State the name and full street address (including of an exemption: Name of shop (in full) Address	an exemption relating to more than one shop parately for each shop and day. If insufficie	nt space has been
Suburb	State	Postcode

Application Form - Retail Trading on Restricted Trading Days

COUNCIL MEETING 17 DECEMBER 2024

Attachment 1 Application for retail trading on restricted trading days

4. Details of exemption being sought	
Please identify the restricted trading day/s for which you Good Friday Easter Sunday ANZAC	
Is the exemption for: a specific day or days (specify the date or dates), or a specific period (specify the period in years)	
5. Information required to support the application	ation
Please nominate the proposed trading hours:	Commencing at: (am/pm) Closing at: (am/pm)
6. Exceptional circumstances	
An exemption may only be granted if it is, in the exception do so. "Exceptional circumstances" must be more than "s section 10 (2) of the Retail Trading Act 2008. For guidant Dwyer v Department of Services, Technology and Admini Specify the exceptional circumstances in support of your trading day:	pecial circumstances" to satisfy the requirements under ce on the test for "exceptional circumstances", refer to stration and Kmart Australia Limited [2010] NSWADT 312.

Application Form - Retail Trading on Restricted Trading Days

	st
To help determine	whether the exemption sought is in the public interest, answer the following questions:
	re of the shop and kinds of goods sold?
2 \4/	are more than to a local teach are as a set than weathing the district of the set of the
z. Willy does the sil	nop need to be kept open on the restricted trading day?

Application Form - Retail Trading on Restricted Trading Days

PAGE 3 of 5

3. What is the likely effect on the local economy, tourism, small businesses and other businesses in the area if the exemption is granted?
4. What is the likely effect on employees or persons working in the shop if the exemption is granted? [In your response indicate the number of employees likely to work on the restricted trading day if an exemption is granted, and specify the industrial instrument/s (including agreement number/s), under which employees working on the day will be employed]
on the day will be employed.

Application Form - Retail Trading on Restricted Trading Days

PAGE 4 of 5

8. Applicant's declaration

Note. Regard will be had to each of the matters listed above in determining whether the exemption sought is in the public interest. This application will be put on public exhibition.

It is an offence to fail to comply with any conditions imposed on an exemption.

I am authorised to complete this application on behalf of the organisation.

- · I acknowledge that failure to provide all required information may result in refusal of the application.
- I consent to the making of enquiries and the exchange of information with NSW Fair Trading and other authorities in NSW, other states and territories or the banking industry regarding any matter, relevant to this application.
- · I declare that the contents of this application including any attachments are true and correct in every particular.
- · I am aware the application will be publicly exhibited for a period of at least 14 days for public comment.
- I acknowledge that under section 307A of the *Crimes Act 1900* it is an offence to provide false, misleading or deficient information in this application.
- I understand that specific details I have supplied in this application may be 'personal information' under the *Privacy and Personal Information Protection Act 1998*, and that NSW Fair Trading is collecting personal information to enable processing of the application and may disclose this information to other Government agencies. I also understand that personal information is any information or opinion that identifies an individual, or enables someone to identify an individual.

Signature Date signed (DD/MM/YYY)	^)
This form is designed to be completed in Adobe Reader. A cross appearing in the dig indicate a compatibility issue. If a cross appears please sign here	tal signature field above may
Printed name	

5.10 RAINBOW FESTIVAL PROJECT PLAN

RECORD NUMBER: 2024/1846

AUTHOR: Chris Rawlins, Manager Economic Development

EXECUTIVE SUMMARY

As part of the FY2024/25 budget process, many submissions from the community requested the Council provide funds to allow the successful 2024 Rainbow Festival event to be held again in 2025. Requests for funding of the Rainbow Festival represented 53% of all the submissions received including over 25 individual comments or letters to Council.

At its 18 June 2024 meeting, Council resolved:

RESOLVED - 24/247

Cr M McDonell/Cr D Mallard

k) That Council include the Rainbow festival with \$50,000 quarantined in the 2024/2025 budget, until a project plan with additional event information is provided to the Council. For: Cr J Hamling, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr

T Mileto, Cr G Power

Against: Cr K Duffy, Cr F Kinghorne, Cr S Peterson

Absent: Cr J Whitton

This paper provides the project plan to Council for how Rainbow Festival will be delivered and funded in 2025. A project plan is provided as an attachment to this report.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "12.2. Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all".

FINANCIAL IMPLICATIONS

\$50,000 of FY2024/25 budget.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That Council support the proposed project plan for Rainbow Festival 2025, including the expenditure of \$50,000 and that any ticket sales and sponsorships received are applied to lower the impact to the overall budget

FURTHER CONSIDERATIONS

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

Financial	The current project budget is designed to allow council's budget to be offset by ticket sales from the community. This allows staff to plan the most compelling version of the event within a known budget, to drive greater interest and attendance
Reputation/	The Rainbow Festival attracted substantially attention from the media and

Political	community in 2024. Some of this gained negative national media attention. There
	were different views on the role of Council in providing this festival, and during the
	budget exhibition the most frequent request from the community was that the
	festival be funded in 2025.

SUPPORTING INFORMATION

Following the Council decision to allocate \$50k to the Rainbow Festival, staff have progressed planning for the Rainbow Festival 2025.

Advisory Committee

A committee was formed with representatives from Council's Economic Development and Community Services teams, along with community representatives from Headspace, Charles Sturt University and Sincerely Queer. The Committee has met to discuss the format of the event, explore sponsorship opportunities and determine the recommended format for 2025.

Grant funding

Grant applications have been submitted to a number of funding programs with the following outcomes:

Grant	Amount	Outcome
DestinationNSW Regional Events fund – Incubator	\$20,000	Successful
Newmont Events Fund – Incubator	\$20,000	Successful
Pride Foundation Regional Grants Program	\$10,000	Unsuccessful
TOTAL Funding secured	\$40,000	

Ticket Sales

The Festival Plan includes two events to be run by Council, a Pride March during the day on Saturday 22nd of March 2025 and a Street Party in the evening of Saturday 22nd of March 2025. The Pride March would be a free event and the Street Party a ticketed event.

The cost of the tickets is yet to be determined as the value of the tickets will be dependent on the level of entertainment that can be secured. Estimated tickets sales for the Street Party is 1000, meaning that an income contribution of between \$5,000 and \$25,000 could reasonably be achieved.

Sponsorship

A sponsorship prospectus was developed for three of Council's events (New Years Eve, Carols and Rainbow) and issued publicly on 23 October 2024.

Since then, staff have been in discussion with a number of local organisations about their interest in sponsoring the event and it is expected that a number of these may formalise their sponsorship agreement by January 2025. The project plan budget has currently not provisioned this sponsorship as it is not confirmed.

ATTACHMENTS

1 Rainbow Festival Project Plan 2025, D24/137784

COUNCIL MEETING



Festival Overview



Driven by the feedback from the Rainbow Festival 2024 the Festival Overview aims to mobilise the strong appetite from local business to be involved.

The long-term goal is that the Rainbow Festival becomes community driven

The 2025 plan is to increase the number of local businesses involved allowing them to independently host portions of the event This has been kick started by CSU planning a Queer Screen Flim event on Wednesday 19th March 2025.

Council can then host only a portion of the Festival which reduces costs to Council and allows the Festival to naturally grow

Date	Event
Wed 19 March	CSU - Queer Screen Film Festival
Thurs 20 March	Opportunity for event to be run by local business
Fri 21 March	Opportunity for event to be run by local business
Sat 22 March (day)	Pride March to South Court gathering
Sat 22 March (night)	McNamara Lane Street Party
Sun 23 March	Opportunity for event to be run by local business

Council Event Overview

2025 events will build on successful elements of 2024



DAY EVENT – Saturday 22nd March 2024

Council lead

Community Services team.

2024 learnings

- Pride Walk was key element of the event
- Important to have a family-friendly offering
- CBD is a great location to host; high levels of accessibility

Objective(s)

- A celebratory moment for the LGBTQIA+ community to be seen.
- · A welcoming and accessible gathering for all ages

Attendee target

1,500

Details

Event: Pride Walk

Date: Saturday, 22nd March 2024 **Location:** Robertson Park to South Court **Food & Beverages:** EOI for local vendors

Entertainment: Music, TBC **Time**: 1 to 2 hours, afternoon

Ticket Price: Free

NIGHT EVENT – Saturday 22nd March 2024

Economic Development Major Events team.

- Use McNamara Lane for more events
- Broader range of entertainment
- More bars, less queues, better drinks
- Start event earlier for food vendors
- · Event targeted at young adults
- Both LGBTQIA+ identifying, as well as allies
- Introduce ticketing to drive sustainability

1,000

Event: 18+ Street Party

Date: Saturday, 22nd March 2024

Location: McNamara Lane

Food & Beverages: EOI for multiple vendors, focus on local **Entertainment:** target a mix of drag, bands, MC/speaker, DJ **Time:** Dependant on entertainment. Estimate 5pm to 10pm **Ticket Price:** TBC, Committee will decide once entertainment is approached, and therefore the value of the offering is ascertained.

Attachment 1

The festival is planned on an operating budget of \$100,000 (excl GST). This is approximately \$60,000 less than the FY24 event costs. Investment in entertainment will be lower than 2024, but remains critical to introduce tickets sales for event sustainability.

ELEMENT	PRICE
Entertainment and AV	\$60k
Security, Fencing, Traffic	\$15k
Bins and Furniture Hire	\$6k
Toilets	\$5k
Generators and consumables	\$4k
Print and Staffing	\$10k
TOTAL	\$100k

Sponsorship cannot be secured until Council endorse the project plan. Our initial EOIs to prospectus indicate interest.

Combined with ticket sales, additional revenue could be between \$15k and \$30k which would offset a portion of Council's \$50k event allowance

FUNDING	AMOUNT
Council funding	\$50k
Newmont Grant	\$20k
DestinationNSW Grant	\$20k
Sponsorship	\$TBC
Ticket sales	\$TBC
TOTAL	\$100k

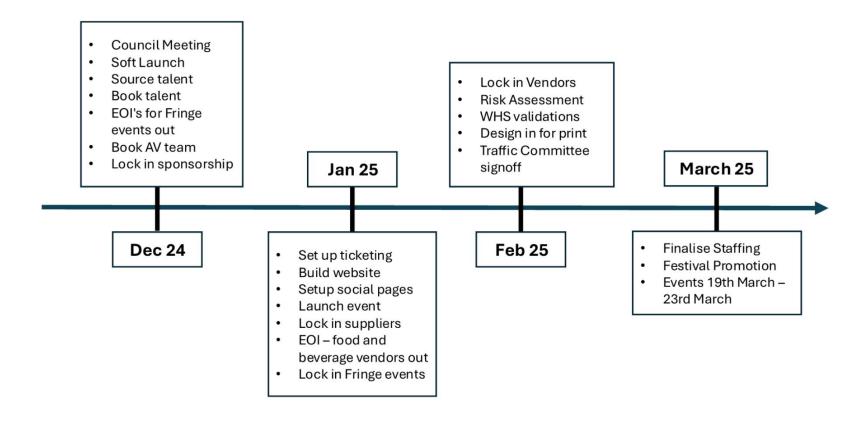


Next steps

Timeline for implementation

IMPLEMENTATION PLAN



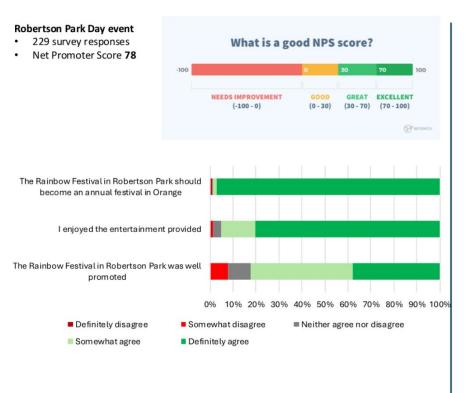


2024 Attendee Feedback



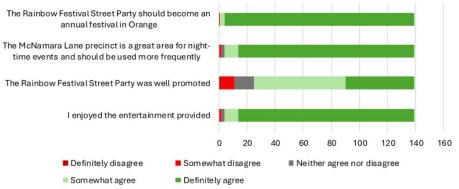
Recap of positive feedback from attendees across both Saturday events

A post-event survey was issued to all attendees check-in on the Eventbrite App. The Net Promoter Score for both events was extremely high (benchmark for events is a score of 60). NPS is a strong measure of advocacy and a widely used predictor of future event attendance. A summary of results below



McNamara Lane Street Party

- 139 survey responses
- Net Promoter Score 83



5.11 APPLICATIONS FOR EVENT SPONSORSHIP

RECORD NUMBER: 2024/1750

AUTHOR: Tony Boland, Industry & Business Engagement Lead

EXECUTIVE SUMMARY

This report provides information to Council so it may consider applications through Council's Event Sponsorship Program.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "12.2. Develop and attract a variety of events, festivals, venues and activities for locals and visitors, ensuring accessibility for all".

FINANCIAL IMPLICATIONS

The budget for the Event Sponsorship Program is \$100,000 for the financial year. The summary of commitments and expenditure is at Table one below. Any funding of \$350 or greater will exhaust the program funds.

As the Events Sponsorship budget only has an amount of \$350 remaining, it is prudent for staff to recommend in total an amount of funding no greater than \$350. This amount will satisfy neither request in full.

As described by the Chief Executive Officer at the Council meeting of 20 November 2024, any funding applied above the \$100,000 threshold will cause a reduction in budget in another area. This may affect Council's capacity to deliver on plans already in place as part of this year's operating activities.

Staff have reviewed the events budget and have identified \$16,935 in our Sister Cities funds that are not yet committed for this financial year. Activity in this program is lower than planned, and staff believe the remaining program can be delivered for \$6,935, which will leave \$10,000 to cover the sponsorship requests in this paper. It is expected the Sister Cities budget will be required in full in FY26 with pending sister city arrangements. Any future funding requests received this FY would need to be funded by:

- reduction in the Australia Day or ANZAC Day budgets. These budgets are typically expended in full, so any reduction in budget will be a reduction in service for those two events
- reduction in operating budget for the Colour City Caravan Park with funds planned for priority capital works, and promotion of the Park to ensure it meets revenue targets
- another area of Council's budget outside of the Economic Development area

Based on previous years applications, Council is likely to receive a minimum of another \$14,000 in applications (not including the two in this report) prior to the end of the financial year.

A review of the policy supporting these event sponsorships as requested by the Motion endorsed by Council on 3 December 2024 has commenced. Any adjustments as a result of that review would need to be included in the FY26 budget and therefore unlikely to have benefit this financial year.

Table One: Event Sponsorship Program – Financial summary table

Annual Allocation	Committed from previous years	Already approved in 2024/25	Balance available	Eligible applications received	Committed for 2025/26
\$100,000	\$21,600	\$78,050	\$350	\$6,500	\$10,000

POLICY AND GOVERNANCE IMPLICATIONS

Events Sponsorship Program Policy ST144 is applied by staff to determine if the application is compliant with the Policy. The application is usually submitted to Council via the Finance Policy Committee, with a comment from staff about areas of non-compliance (if applicable).

Councillors may also decide to fund an event for an amount other than requested or recommended if so desired.

The Events Sponsorship program is managed in accordance with Section 356 of the Local Government Act 1993.

RECOMMENDATION

- 1 That Council resolves to provide sponsorship of \$5000 to the Orange Mountain Bike Club to hold the 2025 AusCycling Mountain Bike National Series from 28 to 30 March 2025 and reduces the Sister City Budget by \$4,650 for FY24 to fund the out of budget portion of this sponsorship
- 2 That Council resolves to provide sponsorship of \$1500 to the Central West Veterans Golf Week to hold the 2025 event from 2-7 March 2025 and reduces the Sister City Budget by \$1,500 for FY24 to fund this sponsorship

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 approved applications for event sponsorship approved in the 2023/24 and 2024/25 financial year can be found at Table 2.

Table 2: Assistance provided in 2023/24 and 2024/25 to date.

Evented	Requested in 2023/24	Approved in 2023/24	Requested in 2024/25	Approved in 2024/25	2024/25 Spend per Visitor Ratio of awarded sponsorship.
Careers and Trade Expo *	\$1,500	\$1,500	\$1,600	\$1,600	1:10
Gnoo Blas *	\$10,000	\$10,000	\$10,000	\$10,000	3:1
Orange Show *	\$10,000	\$10,000	\$10,000	\$10,000	4:1
Orange Regional Arts Foundation	\$10,000	\$5,000	\$,5000	\$5,000	25:1
Rural Womens Gathering	\$2,000	\$2,000			

5.11 Applications for Event Sponsorship

- Applications for Event Sponsorsin					
Evented	Requested in 2023/24	Approved in 2023/24	Requested in 2024/25	Approved in 2024/25	2024/25 Spend per Visitor Ratio of awarded sponsorship.
Goodness gravel +	\$5,000	\$2,500	\$5,000	\$2,500	11:1
Central West Maliyan	\$4,000	\$2,000			
Golden Eagles Pairs Tournament	\$5,000	\$5,000	\$5,000	\$1,500	19:1
Schools Out for Summer +	\$5,000	\$3,000			
Wine Festival	\$10,000	\$10,000	\$14,500	\$10,000	1:1
Sustainable Living Expo	\$4,000	\$4,000	\$4,000	\$4,000	3:1
National Bridge Championship #	\$10,000	\$10,000	\$5,000	\$5,000	15:1
Orange Chamber Music Festival	\$9,713	\$9,713	\$10,000	\$10,000	11:1
Orange Volcanic Mountain Challenge	\$5,000	\$5,000			
Junior Touch Football Championships	\$4,720	\$4,720	\$4,550	\$4,550	2:1
Central West Vets Golf Week	\$1,500	\$1,500	\$1,500		
Glow Roller Discos +	\$2,000	\$2,000			
FOOD Week	\$10,000	\$10,000	\$10,000	\$5,500	2:1
Wangarang Charity Golf Day	\$5,000	\$5,000			
Backroads Brews and Blues +			\$5,000	\$3,000	3:1
White Tie Ball			\$8,000	\$8,000	27:1
Orange Golf Club +			\$1,000	\$1,000	4:1
Australian National Field Days			\$10,000	\$10,000	1:2
Regional Development Australia			\$5,000	\$3,000	20:1
A Night in Nashville			\$10,000	\$5,000	3:1
Total Expenditure for 2023/24		\$101,433			
Committed to date for 2024/25				\$99,650	

^{*} Already approved from previous years

Information for Councillor's regarding the data within submissions:

The section titled *Visitation Based on Applicants Data* is to show how many locals, day visitors and overnight visitors are expected to attend the event. This information is derived from the application and can include ranges, depending on what the organisation has included in their application. Councillors should note that staff have not verified how the applicant's figures were arrived at, and Councillors should use their discretion in considering the visitor numbers.

