
ORANGE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

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

ON 4 JUNE 2024

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 (*Audio Visual Link*), Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor), Cr J Whitton

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

1.1 APOLOGIES

Nil.

RESOLVED - 24/194	Cr G Floyd/Cr S Peterson
That Cr Kinghorne be permitted to attend the Council Meeting of Orange City Council on 4 June 2024 via Audio Visual Link.	
For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton	
Against: Nil	
Absent: Nil	

1.2 LIVESTREAMING AND RECORDING

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 Evans declared a Significant Non-Pecuniary Interest in Item 4.6 – Notice of Motion – Easter Public Holiday Trade Exemption as his business is impacted.

Cr Evans declared a Significant Non-Pecuniary Interest in Item 6.1 – Entering into Contracts for the Supply and Delivery of Bitumen Emulsion as subjects of the report are customers of his business.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in Item 4.4 – Consideration of Hockey Centre Budget Allocation as his daughter plays for Hockey for OAGS.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC Item 2.2 – Orange LEP Amendment 40 – Post Exhibition Report as her husband's consultancy business has undertaken work on this site.

RESOLVED - 24/195**Cr J Whitton/Cr T Mileto**

That the following Late Item be permitted to be considered at the Council Meeting of 4 June 2024:

6.4 – Tender - F4180 – Orange Sports Precinct Irrigation, Drainage and Establishment of Multipurpose Fields and Turf Cricket Squares.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.33PM**Item 4.2 Notice of Motion – Sports Precinct Athletics Track**

- Michael O'Mara – Orange Runners Club

Item 4.3 Notice of Motion – AED Installation Partnership – Heart of the Nation

- Greg Page – Heart of the Nation

Item 4.4 Notice of Motion – Consideration of Hockey Centre Budget Allocation

- Darryn Marjoram – Orange Hockey Association
- Janeen Toner-Wasil – Orange Hockey Incorporate

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.48PM

2 MAYORAL MINUTES

2.1 COUNTRY MAYORS ASSOCIATION GENERAL MEETING 10 MAY 2024 - MINUTES

TRIM REFERENCE: 2024/843

RESOLVED - 24/196**Cr J Whitton/Cr K Duffy**

That the information contained in this Mayoral Minute be acknowledged.

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

Against: Nil

Absent: Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/197**Cr G Floyd/Cr S Peterson**

That the Minutes of the Ordinary Meeting of Orange City Council held on 21 May 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 21 May 2024.

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

Against: Nil

Absent: Nil

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.49PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.22PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - GENDER BASED VIOLENCE IS A CRISIS AFFECTING OUR COMMUNITY, OUR REGION AND OUR COUNTRY

TRIM REFERENCE: 2024/844

RESOLVED – 24/214**Cr M McDonell/Cr T Greenhalgh**

- 1 That Orange City Council hold a workshop, during this term of Council, for stakeholders and community members, with the purpose of establishing a draft Charter and Terms of References for a Gender Based Violence Community Committee.
- 2 That this work informs the next Council when deciding whether to establish a Gender Based Violence Community Committee. The goal of such a committee would be coordinating and driving cultural change to address and eliminate gender-based violence in our community.

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 Mileto asked whether Council had sufficient and skilled staff to undertake this program and whether there was any Grant funding available.

The Chief Executive Officer advised yes it can be staffed, he was not aware of any specific grant funding however Council was always looking for opportunities.

4.2 NOTICE OF MOTION - SPORTS PRECINCT ATHLETICS TRACK

TRIM REFERENCE: 2024/853

RESOLVED - 24/215**Cr S Peterson/Cr G Floyd**

That Council first write to the Local Member seeking support in the first instance when write to the State Government requesting if construction of the athletics track alone, without attached grandstand, could occur simultaneously with construction of the main sports stadium.

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 - AED INSTALLATION PARTNERSHIP - HEART OF THE NATION

TRIM REFERENCE: 2024/879

RESOLVED - 24/216**Cr J Hamling/Cr K Duffy**

That Council allocate up to \$35,000 in the 2024-2025 Operational Plan for the installation of 10 AEDs across Orange Public Parks in locations determined in conjunction with Heart of the Nation and Emergency Services.

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 Mileto asked how the security of the devices will be maintained.

The Director Community, Recreation & Cultural Services advised that each unit contains a tracking device alerts emergency services when the device is removed from its storage container. Orange has a strong record of devices remaining in the locations they have been allocated without issue.

Cr McDonell asked if Council would be responsible for the maintenance and replacement of consumables etc.

The Director Community, Recreation & Cultural Services advised that while they do require some maintenance, these items are included in our budget and replacement parts are available through our stores.

4.4 NOTICE OF MOTION - CONSIDERATION OF HOCKEY CENTRE BUDGET ALLOCATION

TRIM REFERENCE: 2024/880

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in this item as his daughter plays for Hockey for OAGS.

RESOLVED - 24/217**Cr T Greenhalgh/Cr J Whitton**

That Council include in budget considerations for 2024 – 2025 an allocation of \$200,000 towards the upgrade of Smith Field at the Orange Hockey Centre.

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

Against: Nil

Absent: Nil

QUESTION TAKEN ON NOTICE**Cr T Mileto**

Cr Mileto asked what percentage does \$200k represent in the budget.

4.5 NOTICE OF MOTION - STATUE OF YURANIGH IN ORANGE

TRIM REFERENCE: 2024/852

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

That Council staff meet with the Local Aboriginal Land Council to identify options for appropriate recognition of Yuranigh in Orange.

