
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 - 24/484

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

Cr Kinghorne left the meeting with the time being 7.22pm

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 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 McDonnell, 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
<p>That Council resolves:</p> <ol style="list-style-type: none"> 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
<p>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.</p> <p>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</p>	
THE AMENDMENT ON BEING PUT WAS LOST	
AMENDMENT	Cr D Mallard/Cr M Ruddy
<p>That Council resolves:</p> <ol style="list-style-type: none"> 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. <p>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</p>	
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.