The category titled "OCC \$ per participant ratio (lower ratio = less spend per person)" is to allow the Councillors to view an average cost per person briefly to assist in determining if the application is value for money. These figures are based on the applicants requested figure, not the recommendations from staff. This information has been included at three levels, total participants (locals, day visitors and overnight visitors), total visitors (day visitors and overnight visitors) and overnight visitors. A ratio of 5:1 indicates \$5 of Council funds per visitor in funding. Ratios are rounded to the nearest whole figure in most cases. Again, Councillors should note that staff have not verified how the applicant's figures were calculated, and Councillors should use their discretion in considering the visitor numbers. A comparison can be found by looking at the final column in Table 2 on the previous page.

[#] National event last year, regional event this year

⁺ Private company

5.11 Applications for Event Sponsorship

The section titled "Income generated (DNSW)" is based on the applicants estimated number of participants and their home locations. This data has been updated in November 2024 to reflect the average spend data from Destination NSW for visitors to the Central West for the year ending 30 June 2024. Staff can apply average spend data from Destination NSW (DNSW) to give an indication of the likely income to be generated for the economy. Based on Destination NSW figures, a day visitor spends \$220 per trip and an overnight visitor spends \$266 per night or \$677 per visit.

Apart from this data there are other considerations that can be included in deliberations surrounding supporting or not supporting the application. These include:

- How long the event has been going and does it have the capacity to grow?
- Does the event have overriding social benefits to the broader community or the more disadvantaged members of our community?
- Is this accessible to a large proportion of the community who may wish to attend or is it for a small select group?
- Will the event provide additional benefits to Orange such as national media exposure?
- Increased promotion of the city and/or identification of the city with a recognised product such as sport, food, wine, agribusiness, clean environment etc.
- Will not funding the event have an adverse impact on the ability of the organisers to hold the event?

5.11 Applications for Event Sponsorship

Applicant 1	Orange Mountain Bike Club – A round of the 2025 AusCycling		
Dallar Catagonia	Mountain Bike National Series		
Policy Category	Incubator Event Fund - Provides seed funding to events in their first		
	or second year of activity to assist them in getting their event up		
Amount requested	and running. \$5,000		
Category Maximum	\$5,000		
Aligns to Destination	Marginally. Theme 5 – Events, Festivals and Conferencing refers to		
Management Plan	all sorts of events except sporting events. It is believed this is an		
Wanagement Lan	oversight in the final draft of the DMP.		
Social issues addressed	Sport is a key to physical and mental health.		
Previously funded by	• 2023-24 - \$0 2019-20 - \$0		
Council?	• 2022-23 - \$0		
	• 2021-22 - \$0 2017-18 - \$0		
	• 2020-21 - \$0		
Other reported	There is no other sponsorship source identified. The event intends		
sponsorship	to raise \$23,500 in entry fees.		
Summary information	The event will be held 28-30 March 2025		
	The event is one round of the 2025 AusCycling Mountain Bike		
	National Series		
	There are 750 visitors expected for the event.		
Visitation based on	Inere are 750 visitors expected for the event. Locals – 0		
applicants' data (per event	• Day visitors – 0		
day)	Overnight visitors – 750		
OCC \$ per participant ratio	Total participants – 7:1		
(lower ratio = less spend	• Total visitors – 7:1		
per person)	 Total visitors – 7:1 Overnight visitors only – 7:1 		
Income generated (DNSW)	• \$598,500		
Complies With Policy	Yes. The contribution of cash made by the club matches the		
DECOMMENDATION.	amount of assistance requested from Orange City Council.		
RECOMMENDATION	The project meets the program guidelines and objectives and		
	would normally be recommended for funding to \$5,000. However,		
	due to the low funding available the remaining \$350 could be awarded and another source of income would need to be found to		
	awarded and another source of income would need to be found to award the sponsorship.		
	awaru tile sponsorsiip.		

5.11 Applications for Event Sponsorship

	<u> </u>		
Applicant 2	Central West Vets Golf Week		
Policy Category	Flagship Event Funding - Assists the development of events that		
	have been running for 2 years or more and demonstrate that they		
	attract overnight visitation.		
Amount requested	\$1,500		
Category Maximum	\$5,000		
Aligns to Destination	Marginally. Theme 5 – Events, Festivals and Conferencing refers to		
Management Plan	all sorts of events except sporting events. It is believed this is an		
	oversight in the final draft of the DMP.		
Social issues addressed	Sport is a key to physical and mental health, particularly in older		
	Australians		
Previously funded by	• 2023-24 - \$1,500 2019-20 - \$500		
Council?	• 2022-23 - \$1,000 2018-19 - \$0		
	• 2021-22 - \$1,000		
	• 2020-21 - \$1,000		
Other reported	The organiser is expecting to raise an additional \$6,000 in		
sponsorship	donations and sponsorships.		
Summary information	The event will be held 2 to 7 March 2025		
	There are 250 visitors expected for the event.		
	The event is in its 27 th year		
	The event would increase the average length of stay from 2.5		
	nights to 6.5, increasing the spend per visitor to \$887		
Visitation based on	• Locals − 30		
applicants' data (per event	• Day visitors – 20		
day)	Overnight visitors – 230		
OCC \$ per participant ratio	• Total participants – 6:1		
(lower ratio = less spend	• Total visitors – 6:1		
per person)	Overnight visitors only – 7:1		
Income generated (DNSW)	• \$415,270		
Complies With Policy	Yes.		
RECOMMENDATION	The project meets the program guidelines and objectives and		
	would normally be recommended for funding to \$1,500. However,		
	due to the low funding available the remaining \$350 could be		
	awarded and another source of income would need to be found to		
	award the sponsorship.		

ATTACHMENTS

- 1 Event Sponsorship Cover Application Orange Mountain Bike Club (redacted), IC24/29234
- 2 Event Sponsorship Incubator Form Orange Mountain Bike Club (redacted), IC24/29232
- 3 Central West Veterans Golf Week Event Cover Application Form (redacted), IC24/29261
- 4 Central West Veterans Golf Flagship Event Fund Application 2025, IC24/29259

Attachment 1 Event Sponsorship Cover Application - Orange Mountain Bike Club (redacted)



APPLICANT'S DETAILS

Name of Organisation: Orange Mountain Rike Club

Traine or organisation. Orange Floania	an bike didb	
Postal address:		
Contact name:		
Position: President		
Phone:	BH:	AH:
Mobile:		
Email: Christopher.Guerin@transgrid.c	com.au	
	sation? (eg Incorporated, Association, etc.) nce — such as charter/constitution showing no po o declaration	ersonal gain will be available to members,
Please select:	☐ Profit or ☑ Not-for-Profit	
If not-for-profit:	☑Constitution, tax ruling or other document co	onfirming not-for-profit status is attached
Is your group/organisation registered for GST?	☑ Yes □ No	
If applicable, please provide:	ABN: 95 782 345 739	ACN:

EVENT SPONSORSHIP COVER APPLICATION FORM

Updated May 2020

page 1 of 3

Attachment 1 Event Sponsorship Cover Application - Orange Mountain Bike Club (redacted)

E/	/EB			

Name of event: 2025 AusCycling Mountain Bike National Series (DH)
Location of event: Glenwood Forest Orange NSW 2800
Proposed date/s of event: 28, 29 and 30 March 2025
If the event is on Council land/ premises, have you booked this space with Council?
How many people will be involved in your event? (Estimate) 750
How many people will come from outside Orange for the day? Estimate 750 over approximately 3 days
How many people will stay overnight? (Estimate) 750 for 2 nights
Please provide an outline of the event, including a summary of proposed activities and schedule: as attached.

EVENT BUDGET

Please outline the proposed income and expenditure budget for the event

\$
\$5,000
\$23,500
\$5,000
\$33,000

Expenditure Items (cash)	\$
Race plates	\$2,000
Timing	\$8,000
Toilet hire	\$2,500
First aid services	\$2,800
Photography	\$3,600
Shuttle costs	\$1,500
Safety, temporary fencing, printer, paper, other misc	\$2,600
Marketing	\$2,000
Trail building / prep work, trail marking etc	\$8,000
TOTAL EXPENDITURE	\$33,000

Total Income and Total Expenditure must equal

EVENT SPONSORSHIP COVER APPLICATION FORM | Updated May 2020

Attachment 1 Event Sponsorship Cover Application - Orange Mountain Bike Club (redacted)

DECLARATION			
On behalf of: (name of organisation if applicable)			
$\boxed{\hspace{0.1cm}}$ I certify to the best of my knowledge that the statem	ents made in this application and any supporting documentation are true.		
☑ I understand that should this application be approved Invoices, plans or reports and will be required to ent	by Orange City Council, I may be required to submit any requested Tax ter into an Event Agreement with Council.		
☑ I declare that the Organisation will provide all require (to a minimum of \$10 million) with Orange City Cou	ed paperwork, including a Certificate of Currency of Public Liability Insurance ncil noted as an interested party.		
Signed	Date: 12/11/2024		
Print name			
Position in Organisation: President			

The information you provide will be handled in accordance with the Privacy and Personal Information Protection Act 1998. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, your application may be unable to be processed. Any personal information collected from you will be in order to process your application.

EVENT SPONSORSHIP COVER APPLICATION FORM

Updated May 2020

AusCycling Mountain Bike National Series (DH)

Draft schedule

Friday 28 March: All day (training and registration)

1400 – 1600 Course walk

Saturday 29 March: 800 – 1200 Official Practice Group B

1230 - 1630 Official Practice Group A

All Day Community / Participation Programs including adaptive

bike race and juniors races.

Sunday 30 March: 1100 – 1500 Racing / Seeding / Qualifying

1300 - 1600 Finals

All Day Community / Participation Programs including adaptive

bike race and juniors races.



Our Ref: N5134983

Registry Services PO Box 22 Bathurst NSW 2795

Toll Free 1800 502 042 Ph 6333 1400

TY 1300 723 404

ABN 81 913 830 179

Email:

registryinquiries@customerservice.nsw.gov.au www.fairtrading.nsw.gov.au

Dear Client

Re: ORANGE MOUNTAIN BIKE CLUB INCORPORATED - INC1700850

I refer to the Notice of appointment of public officer and Notice of change of association address, Form A9 received by NSW Fair Trading on 09/06/2020.

The document has been processed and now forms part of the association's record.

The Register of Incorporated Associations records the Public Officer as and the official address of the Association as

The Association is reminded of some key requirements of the Act:

Annual General Meetings and Lodgement of Annual Summary of Financial Affairs.

An association's obligation to report to Fair Trading each year depends on its status as either a Tier 1 (large) or Tier 2 (smaller) association, and whether it is registered with the Australian Charities and Not-for-profits Commission (ACNC) and ACNC compliant.

The management committee must, as soon as practical after the end of its financial year, cause statements for the association, and any trust for which the association acts as a trustee, to be prepared.

The financial statements must be submitted to the AGM. The association's AGM is required to be held within 6 months after the end of its first financial year.

Information concerning the specific financial reporting obligations of Tier 1, Tier 2 and ACNC compliant incorporated associations is available on the Fair Trading website https://www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations/running-anassociation/financial-reporting-requirements.

Public Officer and Official address

The association's public officer is the official contact point for the association. If there is a vacancy in the office of public officer, the committee must fill that vacancy within 28 days.

The public officer, who must reside in NSW, is required to lodge Form A9 – Notice of appointment of public officer and Notice of change of association address within 28 days of becoming public officer or of any change in the association's official address.

The official address of the association must be an address in NSW:

- · at which the public officer can generally be found; and
- at which documents can be served on the association by post.

The official address cannot be a post office box.

Alteration of Constitution

The constitution of an incorporated association is a contract between the association and its members, who agree to adhere to the provisions outlined in the constitution. The committee is responsible for ensuring the association operate in accordance with its constitution and the

An incorporated association may, by special resolution, alter its statement of objects or its constitution.

An application to register change of objects or constitution (Form A6) must be lodged within 28 days of the special resolution being passed. Any alteration of the objects or constitution of the association takes effect when the alteration is registered. Fair Trading will forward a letter confirming the date of registration.

If you require any further information please review the fact sheets on the Fair Trading website www.fairtrading.nsw.gov.au/associations-and-co-operatives prior to contacting Registry Services.

Yours sincerely

ħ.

Julie Lowe
Customer Service Officer
Registry Services
18 June 2020



What is the purpose of this event and why do you think it will work in Orange?

The event is the 2025 AusCycling Mountain Bike National Series (DH) and one round of the series will be hosted by Orange on the 28, 29 and 30 March 2025. Orange has successfully hosted state events over the past couple of years and the trails at Glenwood Forrest have become extremely popular in the mountain biking community. Hosting a National Series Mountain Bike Race is a wonderful opportunity for Orange and our region. It will bring long lasting economic and social benefits to Orange by boosting its reputation as a hub for sports and outdoor activities.

This national event will work in Orange as we have hosted similar events in the past and we have a very strong community spirit with people willing to volunteer to ensure a successful event. Locals will be given the opportunity to volunteer or spectate on the day which will in turn raise awareness and bring positive attention to the sport of Mountain Biking in our region. The event will also encourage health and fitness and may motivate community members to take up Mountain biking for a healthier lifestyle.

How will the event attract visitors to the Orange 360 region? Please discuss which demographics you intend to target and how your event services this group

As this event is part of a National Series, it will bring guaranteed competitors, spectators and support crew who are involved in the series. The event is inclusive for all ages, race and sex. There are male and female categories starting from Under 15's to masters (any age). It is also estimated that every competitor will bring an additional 2.5 people to the event.

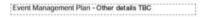
Will your event involve and engage local businesses, sporting groups, artists, community groups or interested individuals? Does the event assist in building the reputation of Orange by associating with positive and inclusive activities in the Orange Community? Please give details of involvement of others.

Glenwood Forest Trails are close to Orange and local businesses such as cafes, restaurants and hotels will benefit from this influx of up to 750 visitors.

Members of local clubs such as the Orange Mountain Bike Club, Orange Cycle Club and Orange Triathlon club and will get involved with volunteering. Quite often with large events that come to Orange, these clubs assist each other with providing volunteers and marshals. Exposure to national events can potentially attract new interest and members for these clubs.

The event welcomes everyone. There will be an adaptive mountain bike race and races for juniors (all male and female), which will highlight our regions' support for diversity in sport. This will help our reputation as a community that values participation and inclusiveness.

Please outline the management structure of your event organisation, including the key roles and responsibilities, and the use of paid or unpaid staff?



Name	Position/Title	Phone	Email
Scott Turner	Club Contact		
	Event Manager		
	Race Director		
	Deputy Race Director		
Mark Welsh	President of the Commissaire Panel (PCP)		
Ivan Herman	Commissaire		
	First Aid		
	Course Manager		
	Village Coordinator		
	Registrations/Presentations		
	Volunteer Manager		
Nick Haertsch	Timing Manager		
Scott Turner	Communications/Radios		
Richard McGibbon	Media/Photographer		
	Commentator		

How do you intend to measure attendance at the event, the experiences of event attendees and the level of visitation from outside the region. How will you report his back to Council? (Note: Business Development Staff can provide suggestions on how to achieve this but please do not leave it until the last minute to request input as staff may not necessarily be available in the closing days).

Attendance records can be obtained from registrations where the club can record the following:

- Age
- Sex
- Address
- Nights staying in Orange
- Camping / hotel
- # of extra people they are bringing to the event

Central West Veterans Golf Week Event Cover Application Form (redacted) Attachment 3

ORANGE CITY COUNCIL	A: 135 Byng Street, Orange T: 6393 8000 E: council@orange.nsw.gov.au W: www.orange.nsw.gov.au
EVENT SPONSORSHI	P
COVER APPLICATION	N FORM

APPLICANT'S DETAILS

Name of organisation:	Central West Vets don Week (formerly City of Grange V	rets week of doil)
Postal address:	- 1 ,	
Contact name:		
Position:		
Phone:	AH:	
Mobile:		
Email:		
	r organisation? (eg Incorporated, Association, etc.) a evidence – such as charter/constitution showing no persona statutory declaration	al gain will be available to members,
Incorporated		
Please select:	☐ Profit or ☑ Not-for-Profit	
If not-for-profit:	☐ Constitution, tax ruling or other document confirm	ming not-for-profit status is attached
Is your group/organisation registered for GST?	☐ Yes ✓ No	
If applicable, please provide:	ABN: 49 924 712 974 ACN:	

EVENT SPONSORSHIP COVER APPLICATION FORM | Updated May 2020

Central West Veterans Golf Week Event Cover Application Form (redacted) Attachment 3

Location of event: Proposed date/s of event: Orange and 3rd March If the event is on Council land/ premises, have you boo	d Bathurst			
Proposed date/s of event.				
f the event is on Council land/ premises, have you boo	2025 to 7th March 2025			
	oked this space with Council?	Yes	□ No	
How many people will be involved in your event? (Esti	mate)	220		
How many people will come from outside Orange for	the day? (Estimate)	250		
How many people will stay overnight? (Estimate)		230	Marities.	
Please provide an outline of the event, including a sum	mary of proposed activities and	d schedule:		
he Tournament commences on Sunday March 2nd wi			between the hours of 2p	m and 5pm
	Monte us to the first of	100 March 100 Ma		
studiefa su eldo na est esta a totale.		3 10000 01		

Attachment 3 Central West Veterans Golf Week Event Cover Application Form (redacted)

EVENT BUDGET Please outline the proposed income and expenditure budget for the event Income Source (cash) \$1000.00 eg: Organisation X \$ 45000 Entry Fees \$ 2000 Orange Exservices Club \$ 1000 Mitre 10/ Everly Jewellers donations 3000 Other donations yet to be finalised \$ \$ \$ 1500 Orange City Council Event Sponsorship request \$ 52500 **Total Income Expenditure Items (cash)** \$ 2000.00 eg: Marketing - 8 x TV adverts \$ 9000 Trophies \$ 24000 Course Fees \$ 1000 Stationery/Printing /Postage \$ 15000 Catering/Dinner \$ 1000 Webpage maintainence \$ 1000 Online software entry fees and costs \$ 500 Sundries \$ 52500 Total Expenditure Total Income and Total Expenditure must equal \$ \$ Value of In-kind Contributions eg: letter drop/ street walk - 1 hour, 1 person \$ 41.72 This is very difficult to calculate as the committee and other helpers spend many hours \$ planning the event, working out the daily hit off times for all entrants, seeking sponsorship, arranging seating plans for the dinner, liasing with the three golf clubs, \$ collating results etc etc. \$ At \$41.72 per hour (a figure from back in 2018) the total in kind contributions would \$ 35000 be thousands of dollars.

EVENT SPONSORSHIP COVER APPLICATION FORM	Updated May 2020	

Total In-kind Contribution Value

\$ 35000

Central West Veterans Golf Week Event Cover Application Form (redacted) Attachment 3

On behalf of: (name of organis	ation if applicable)	
		nade in this application and any supporting documentation are true.
✓ I understand that should the Invoices, plans or reports a	nis application be approved by O and will be required to enter into	range City Council, I may be required to submit any requested Tax an Event Agreement with Council.
I declare that the Organisa (to a minimum of \$10 million	tion will provide all required pape on) with Orange City Council note	erwork, including a Certificate of Currency of Public Liability Insurance and as an interested party.
Signed		Date 13/11/2024
Print ni	John Dalton	
Position in organisation	Tournament Director	e processe or de novembre l'accessor et = 0 or =
formation by you is voluntary	If you cannot provide or do not	the Privacy and Personal Information Protection Act 1998. The supply o wish to provide the information sought, your application may be unable vill be in order to process your application.



