
ORANGE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

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

ON 6 JUNE 2023

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

Cr J Hamling (Mayor), Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne (*Audio Visual Link*), Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson (*6.44pm*), 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, Governance Officer

1.1 APOLOGIES

RESOLVED - 23/186

Cr J Whitton/Cr M McDonell

That the apologies be accepted from Cr Kevin Duffy for the Council Meeting of Orange City Council on 6 June 2023.

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

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

RESOLVED - 23/187

Cr J Whitton/Cr M McDonell

That Cr Frances Kinghorne be permitted to attend the Council Meeting of Orange City Council on 6 June 2023 via Audio Visual Link.

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

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

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 Greenhalgh declared a Non-Significant, Non-Pecuniary Interest in FPC 2.3 Small Donations and Grants Program Applications as her child attends Orange High School.

Cr Kinghorne declared Significant Pecuniary Interests in PDC items 2.3 DA15/2023 – 16 Platinum Parade, item 2.5 DA112/2023 141 Rossi Drive & item 2.7 DA37/2023 3 Benview Avenue as her husband has undertaken work on the subject sites.

Cr Power declared Significant Non-Pecuniary Interests in PDC items 2.4 DA195/2022, 10-12 Sharp Road as he is a member of Orange Aboriginal Land Council.

Cr Hamling declared a Significant, Non Pecuniary Interest in FPC 2.3 Small Donations and Grants Program Applications as he is a member of staff of Orange High School.

Cr Evans declared a Significant Non-Pecuniary Interest in item 6.1 Tender – Public Open Space as a tenderer is a customer of his business.

Cr Floyd declared a Non-Significant, Non Pecuniary Interest in FPC 2.2 Event Sponsorship Program as he is a member of staff of Cadia running the event.

*Cr Power (Deputy Mayor) presented Council with a traditional Aboriginal token of appreciation for its partnership program through the Scout Camp with Canobolas Rural Technical High School and Orange Local Aboriginal Land Council.

*The Mayor presented the Director Corporate & Commercial Services with two awards from the recent Local Government Professionals Awards for 2 category wins, first in the Risk Management category for our Work Health and Safety Management System and in the First Nations Community Partnerships category for the Orange Crown Lands negotiation project.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.37PM**4.1 – Notice of Rescission – Development Application DA230/2022(1) – 33 Maramba Road**

- Nick King
- Katrina Walker
- Neil Jones

PDC 2.4 – Development Application DA195/2022(1) – 10-12 Sharp Road

- Phillip Oates

Cr Peterson arrived at the meeting with the time being 6.44pm

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.00PM

RESOLVED - 23/188**Cr J Hamling/Cr M McDonell**

That item 4.1 – Notice of Rescission – Development Application DA230/2022(1) – 33 Maramba Road be moved forward in the agenda and be heard before item 2.

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

Against: Nil

Absent: Cr K Duffy

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF RESCISSION - DEVELOPMENT APPLICATION DA230/2022(1) - 33 MARAMBA ROAD

TRIM REFERENCE: 2023/780

RESOLVED - 23/189**Cr D Mallard/Cr M McDonell**

That Council rescind the following decision made at the Council Meeting of 16 May 2023.

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

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

Against: Cr J Hamling, Cr T Greenhalgh, Cr F Kinghorne, Cr S Peterson, Cr J Whitton

Absent: Cr K Duffy

MOTION	Cr J Whitton/Cr T Greenhalgh
That Council consents to development application DA230/2022(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.	
AMENDMENT	Cr D Mallard/Cr M McDonell
That Council defers consideration of development application DA230/2022(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.	
For: Cr J Evans, Cr G Floyd, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr G Power, Cr F Kinghorne, Cr S Peterson,	
Against: Cr J Hamling, Cr T Greenhalgh, Cr J Whitton	
Absent: Cr K Duffy	
THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION	
THE MOTION ON BEING PUT WAS CARRIED	
RESOLVED - 23/190	Cr D Mallard/Cr M McDonell
That Council defers consideration of development application DA230/2022(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.	