AMENDMENT**Cr D Mallard/Cr G Power**

That Council refer consideration of recognition of Yuranigh to the Cultural Heritage Community Committee to support their work on significant Aboriginal people and places of Orange.

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

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

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 24/218****Cr K Duffy/Cr J Whitton**

That Council staff meet with the Local Aboriginal Land Council to identify options for appropriate recognition of Yuranigh in Orange.

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

Against: Cr M McDonell

Absent: Nil

Cr Evans left the meeting with the time being 8.17pm

4.6 NOTICE OF MOTION - EASTER PUBLIC HOLIDAY TRADE EXEMPTION

TRIM REFERENCE: 2024/871

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

RESOLVED - 24/219**Cr M McDonell/Cr G Power**

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.

For: Cr J Hamling, Cr K Duffy, , 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 J Evans

QUESTION TAKEN ON NOTICE**Cr T Greenhalgh**

Cr Greenhalgh asked what the cost of an application for Holiday Trade Exemption would be to Council.

Cr Evans returned to the meeting with the time being 8.22pm

5 GENERAL REPORTS

5.1 FUNCTION CENTRE

TRIM REFERENCE: 2024/628

RESOLVED - 24/220

Cr J Whitton/Cr T Greenhalgh

That Council consider a capital allocation for works in the 2024/2025 budget for the conduct of structural repairs in the amount of \$250,000.

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

5.2 NEW YEARS EVE - EVENT OPTIONS

TRIM REFERENCE: 2024/16

MOTION

Cr G Power/Cr S Peterson

- 1 That Council's New Years Eve Event is to be held at Lake Canobolas and include Fire Works.
- 2 That sponsorship is sort from local businesses to support the increased budget required.

AMENDMENT

Cr D Mallard/Cr M McDonell

- 1 That Council's New Years Eve Event is to be held at Lake Canobolas and include a Laser Show.
- 2 That sponsorship is sort from local businesses to support the increased budget required.

For: Cr D Mallard, Cr T Mileto

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

Absent: Nil

THE AMENDMENT ON BEING PUT WAS LOST

FORESHADOWED AMENDMENT

Cr M McDonell/Cr J Whitton

That Council defer consideration of the New Years Eve Event Options for the purpose of a Councillors Workshop.

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

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/221

Cr M McDonell/Cr J Whitton

That Council defer consideration of the New Years Eve Event Options for the purpose of a Councillors Workshop.

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

Against: Nil

Absent: Nil

5.3 CROWN LAND AGREEMENT UPDATE

TRIM REFERENCE: 2024/742

RESOLVED - 24/222**Cr K Duffy/Cr J Whitton**

That Council acknowledge the report by the Manager of Communications and Engagement.

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 Mileto asked what the impact would be to the Woolworths Carpark and what are the alternatives for development.

The Manager Communications & Engagement advised that the last master plan outlined some issues with egress into Kite Street and recommended improvements in Anson and Sale Streets. Council will lose the Kite Street access opportunity into the future.

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 - 24/223**Cr G Power/Cr J Whitton**

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

6.1 Entering into Contracts for the Supply and Delivery of Bitumen Emulsion

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 Proposed Sale - 4616 Mitchell Highway Lucknow

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 Redaction Report 4 June 2024

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

6.4 Tender - F4180 - Orange Sports Precinct Irrigation, Drainage and Establishment of Multipurpose Fields and Turf Cricket Squares

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

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.50pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.02pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

Cr Evans left the meeting with the time being 8.50pm

6.1 ENTERING INTO CONTRACTS FOR THE SUPPLY AND DELIVERY OF BITUMEN EMULSION

TRIM REFERENCE: 2024/817

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

RESOLVED - 24/224

Cr J Whitton/Cr G Floyd

That Council resolves to:

- 1 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Bitupave Ltd for the supply and delivery of bitumen emulsion.
- 2 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

For: Cr J Hamling, Cr K Duffy, 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 J Evans

Cr Evans returned to the meeting with the time being 8.53pm

6.2 PROPOSED SALE - 4616 MITCHELL HIGHWAY LUCKNOW

TRIM REFERENCE: 2024/845

RESOLVED - 24/225

Cr K Duffy/Cr T Mileto

That Council resolves:

- 1 That Council sell 4616 Mitchell Highway for the sum of \$290,000.
- 2 That permission be granted for the use of the Council Seal on any relevant documentation.

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

Against: Nil

Absent: Nil

6.3 SUBMISSION REDACTION REPORT 4 JUNE 2024

TRIM REFERENCE: 2023/2299

RESOLVED - 24/226**Cr T Mileto/Cr J Evans**

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

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

Against: Nil

Absent: Nil

6.4 TENDER - F4180 - ORANGE SPORTS PRECINCT IRRIGATION, DRAINAGE AND ESTABLISHMENT OF MULTIPURPOSE FIELDS AND TURF CRICKET SQUARES

TRIM REFERENCE: 2024/835

RESOLVED - 24/227**Cr J Hamling/Cr K Duffy**

That Council resolves:

- 1 That the tender by Never Stop Water Group in the Recommended Tender Amount as detailed in this report, be accepted for Tender F4180 for the construction of the Irrigation, Drainage and establishment of the Multipurpose Fields and 3 x Turf Wicket Squares; and
- 2 That a provision is made for contingency of 10% of the contract value.
- 3 To grant permission to the Chief Executive Officer, or his nominee, to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal on any relevant documents.

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

Against: Nil

Absent: Nil

THE MEETING CLOSED AT 9.05PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 4 June 2024.