
ORANGE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

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

ON 16 MAY 2023

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

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

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

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

Nil.

1.5 OPENING PRAYER

Khalid Tufail of the Regional NSW Islamic Centre led the Council in Prayer.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.33PM

Item 5.4 Orange Function Centre

Mitchell Colton – CCT Productions Pty Ltd.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.38PM

2 MAYORAL MINUTES

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 23/171

Cr S Peterson/Cr T Greenhalgh

That the Minutes of the Ordinary Meeting of Orange City Council held on 2 May 2023 (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 2 May 2023.

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

Against: Nil

Absent: Nil

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - FIRST NATION CULTURE TRAINING

TRIM REFERENCE: 2023/634

MOTION

Cr G Power/Cr G Floyd

That Council include First Nation Culture Training for Councillors as part of the induction and training program conducted during their elected term.

AMENDMENT

Cr T Mileto/Cr K Duffy

That the 'Councillor Training Manual' be updated to include and acknowledge the importance of Councillors having an understanding of First Nations Culture, and if required, encourage Councillors to familiarise themselves with online training available regarding First Nations Culture and other relevant issues of importance.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Mileto

Against: Cr J Evans, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Whitton

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST

FORESHADOWED AMENDMENT

Cr K Duffy/Cr G Floyd

That the Notice of Motion – First Nation Culture Training be deferred for the purpose of obtaining further information on proposed program options.

For: Cr J Hamling, Cr K Duffy, Cr G Floyd, Cr T Greenhalgh, Cr T Mileto

Against: Cr J Evans, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr J Whitton, Cr S Peterson, Cr G Power

Absent: Nil

THE FORESHADOWED AMENDMENT ON BEING PUT WAS LOST

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 23/172

Cr G Power/Cr G Floyd

That Council include First Nation Culture Training for Councillors as part of the induction and training program conducted during their elected term.

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

Against: Cr K Duffy

Absent: Nil

4.2 NOTICE OF MOTION - ACTIVE KIDS VOUCHERS

TRIM REFERENCE: 2023/657

RESOLVED - 23/173**Cr T Greenhalgh/Cr J Hamling**

That Orange City Council resolves to:

- 1 Support local Children and Sporting Clubs by writing to the NSW Government to implore them to extend & increase the funding for the Active Kids Voucher which will expire in June 2023.
- 2 Write to our fellow Councils encouraging them to lobby the NSW Government to seek an extension to the Active Kids Program.

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

Against: Nil

Absent: Nil

4.3 NOTICE OF MOTION - EMERGENCY SERVICES LEVY

TRIM REFERENCE: 2023/661

RESOLVED - 23/174**Cr S Peterson/Cr K Duffy**

- 1 That Council contact the Treasurer, the Minister for Local Government, the Minister for emergency services and the State member to express our concern at the vastly increased cost of the emergency services levy. We feel it is unprofessional to have this change at short notice without consultation. This can only have an impact on Council projects, staffing or services.
- 2 That we ask the New South Wales government to restore the Emergency Services Levy subsidy for the coming financial year and additionally that we ask the new Government to consult and examine how to make emergency services funding and Local Government overall self-sustaining financially in the future.
- 3 That Orange City Council support advocacy work on this issue from LGNSW.
- 4 That Council expresses these concerns to the Independent Pricing and Regulatory Tribunal (IPART).

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

Against: Nil

Absent: Nil

Cr Power asked if we will be required to adjust the draft budget to follow the LGNSW lead.

The Chief Executive Officer advised staff will make adjustments to the budget, we will be required to participate and take a hit but we will make the protest as encouraged by a strong lead of LGNSW.

5 GENERAL REPORTS

5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES

TRIM REFERENCE: 2023/307

RESOLVED - 23/175**Cr J Whitton/Cr G Power**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 2 That the Minutes of the Employment and Economic Development Policy Committee at its meeting held on 2 May 2023 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 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Finance Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.
- 6 That the Minutes of the Services Policy Committee at its meeting held on 2 May 2023 be and are hereby confirmed as a true and accurate record of the proceedings.

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

Against: Nil

Absent: Nil

Cr Duffy asked what the Camera was for on Woodward Street.

The Chief Executive Officer advised that the camera was a security camera for Moulder Park.

QUESTION TAKEN ON NOTICE**Cr J Evans**

Cr Evans requested that the intersection of Pinnacle and Shiralee Roads be inspected and sufficient temporary lighting be installed during the SFR detour period.