Application

E: W: www.orange.nsw.gov.au

EVENT DETAILS

How many years has your event operated for and what were the levels of attendance (both local and visitor) at the event(s)?

The Central West Vets Golf Week (formerly The City of Orange Vets Week of Golf) is in its 28th year. Last year we had about 185 entrants from all over NSW, Queensland and Victoria. There were about 30 locals. We vare expecting a few more this year, hopefully around the 210 mark which is the maximum we can fit on one course in one day.

Please detail how the sponsorship will help the event grow the diversity of sub-events and activities to attract additional visitors to the local economy or increase the length of stay and average spend consistently over time.

The sponsorship allows the promotion, advertising and depth of trophies to attract veteran golfers from all over NSW and interstate. This year our numbers were down slightly due to illness to some entrants. Over the past the Tournament has developed a reputation as a well organised event with worthwhile trophies, a friendly atmosphere and exceptional courses among the veteran golf circles. It is through this sponsorship and hard work by the organising committee that we are able to attract many people to the region and we want to maintain that reputation. It is interesting to note that so far we have many new entrants booked in for next year's event . With around 200 golfers plus nonplaying partners visiting and staying in and around Orange many businesses benefit. Many entrants are in Orange for six or seven nights so accommodation places benefit (as well aroud 15 to 20 caravans in the Caravan Park) by this. Other retail businesses such as wineries, restaurants, coffee shops, clothing stores and boutiques etc all benefit from the influx of

Feedback from the Tourist Information Centre is that there is an influx of visitors during the tournament week.

EVENT SPONSORSHIP FLAGSHIP APPLICATION | Updated May 2020

Central West Veterans Golf Flagship Event Fund Application 2025 Attachment 4

How will the event involve and engage local businesses, sporting groups, artists, community groups and or interested individuals? How will it assist in building the reputation of Orange by associating with positive and inclusive activities in the Orange community

The event is held at the two golf courses in Orange and for the third year at Bathurst. The reputation of the local golf courses is thus enhanced throughout NSW and results in more visitors to the local area. A Presentation Dinner Dance is held on Thursday night in the Coral Sea Room at the ExServices Club and is well attended with over 230 people and is enjoyed by all. Live music is supplied by local artists. After the success this year and the verbal feedback we have received, a full field of 210 players plus non playing partners is expected next year.

The week of golf tournament introduces new entrants to the beauty of both Orange and now Bathurst golf courses and the variety available within the two cities with word of mouth spreading to golfers who did not attend. The Wednesday rest day provides people with the opportunity to explore the local shopping, wineries, areas of interest and other attractions within and aroud the city thus promoting Orange as a destination and attractive place to visit and stay.

Many trophies are presented through the different grades for each day's play, overall winners plus novelty events each day. These are in the form of vouchers purchased or prizes donated by many local businesses. This introduces contestants to some of the local businesses and involves the businesses at the same time.

What strategies will be used to promote the event to both local and out of region audiences and how will the success of these strategies will be measured. If a marketing plan has been developed, please attach it to the application.

Flyers advertising the tournament and giving links to our new website, mail address and the New South Wales Veterans Golf Association web site (this website lists all the Week of Golf events held in the state and contains news of the events plus results) are sent to many golf clubs in the state. Also personalised emails are sent to all previous participants informing them of the tournament and giving them a link to the entry form. All sponsors are also noted on the website. The success of this promoting and advertising is measured by applications received and the number of new entrants.

Our newly developed web site gives entrants easy access to the entry form, hit off times, results, promotion of our sponsors, information regarding the three golf courses and photos from the tournament and the presentation dinner. This provides greater opportunity for promotion of the tournament and easier access to enter.

How does the event fit into the annual event calendar and is the organising committee mindful of peak tourism periods for the

The Central West Vets Week of Golf fits into the NSW Veterans Week of Golf calender and has been played at this time (first week of March) for the past 27 years.

Are you applying for an annual single year grant or 3 years of confirmed funding?

_				
./	Sina	۵	voar	aran:

3 year grant

EVENT SPONSORSHIP FLAGSHIP APPLICATION | Updated May 2020

5.12 REGISTER OF DISCLOSURES - INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

RECORD NUMBER: 2024/1837

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.

Disclosures of new Councillors and/or Designated persons are required to be submitted within three months of being declared elected/appointed in accordance with the Code of Conduct.

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 September 2024 30 November 2024 disclosing interests of Councillors and Designated Persons, as tabled, be acknowledged.
- 2 That the Register of Returns for the period 1 September 2024 30 November 2024 disclosing interests of Councillors and Designated Persons be made available on Council's website with appropriate redaction.

5.12 Register of Disclosures - Interests of Councillors and Designated Persons

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 <u>Access to Information</u> 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 20 December 2024 when it is anticipated they will be published.

5.13 REGISTER OF DELEGATIONS - COUNCIL, COMMITTEES, CHIEF EXECUTIVE OFFICER AND SPECIFIC APPOINTMENTS

TRIM REFERENCE: 2024/1331

AUTHOR: Jen Sharp, Director Corporate & Commercial Services

EXECUTIVE SUMMARY

This report provides the updated Register of Delegations for Council approval. The Register of Delegations sets out the delegations to the Chief Executive Officer (General Manager), Mayor, Policy Committees and Statutory Committees of Council.

The Local Government Act 1993 requires Council to review all of its delegations during the first 12 months of each term of office, this review will allow the cascaded review of sub-delegations to staff to be finalised in accordance with the Operational Plan.

Minor updates including formatting and renumbering and any amendments to the Register are reflected in changes to the Local Government Act 1993 and other Legislation which have been repealed and replaced.

In addition, this version of the register contains specifically appointed positions where Council, as the regulatory authority/body, appoints Authorised Officers, Enforcement Officers or other specific appointments.

The balance of the Register remains unchanged.

The previous Delegations register was adopted by the Council at its meeting on 2 August 2022.

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

Sections 226 and 377 of the Local Government Act 1993 (which sets out functions which Council cannot delegate) is a requirement to observe.

Section 380 of the Local Government Act 1993 requires Council to review all of its delegations during the first 12 months of each term of office.

RECOMMENDATION

That Council adopt the Register of Delegations.

FURTHER CONSIDERATIONS

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

5.13 Register of Delegations - Council, Committees, Chief Executive Officer and Specific Appointments

Service	Section 377 of the Local Government Act 1993 provides that Council may			
Delivery	delegate to the Chief Executive Officer any function, with the exception of non			
	delegable functions listed in that section.			
	The delegations provide authority for the Chief Executive Officer to undertake a			
	range of operational functions.			
Employees	Many delegations to the Chief Executive Officer are then sub-delegated to other			
	staff. This process ensures staff are operating within their level of delegation.			

SUPPORTING INFORMATION

The following amendments are proposed in the Register of Delegations:

UPDATE	CONTENT			
Deleted – a Code of Conduct Panel of conduct reviewers is appointed to deal with such matters – no longer required.	Conduct Review Committee – CRC1	The Conduct Review Committee or member of the Conduct Review Committee acting as a sole Conduct Reviewer is responsible for making enquiries into complaints made under Council's adopted Code of Conduct, alleging breaches of the Code of Conduct by Councillors and/or the Chief Executive Officer. The operation of the Conduct Review Committee is outlined in the adopted Conduct Review Committee Charter.		
These delegations were re-numbered to assist with sequencing and grouping of delegations.	GM034	Renumbered to GM032		
	GM054	Renumbered to GM053		
	GM055	Renumbered to GM047		
	GM056	Renumbered to GM048		
	GM103	Renumbered to GM064		
	GM104	Renumbered to GM024		
	GM105	Renumbered to GM031		
Legislative Updates	Legislation that has been repealed or updated since the last Delegations register has been updated.			
Inclusion of Specific Appointments	Some acts do not permit the further sub-delegation of Authorised or Enforcement Officer's and this should be undertaken by the Regulatory Authority/Body (Council). The Register now included such position appointments.			

ATTACHMENTS

1 Register of Delegations 17 December 2024, D24/137397



Register of Delegations

17 December 2024



Delegations Register

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Power of Delegation

Council delegates functions of the Council to the Chief Executive Officer (General Manager) pursuant to Section 377 of the *Local Government Act 1993* (the Act). These delegations are made on an exception basis, meaning that <u>ALL</u> functions are delegated to the Chief Executive Officer (General Manager) unless expressly excluded. Section 377 of the Act provides as follows:

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, 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,
 - (I) 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*,

Register as at 17 December 2024

17 DECEMBER 2024



Delegations Register

- (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 Director-General 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.

Section 378 of the Act defines delegations by the General Manager:

- (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation.
- (2) The General Manager may sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the General Manager by the council under section 377(2).



Delegation Register

- If legislation referred to in this Register is superseded by updated or new legislation, to the extent practicable, the new legislation will apply to the delegations.
- Section 380 of the Local Government Act 1993 requires Council to review all of its delegations during the first 12 months of each term of office.
- This document will otherwise be reviewed at least every two years or as required in the event of legislative changes, changes to the organisation structure, position titles, organisational practices etc.
- Specific Appointments as an Authorised Officer, Enforcement Officer or other appointed Officer outlined in this register are made by Council Resolution and may only be reviewed/revoked by Council resolution.
- Any amendment to the delegations contained in this policy must be approved by Council resolution.

Mayor

COUNCIL MEETING

Section 226 of the Act defines the role of the Mayor, as:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (i) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,

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Delegations Register

- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (I) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

Delegations of the Mayor & Deputy Mayor

Delegate	Code	Name & Description
Mayoral Delegation	M1	To sign and execute documents under the Common Seal of Council in conjunction with either the Chief Executive Officer or another Councillor as co-signatories after Council has resolved to affix the Council Seal.
Mayoral Delegation	M2	To make media statements or releases on behalf of Council
Mayoral Delegation	M3	To exercise in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.
Mayoral Delegation	M4	To sign correspondence on behalf of the Council or the Office of the Mayor.
Mayoral Delegation	M5	The Mayor may authorise a Councillor to attend a conference, seminar or functions within and outside the Council area (conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc, held within Australia), in accordance with Council's Payment of Expenses and Provision of Facilities to Councillors Strategy Policy, with such approval being reported to the next Council Meeting.
Mayoral Delegation	M6	To make temporary appointment to the position of Chief Executive Officer where the position is vacant or the holder of the position is suspended or absent.
Mayoral Delegation	M7	To call an extraordinary meeting of Council if such a meeting is deemed necessary in accordance with Council's adopted Code of Meeting Practice.

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Delegations Register

Delegate	Code	Name & Description
Deputy Mayoral Delegation	DM1	To sign and execute documents under the Common Seal of Council in conjunction with either the Chief Executive Officer or another Councillor as co-signatories after Council has resolved to affix the Council Seal.
Deputy Mayoral Delegation	DM2	In the absence of the Mayor and subject to compliance with the requirements of the Local Government Act 1993, and any expressed policy or direction of the Council, the Council delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of the Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which the Council has delegated by this Register to the Mayor.

Delegations of Committees

Delegate	Code	Name & Description
Audit, Risk & Improvement Committee	ARMC1	The Audit and Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in the Committee's Charter. The Audit and Risk Management Committee has delegated authority to approve investigation into any matters within its scope of responsibility and make recommendations to the Chief Executive Officer on matters arising from such investigations.
City of Orange Traffic Committee	COTC1	Pursuant to the delegation of powers from Transport for NSW - TfNSW (previously the Roads and Maritime Services NSW), the authority for regulation of traffic management and traffic control signs on public roads. This authority is limited to the powers, authorities, duties and functions that are specified in the TfNSW Instrument of Delegation to Council, from TfNSW.
Environmental Sustainability Policy Committee Delegation	ESPC1	To determine all matters referred to it for consideration
Finance Policy Committee Delegation	FPC1	To determine all matters referred to it for consideration



Infrastructure Policy Committee Delegation	IPC1	To determine all matters referred to it for consideration
Planning and Development Policy Committee Delegation	PDC1	To determine all matters referred to it for consideration
Services Policy Committee Delegation	SPC1	To determine all matters referred to it for consideration
Recreation & Culture Policy Committee Delegation	RCPC1	To determine all matters referred to it for consideration
Regional and Economic Development Policy Committee	REDPC1	To determine all matters referred to it for consideration



Delegation to the Chief Executive Officer (General Manager)

Pursuant to the provisions of the Local Government Act 1993, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act, 1993 and every other enabling statutory power, delegates to its Chief Executive Officer (or any person acting in the position of Chief Executive Officer) authority to exercise and to perform on behalf of the Council (including to subdelegate those powers), all necessary powers, authorities, duties and functions, including those outlined below:

Corporate and Executive Powers

Code	Name & Description		
GM001	To carry out the regular services, functions and operations of the Council in accordance with the adopted policies of the Council, including all Strategic and Operational Policies		
GM002	During the period 18 March 2020 until such time as Council revokes this resolution, Council delegate its function to determine development applications and planning matters, with the exception of matters that cannot be delegated under the Local Government Act 1993 or the Environmental Planning and Assessment Act 1979, in circumstances where it is unreasonable to defer consideration of the matter, to the Mayor, Chairperson of the Planning and Development Committee, and the Chief Executive Officer (so that the Chief Executive Officer and either the Mayor OR the Chairperson of the Planning and Development Committee, are available to determine matters).		
GM003	To allocate priority of works for which funds have been provided subject to any direction of Council		
GM004	To exercise the powers and functions of an authorised officer and an enforcement officer and to sub-delegate to staff these powers and functions, where permitted, under the:		
	a Building & Development Certifiers Act 2018 b Companion Animals Act 1998 c Community Land Management Act 2021 d Contaminated Land Management Act 1997 e Crown Land Management Act 2016		
	f Dividing Fences Act 1991 g Environmental Planning and Assessment Act 1979 h Food Act 2003		

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Code	Name & Description
	i Firearms Act 1996
	j Government Information (Public Access) Act 2009
	k Heritage Act 1977
	I Public Spaces (Unattended Property) Act 2021
	m Liquor Act 2007
	n Local Government Act 1993
	o Major Events Act 2009
	p National Parks and Wildlife Act 1974
	q Local Land Services Act 2013
	r Biosecurity Act 2015
	s Pesticides Act 1999
	t Plumbing and Drainage Act 2011
	u Privacy & Personal Information Protection Act 1998
	v Protection of the Environment Operations Act 1997
	w Public Health Act 2010
	x Public Health (Tobacco) Act 2008
	y Public Interest Disclosures Act 2021
	z Recreation Vehicles Act 1983
	z.a Roads Act 1993
	z.b Road Transport Act 2013
	z.c Smoke Free Environment Act 2000, Smoke Free Environment Regulation 2016
	z.d State Emergency and Rescue Management Act 1989
	z.e Swimming Pools Act 1992
	z.f Transport Administration Act 1988
	z.g Water Management Act 2000
	z.h Work Health and Safety Act 2011
	z.i Heavy Vehicle National Law 2013
	z.j Residential (Land-Lease) Communities Act 2013

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Code	Name & Description
GM005	To authorise any work which is deemed urgent at a cost not exceeding \$10,000 for which Council has not allocated funds, provided that such expenditure is reported to the Council at its next Ordinary Meeting. "Urgent" work may include work necessary to ensure security of Council property or public safety.
GM007	To take all necessary action to instigate proper risk management procedures and ensure implementation of same
GM008	To close any public area, or to close or cease any Council service temporarily for repair or construction when necessary
GM009	To make public statements and issue media releases on matters involving the Council
GM010	To affix the Common Seal of Council to a document in accordance with a Council resolution and to act as a signatory with the Mayor or another Councillor
GM011	To authorise action to be taken in connection with any complaints or requests received
GM012	To negotiate land sales within 10% of the market price or price resolved by Council
GM013	To set a reserve price at auction, where land is being sold for overdue rates
GM014	To prepare and lodge applications for grants provided such action is consistent with Council's strategic planning documents
GM015	To manage investigations and reports on matters referred by the Independent Commission Against Corruption (ICAC)
GM017	To determine the method of tendering ie whether tenders are to be by open tendering or selective tendering, and to determine the acceptance of tenders with exception of tenders to provide services currently provided by members of staff of Council
GM018	To withdraw an imposed penalty where justified
GM019	To dispose of vehicles abandoned on Council owned or controlled land
GM020	To authorise graffiti removal work, with or without the agreement of the owner or occupier of the land
GM022	To negotiate and manage contracts and agreements
GM028	To access Councils CCTV control rooms, systems and review and download CCTV footage

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Code	Name & Description
GM085	To exercise the powers and functions of an authorised officer under the Dams Safety Act 2015 for all of Council's prescribed Dams (according to Schedule 1 of the Dams Safety Act 1978 where prescribed under that repealed act) including the implementation of Dams Safety Emergency Plans conferred by legislation contained within GM004
GM086	To exercise powers and functions of an authorised officer under the Fluoridation of Public Water Supplies Act 1957, Fluoridation of Public Water Supplies Regulation 2017 and the NSW Code of Practice for Fluoridation of Public Water Supplies conferred by legislation contained within GM004.