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

Against: Cr J Whitton

Absent: Cr K Duffy

Cr Kinghorne asked if the decision is rescinded and the developer is agreeable and changes considered, what length of time would it take for the process to happen.

The Director Development Services advised there is a 10 day turn around to get another report into the next Planning Development Committee meeting, that could provide 2 month delay if the developer does agree to make changes.

Cr McDonell asked if any of development is affordable housing.

The Director Development Services advised it is not identified as affordable housing under State Environmental Planning Policy, but being smaller blocks would make it more affordable.

Cr Evans asked if the affected land area is handed over to Council, what would the per annum upkeep look like and how will Council leverage that.

The Director Development Services advised the land can be retained in private ownership and the developer be asked to alter the layout around trees which is an option for consideration before converting to Council managed land.

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 23/191**Cr J Whitton/Cr T Greenhalgh**

That the Minutes of the Ordinary Meeting of Orange City Council held on 16 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 16 May 2023.

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

Against: Nil

Absent: Cr K Duffy

Cr Peterson noted that a question he had asked on page 12 of the minutes in relation to the cost of City Council was clarified by the Chief Financial Officer as closer to 1/3 of the costs of total expenditure.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.42PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.43PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Item - 4.1 Notice of Rescission - Development Application DA230/2022(1) - 33 Maramba Road - has been moved to another part of the document.

5 GENERAL REPORTS

5.1 AMENDED STRATEGIC POLICY REVIEW - FOR EXHIBITION

TRIM REFERENCE: 2023/755

RESOLVED - 23/216**Cr G Floyd/Cr T Greenhalgh**

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

- ST18 – Social Media
- ST19 – Media
- ST20 – Community Engagement

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

Against: Nil

Absent: Cr K Duffy

5.2 STRATEGIC POLICY ADOPTION - POST EXHIBITION

TRIM REFERENCE: 2023/626

RESOLVED - 23/217**Cr M McDonell/Cr D Mallard**

That Council resolves to adopt Strategic Policy – ST26 – Council Related Development Applications – Managing Conflict of Interests.

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

Against: Nil

Absent: Cr K Duffy

Cr Peterson asked if the delay in policy going through an exhibition process had affected any Development Applications.

The Director Development Services advised notice and time was taken to ensure no Development Applications were held up by the policy being on exhibition.

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 - 23/218**Cr M McDonell/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 Tender - Maintenance of Public Open Space

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 Expression of Interest - Ophir Car Park

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Submission Redactions 6 June 2023

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

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

Against: Nil

Absent: Cr K Duffy

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.47pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.27pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

6.1 TENDER - MAINTENANCE OF PUBLIC OPEN SPACE

TRIM REFERENCE: 2023/775

Cr Evans declared a Significant Non-Pecuniary Interest in this item as a tenderer is a customer of his business, left the meeting and did not participate in voting or discussion on this item.

RESOLVED - 23/219

Cr J Whitton/Cr D Mallard

- 1 That the tender for Public Open Space Maintenance be awarded to Barnes Prestige Mowing services for \$2,040,000 for the period of three years, commencing 1 September 2023 and concluding on 31 August 2026, with the opportunity to extend for an additional period of three years subject to performance and cost, concluding on 31 August 2029.
- 2 That permission be granted to affix the Council Seal to all relevant documents as necessary.

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

Against: Nil

Absent: Cr K Duffy, Cr J Evans

6.2 EXPRESSION OF INTEREST - OPHIR CAR PARK

TRIM REFERENCE: 2023/836

RESOLVED - 23/220

Cr D Mallard/Cr G Power

- 1 Note the report received from JPAbusiness.
- 2 That staff provide a report to Council with further information on this matter.

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

Against: Nil

Absent: Cr K Duffy

6.3 SUBMISSION REDACTIONS 6 JUNE 2023

TRIM REFERENCE: 2023/832

RESOLVED - 23/221

Cr T Greenhalgh/Cr G Floyd

That the information in this report be acknowledged.

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

Against: Nil

Absent: Cr K Duffy

THE MEETING CLOSED AT 9.28PM

This is Page Number 8 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 6 June 2023.