QUESTION TAKEN ON NOTICE**Cr T Mileto**

Cr Mileto requested that the intersection of the SFR at Huntley & Forest Roads be inspected and a give way or stop sign be installed to control the flow traffic turning left off Forest Road onto SFR.

5.2 DEVELOPMENT APPLICATION DA 230/2022(1) - 33 MARAMBA ROAD

TRIM REFERENCE: 2023/653

MOTION**Cr D Mallard/Cr M McDonell**

That Council defers consideration of development application DA 230/2022(1) for Subdivision (six lot Torrens title and 13 lot Community title) at Lot 17 DP 1275461 - 33 Maramba Road, Orange in order to work with the developer to preserve the vegetation on the site.

AMENDMENT**Cr J Whitton/Cr T Mileto**

That Council consents to development application DA 230/2022(1) for Subdivision (six lot Torrens title and 13 lot Community title) at Lot 17 DP 1275461 - 33 Maramba Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

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

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

Absent: Nil

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 23/176****Cr J Whitton/Cr T Mileto**

That Council consents to development application DA 230/2022(1) for Subdivision (six lot Torrens title and 13 lot Community title) at Lot 17 DP 1275461 - 33 Maramba Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

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

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

Absent: Nil

Cr Whitton asked why this Development Application was part of Council and not in the next Planning and Development Policy Committee.

The Director Development Services advised it was just timing of the application being ready for determination. Also, noting the increased paper size in Committee meetings it was deemed to place this application into the Council meeting instead of waiting for the next Committee meeting in June.

5.3 NSW LOCAL ROADS CONGRESS - NOMINATION(S) FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2023/637

RESOLVED - 23/177**Cr T Mileto/Cr J Hamling**

That Council resolves Councillors Greenhalgh and Mileto to attend the NSW Local Roads Congress to be held on Monday 5th June, 2023.

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

Against: Nil

Absent: Nil

5.4 ORANGE FUNCTION CENTRE

TRIM REFERENCE: 2023/483

RESOLVED - 23/178**Cr J Evans/Cr G Floyd**

That Council resolves to:

- 1 Support the primary use of the Orange Function Centre to be for Community style events
- 2 Consider allocation of funding for works as described in the report in future budgets
- 3 Develop a venue plan for the future use of the functions centre and engages current operators in the process.

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

Against: Nil

Absent: Nil

Cr Floyd noted the type and frequency of the function centre usage and asked for an estimated time of Return on Investment for any upgrade works.

The Director Community, Recreation & Culture Services advised that it is more of an economic consideration for example if \$4mil was spent, events generating \$5000 a week would be required for 14 years to repay this investment, it will never be a positive return for this facility and the broader benefit of attracting visitors to Orange to stay and shop in the city increases the broader community benefit.

5.5 STATEMENT OF INVESTMENTS - APRIL 2023

TRIM REFERENCE: 2023/635

RESOLVED - 23/179**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To note the Statement of Investments for the period April 2023.
- 2 To adopt the certification of the Responsible Accounting Officer.

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

Against: Nil

Absent: Nil

5.6 QUARTERLY BUDGET REVIEW - QUARTER 3 OF 2022/2023

TRIM REFERENCE: 2023/659

RESOLVED - 23/180**Cr G Floyd/Cr K Duffy**

That Council resolves:

- 1 That the information provided in the report on the quarterly budget and performance indicators review for January 2023 to March 2023 be acknowledged.
- 2 To adopt favourable variations in the consolidated overall cost to council arising from the March 2023 quarterly review amounting to \$172,977.

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

Against: Nil

Absent: Nil

As Chair of Councils Finance Policy Committee, Cr Duffy assumed the role of Chairperson for item 5.7 with the time being 8.04pm

5.7 DRAFT INTEGRATED PLANNING AND REPORTING - DELIVERY PROGRAM REALIGNMENT 2023-2025, OPERATIONAL PLAN 2023-2024 AND RESOURCING STRATEGY INCLUDING LTFP, BUDGET, WORKFORCE MANAGEMENT STRATEGY AND THE ASSET MANAGEMENT STRATEGY

TRIM REFERENCE: 2023/522

RESOLVED - 23/181

Cr J Hamling/Cr G Floyd

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

- Draft Delivery – Principal Activity Program 2023/2024 to 2024/25
- Draft Operational Plan – Actions on Principal Activity 2023/2024
- Draft Budget 2023/2024
- Draft Fees and Charges 2023/2024
- Draft Long Term Financial Plan 2023/2024 to 2032/2033
- Draft Workforce Management Strategy 2023/2024
- Draft Asset Management Strategy 2023/2024
- Draft Strategic Policy ST27 – Statement of Revenue
- Draft Strategic Policy ST28 – Asset Management.