Execution of Documents

Code	Name & Description
GM027	To sign documents on behalf of Council (see sub-delegations below)
	a. Correspondence
	b. Contracts, agreements and leases and permissible gifts/benefits applications
	c. Retail Lease disclosure statements
	d. Sales agreements for agents to sell Council Land
	e. Approval of designs for subdivision plans and construction certificates
	f. Release of subdivision certificates
	g. Development applications for Council owned or controlled property
	h. Survey plans and survey requests/amendments
	i. Authorising payments by cheque or electronically in accordance with Council's strategic planning documents and budget and Council Resolution
	j. Taxation returns
	k. Employment summaries, superannuation forms and other declrations or forms associated with the employment of staff.
	I. Rating certificates
	m. Letters of engagement for consultants
	n. Approval of Council Logo use
	o. Funding agreements



Finance

COUNCIL MEETING

Code	Name & Description
GM035	To commit and authorise operational and/or capital expenditure of any amount within the area of operation and budget in accordance with Council's adopted budget, Purchasing Policies and relevant legislation
GM036	To authorise any variations to a contract within the Council's adopted budget
GM037	To authorise exemptions from compliance with Council's Purchasing Policies in limited circumstances, as set out in the Strategic and Operational Purchasing Policies
GM038	To authorise the investment of Council funds and sign such applications and documents as may be required
GM039	To engage Consultants within the budget, to assist with Council projects within the confines of budgetary constraints
GM041	To approve financial returns required by various organisations
GM042	To initiate debt recovery procedures
GM043	To allow unpaid rates to be paid from the estate of aged pensioners, or from the sale of the property
GM044	To write off rates or debts which are determined not financially viable to recover to a limit in any one case not exceeding \$5,000
GM045	To approve applications for extension of time to pay accounts
GM046	To order restriction or disconnection of water supply to premises if overdue water accounts are not paid
GM047	To authorise the disposal and retirement of assets in accordance with Council's Policies and adopted Asset Management Plans, Community Strategic Plan, Long Term Financial Plan or Delivery/Operational Plan.
GM048	To authorise the release of funds and/or Bank Guarantees where the required works or services have been carried out to a satisfactory standard
GM049	To authorise the operation of Council's bank accounts
GM050	To authorise the payment of salaries and wages of the staff

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Code	Name & Description
GM051	To authorise the issue of corporate credit cards to employees in accordance with Council's Credit Card Operational Policy
GM052	To authorise the payment of petty cash claims up to a maximum of \$500 per claim
GM053	To authorise ex-gratia payments for public liability/public indemnity claims for amounts below Council's insurance policy excess

Governance

COUNCIL MEETING

Code	Name & Description
GM029	To terminate any lease or rental agreement on any Council owned property where the terms of the lease have been breached, or accounts fall into arrears
GM030	To, in conjunction with the Mayor, approve payment of expenses and provision of facilities for Councillors in accordance with Council's adopted policy
GM031	To approve insurance requirements for contracts, projects and events
GM032	To approve the content, layout and placement of advertising on behalf of Council

Legal Processes

Code	Name & Description		
GM023	To obtain legal advice where necessary and to institute, conduct and defend legal proceedings with respect of Council's activities in all Courts		
GM024	To negotiate and settle legal proceedings as necessary		
GM025	To approve easements and covenants that burden land owned by Council		
GM026	To respond to applications for Liquor Licenses for functions to the Liquor & Gaming NSW		



Planning and Development

Code	Name & Description		
GM084***	To determine development applications, complying development certificates, designated development and construction certificates (as referred to in GM004g):		
	To the value of \$2.5million and that comply with Council's adopted planning controls;		
	Applications for modification to a DA previously determined by Council or the Planning and Development Committee, where not considered a significant modification		
	Development that meets the performance outcomes of clause 4.6 of the LEP and results in less than 10% variation to the Development Standard being varied		
	Where an application is recommended for refusal by Council staff on the grounds that the application remains incomplete following the request for the supply of additional information		
	Excluding where Council is a financial beneficiary		
	Excluding applications with a "significant public interest"		
GM089	To determine requests to raise development contributions as specified in the Development Contributions Plan Delegation conferred by legislation contained within GM004		
GM097	To negotiate Voluntary Planning Agreement packages in accordance with Council Policy Delegation conferred by legislation contained within GM004		



Delegations Register

Public Areas/Use of Public Space/Community Land

Code	Name & Description		
GM057	To determine applications for the use of public roads for walkathons, charitable collections, motor car trials, bicycle races and the like where the authorisation of the City of Orange Traffic Committee is not specifically required		
GM058	To grant approval for street stalls or busking		
GM059	To determine applications for functions, activities or sports on Council's community land or other grounds or venues or parks under Council's care		
GM060	To approve of the design and subsequent erection of banners and flags on existing flagpoles in accordance with Council's policy		
GM061	To process claims for rewards under Council's Graffiti Reward Scheme		
GM062	To suspend alcohol free zones for community events		
GM063	To grant approval for helicopter touchdowns on Public Reserves		
GM064	To act as Council's designated officer in relation to events on Council land and to take all action necessary to ensure the safe operation of events on Council land.		

Technical and Engineering Services

Code	Name & Description		
GM072	To issue/refuse compliance and construction certificates in relation to subdivisions and engineering works		
GM073	To remove dangerous trees under the control of the Council, where such removal is necessary, to allow work to proceed immediately		
GM074	To carry out private works and authorise the hire of Council plant subject to satisfactory arrangements being made for the payment of such works		
GM075	To approve applications for the excavation of public streets subject to compliance with Council's Policy		

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Delegations Register

Code	Name & Description		
GM078	To determine applications for the creation of temporary construction zones on public roads restricting public parking in such zones		
GM080	To authorise formulation and completion of trade waste agreements		
GM082	To approve applications to name roads in accordance with Council's Policy		
GM083	To authorise the release of Council plant and other resources to assist fire fighting, emergency work, and assist the Local Emergency Management Committee in emergency work		

Community and Cultural Services

Code	Name & Description	
GM101	To be Licensee of a Child Care Service	
GM102	To be or nominate an authorised supervisor of a Child Care Service	



Delegations Register

Appointments

Council as the regulatory body appoints the following specific positions in addition to and with that appointed to the Chief Executive Officer in GM004:

ator Natural Resources and Bio Security
Development Services
Resources Team Leader
er Building and Environment
er Compliance
er Development Assessments
(all)
Ranger
er Compliance
er Building and Environment
Development Services
(

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Delegations Register

Code	Name	Legislation	Position Name
APP-EP&A-1	Appointment - The position holder is appointed as an investigation officer under the Environmental Planning & Assessment Act 1979	Environmental Planning and Assessment Act 1979	Environmental Health Officer (All)
			Senior Environmental Health Officer
			Manager Building and Environment
			Manager Compliance
			Manager Development Assessments
			Director Development Services
APP-FDA-1	Appointment - The position holder is appointed	Food Act 2003	Environmental Health Officer (All)
	as an authorised officer under the Food Act 2003.	an authorised officer under the Food Act 2003. Part 9 Division 3	Senior Environmental Health Officer
			Manager Building and Environment
			Manager Compliance
			Director Development Services

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Delegations Register

Code	Name	Legislation	Position Name
APP-LGA-1	Appointment - The position holder is authorised to act as an authorised person within the	Local Government Act 1993	Environmental Health Officer (All)
	meaning of the Local Government Act 1993, including for the purposes of section 679 of that		Senior Environmental Health Officer
	Act.		Parking Officer (All)
			Senior Parking Officer
			Ranger (All)
			Senior Ranger
			Manager Building and Environment
			Manager Compliance
			Manager Corporate Governance
			Manager Development Assessments
			Director Development Services
			Director Corporate and Commercial Services
APP-LGA-2	Appointment - The position holder is appointed as Council's Complaints Coordinator under the	Local Government Act 1993	Manager Corporate Governance
	Code of Conduct.		Executive Support Manager

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Delegations Register

Code	Name	Legislation	Position Name
APP-PHA-1	Appointment - The position holder is appointed as an authorised officer under the Public Health	Public Health Act 2010	Senior Environmental Health Officer
	Act 2010		Environmental Health Officer (All)
			Works Engineer - Water and Sewer
			Manager Aquatic Centre
			Manager Building and Environment
			Manager Compliance
			Director Community, Recreation and Cultural Services
			Director Development Services
			Director Technical Services
APP-PID-1	Appointment - The position holder is appointed as a Disclosures Coordinator for the purposes of	Public Interest Disclosures Act 1994	Manager Corporate Governance
	Council's Public Interest Disclosures (PID) Policy in accordance with the Public Interest Disclosures Act 2022.	1334	Executive Support Manager

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Delegations Register

Code	Name	Legislation	Position Name
APP-POEO-1	Appointment - The position holder is authorised to exercise the functions of an enforcement	ement Operations Act 1997	Manager Building and Environment
	officer under the Protection of the Environment Operations Act 1997.		Manager Compliance
	operations are 1557.		Manager Development Assessments
			Director Development Services
APP-POEO-2	Appointment - The position holder is appointed	Protection of the Environment	Environmental Health Officer (All)
	as an authorised officer under the Protection of the Environment Operations Act 1997.	Operations Act 1997	Senior Environmental Health Officer
			Ranger (All)
			Senior Ranger
			Manager Compliance
			Manager Building and Environment
			Manager Development Assessments
			Director Development Services

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Delegations Register

Name	Legislation	Position Name
Appointment - The position holder is appointed	Public Spaces Unattended Property Act 2021	Environmental Health Officer (All)
Unattended Property Act 2021.		Senior Environmental Health Officer
		Ranger (All)
		Senior Ranger
		Coordinator – Building Certification
		Manager Building and Environment
		Manager Compliance
		Manager Depot, Airport & Emergency Services
		Manager Development Assessments
		Manager Works
		Director Development Services
		Director Technical Services
	Appointment - The position holder is appointed as an authorised officer under the Public Spaces	Appointment - The position holder is appointed as an authorised officer under the Public Spaces Property Act 2021

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Delegations Register

Code	Name	Legislation	Position Name
APP-SPA-1	Appointments - The position holder is appointed as an authorised officer for the purposes of the	Swimming Pools Act 1992	Building Surveyor (All)
	Swimming Pools Act 1992.		Environmental Health Officer (All)
			Senior Environmental Health Officer
			Environmental Health and Building Surveyor (All)
			Manager Building and Environment
			Manager Compliance
			Manager Development Assessments
			Director Development Services

5.14 STRATEGIC POLICY REVIEW - POST EXHIBITION

RECORD NUMBER: 2024/1904

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents Strategic Policy ST40 – Audit Risk & Improvement – Terms of Reference and Strategic Policy ST41 – Internal Audit – Terms of Reference which has been reviewed, placed on public exhibition and now recommended for adoption. The policies has been on exhibition for the period 6 November 2024 – 6 December 2024. One submission was received.

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 has been on public exhibition for 28 days prior to adoption. The Policies were endorsed by Council's ARIC at its meeting on 28 August 2024.

RECOMMENDATION

That Council resolves to adopt Strategic Policy ST40 – Audit Risk & Improvement - Terms of Reference and Strategic Policy ST41 – Internal Audit – Terms of Reference.

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

At its Meeting on 5 November 2024 – Council appointed Cr Kinghorne and Cr Peterson to the ARIC. The ARIC Terms of Reference have been updated to reflect two Councillor members.

Council's Internal Auditor provided feedback on Strategic Policy – ST41 – Internal Audit Terms of Reference which has been supported by the Institute of Internal Auditors (IIA). At Section 12.14 it was suggested that dot points 1-6 were not appropriate and that points 7-11 are best suited. Management has taken on this feedback and updated the policy for adoption to reflect this IIA recommendation.

The ARIC Terms of Reference and the Internal Audit Terms of Reference have been endorsed by the ARIC and are provided for Information of the Council with recommendation for adoption.

ATTACHMENTS

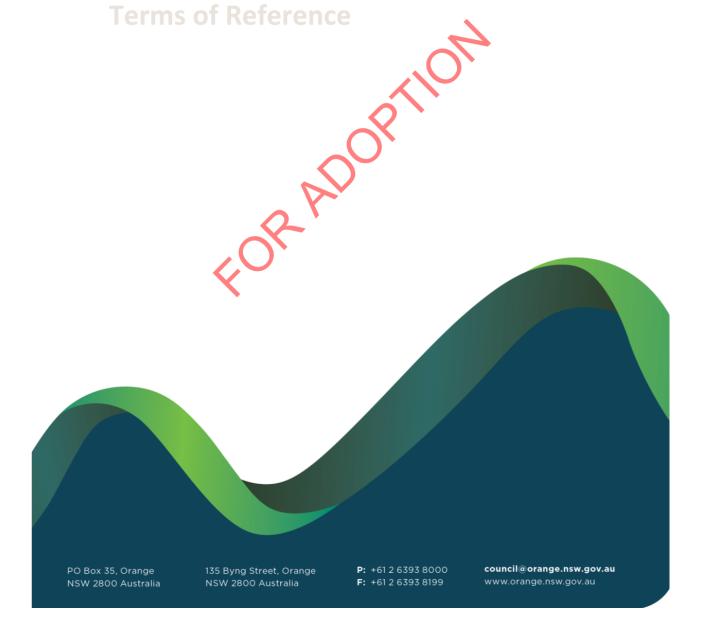
- FOR ADOPTION Strategic Policy ST40 Audit Risk & Improvement (ARIC) Terms of Reference, D24/88228
- 2 FOR ADOPTION Strategic Policy ST41 Internal Audit Terms of Reference, D24/88227

Attachment 1 FOR ADOPTION - Strategic Policy - ST40 - Audit Risk & Improvement (ARIC) - Terms of Reference



Strategic Policy – ST40

Audit Risk & Improvement (ARIC)
Terms of Reference



Attachment 1 FOR ADOPTION - Strategic Policy - ST40 - Audit Risk & Improvement (ARIC) - Terms of Reference



STRATEGIC POLICY – ST40

1 PURPOSE

1.1 Council has established an audit, risk and improvement committee in compliance with section 428A of the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW. These terms of reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2 OBJECTIVE

2.1 The objective of Council's Audit, Risk and Improvement Committee is to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3 INDEPENDENCE

- 3.1 The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide Council with robust, objective and unbiased advice and assurance.
- 3.2 The committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of Council.
- 3.3 The committee will provide independent advice to Council that is informed by Council's Internal Audit and Risk Management activities and information and advice provided by staff, relevant external bodies and subject matter experts.
- 3.4 The committee must always ensure it maintains a direct reporting line to and from Council's internal audit function and act as a mechanism for internal audit to report to the governing body and the Chief Executive Officer on matters affecting the performance of the internal audit function.

4 **AUTHORITY**

- 4.1 Council authorises the committee, for the purposes of exercising its responsibilities, to:
 - access any information it needs from Council
 - use any Council resources it needs
 - have direct and unrestricted access to the Chief Executive officer and senior management of Council
 - seek the Chief Executive Officer's permission to meet with any other Council staff member or contractor
 - discuss any matters with the external auditor or other external parties
 - request the attendance of any employee at committee meetings, and
 - obtain external legal or other professional advice in line with Councils' procurement policies, with approval of the Chief Executive Officer or his nominee and an allocation of a budget for costs.
- 4.2 Information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release Council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the Chief Executive officer, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5 COMPOSITION & TENURE

- 5.1 The committee as required under the Local Government (General) Regulation 2021, consists of:
 - one independent chairperson
 - two independent members who have voting rights
 - two non-voting Councillors.
- 5.2 The governing body is to appoint the chairperson and members of the committee at its first meeting following a General Election.

Audit Risk & Improvement Committee Terms of Reference V1 24 | Page 2 of 11

Attachment 1 FOR ADOPTION - Strategic Policy - ST40 - Audit Risk & Improvement (ARIC) - Terms of Reference



STRATEGIC POLICY – ST40

- 5.3 All committee members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021.
- 5.4 Members will be appointed for up to a fouryear term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chairperson of the committee.
- 5.5 Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again.
- 5.6 To preserve the committee's knowledge of the Council, ideally, no more than one member should retire from the committee because of rotation in any one year.
- 5.7 The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.
- 5.8 Prior to approving the reappointment or extension of the chairperson's or an independent member's term, the governing body is to undertake an assessment of the chairperson's or committee member's performance.
- 5.9 Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Local Government (General) Regulation 2021.
- 5.10 Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of Council, the environment in which Council operates, and the contribution that the committee makes to Council.
- 5.11 At least one member of the committee must have accounting or related financial

- management experience with an understanding of accounting and auditing standards in a Local Government environment.
- 5.12 All members should have sufficient understanding of Council's financial reporting responsibilities to be able to contribute to the committee's consideration of Council's annual financial statements.

6 ROLE

- 6.1 As required under section 428A of the Local Government Act 1993 (the Act), the role of the committee is to review and provide independent advice to Council regarding the following aspects of Council's operations:
 - Compliance
 - Risk Management
 - Fraud Control
 - Financial Management
 - Governance
 - Implementation of the Strategic plan, Delivery program and Strategies
 - Service Reviews
 - Collection of performance measurement data by Council, and
 - Internal Audit.
- 6.2 The committee must also provide information to Council for the purpose of improving the Council's performance of its functions.
- 6.3 The committee's specific Audit, Risk and Improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.
- 6.4 The committee will act as a forum for consideration of Council's Internal Audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.
- 6.5 The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.
- 6.6 The committee is directly responsible and accountable to the governing body for the

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exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the Council rests with the governing body and the Chief Executive Officer.

6.7 The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

7 RESPONSIBILITIES OF MEMBERS

Independent Members

- 7.1 The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW.
- 7.2 Members are also expected to:
 - make themselves available as required to attend and participate in meetings
 - contribute the time needed to review and understand information provided to it
 - apply good analytical skills, objectivity and judgement
 - · act in the best interests of Council
 - have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
 - maintain effective working relationships with Council
 - have strong leadership qualities (chairperson)
 - lead effective committee meetings (chairperson), and
 - oversee Council's Internal Audit function (chairperson).

Councillor Members (if applicable)

- 7.3 To preserve the independence of the committee, the Councillor member of the committee is a non-voting member.
- 7.4 Their role is to:
 - relay to the committee any concerns the governing body may have regarding

- Council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of Council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee.
- 7.5 Issues or information the Councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.
- 7.6 The Councillor member of the committee must conduct themselves in a non-partisan and professional manner.
- 7.7 The Councillor member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.
- 7.8 If the Councillor member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to Council, that the Councillor member be removed from membership of the committee.
- 7.9 Where Council does not agree to the committee chairperson's recommendation, Council must give reasons for its decision in writing to the chairperson.

Conduct

- 7.10 Independent committee members are required to comply with Council's Code of Conduct.
- 7.11 Complaints alleging breaches of the Code of Conduct by an independent committee member are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

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7.12 The Chief Executive Officer must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of Code of Conduct.

Conflicts of interest

- 7.13 Once a year, committee members must provide written declarations to Council stating that they do not have any conflicts of interest that would preclude them from being members of the committee.
- 7.14 Independent committee members are 'designated persons' for the purposes of the Code of Conduct and must also complete and submit returns of their interests.
- 7.15 Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

Standards

7.16 Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS ISO 31000:2018 Risk Management Guidelines, where applicable.

8 WORK PLANS

8.1 The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits.

- 8.2 The strategic work plan must be reviewed at least annually to ensure it remains appropriate.
- 8.3 The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.
- 8.4 The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.
- 8.5 The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks.
- 8.6 The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.
- 8.7 When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

9 ASSURANCE REPORTING

- 9.1 The committee must regularly report to Council to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of Council or the achievement of Council's goals and objectives.
- 9.2 The committee will provide an update to the governing body and the Chief Executive Officer of its activities and opinions after every committee meeting.
- 9.3 The committee will provide an annual assessment to the governing body and the Chief Executive Officer on the committee's work and its opinion on how Council is performing.

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- 9.4 The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the Chief Executive Officer.
- 9.5 The committee may at any time report to the governing body or the [Chief Executive Officer on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee.
- 9.6 Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.

10 ADMINISTRATIVE ARRANGEMENTS

Meetings

- 10.1 The committee will meet at least four times per year, and may hold a special meeting to review Council's financial statements.
- 10.2 The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the Chief Executive Officer or the governing body.
- 10.3 Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.
- 10.4 A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

- 10.5 The chairperson of the committee will decide the agenda for each committee meeting.
- 10.6 Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.
- 10.7 The Appointed Councillor(s), Chief Executive Officer, Director Corporate & Commercial Services and the Internal Audit Coordinator should attend committee meetings as non-voting observers.
- 10.8 The external auditor (or their representative) is to be invited to each committee meeting as an independent observer.
- 10.9 The chairperson can request the Council's Chief Financial Officer, Risk Management Lead, Relevant Senior Managers, any Councillors, any employee/contractor of Council and any subject matter expert to attend committee meetings.
- 10.10 Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.
- 10.11 The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.
- 10.12 The committee must meet separately with the Internal Audit Coordinator and Council's external auditor at least once each year.

Dispute Resolution

10.13 Members of the committee and Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.



- 10.14 In the event of a disagreement between the committee and the Chief Executive Officer or other senior managers, the dispute is to be resolved by the governing body.
- 10.15 Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Secretariat

10.16 The Chief Executive Officer will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least two weeks before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated to each member with the next meeting agenda.

Resignation and Dismissal of Members

- 10.17 Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give 8 weeks' notice to the chairperson and the governing body prior to their resignation to allow Council to ensure a smooth transition to a new chairperson or committee member.
- 10.18 The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:
 - · breached Council's Code of Conduct
 - performed unsatisfactorily or not to expectations
 - declared, or is found to be in, a position of a conflict of interest which is unresolvable
 - been declared bankrupt or found to be insolvent
 - experienced an adverse change in business status

- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.
- 10.19 The position of a Councillor member on the committee can be terminated at any time by the governing body by resolution.

Review Arrangements

- 10.20 At least once every Council term, the governing body must review or arrange for an external review of the effectiveness of the committee.
- 10.21 These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

11 FURTHER INFORMATION

- 11.1 For further information on Council's Audit,
 Risk and Improvement Committee,
 contact the Manager Corporate
 Governance via:
 - Email council@orange.nsw.gov.au
 - Phone 02 6393 8000.

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12 APPENDIX 1 – ARIC RESPONSIBILITIES

AUDIT

Internal Audit

- 12.1 Provide overall strategic oversight of internal audit activities.
- 12.2 Act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function and external audit.
- 12.3 Oversee the work programs of internal audit and other assurance and review functions.
- 12.4 Review and advise Council:
 - on whether Council is providing the resources necessary to successfully deliver the internal audit function
 - if Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by Council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by Council's internal audit function
 - if Council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by Council of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.

External Audit

- 12.5 Act as a forum for communication between the governing body, Chief Executive Officer, senior management, the internal audit function and external audit.
- 12.6 Coordinate as far as is practicable, the work programs of internal audit and external audit.
- 12.7 Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- 12.8 Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.
- 12.9 Provide advice to the governing body and/or the Chief Executive Officer] on action taken on significant issues raised in relevant external audit reports and better practice guides.

RISK

Risk Management

- 12.10 Review and advise Council:
 - If Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
 - whether Council is providing the resources necessary to successfully implement its risk management framework
 - whether Council's Risk Management Framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities
 - if Risk Management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting

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- of the adequacy of risk reports and documentation, for example, Council's Risk Register and Risk Profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's Risk Management approach impacts on Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal Controls

12.11 Review and advise Council:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with

- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

- 12.12 Review and advise Council of the adequacy and effectiveness of Council's compliance framework, including:
 - if Council has appropriately considered legal and compliance risks as part of the Council's Risk Management Framework
 - how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
 - whether appropriate processes are in place to assess compliance.

Fraud and Corruption

12.13 Review and advise Council of the adequacy and effectiveness of the Council's Fraud and Corruption Prevention Framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial Management

12.14 Review and advise Council:

- if Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Council's accounting policies and disclosures
- of the implications for Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether Council's financial statement preparation procedures and timelines are sound
- the accuracy of Councils' annual financial statements prior to external audit, including:

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- management compliance/ representations
- significant accounting and reporting issues
- the methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements
- appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in Council's annual report is consistent with signed financial statements
- if Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - o adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- if Council's grants and tied funding policies and procedures are sound.

Governance

- 12.15 Review and advise Council regarding its governance framework, including Council's:
 - · decision-making processes
 - implementation of governance policies and procedures
 - · reporting lines and accountability
 - assignment of key roles and responsibilities
 - · committee structure
 - management oversight responsibilities

- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

IMPROVEMENT

Strategic Planning

- 12.16 Review and advise Council:
 - of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes
 - if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
 - whether Council is successfully implementing and achieving its IP&R objectives and strategies.

Service Reviews and Business Improvement

- 12.17 Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- 12.18 Review and advise Council:
 - If Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how Council can improve its service delivery and Council's performance of its business and functions generally

Attachment 1 FOR ADOPTION - Strategic Policy - ST40 - Audit Risk & Improvement (ARIC) - Terms of Reference



STRATEGIC POLICY – ST40

Performance Data and Measurement

12.19 Review and advise Council:

- if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators Council uses are effective, and
- of the adequacy of performance data collection and reporting.

All policies can	be reviewed or revoked by	Council, at any time.
ST40 – Strategic Policy – Audit Ri	sk & Improvement C	ommittee (ARIC) Terms of Reference
Review by: Audit Risk & Improvement	ent Committee Revie	ew Date 28 August 2024
Approved By:	Minute Number:	Approval Date:
Next Review Due: November 2028	Version 1_24	Last Revision: August 2024
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Strategic Policy – ST41

Internal Audit

FOR MOORIION **Terms of Reference P:** +61 2 6393 8000 council@orange.nsw.gov.au PO Box 35, Orange 135 Byng Street, Orange F: +61 2 6393 8199 www.orange.nsw.gov.au NSW 2800 Australia NSW 2800 Australia

1 POLICY PURPOSE

- 1.1 Council has established the Internal Audit Function as a key component of the Council's Governance and assurance framework, in compliance with the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW.
- 1.2 These Terms of Reference provide the framework for the conduct of the Internal Audit function of Council and has been approved by the governing body taking into account the advice of the Council's Audit, Risk & Improvement Committee (ARIC).

2 PURPOSE OF INTERNAL AUDIT

- 2.1 Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve the Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes (As defined by the International Standards for the Professional Practice of Internal Auditing (2017)).
- 2.2 Internal Audit provides an independent and objective review and advisory service to provide advice to the governing body, Chief Executive officer and Audit, Risk and Improvement Committee about Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.

3 INDEPENDENCE

3.1 Council's Internal Audit function is to be independent of the Council so it can provide an unbiased assessment of the Council's operations and risk and control activities.

- 3.2 Council's Internal Auditor reports functionally to Council's Audit, Risk and Improvement Committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the Chief Executive officer to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and Council's management has no role in the exercise of the Council's internal audit activities.
- The Audit, Risk and
 Committee is responsible Risk and Improvement 3.3 communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.
- 3.4 The Chief Executive Officer must consult with the chairperson of Council's Audit, Risk and Improvement Committee before appointing or making decisions affecting the employment of the Internal Audit Coordinator.
- 3.5 Where the chairperson of Council's Audit, Risk and Improvement Committee has any concerns about the treatment of the Internal Audit Coordinator, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

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3.6 The Internal Audit Coordinator is to confirm at least annually to the Audit, Risk and Improvement Committee the independence of internal audit activities from the Council.

4 **AUTHORITY**

- 4.1 Council authorises the Internal Auditor to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Internal Audit Coordinator considers necessary for the Internal Auditor to undertake its responsibilities.
- 4.2 ΑII records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Internal Audit Coordinator and individual internal audit staff responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.
- 4.3 All internal audit documentation is to remain the property of Council, including where internal audit services are performed by an external third-party provider.
- 4.4 Information and documents pertaining to the Internal Auditor are not to be made publicly available. The Internal Auditor may only release Council information to external parties that are assisting the Internal Auditor to undertake its responsibilities with the approval of the Chief Executive Officer, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5 ROLE

5.1 The Internal Auditor is to support the Council's Audit, Risk and Improvement Committee to review and provide independent advice to Council in

- accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of Council and monitoring the implementation of corrective actions.
- 5.2 The Internal Auditor is to also play an active role in:
 - developing and maintaining a culture of accountability and integrity
 - facilitating the integration of risk management into day-to-day business activities and processes, and
 - promoting a culture of high ethical standards.
- 5.3 The Internal Auditor has no direct authority or responsibility for the activities it reviews. The Internal Auditor has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

6 INTERNAL AUDIT COORDINATOR

Internal Audit Function

- 6.1 Council's Internal Audit function is to be led by a member of Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the Council and the Audit, Risk and Improvement committee.
- 6.2 The Internal Audit Coordinator must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.
- 6.3 Responsibilities of the Internal Audit Coordinator include:
 - managing the day-to-day activities of the Internal Audit function
 - managing Council's internal audit budget
 - supporting the operation of Council's Audit, Risk and Improvement Committee

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- approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the Audit, Risk and Improvement Committee
- monitoring Council's implementation of corrective actions that arise from the findings of audits
- implementing the Audit, Risk and Improvement Committee's annual work plan and four-year strategic work plan
- ensuring Council's internal audit activities comply with the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW, and
- contract management and oversight of supplementary external providers (where appropriate).
- 6.4 The Manager Corporate Governance is Council's appointed Internal Audit Coordinator.

7 INTERNAL AUDIT TEAM

Out-sourced Internal Audit Team

- 7.1 Council is to contract an external thirdparty provider to undertake its internal audit activities. To ensure the independence of the external provider, the Internal Audit Coordinator is to ensure the external provider:
- 7.2 does not conduct any audits on specific Council operations or areas that they have worked on within the last two years
- 7.3 is not the same provider conducting the Council's external audit
- 7.4 is not the auditor of any contractors of the Council that may be subject to the internal audit, and
- 7.5 can satisfy the requirements of the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW.

7.6 The Internal Audit Coordinator must consult with the Audit, Risk and Improvement Committee and the Chief Executive Officer regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by Council.

8 PERFORMING INTERNAL AUDIT ACTIVITIES

- 8.1 The work of the Internal Auditor is to be thoroughly planned and executed. The Council's Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the Committee and considered by the Internal Audit function when developing their risk-based program of Internal Audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.
- 8.2 The committee must also develop an annual work plan to guide the work of the Internal Audit Function over the forward year.
- 8.3 All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS ISO 31000:2018 Risk Management Guidelines.
- 8.4 The Internal Audit Coordinator is to provide the findings and recommendations of Internal Audits to the Audit, Risk and Improvement Committee at the end of each audit. Each report is to include a response from the relevant Senior Manager.
- 8.5 The Internal Audit Coordinator is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

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- 8.6 The Chief Executive Officer, in consultation with the Audit, Risk and Improvement Committee, is to develop and maintain policies and procedures to guide the operation of Council's Internal Audit function.
- 8.7 The Internal Audit Coordinator is to ensure that the Audit, Risk and Improvement Committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

9 CONDUCT

- 9.1 Internal Audit personnel must comply with Council's Code of Conduct. Complaints about breaches of the Code of Conduct by Internal Audit personnel are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The Chief Executive Officer must consult with Council's Audit, Risk and Improvement Committee before any disciplinary action is taken against the Internal Audit Coordinator in response to a breach of Council Code of Conduct.
- 9.2 Internal Auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

10 ADMINISTRATIVE ARRANGEMENTS

<u>Audit, Risk and Improvement Committee</u> meetings

- 10.1 The Internal Audit Coordinator will attend Audit, Risk and Improvement Committee meetings as an independent non-voting observer. The Internal Audit Coordinator can be excluded from meetings by the committee at any time.
- 10.2 The Internal Audit Coordinator must meet separately with the Audit, Risk and Improvement Committee at least once per year.

10.3 The Internal Audit Coordinator can meet with the chairperson of the Audit, Risk and Improvement Committee at any time, as necessary, between committee meetings.

External Audit

- 10.4 Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.
- 10.5 Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.
- 10.6 External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

- 10.7 The Internal Auditor should maintain an effective working relationship with Council and the Audit, Risk and Improvement Committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.
- 10.8 In the event of a disagreement between the Internal Auditor and Council, the dispute is to be resolved by the Chief Executive Officer and/or the Audit, Risk and Improvement Committee. Disputes between the Internal Auditor and the Audit, Risk and Improvement Committee are to be resolved by the governing body.
- 10.9 Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

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Review Arrangements

- 10.10 Council's Audit, Risk and Improvement Committee must review the performance of the Internal Audit function each year and report its findings to the governing body. A strategic review of the performance of the Internal Auditor must be conducted each Council term that considers the views of an external party with a strong knowledge of internal audit and reported to the governing body.
- 10.11 These Terms of Reference are to be reviewed annually by the Committee and once each Council term by the governing body. Any substantive changes are to be approved by the governing body.

11 FURTHER INFORMATION

- 11.1 For further information on Council's Internal Audit activities, contact Council's Manager Corporate Governance via:
 - Email council@orange.nsw.gov.au
 - Phone 02 6393 8000.





12 SCHEDULE 1 – INTERNAL AUDIT FUNCTION RESPONSIBILITIES

AUDIT

Internal Audit

- 12.1 Conduct Internal Audits as directed by Council's Audit, Risk and Improvement Committee.
- 12.2 Implement Council's annual and fouryear strategic internal audit work plans.
- 12.3 Monitor the implementation by the Council of corrective actions.
- 12.4 Assist the Council to develop and maintain a culture of accountability and integrity.
- 12.5 Facilitate the integration of risk management into day-to-day business activities and processes.
- 12.6 Promote a culture of high ethical standards.

External Audit

- 12.7 Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- 12.8 Review all external plans and reports in respect of planned or completed audits and monitor the Council's implementation of audit recommendations.
- 12.9 Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

RISK

Risk Management

12.10 Review and advise:

- if Council has in place a current and appropriate Risk Management Framework that is consistent with the Australian Risk Management Standard
- whether the Council's Risk Management Framework is adequate and effective for identifying and managing the risks Council faces, including those associated

- with individual projects, programs and other activities
- if Risk Management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, Council's Risk Register and Risk Profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- If there is a positive risk culture within Council and strong leadership that supports effective Risk Management
- of the adequacy of staff training and induction in Risk Management
- how Council's Risk Management approach impacts on Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal Controls

12.11 Review and advise:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated

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- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

- 12.12 Review and advise of the adequacy and effectiveness of Council's compliance framework, including:
 - if Council has appropriately considered legal and compliance risks as part of the risk management framework
 - how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
 - whether appropriate processes are in place to assess compliance.

Fraud and Corruption

12.13 Review and advise of the adequacy and effectiveness of the Council's Fraud and Corruption Prevention Framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial Management

- 12.14 Review and advise:
 - if Council's financial management processes are adequate
 - the adequacy of cash management policies and procedures
 - if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - o adequate segregation of duties

- timely reconciliation of accounts and balances
- review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- if Council's grants and tied funding policies and procedures are sound.

Governance

- 12.15 Review and advise of the adequacy of the Council Governance Framework, including the Council's:
 - decision-making processes
 - implementation of governance policies and procedures
 - reporting lines and accountability
 - assignment of key roles and responsibilities
 - committee structure
 - management oversight responsibilities
 - human resources and performance management activities
 - reporting and communication activities
 - information and communications technology (ICT) governance, and
 - management and governance of the use of data, information and knowledge.

IMPROVEMENT

Strategic Planning

12.16 Review and advise:

- of the adequacy and effectiveness of Council's Integrated, Planning and Reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether Council is successfully implementing and achieving its IP&R objectives and strategies.

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Service Reviews and Business Improvement

12.17 Review and advise:

- if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how Council can improve its service delivery and Council's performance of its business and functions generally

Performance Data and Measurement

12.18 Review and advise:

- if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators Council uses are effective, and
- of the adequacy of performance data collection and reporting.



All policies can be reviewed or revoked by Council, at any time.			
ST41 – Strategic Policy – Internal Audit Terms of Reference			
Review by: Internal Audit Coordinator Review Date: 28		Date: 28 August 2024	
Review by: Audit Risk & Improvement Committee		Review Date: 28 August 2024	
Review by: Chief Executive Officer		Review Date: 28 August 2024	
Approved By:	Minute Number	:	Approval Date:
Next Review Due: November 2028	Version 1_24		Last Revision: August 2024

COUNCIL MEETING 17 DECEMBER 2024

5.15 STRATEGIC POLICY REVIEWS

RECORD NUMBER: 2024/1905

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council is required, under the Local Government Act, to adopt specific codes, policies or documents within 12 months of a Local Government Election. This report presents policies which have been reviewed and are recommended for placement on public exhibition for a period of at least 28 days:

- ST10 Privacy Management
- ST12 Compliments & Complaints
- ST17 Customer Service Commitment

Following a review of Councils Policy Structure, over the coming months, Council will consider policies as they are updated and recommended for exhibition before adoption.

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

Council's Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors, required by Legislation or Regulation and/or have an impact on the Orange community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to place the following policies on public exhibition for a period of 28 days:

- ST10 Privacy Management
- ST12 Compliments & Complaints
- ST17 Customer Service Commitment

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 policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of at least 28 days to allow for Council and public review and submissions. It is expected that the policies will then be provided to Council in February 2025 for adoption.

ST10 - Privacy Management

Reference	Update	
General	• Renumbering – previously ST092	
	Change of Name from Privacy & Personal Information	
	Formatting update	

ST12 – Compliments & Complaints

Reference	Update	
General	Renumbering – previously – ST016	
	Change of Name from Complaint Management	
	Formatting update	
	Inclusion of section detailing 'compliments'	
	Complaint handling framework added as Appendix table.	

ST17 – Customer Service Commitment

Reference	Update
General	 Renumbering from ST021 Change of Name from Customer Service Obligation Formatting Update

ATTACHMENTS

- FOR EXHIBITION Strategic Policy ST10 Privacy Management, D24/137403
- 2 FOR EXHIBITION Strategic Policy ST12 Compliments and Complaints, D24/137405
- 3 FOR EXHIBITION Strategic Policy ST17 Customer Service Commitment, D24/137404



COUNCIL MEETING





PURPOSE

The Privacy and Personal Information Protection Act 1998 (PPIPA) provides for the protection of personal information and the privacy of individuals.

The Act requires all Councils to prepare a Privacy Management Plan, and provides for the protection of personal information by means of Information Protection Principles, as outlined in this Plan.

To assist Council in dealing with personal information and providing for the protection and privacy of individuals in accordance with the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002.

APPLICABILITY

This policy applies to Councillors, Council employees, contractors, volunteers, committee members and other delegates.

Council's Privacy Management Plan is based on the Model Privacy Management Plan issued by the Information & Privacy Commission.

Procedures for managing private and personal information are found in this Privacy Management Plan.