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

Against: Nil

Absent: Nil

Cr Hamling noted that the budget should include an increase to the roads rehabilitation program to a total of \$600,000.

Cr Peterson noted that the budget should include an increased allocation towards Donations and Grants for the community.

Cr Peterson noted the substantial rise in interest income and asked if normally without this we would have substantially worse deficit and if this is indication of structural deficit that would impact on future budgets.

The Chief Executive Officer advised that Local Government itself has a structural problem with budgets, interest was fortunate for this year and we will not get that again in terms of interest rates. Cr Peterson referred to the worsening trend in own source operating revenue and asked why this is.

The Chief Financial Officer advised that in the LTFP, an assumption of 3% rate peg was used as indicated by iPART, which is not sustainable and will not sustain these surpluses.

Cr Peterson asked what the difference was between City Council and Administration expenses in the breakdown of where \$100 is spent.

The Chief Financial Officer advised that the City Council relates to Councillors and Administration relates to the costs of running Council.

Cr Peterson asked about the decreasing performance of Council's operating ratios.

The Chief Financial Officer advised that unless the ratios were to change in the future, there will be operating deficits.

The Chief Executive Officer stated that it will only get harder.

Cr Evans noted there was a 5% increase in Airport passenger tax and asked if contact had been made with the affected businesses to advise of the increase and the process of making a submission during the exhibition period.

The Director Technical Services advised that notice has been given of the 5% increase and of the exhibition process and noted that the fees will commence in July and not payable until August.

Cr Kinghorne asked why we are borrowing for water & sewer when we have funding set aside.
The Director Technical Services advised that funds borrowed for the LIRS scheme, a State Government funded program, are low interest to enable infrastructure in developments such as Shiralee. The rate we can borrow under the scheme is less than the rate we could secure in an investment portfolio. At the time of the investment, returns from our reserve funds were better than was available with a lower interest rate through treasury.

Cr Kinghorne asked if information on Pensioner rebates is included with rates notices.
The Chief Executive Officer advised this information is included with every notice.

QUESTION TAKEN ON NOTICE

Cr F Kinghorne

Cr Kinghorne noted that the workforce management plan concentrates on staff health and wellbeing and employment impacts on this wellbeing. She asked how many staff are on short-term contracts?

Cr Mileto noted that a 5% increase in wages is included in the budget and asked when and how this would be implemented.

The Chief Executive Officer advised that award negotiations are currently being undertaken and will be finalised over the next few months which will then be in place for 3 years, so the next 3 years budgets will then be known.

The Mayor resumed the role of Chairperson with the time being 8.32pm

5.8 STRATEGIC POLICY ADOPTION - POST EXHIBITION

TRIM REFERENCE: 2023/571

RESOLVED - 23/182

Cr J Evans/Cr S Peterson

That Council resolves to adopt Strategic Policy – ST15 – Risk Management.

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

Against: Nil

Absent: Nil

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, 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 - 23/183**Cr J Whitton/Cr J Evans**

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 Debt Provisions

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.

6.2 Airport Runway Extension Project Update

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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Information contained in this paper is subject to legal professional privilege and is strictly confidential. Any disclosure of this paper, including a verbal disclosure of its content or conclusions, beyond Council officers directly involved in this matter may result in the loss of legal professional privilege and cause damage to the Council's legal and financial position. Councillors have a good faith duty to strictly maintain confidentiality of privileged communications, and any failure to do so may result in a penalty under section 664 of the Local Government Act 1993 and action under the Code of Conduct.

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

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.34pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.56pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 DEBT PROVISIONS

TRIM REFERENCE: 2023/5

RESOLVED - 23/184**Cr J Evans/Cr G Floyd**

That Council adopt and write off the outstanding debt for Debtor account 5156.90 in the sum of \$1,490,155.38.

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

Against: Nil

Absent: Nil

6.2 AIRPORT RUNWAY EXTENSION PROJECT UPDATE

TRIM REFERENCE: 2023/660

RESOLVED - 23/185**Cr J Whitton/Cr G Power**

That Council's Chief Executive officer be given delegated authority to settle the outstanding legal matter between Council and Hewatt Pty Ltd based on the information presented within the body of this report.

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

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 8.59PM

This is Page Number 10 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 16 May 2023.