RELATED DOCUMENTS

- ST01 Code of Conduct
- ST16 Access to Information held by Council
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- IPC Privacy Code of Practice for Local Government
- IPC Model Privacy Management Plan

All policies can be reviewed or revoked by the Council at any time.		
ST10 - Strategic Policy - Privacy Management		
Amendments:		
 Renumbering – previously ST092. Change of Name from Privacy & Personal Information Formatting update 		
Review Due: November 2028	Version V1_25	Last Revision: December 2024

Privacy Management V1_25

Approved By:

Next Review - November 2028

Approval Date:

Minute Number:



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1 INTRODUCTION

- 1.1 The Privacy and Personal Information Protection Act 1998 ("PPIPA") provides for the protection of personal information and for the protection of the privacy of individuals. Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the "Plan") to deal with:
 - the devising of policies and practices to ensure compliance by Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 ("HRIPA")
 - the dissemination of those policies and practices to persons within Council
 - the procedures that Council proposes for internal review of privacy complaints
 - such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.
- 1.2 This Privacy Management Plan has been prepared for the purpose of section 33 of the PPIPA.
- 1.3 PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

Principle 1	Collection of personal information for lawful purposes	
Principle 2	Collection of personal information directly from individual	
Principle 3	Requirements when collecting personal information	
Principle 4	Other requirements relating to collection of personal information	
Principle 5	Retention and security of personal information	

Principle 6	Information about personal information held by agencies	
Principle 7	Access to personal information held by agencies	
Principle 8	Alteration of personal information	
Principle 9	Agency must check accuracy of personal information before use	
Principle 10	Limits on use of personal information	
Principle 11	Limits on disclosure of personal information	
Principle 12	Special restrictions on disclosure of personal information	

- 1.4 The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the Local Government Act 1993 (the "LGA") in a manner that seeks to comply with the PPIPA.
- 1.5 This Plan outlines how Council will incorporate the 12 Information Protection Principles into its everyday functions.
- 1.6 This Plan should be read in conjunction with the Code of Practice for Local Government.
- 1.7 Nothing in this Plan is to:
 - affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to Council;
 - affect any obligation at law cast upon Council by way of representation or holding out in any manner whatsoever;
 - create, extend or lessen any obligation at law which Council may have.
- 1.8 This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.
- 1.9 Where Council has the benefit of an exemption, it will nevertheless describe

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- procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.
- 1.10 Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of Council's information that is personal information.
- 1.11 It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

2 WHAT IS "PERSONAL INFORMATION"?

2.1 "Personal information" is defined in section 4 of the PPIPA as follows:

"Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion."

3 WHAT IS NOT "PERSONAL INFORMATION"?

3.1 "Personal information" does not include

"information about an individual that is contained in a publicly available publication".

- 3.2 Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.
- 3.3 Section 4A of the PPIPA also specifically excludes "health information", as defined by section 6 of the HRIPA, from the definition of "personal information", but includes "health information" in the PPIPA's consideration of public registers (discussed below). "Health information" is considered in Part 4 of this Plan.
- 3.4 Where Council is requested to provide access or make a disclosure and that

information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act).

- 3.5 Council considers the following to be publicly available publications:
 - An advertisement containing personal information in a local, city or national newspaper
 - · Personal information on the Internet
 - Books or magazines that are printed and distributed broadly to the general public
 - Council Business Papers or part thereof that is available to the general public
 - Personal information that may be a part of a public display on view to the general public.
- Information published in this way ceases to be covered by the PPIPA.
- 3.7 Council's decision to publish in this way must be in accordance with PPIPA.

4 ELECTORAL ROLLS

4.1 The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's Library. Council will refer any requests for copies of the Electoral Roll to the NSW Electoral Commission.

5 APPLICATION OF THIS PLAN

- 5.1 The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:
 - Councillors
 - · Council employees
 - Consultants and contractors of Council
 - Council committees
- 5.2 Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.

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6 PERSONAL INFORMATION HELD BY COUNCIL

- 6.1 Council holds personal information concerning Councillors, such as:
 - · personal contact information
 - complaints and disciplinary matters
 - · pecuniary interest returns
 - entitlements to fees, expenses and facilities
- 6.2 Council holds personal information concerning its customers, ratepayers and residents, such as:
 - · rates records
 - development applications and objections
 - various types of health information
 - enrolment information for a range of council services
 - application details (for example donations and sponsorship requests)
- 6.3 Council holds personal information concerning its employees, such as:
 - · recruitment material
 - leave and payroll data
 - personal contact information
 - performance reviews
 - disciplinary matters
 - · pecuniary interest returns
 - · wage and salary entitlements
 - health information (such medical certificates and workers compensation claims).

7 APPLICATION FOR SUPPRESSION IN RELATION TO GENERAL INFORMATION (NOT PUBLIC REGISTERS)

7.1 Under section 739 of the Local Government Act 1993 a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that

- the disclosure would place the personal safety of the person or their family at risk.
- 7.2 Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.
- 7.3 For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on public registers, see Part 2 of this Plan.

8 CAUTION AS TO UNSOLICITED INFORMATION

- 8.1 Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.
- 8.2 Note that for the purposes of section 10 of the HRIPA, Council is not considered to have "collected" health information if the receipt of the information by Council is unsolicited.
- 8.3 Section 4(5) of the PPIPA also provides that personal information is not "collected" by Council if it is unsolicited.

9 PUBLIC REGISTERS

9.1 A public register is defined in section 3 of the PPIPA:

"...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee)."

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- A distinction needs to be drawn between "public registers" within the meaning of Part 6 of the PPIPA and "non-public registers". A "non-public register" is a register but it is not a "public register" for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.
- 9.3 Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.
- 9.4 Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.
- 9.5 Please note the following list is not exhaustive. Council may, by virtue of its own practice, hold other public registers, to which the PIPPA applies.
- 9.6 Council holds the following public registers under the Local Government Act:
 - Section 53 Land Register
 - Section 113 Records of Approvals
 - Section 449 450A Register of Pecuniary Interests
 - Section 602 Rates Record
- 9.7 Council holds the following public registers under the *Environmental Planning & Assessment Act*:
 - Section 100 Register of Consents and Approvals
 - Section 149G Record of Building Certificates
- 9.8 Council holds the following public register under the *Protection of the Environment*

(Operations) Act:

- Section 308 Public Register of Licences Held
- 9.9 Council holds the following public register under the *Impounding Act 1993*:
 - Section 30 and 31 Record of Impounding
- 9.10 Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

10 PUBLIC REGISTERS, THE PIPPA AND THE HRIPA

- 10.1 A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).
- 10.2 Despite the exclusion of "health information" from the definition of "personal information" under section 4A of the PPIPA, section 56A of the PPIPA includes as "personal information", "health information" on public registers.
- 10.3 Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 10.4 Section 57(2) provides that in order to ensure compliance with section 57(1), Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory

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- declaration as to the proposed use of that information (form at Appendix 1 may be used a guide).
- 10.5 Council also needs to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the "public register" provisions).
- 10.6 If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

11 EFFECT OF THE GIPA ACT

- 11.1 Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any inconsistency. Therefore:
 - If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
 - 2) If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - i. if it is allowed under section 57(1) of the PPIPA; and
 - ii. there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

12 WHERE SOME INFORMATION IN THE PUBLIC REGISTER HAS BEEN PUBLISHED

- 12.1 That part of a public register that is not published in a publicly available publication will be treated as a "public register" and the following procedure for disclosure will apply.
- 12.2 For example, the Register of Consents and Approvals held by Council under section

- 100 of the Environmental Planning & Assessment Act requires Council to advertise or publish applications for development consent.
- 12.3 When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.
- 12.4 Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is <u>not</u> to be considered a public register of Council as the statute does not place any obligations on Council to make this register publicly available as a register of contaminated land.
- 12.5 Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.
- 12.6 Registers will not be published on the internet.

13 DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN PUBLIC REGISTERS

- 13.1 A person seeking a disclosure concerning someone else's personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 13.2 In the following section, by way of guidance only, what might be called the "primary" purpose (or "the purpose of the register") has been specified for each identified register. In some cases a "secondary purpose" has also been specified, by way of guidance as to what

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might constitute "a purpose *relating to* the purpose of the register".

14 PURPOSE OF PUBLIC REGISTERS

Purposes of public registers under the Local Government Act

Section 53 - Land Register

14.1 The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals

14.2 The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of Pecuniary Interests

14.3 The primary purpose of this register is to determine whether or not a Councillor or a member of a Council Committee has a pecuniary interest in any matter with which Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record

14.4 The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register".

Purposes of public registers under the Environmental Planning and Assessment Act

<u>Section 100 – Register of consents and approvals</u>

14.5 The primary purpose is to identify applications for development consent and

other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates

14.6 The primary purpose is to identify all building certificates.

Purposes of public registers under the Protection of the Environment (Operations)

Section 308 - Public register of licences held

14.7 The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the Impounding Act

Section 30 & 31 Record of impounding

14.8 The primary purpose is to identify any impounding action by Council.

Secondary Purpose of all Public Registers

- 14.9 Due to the general emphasis (to be found in the LGA and elsewhere) on Local Government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA
- 14.10 However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council Officers have doubt as to the intended use of the information, an applicant will be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.
- 14.11 Council will make its assessment as to the minimum amount of personal information

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that is required to be disclosed with regard to any request.

Other Purposes

14.12 Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

15 APPLICATIONS FOR ACCESS TO OWN RECORDS ON A PUBLIC REGISTER

15.1 A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

16 APPLICATIONS FOR SUPPRESSION IN RELATION TO ON A PUBLIC REGISTER

- 16.1 An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.
- 16.2 A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.
- 16.3 If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the

- PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)
- 16.4 When in doubt, Council will err in favour of suppression.
- 16.5 Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.
- 16.6 An application for suppression should be made in writing addressed to the Chief Executive Officer and must outline the reasons for the request. Council may require supporting documentation where appropriate.

17 OTHER REGISTERS

17.1 Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

18 INVESTIGATIVE FUNCTIONS

18.1 Where Council is conducting an investigation, it will have regard to any applicable direction of the Information and Privacy Commissioner under Section 41 of the Privacy and Personal Information Protection Act 1998 that may affect the application of any Information Protection Principle.

19 DISCLOSURE OF INFORMATION FOR RESEARCH PURPOSES

19.1 The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

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20 THE INFORMATION PROTECTION PRINCIPLES

Information Protection Principle 1 - Collection of Personal Information

Section 8 Collection of personal information for lawful purposes

- A public sector agency must not collect personal information unless:
 - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions however many pieces of legislation require other functions to be undertaken.

Additionally, the exercise by Council of its functions under the LGA may also be <u>modified</u> by the provisions of other Acts.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt

recovery actions by or undertaken on behalf of Council by commercial agents.

Role of the Privacy Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Officer prior to adoption or use.

The Privacy Officer will also provide advice as to:

- 1. Whether the personal information is collected for a lawful purpose,
- If that lawful purpose is directly related to a function of Council, and
- Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Information Protection Principle 2 - Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- the individual has authorised collection of the information from someone else, or
- (b) in the case of information relating to a person who is under the age of 16 years the information has been provided by a parent or guardian of the person.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

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Council Policy

The compilation or referral of registers and rolls are the major means by which Council collects personal information. For example, the information Council receives from the Land and Property Services would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council consultants
- Private contractors
- Council committees

Where any of the above collect personal information on behalf of Council or in relation to

the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow: Section 23(2) of the PPIPA permits noncompliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if Council is:

- investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

(iii) Section 25(b) of the PPIPA permits noncompliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably

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contemplated" under any Act or law (including the State Records Act 1998).

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

- 1 Council has obtained authority from the person under section 9(a) of the PPIPA.
- 2 The collection of personal information from a third party is permitted under an Act or law.
- 3 The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
- 4 The collection of personal information indirectly where one of the above exemptions applies.
- 5 The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.

The only other exception to the above is in the case where Council is given unsolicited information.

Information Protection Principle 3 - Requirements When Collecting Personal information

Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,
- (b) the purposes for which the information is being collected,

- (c) the intended recipients of the information,
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- (e) the existence of any right of access to, and correction of, the information,
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of is intended to be, or may be, conferred upon the person to whom the information relates.

Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council's Pre-Collection Privacy Notification form is at Appendix 2.

The following are examples of application procedures that will require notification in accordance with section 10:

- Lodging Development Applications
- Lodging objections to Development Applications
- Lodging applications for approval under the Local Government Act

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- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2);
- · When collecting an impounded item.

Objectors will be advised that their submission will form part of a public report, and included in a Council business paper. This notification will appear in advertisements advising of a development application.

Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. Council's Privacy Notification Form for post-collection is at Appendix 3.

External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council consultants
- Private contractors
- Council committees

Where any of the above collect personal information on behalf of council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where

information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of accused persons.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if Council is:

- investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency;
- (ii) if compliance might detrimentally affect (or prevent the exercise of) Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits noncompliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consent to such non-compliance.

Information Protection Principle 4 - Other Requirements Relating to Collection of Personal Information

Section 11 Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes

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for which the information is collected) to ensure that:

- the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the Privacy Officer or other suitable person.

Information Protection Principle 5 - Retention & Security of Personal Information

Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all

other misuse, and

(d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will comply with this principle by using the General Records Disposal Schedule for Local Government.

Information Protection Principle 6 - Information Held by Agencies

Section 13 Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and
- (b) whether the agency holds personal information relating to that person, and
- (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 13 of the PPIPA requires Council to take reasonable steps to enable a person to determine whether Council holds personal

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information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access.

Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where Council receives an application or request by a person as to whether Council holds information about them, the Privacy Officer will undertake a search of Council's records to answer the enquiry and may ask the applicant to describe what dealings the applicant has had with Council in order to assist the search.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Reporting matters

Council will issue a statement to be included on its web page and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal

information is used and an individual's right to access their own personal information.

Information Protection Principle 7 - Access to Personal Information Held by Agencies

Section 14 Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 14 of the PPIPA requires a Council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

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Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the Chief Executive Officer, who will make a determination. A form is provided at Appendix 5 for this purpose.

Members of staff wishing to exercise their right of access to their personal information should direct their inquiries to People & Culture.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will endeavour to provide a response to applications of this kind within 28 days of the application being made.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law

Information Protection Principle 8 - Alteration of Personal Information

Section 15 Alteration of personal information

- (1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
 - (a) is accurate, and
 - (b) having regard to the purpose for

which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

- (2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.
- (4) This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.
- (5) The Privacy Commissioner's guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.
- (6) In this section (and in any other provision of this Act in connection with the operation of this section), public sector agency includes a Minister and a Minister's personal staff.

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The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 15 of the PPIPA allows a person to make an application to Council to amend (this includes by way of corrections, deletions or additions) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to personal information held by Council are welcomed.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager People & Culture in the first instance and treated in accordance with Council's Grievance Policy.

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the Chief Executive Officer, who will make a determination in relation to the matter.

Existing Exemptions Under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make such a request. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy Council that the proposed amendment is factually correct and appropriate. Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under section 15.

Council's application form for alteration is at Appendix 6.

Where Council is Not Prepared to Amend

If Council is not prepared to amend the personal information in accordance with a request by the individual, Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an Amendment is Made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by Council.

Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

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Information Protection Principle 9 -**Agency Must Check Accuracy of Personal Information Before Use**

Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

The steps taken to comply will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

Information Protection Principle 10 -**Limits on Use of Personal Information**

Section 17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- the individual to whom the information relates has consented to the use of the information for that other purpose, or
- other purpose for which the

- information is used is directly related to the purpose for which the information was collected, or
- the use of the information for that other (c) purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree preservation order

Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless exemption applies.

External and related bodies

Each of the following will be required to comply

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with the Information Protection Principle 10:

- Council consultants
- · Private contractors
- Council committees

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. "Law enforcement purposes" means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of accused persons. "Protection of the public revenue" means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits nonwith Information compliance Principle 10 if a Council is:

- investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable Council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits noncompliance with Information Protection Principle 10 non-compliance is where implied" "reasonably "necessarily or contemplated" under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

Information Protection Principle 11 -Limits on Disclosure of Personal Information

Section 18 Limits on disclosure of personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is

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necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

(2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

- 1 Council may disclose personal information to public sector agencies or utility providers on condition that:
 - (i) the agency or utility provider has approached Council in writing
 - (ii) Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.
- Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
- 3 Where Council is requested by a potential employer, it may verify:
 - that a current or former employee works or has worked for Council,
 - (ii) the duration of that work, and
 - (iii) the position occupied during that time.

This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has

provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

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Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. "Law enforcement purposes" means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits noncompliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. "Protection of the public revenue" could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits noncompliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed. Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if non-compliance is reasonably necessary to assist another public sector agency that is an investigative agency exercising its investigative functions.

(Note: "investigative agency" is defined at section 3 of PPIPA.)

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with information Protection Principle 11 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law (including the State Records Act 1998).

Section 26(2) of the PPIPA permits noncompliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

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Information Protection Principle 12 - Special Restrictions on Disclosure of Personal Information

Section 19 Special restrictions on disclosure of personal information

- (1) A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- (2) A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:
 - (a) a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or
 - the disclosure is permitted under a privacy code of practice.
- (3) For the purposes of subsection (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.
- (4) The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.
- (5) Subsection (2) does not apply:
 - (a) until after the first anniversary of the commencement of this section, or
 - (b) until a code referred to in subsection(4) is made, whichever is the later.

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

For the purposes of Section 19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that:

- a current or former employee works or has worked for Council,
- (ii) the duration of that work, and
- (iii) the position occupied during that time.

This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

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Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits noncompliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits noncompliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, information is collected or held by Multicultural NSW for the purpose of only translating information, documents have been destroyed or returned to the person who submitted them, or information is provided to another person in connection to provision of a translation service.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.



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21 HEALTH PRIVACY PRINCIPLES

Council is required to comply with the Health Records and Information Protection Act 2002 (HRIPA) in its collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual
- an individual's express wishes about the future provision of health services to him or her
- other personal information collected in connection with the donation of human tissue
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in Section 6 of the HRIPA. Council may hold health information by reason of their role in child care, residential care and various types of community health support services.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which Council may collect health information in exercising its functions:

- Tree pruning/removal application where residents approach Council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds
- Issuing of clean up orders which may include recording information about a resident's health, GP professional contact details or involvement with mental health services
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work
- · Meals on Wheels programs where residents

may be asked for medical or dietary requirements, e.g. allergies for catering purposes

- Seniors bus outings where information may be collected on special medical needs
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc
- Physical exercise classes
- Information may be collected through a healthy community program
- Children's immunisation records
- Health and medication information about residential care clients.

Health Privacy Principle 1 - Purposes of Collection of Health Information

- (1) An organisation must not collect health information unless:
 - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) An organisation must not collect health information by any unlawful means.

Health Privacy Principle 2 - Information Must be Relevant, Not Excessive, Accurate and Not Intrusive

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- the information collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

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Health Privacy Principle 3 - Collection to be from the Individual Concerned

- (1) An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.
- (2) Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.

Health Privacy Principle 4 - Individual to be Made Aware of Certain Matters

- (1) An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:
 - a) the identity of the organisation and how to contact it,
 - b) the fact that the individual is able to request access to the information,
 - c) the purposes for which the information is collected,
 - d) the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind
 - e) any law that requires the particular information to be collected,
 - f) the main consequences (if any) for the individual if all or part of the information is not provided.
- (2) If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:

- a) making the individual aware of the matters would impose a serious threat to the life or health of any individual, or
- b) the collection is made in accordance with guidelines issued under subclause (3).
- (3) The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).
- (4) An organisation is not required to comply with a requirement of this clause if:
 - a) the individual to whom the information relates has expressly consented to the organisation not complying with it or,
 - b) the organisation is lawfully authorised or required not to comply with it, or
 - (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998), or
 - d) compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or
 - e) the information concerned is collected for law enforcement purposes or,
 - f) the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.
- (5) If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.
- (6) Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.

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(7) The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a compliant or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose. Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual. Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so.

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points.

Health Privacy Principle 5 - Retention and Security

- (1) An organisation that holds health information must ensure that:
 - a) the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
 - b) the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and
 - c) the information is protected, by taking such security safeguards as are

- reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- d) if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.

Note: Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

- (2) An organisation is not required to comply with a requirement of this clause if:
 - a) the organisation is lawfully authorised or required not to comply with it, or
 - b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the <u>State Records</u> Act 1998).
- (3) An investigative agency is not required to comply with subclause (1)(a).

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than necessary and will be disposed of appropriately.

Health Privacy Principle 6 - Information About Health Information Held by Organisations

- (1) An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:
 - a) whether the organisation holds health information, and
 - b) whether the organisation holds health information relating to that individual, and

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- c) if the organisation holds health information relating to that individual:
 - (i) the nature of that information
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to request access to the information.
- (2) An organisation is not required to comply with a provision of this clause if:
 - a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the <u>State Records</u> Act 1998).

Health Privacy Principle 7 - Access to Health Information

(1) An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

Note: Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the <u>Government Information (Public Access) Act 2009</u> or the State Records Act 1998.

- (2) An organisation is not required to comply with a provision of this clause if:
 - a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the <u>State Records</u> <u>Act 1998</u>).

Health Privacy Principle 8 - Amendment of Health Information

- (1) An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:
 - a) is accurate, and
 - b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the information to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.

Note: Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

- Amendment of health information held by public sector agencies may also be able to be sought under the <u>Privacy and Personal</u> Information Protection Act 1998.
- (4) An organisation is not required to comply with a provision of this clause if:

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- a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
- b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the <u>State Records</u> Act 1998).

Health Privacy Principle 9 - Accuracy

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.

Council Policy

Council will provide details about what health information Council is holding about an individual and why Council is storing that information and what rights of access the individual has. Council will allow the individual to access his or her health information without reasonable delay or expense. Council will allow the individual to update, correct or amend their health information where necessary. Council will make sure that the health information is relevant and accurate before using it.

Health Privacy Principle 10 - Use Purpose

An organisation that holds health information must not use the information for a purpose (a secondary purpose) other than the purpose (the primary purpose) for which it was collected unless:

(a) Consent

the individual to whom the information relates has consented to the use of the information for that secondary purpose, or

(b) Direct relation

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or, **Note:** For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) Serious threat to health or welfare

the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
- (ii) a serious threat to public health and safety, or

(d) Management of health services

the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

- (i) either:
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - (B) reasonable steps are taken to deidentify the information, and
- (ii) if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(e) Training

the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

(i) either:

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- (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
- (B) reasonable steps are taken to deidentify the information, and
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- (f) Research

the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:

- (i) either:
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - (B) reasonable steps are taken to deidentify the information, and
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or
- (g) Find missing person

the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or

- (h) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline the organisation:
- (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under the <u>Health</u> <u>Practitioner Regulation National Law</u> (NSW), or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
- (ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (i) Law enforcement

the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or

(j) Investigative agencies

the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or

(k) Prescribed circumstances

the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.

- (2) An organisation is not required to comply with a provision of this clause if:
 - (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted

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(or is necessarily implied or reasonably contemplated) under an Act or any other law (including the <u>State Records</u> Act 1998).

- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
 - (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) The exemption provided by subclause (1)(j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent.

Health Privacy Principle 11 – Disclosure Purpose

(1) An organisation that holds health information must not disclose the information for a purpose (a **secondary**

purpose) other than the purpose (the **primary purpose**) for which it was collected unless:

(a) Consent

the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or

(b) Direct relation

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

- (c) Serious threat to health or welfare the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:
 - (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
 - (ii) a serious threat to public health or public safety, or

(d) Management of health services

the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

(i) either:

(A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or

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- (B) reasonable steps are taken to deidentify the information, and
 - (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication,
 - (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(e) Training

the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

(i) either:

- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
- (B) reasonable steps are taken to deidentify the information, and
 - (ii) if the information could reasonably be expected to identify the individual, the information is not made publicly available, and
 - (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(f) Research

the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:

- (i) either:
- (A) that purpose cannot be served by the

- disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or
- (B) reasonable steps are taken to deidentify the information, and
 - (ii) the disclosure will not be published in a form that identifies particular individuals or from which an individual's identity can reasonably be ascertained, and
 - (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(q) Compassionate reasons

the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:

- the disclosure is limited to the extent reasonable for those compassionate reasons, and
- (ii) the individual is incapable of giving consent to the disclosure of the information, and
- (iii) the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and
- (iv) if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or

(h) Finding missing person

the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an

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individual who has been reported to a police officer as a missing person, or

- (i) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline the organisation:
 - (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under the <u>Health Practitioner</u> <u>Regulation National Law (NSW)</u>, or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
 - (ii) discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (j) Law enforcement

the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or

(k) Investigative agencies

the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or

(I) Prescribed circumstances

the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.

- (2) An organisation is not required to comply with a provision of this clause if:
 - (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or

- (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
- (c) the organisation is an investigative agency disclosing information to another investigative agency.
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
 - (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.
- (6) The exemptions provided by subclauses (1)(k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

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Council Policy

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect
- If an exemption applies.

Health Privacy Principle 12 - Identifiers

- (1) An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.
- (2) Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to a public sector agency acting in its capacity as agent or contractor) if:
 - (a) the individual has consented to the adoption of the same identifier, or
 - (b) the use or disclosure of the identifier is required or authorised by or under law.
- (3) Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:
 - (a) the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10(1)(c)-(k) or 11(1)(c)-(l), or
 - (b) the individual has consented to the use or disclosure, or
 - (c) the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.
- (4) If the use or disclosure of an identifier

assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:

- (a) adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or
- (b) use or disclose an identifier of the individual that has been assigned by the public sector agency.

Health Privacy Principle 13 - Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

Health Privacy Principle 14 - Transborder Data Flows and Dataflow to Commonwealth Agencies

An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:

- (a) the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or
- (b) the individual consents to the transfer, or
- (c) the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or
- (e) all of the following apply:
 - (i) the transfer is for the benefit of the

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individual.

- (ii) it is impracticable to obtain the consent of the individual to that transfer,
- (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or
- (f) the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:
 - (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
 - (ii) a serious threat to public health or public safety, or
- (g) the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or
- (h) the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.

Health Privacy Principle 15 - Linkage of Health Records

- (1) An organisation must not:
 - (a) include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or
 - (b) disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.
- (2) An organisation is not required to comply with a provision of this clause if:
 - (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted

(or is necessarily implied or reasonably contemplated) under an Act or any other law (including the <u>State Records Act 1998</u>), or (c) the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with HPP 10(1)(f) or a disclosure of the information that complies with HPP 11(1)(f).

(3) In this clause:

"health record" means an ongoing record of health care for an individual.

"health records linkage system" means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

22 IMPLEMENTATION OF THE PRIVACY AND PERSONAL INFORMATION PLAN

Training Seminars/Induction

- 22.1 During induction, all employees will be made aware of the types of personal information collected by Council.
- 22.2 Councillors, all Council staff and members of Council Committees will be provided a summary of the requirements set out in this Plan.

Responsibilities of the Privacy Officer

- 22.3 The Public Officer within Council is assigned the role of the Privacy Officer.
- 22.4 In order to ensure compliance with PPIPA and the HRIPA, the Privacy Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever

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- nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.
- 22.5 The Privacy Officer will provide opinions within Council as to:
 - whether the personal or heath information is collected for a lawful purpose
 - If that lawful purpose is directly related to a function of Council
 - Whether or not the collection of that personal or heath information is reasonably necessary for the specified purpose.

23 INTERNAL REVIEW

How does the process of Internal Review operate?

- 23.1 Under Section 53 of the PPIPA a person (the applicant) is entitled to a review of Council's compliance with this Plan. An application for internal review is to be made within six months of when the person first became aware of the conduct.
- 23.2 The application is to be in writing and addressed to Council's Privacy Officer. The Privacy Officer will be the Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application.
- 23.3 The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.
- 23.4 Council must notify the Information and Privacy Commission NSW of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.
- 23.5 The Information and Privacy Commission

- NSW is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the Information and Privacy Commission NSW. Council must provide the Information and Privacy Commission NSW with a draft of Council's internal review report to enable the Information and Privacy Commission NSW to make a submission.
- 23.6 Council may provide a copy of any submission by Information and Privacy Commission NSW to the applicant.
- 23.7 Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Information and Privacy Commission NSW where it departs from the draft review.
- 23.8 An internal review checklist has been prepared by the Office of the Information and Privacy Commission NSW and can be accessed from its website http://www.ipc.nsw.gov.au.
- 23.9 The Information and Privacy Commission NSW must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

What happens after an Internal Review

23.10If the complainant remains unsatisfied, he/she may appeal to the NSW Civil and Administrative Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

24 OTHER RELEVANT MATTERS

Contracts with consultants and other private contractors

24.1 It is necessary to have specific provisions to protect Council in any dealings with private contractors.

Confidentiality

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- 24.2 The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.
- 24.3 An obligation of confidentiality exists for all employees whether express or implied as a matter of law.
- 24.4 Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

Misuse of personal or health information

24.5 Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

Regular review of the collection, storage and use of personal or health information

24.6 The information practices relating to the collection, storage and use of personal or health information will be reviewed by Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

Regular review of Privacy Management Plan

24.7 When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

24.8 For assistance in understanding the processes under the PPIPA and HRIPA, please contact Council or the Office of the Information and Privacy Commission NSW.

25 APPENDICES

- Appendix 1: Statutory Declaration for Access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council.
- Appendix 2: Privacy Notification Form –
 Section 10 (Pre-Collection)
- Appendix 3: Privacy Notification Form –
 Section 10 (Post-Collection)
- Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To Determine Whether Council Holds Personal Information about a Person
- Appendix 5: Application under Section 14 of the Privacy and Personal Protection Act 1998: For Access to Applicant's Personal Information
- Appendix 6: Application under Section 15 of the Privacy and Personal Protection Act 1998: For Alteration of Applicant's Personal Information

Further information



Appendix 1: Statutory Declaration for Access Under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council

Oaths Act, 1900, Ninth Schedule I, the undersigned (1)..... (1) insert full name Of ⁽²⁾ (2) insert address In the State of New South Wales, do solemnly and sincerely declare that: I am ⁽³⁾..... (3) insert relationship, if any, to person inquired about I seek to know whether (4)..... (4) insert name is on the public register of (5)..... (5) Applicant to describe the relevant public register The purpose for which I seek this information is (6) (6) insert purpose for seeking information The purpose for which the information is required is to (7) (7) insert purpose

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Statutory Declaration



Signature of Applicant

Declared at:	
in the said State this	day of 20
In the presence of	
	Name of Justice of the Peace/Solicitor to be printed Who certifies that: 1. *I saw the face of the declarant/deponent OR * I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it, and 2. *I have known the person for at least 12 months OR *I have confirmed the person's identity with
	Signature of Justice of the Peace/Solicitor



Appendix 2: Privacy Notification Form – Section 10 (Pre-Collection)

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

Officers within Council;
Data service providers engaged by Council from time to time;
Any other agent of Council, and
• Other
The supply of information by you is
If you cannot provide, or do not wish to provide, the information sought, Council
maybe unable to process your application
☐ will be unable to process your application
Council is collecting this personal information from you in order to
You may make application for access or amendment to information held by Council.
You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.
Council is to be regarded as the agency that holds the information. However, if <i>it is</i> not Council who holds of controls the information, please state below who does.
Enquiries concerning this matter can be addressed to
Signature
Name to be printed
Date signed / /
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Appendix 3: Privacy Notification Form – Section 10 (Post-Collection)

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

Officers within Council
Data service providers engaged by Council from time to time
Any other agent of Council
• Other
The supply of information by you is
If you cannot provide, or do not wish to provide, the information sought, Council may
Council is collecting this personal information from you in order to
You may make application for access or amendment to information held by Council.
You may also make a request that Council suppress your personal information from a public register. Counci will consider any such application in accordance with the PPIPA.
Council is to be regarded as the agency that holds the information. However, if <i>it is</i> not Council who holds of controls the information, please state below who does.
Enquiries concerning this matter can be addressed to
Signature
Name to be printed
Date signed / /
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Personal information held by Council



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Appendix 4: Application Under Section 13 of the Privacy and Personal Information Protection Act 1998: To determine Whether Council Holds Personal Information About A Person

I, ⁽¹⁾	(1)	insert full name
of ⁽²⁾	(2)	insert address
Hereby request the Chief Executive Officer of Orange City Council to:	7	7
Provide the following		
Does Council hold personal information about me?	Yes	□ No
If so, what is the nature of that information?		
What is the main purpose for holding the information?		
• Am I entitled to access the information?	Yes	☐ No
My address for response to this application is		
Post Code:		
Note to applicants		
Council will not record your address or any other contact details that you provide for any otl application.	ner purpose	other than to respond to your
As an applicant, you have a right of access to personal information concerning yourself that Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application		
 Council may refuse to process this application in part or in whole if: There is an exemption to section 13 of the PPIPA; or A Code of Practice may restrict the operation of section 14. 		
Enquiries concerning this matter can be addressed to Council's Privacy Officer at council@oi	range.nsw.go	ov.au or 6393 8000.
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Appendix 5: Application Under Section 14 of the Privacy and Personal Protection Act 1998: For Access to Applicant's Personal Information

Personal information held by Council	
l, ⁽¹⁾	(1) insert full name
of ⁽²⁾	(2) insert address
Hereby request that Orange City Council	
Provide me with	7
☐ (a) Access to all personal information held concerning myself	
(b) Access to the following personal information only (LIST INFORMATION REC	QUIRED BELOW)
44	
My address for response to this application is	
Contact number	
Note to applicants	
As an applicant, you have a right of access to personal information concerning yourself the 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).	at is held by Council under section
You are entitled to have access without excessive delay or cost.	
Council may refuse to process this application in part or in whole if: The correct amount of fees has not been paid; There is an exemption to section 14 of the PPIPA; or A Code of Practice may restrict disclosure.	
Enquiries concerning this matter can be addressed to Council's Privacy Officer at council@	Oorange.nsw.gov.au or 6393 8000
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Appendix 6: Application Under Section 15 of the Privacy and Personal Protection Act 1998: For Alteration of Applicant's Personal Information

Per	sonal information held by Council
I, ⁽¹⁾	(1) insert full name
of ⁽²)(2) insert address
Con	tact Number
Here	eby request that Orange City Council
Alte	r personal information regarding myself in the following manner
•	I propose the following changes
•	The reasons for the changes are as follows
	The documentary bases for those changes is as shown on the attached documents
<u>Note</u> You	have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to are that the personal information held by Council:
(a)	is accurate, and
(b)	having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to- date, complete and not misleading.
step	nuncil is not prepared to amend the personal information in accordance with a request by you, Council must take such is as are reasonable to attach to the information in such a manner as is capable of being read with the information, any ement provided by you.
-	ur personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 PA), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by ncil.
Cour	ncil may refuse to process your application in part, or in whole, if:
	 there is an exemption to section 15 of the PPIPA; or a Code of Practice may restrict alteration.
Enqu	uiries concerning this matter can be addressed to Council's Privacy Officer at council@orange.nsw.gov.au or 6393 8000
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Strategic Policy – ST12

Compliments & Complaints





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1 PURPOSE

- 1.1 The purpose of this policy is to clearly articulate the management processes for compliments and complaints received by Council, and to ensure accountability, transparency and consistency regarding feedback receive form the community.
- 1.2 Council endeavours to provide the highest level of customer service in its delivery of services and management of public funds.
- 1.3 Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing customer satisfaction.
- 1.4 Similarly, Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.
- 1.5 The substance of a complaint to Council dictates the level of resources dedicated to action and investigation, not a complainant's demands or behaviour.

2 APPLICABILITY

2.1 This policy applies to all Councillors, Council staff, Council volunteers and contractors, and to all members of the public.

3 OBJECTIVES

- 3.1 The objectives of this policy are to ensure that:
 - All complaints are dealt with in a timely and effective manner.
 - The privacy and fair treatment of the complainant is upheld.
 - The privacy and fair treatment of Councillors, employees of Council, contractors to Council and volunteers with Council, against whom complaints have been made, are upheld.

- The community's right to comment is protected and promoted.
- Information that can assist in improving the Council is captured in a systematic way, allowing corrective actions to be put in place where necessary.
- Unreasonable complainant conduct is managed appropriately.

4 CONFIDENTIALITY

4.1 Orange City Council customers and members of the community can expect their privacy to be respected and for personal information to be treated confidentially in line with relevant legislation and this policy throughout the compliments or complaints management process.

5 PROVIDING COMPLIMENTS & COMPLAINTS

- 5.1 When providing a compliment or lodging a complaint, full details including name, address and contact phone number should be provided along with the details of the compliment of complaint.
- 5.2 Council welcomes anonymous compliments and complaints however, encourages members of the public to include contact information to ensure the most appropriate handling and management of the compliments and complaints processes.
- 5.3 In the event of an anonymous complaint, Council will determine whether investigation is warranted based on the available information and the seriousness of the complaint.
- 5.4 Compliments and complaints can be lodges as follows:
 - Via mail addressed to:
 The Chief Executive Officer

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PO Box 35 Orange NSW 2800

- Via email: council@orange.nsw.gov.au
- In person:
 Council's Customer Service Desk
 Ground Floor, Civic Centre
 135 Byng Street
 Orange NSW 2800
- By phone: (02) 6393 8000
- 5.5 A complaint ma be received in an alternative manner and or require additional support from a staff member to submit their complaint. Reasonable adjustments can be made to our processes to accommodate this by request.

6 COMPLIMENTS

What is a Compliment?

- 6.1 A compliment is an expression of praise or regard for service received or performance given by Council and/or its officers, agents, or policies and procedures affecting an individual or a group of customers.
- 6.2 Compliments Council receives often go unrecognised because, unlike complaints, they require little action.
- 6.3 Compliments are valuable as they provide an opportunity to identify services and areas of best practice by staff and incorporate those practices and standards in other areas of Council.

Handling of Compliments

- 6.4 Compliments received by Council will be handled in the following manner:
 - Registered in Council's Electronic Records Management System (ERMS)
 - The compliment should be forwarded to the relevant Director

- Where a staff member, volunteer, contractor or agent in named, the compliment should also be forwarded directly to that person.
- 6.5 Where contact details have been provided, the appropriate staff member will acknowledge receipt of the compliment within 10 working days.

7 COMPLAINTS

What is a Complaint?

- 7.1 A complaint is an expression of dissatisfaction with Council's level and quality of service, its officers, agents, or policies and procedures affecting an individual or a group of customers.
- 7.7 The substance of a complaint to Council dictates the level of resources dedicated to it, not a complainant's demands or behaviour.
- 7.3 A complaint is NOT:
 - · An initial request for works or services
 - A request for information or explanation of policies, procedures and decisions of Council
 - A request for information regarding Council's assets or services
 - Reports concerning neighbourhood disputes
 - An expression of disagreement with Council's policies, procedures or a lawfully made decision.

Handling of Complaints

- 7.4 Complaints received by Council will be handled in the following manner:
 - All complaints, regardless of how they are received, will be recorded in Councils Electronic records management System (ERMS).
 - The complaint will then be forwarded to the relevant Council officer along with

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- any other supporting information provided by the complainant.
- If the complaint is about a member of staff, the complaint should be forwarded to the relevant Director for delegation or investigation and response.
- If the complaint is about the Chief Executive Officer, the complaint should be forwarded to the Mayor for action, investigation and response.
- If the complaint is of a very serious nature, the complaint will be referred directly to the Chief Executive Officer for action.

Exceptions

- 7.5 This policy does not apply in circumstances where there is legislation or Council Policy covering the making of a complaint. For example:
 - The making of a Public Interest Disclosure under the Public Interest Disclosures Act 2022 - managed through Council's Public Interest Disclosures and Internal Reporting Policy.
 - The making of applications for internal review of alleged breaches of privacy under the Privacy and Personal Information Act 1998 - managed through the Privacy Management Policy.
 - The making of applications for access to information under the Government Information (Public Access) Act 2009 (GIPA) - managed through Council's Access to Information Policy.
 - Complaints under Council's Code of Conduct.
 - Grievances under Council's Grievance & Workplace Concerns Policy.

include:
• An apology where Council has made a

7.6 Outcomes regarding complaints

- An apology where Council has made a mistake or where comments made by a member, staff or representative of Council or behaviour have offended.
- · Provision of the desired service.
- A refund of over or incorrectly charged monies.
- Provision of additional information regarding Council policies and/or decision making processes.
- A commitment to investigate and/or review Council procedures and practices where a complaint is justified.
- Recommendation to refer the complaint to an external body where Council cannot resolve the matter to the satisfaction of the complainant.

Unreasonable Complaints

- 7.7 Unreasonable Complainant Conduct is any behaviour by a current or former complainant which, because of the nature or frequency, raises substantial health, safety, resource or equity issues for the parties to the complaint.
- 7.8 Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide further assistance or a greater level of service than has been provided; and/or disagree with the action Council has taken in relation to their complaint or concern.
- 7.9 This dissatisfaction may trigger one or a number of the following behaviours, which are determined by the opinion of the Chief Executive Officer:

Outcomes



TYPE	DESCRIPTION			
Unreasonable	Cannot be satisfied and			
persistence	persists with a complaint			
	even though it has been			
	comprehensively dealt			
	with and all avenues of			
	internal review or appeal			
	have been exhausted			
	Continues to write,			
	telephone or visit Council			
	reframing the complaint Is raising the same issue			
	with different staff			
	members			
Unreasonable	Insists on outcomes that			
demands	are unattainable			
	Wants something not			
	possible or appropriate			
	Expects resources out of			
	proportion to the			
	seriousness of the issue			
	 Demands on Council are 			
	significantly diverting			
	Council's resources away			
	from other functions			
	Are creating an inequitable allocation of the creating and the control of the creation of			
	inequitable allocation of resources to other			
	customers			
Unreasonable	Presents a large quantity			
lack of	of information which is			
cooperation	not organised, sorted,			
	classified or summarised			
	where the complainant is			
	clearly capable of doing			
	this			
	Refuses to substantiate			
	allegations or provide			
	evidence that the			
	complainant states is in			
	their possession when			
	requested for the purposes of investigation			
	Refuses to define the			
	issues of complaint where			
	issues of complaint where			

TYPE	DESCRIPTION
	the complainant is clearly capable of doing so Changes the complaint once it is in the process of consideration Presents information separately, or find pieces of information in support of their complaint once a decision to decline or discontinue the complaint has been made
Unreasonable	Holds irrational beliefs
arguments	 Holds conspiracy theories that are not supported by evidence Insists that a particular solution is the only correct one in the face of valid, contrary or alternative arguments
Unreasonable behaviours	 Displaying aggression, be it physical violence against property or person Displaying anger, including verbal abuse of either a personal or general nature Posing threats and threatening, offensive behaviour Displaying rudeness, vulgar noises, expressions or gestures during a telephone conversation or during an interview

Response to Unreasonable Behaviours

- 7.10 Either an appropriate member of staff or the Chief Executive Officer may respond to unreasonable behaviours in a number of ways, depending on the circumstances.
- 7.11 Staff in dealing with an unreasonable behaviour may:



- Warn the customer if any offensive or unreasonable behaviour continues that the conversation will be terminated.
- Terminate the conversation if the offensive or unreasonable behaviour continues after a warning has been given.
- Advise the customer that they should leave the building.
- If the customer refuses, a Council staff member may contact the police or Council's Rangers to assist, whichever is most practicable or will be able to respond in the shortest possible time.
- 7.12 The Chief Executive Officer may write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the same matter, or continues to act unreasonably, Council may:
 - Deem that an appointment is necessary if they wish to discuss the matter.
 - Nominate a staff member to deal with that person and restrict all interaction with Council to that staff member only.
 - Require all future contact with Council to be in writing.
 - Continue to receive, read and register correspondence but only acknowledge or otherwise respond if the customer provides significant new information relating to their complaint or concern, or the customer raises new issues which in the Chief Executive Officer's opinion, warrant fresh action.
 - Not accept any further telephone calls from the customer.
 - Not grant any further interviews or meetings.

- Not respond to any future correspondence and only act, where in the opinion of the Chief Executive Officer, the correspondence raises specific substantial or serious issues.
- Only respond to a certain number of requests in a given period.
- Require all interaction with Council to be via Council's nominated legal representative.
- 7.13 The customer shall be given an opportunity to make representations about Council's proposed course of action.
- 7.14 If the customer continues to contact Council after being advised of Council's proposed course of action, the Chief Executive Officer may, after considering any representations from the customer, advise the customer that any or all of the above actions may now apply.
- 7.15 If, in the opinion of the Chief Executive Officer, any correspondence to Council contains personal abuse, inflammatory statements or material intended to intimidate, the correspondence will be returned to the sender, not acted upon and a copy forwarded to the police.

Limiting Contact with Council

7.16 The limitations on services from and communications with Council arising from specific instances are detailed in the sections above. Such limitations cannot impede the statutory rights of the customer to information, such as under the Government Information (Public Access) Act 2009.

Review of Actions Initiated

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- 7.17 The customer has the right to make representations to Chief Executive Officer for a review of any determination made.
- 7.18 The Chief Executive Officer may nominate an alternative employee such as the Public Officer or Director to determine matters and/or review determinations.
- 7.19 If any subsequent review does not resolve the matter, the customer may complain, depending on the nature of the complaint, to either the NSW Ombudsman, the Office of Local Government or the Independent Commission Against Corruption.

8 STAFF INVOLVEMENT IN CUSTOMER INCIDENTS

- 8.1 Staff who experience a highly stressful or difficult experience with a customer are to immediately report the incident to their Supervisor, Manager or Director will notify People & Culture of the incident
- 8.2 Any employee subject to stressful interactions, verbal abuse or violence will be encouraged to use the available Employee Assistance Program (EAP).
- 8.3 In addition, ay additional action via policy or law will be taken to protect and support the employee as applicable.

9 TRANSPARENCY & MONITORING

- 9.1 We record and analyse information from our complaint handling processes examples:
 - the number of complaints received and finalised
 - the issues raised by complaints
 - the percentage of complaints finalised within our KPIs
 - the actions taken in response to issues raised by complaints
 - the systemic issues identified through complaints
 - the number of requests received for internal and/or external review.

10 RELATED DOCUMENTS

- ST01 Code of Conduct
- OP001 Grievance & Workplace Concerns
- ST10 Privacy Management
- ST11 Public Interest Disclosures and Internal Reporting
- ST16 Access to Information Held by Council
- Government Information (Public Access) Act 2009
- Privacy & Personal Information
 Protection Act 1998
- Local Government Act 1993
- Public Interest Disclosures Act 2022

All policies can be reviewed or revoked by the Council, at any time.			
ST12 - Strategic Policy – Compliments & Complaints			
Amendments:			
Renumbering from ST016 & general formatting updates			
Change of policy name from Complaint Management			
Inclusion of sections detailing 'compliments'			
Complaint handing framework added as Appendix table			
Review Due: November 2028	Version V1_25	Last Revision: December 2024	
Approved Pvi	Minuta Number:	Approval Data:	

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APPENDIX A - COMPLAINT HANDLING FRAMEWORK

LEVEL 4: EXTERNAL REVIEW - REFERRAL

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, the complainant may refer the complaint to an appropriate external agency for review.

Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Office of Local Government or the Information & Privacy Commission (*contact details provided in Appendix B*).

LEVEL 3: ESCALATION AND REVIEW

If the complainant remains unsatisfied after speaking to or corresponding with the relevant Line Manager, they may lodge the complaint with the Public Officer.

Complainants may seek a review of Council's determination or resolution of a complaint by requesting a review via the Public Officer.

Council's Public Officer is the Manager Corporate Governance:

Phone: (02) 6393 8000

Email: council@orange.nsw.gov.au

LEVEL 2: MANAGEMENT COMPLAINTS HANDLING

Where complaints cannot be resolved at the first point of contact, or where they are received in writing, they will be tasked to the appropriate Line Manager to investigate and address.

Complaints made at this level must be recorded in Council's Electronic Records Management System.

LEVEL 1: FRONTLINE COMPLAINTS HANDLING

Complainants are encouraged to provide feedback and lodge their complaint with the Council Officer who provided the service or who dealt with the issue, as this is more likely to result in a speedy resolution to the complaint.

A staff member receiving a complaint should, within the scope of their authority, deal with the complaint at the time or refer it immediately to the appropriate Council Officer/Line Manager. Staff dealing with complaints will ensure:

- Complaints are dealt with fairly and equitably
- A full investigation is undertaken to establish facts
 An acknowledgement of receipt of the complaint is provided to the complainant within 14 days of receipt of the complaint (by email or letter).
- A formal written response is provided to the complainant within a reasonable timeframe, not more than three months of receipt of the complaint.
- If additional time is required, the complainant will be advised in writing as soon as is practicable.



APPENDIX B - EXTERNAL AGENCY DETAILS

AGENCY	NATURE OF COMPLAINT
NSW Ombudsman Level 24, 580 George Street SYDNEY NSW 2000 Phone: 02 9286 1000 or 1800 451 524Fax:02 9283 2911 Email: nswombo@ombo.nsw.gov.au	Matters concerning maladministration (where a Government body is seen to be causing an injustice)
NSW Office of Local Government Locked Bag 3015 NOWRA NSW 2541 Phone: 02 4428 4100 Fax: 02 4428 4199 Email: olg@olg.nsw.gov.au	Matters concerning serious Council misconduct or pecuniary interest matters
The Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2001 Phone: 02 8281 5999 or 1800 463 909 Fax: 02 9264 5364 Email: icac@icac.nsw.gov.au	Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The General Manager is required to report suspected cases of corrupt conduct to the ICAC
Anti-Discrimination Board PO Box W213 PARRAMATTA WESTFIELD NSW 2150 Phone: 9268 5555 or 1800 670 812 Fax: 02 9268 5000	Matters in relation to discrimination, disability and harassment
Australian Competition and Consumer Commission GPO Box 3648 SYDNEY NSW 2001 Phone: 02 9230 9133 Fax: 02 9223 1092	Competitive neutrality complaints
Information and Privacy Commission GPO Box 7011 SYDNEY NSW 2001 Free call phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au	Breaches of the Government Information (Public Access) Act 2009 Breaches of the Privacy and Personal Information Protection Act 1998

COUNCIL MEETING 17 DECEMBER 2024







1 PURPOSE

1.1 The purpose of this policy is to outline best practice approach and steps that will guide and demonstrate Council's commitment to excellent customer service.

2 APPLICABILITY

2.1 This Councillors, employees, Council volunteers and contractors of Council.

3 OBJECTIVES

- 3.1 The objectives of this policy are to:
 - To provide quality service that meets or exceeds customer expectations.
 - To ensure that all customers are treated fairly, reasonably and in a courteous manner.
 - To ensure that Council resources are used efficiently and effectively when dealing with customers.
 - To provide guidance for Councillors, employees, volunteers and contractors when dealing with customers.
 - To provide options for redress for Council's representative confronted by inappropriate behaviour and identify limits on services from and communications with Council customers.

4 SERVICE COMMITMENT

4.1 Councillors, employees, Council volunteers and contractors of Council shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service. This means:

- Treating all customers with respect and courtesy
- Listening to what customers have to say
- Responding to customer enquiries promptly, professionally and efficiently
- Acting with integrity and honesty when liaising with customers
- Consulting customers about servicing needs
- Valuing and responding to the customer's individual needs and expectations
- Owning the customer's request until it is completed in a timely manner
- Entering requests for actions into Council's Electronic Customer Request System where appropriate
- 4.2 Council staff shall endeavour to respond to correspondence (written, faxed or electronic) within established operational timeframes. Where the matter requires extended investigation or research, an acknowledgement letter, email or phone call will be provided to the customer.
- 4.3 Staff will endeavour to answer telephone calls to Council in person quickly and efficiently. Where this is not possible, a voicemail message will invite customers to leave a message. An Orange City Council officer will return customer calls or action requests.
- 4.4 Complaints will be addressed in accordance with Council's Compliments and Complaints Policy.

Customer Service Commitment $V1_25$



5 CUSTOMER SERVICE STANDARDS

- 5.1 If we are unable to resolve your issue at the first point of contact, we will transfer or forward your enquiry to an appropriate staff member.
- 5.2 Respond to written correspondence (letter or email) within 10 business days.
- 5.3 Ensure that accurate records are maintained as required by legislation and to provide the best customer service possible.
- 5.4 Regularly monitor social media social media channels and respond to engagement where relevant an appropriate.
- 5.5 Promote council's campaigns, activities, projects and initiatives via print and digital media.

6 RESPONSIBILITIES

- 6.1 Council's commitment to customer service is led by the Chief Executive Officer and the Executive Leadership Team.
- 6.2 All staff are responsible for providing excellent customer service no matter how or here you interact with our staff.

Role	Responsibility		
Executive	• Role model excellent		
Leadership	customer service and values		
Team	• Implement ideas and		
	strategies that support		
	continuous improvement to		
	customer service		
	 Ensure accountability, 		
	consistency and		
	transparency		

Role	Responsibility		
Customer Service Team	 Take a leadership role in providing best practice customer service To be polite, friendly and respectful with customers at all times Respond to enquiries and contact with respect and within the accepted operational timeframes 		
	 Maintain accurate records in the Customer Request System. 		
All Staff	 To be polite, friendly and respectful with customers at all times. Respond to queries and requests within the accepted operational timeframes. 		

7 CUSTOMER CONDUCT

- 7.1 Customers have a responsibility to act with courtesy and respect toward Council staff.
- 7.2 Customers have a responsibility to communicate clearly with Council staff, specifically identifying matters of concern or enquiry.
- 7.3 Customers who are not satisfied with the service provided by Council may make a written complaint to Council's Public Officer or the Chief Executive Officer, as outlined in the Compliments & Complaints Policy.
- 7.4 Unreasonable customer will be dealt with in accordance with Council's Compliments & Complaints Policy.

Customer Service Commitment $V1_25$

COUNCIL MEETING 17 DECEMBER 2024

Attachment 3 FOR EXHIBITION – Strategic Policy – ST17 – Customer Service Commitment



STRATEGIC POLICY – ST17

ACCESSIBILITY

8.1 Orange City Council is contactable 24 hours per day, seven days a week:

In person:

Customer Service Counter 135 Byng Street, Orange 9am-5pm, Monday to Friday

By telephone:

9am-5pm, Monday to Friday 1300 650 511 or

(02) 6393 8000

By telephone after hours:

EXHIBITIO On weekends, public holidays and for emergencies via Council's after-hours

provider

1300 650 511

By fax:

(02) 6393 8199

By mail:

PO Box 35

Orange NSW 2800

By email:

council@orange.nsw.gov.au

Online:

www.orange.nsw.gov.au

RELATED DOCUMENTS

- ST01 Code of Conduct
- ST12 Compliments & Complaints Policy
- ST10 Privacy and Personal Information Plan
- ST16 Access to Information Held by Council

All policies can be reviewed or revoked by Council at any time.

ST021 - Strategic Policy - Customer Service Commitment

Amendments:

- Policy name change from 'obligation' to 'commitment'
- Inclusion of social media and other promotional activities
- Added 'Customer Service Standards' section
- Added 'Responsibilities' section

Review Due: November 2028	Version V1_25	Last Revision: December 2024
Approved By:	Minute Number:	Approval Date:

Customer Service Commitment V1_25

COUNCIL MEETING 17 DECEMBER 2024

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.

COUNCIL MEETING 17 DECEMBER 2024

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 2023/24 Fourth & 2024/25 First Quarter Water Consumption Charges - 15 Yulanta Place Orange

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.

6.2 2023/24 Second & Third Quarter Water Consumption/Sewerage Charges - 109 Ploughmans Lane Orange

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.

6.3 Proposed Sale Part Lots 402 and 403 DP 1232601

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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.4 Tender F3590-5 - Gosling Creek Dam Engineering Assessments and Risk Mitigation Options Study

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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.5 Works in Kind Agreement for Shiralee Road construction fronting Lots 1 & A DP381935, Lot 1 DP630681 & Lot 22 DP1212446

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 Submission Redaction Report 17 December 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 2023/24 FOURTH & 2024/25 FIRST QUARTER WATER CONSUMPTION CHARGES - 15 YULANTA PLACE ORANGE

RECORD NUMBER: 2024/1854

AUTHOR: Matt Dean, Clerical Assistant - Water Billing

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.

6.2 2023/24 SECOND & THIRD QUARTER WATER CONSUMPTION/SEWERAGE CHARGES - 109 PLOUGHMANS LANE ORANGE

RECORD NUMBER: 2024/1855

AUTHOR: Matt Dean, Clerical Assistant - Water Billing

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.

6.3 PROPOSED SALE PART LOTS 402 AND 403 DP 1232601

RECORD NUMBER: 2024/1872

AUTHOR: Mark Hodges, Director Development 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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.4 TENDER F3590-5 - GOSLING CREEK DAM ENGINEERING ASSESSMENTS AND RISK MITIGATION OPTIONS STUDY

RECORD NUMBER: 2024/1659

AUTHOR: Wayne Beatty, Water and Sewerage Strategic 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 (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.5 WORKS IN KIND AGREEMENT FOR SHIRALEE ROAD CONSTRUCTION FRONTING LOTS 1 & A DP381935, LOT 1 DP630681 & LOT 22 DP1212446

RECORD NUMBER: 2024/1918

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 SUBMISSION REDACTION REPORT 17 DECEMBER 2024

RECORD NUMBER: 2024/1859

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