

## **ORDINARY COUNCIL MEETING**

## **AGENDA**

## **4 FEBRUARY 2025**

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, 4 February 2025** 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.

### COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

### **COUNCIL MEETING RESUMES**

### **2 MAYORAL MINUTES**

Nil

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 17 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 17 December 2024.

### **ATTACHMENTS**

1 Minutes of the Ordinary Meeting of Orange City Council held on 17 December 2024

### ORANGE CITY COUNCIL

#### **MINUTES OF THE**

### ORDINARY COUNCIL MEETING

ON 17 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 (7.10pm), Cr G Power, Cr M Ruddy, Cr J Stedman (6.33pm), Cr J Whitton

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

### 1.1 APOLOGIES

### **RESOLVED - 24/503**

Cr F Kinghorne/Cr M McDonell

That the apologies be accepted from Cr Stedman and Cr Peterson (lateness) for the Council Meeting of Orange City Council on 17 December 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 G Power, Cr M Ruddy, Cr J Whitton

Against: Nil

Absent: Cr S Peterson, Cr J Stedman

### 1.2 LIVESTREAMING AND RECORDING

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

### 1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr Power conducted an Acknowledgement of Country.

\*Cr Stedman arrived with the time being 6.33pm\*

## 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 – Orange LEP 2011 – Map Amendment 4 – 26 Lysterfield Road as her husband's consultancy company has undertaken work at this site.

Cr McDonell declared a Significant Non-Pecuniary Interest in Item 5.4 – Development Application DA 597/2024(1) 123 and 125 Peisley Street as family has a business nearby.

Cr Whitton declared a Significant Pecuniary Interest in Item 5.10 - Rainbow Festival Project Plan as he is on the Board of Marathon Health and a Significant Pecuniary Interest in Item 5.4 – Development Application DA 597/2024(1) 123 and 125 Peisley Street as he owns an Air BnB.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in Item 5.11 – Applications for Event Sponsorship as he has a longstanding association with the Orange Mountain Bike Club.

### 1.5 OPENING PRAYER

Reverend Bob Cameron of the St Barnabas Church led the Council in Prayer.

### **RESOLVED - 24/504**

Cr T Greenhalgh/Cr D Mallard

That the following Late Items be permitted to be considered at the Council Meeting of 17 December 2024:

- 5.16 Responses to Questions Taken on Notice
- 5.17- 2023/2024 Financial Statements

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

Against: Nil

Absent: Cr S Peterson

Mr Phil Donato MP, the State Member for Orange addressed the Council.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 7.05PM.

## Item 4.1 – Notice of Motion – Finding of the Pounds Inquiry in NSW – Legislative Council Portfolio Committee No. 8

Danielle Hasse – Diesel & Blue Doggie Daycare and Grooming

### Item 5.10 - Rainbow Festival Project Plan

- Julian Ooi
- Jennifer Hughes
- Bernadette Allen Headspace
- Madison McLachlan Headspace, YRG Member
- Leanne Benson
- Kris Dhillon
- Niall (no surname provided)
- Winona Gray-Lovett

### THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.44PM

<sup>\*</sup>Cr Peterson arrived with the time being 7.10pm\*

### **RESOLVED - 24/505**

### Cr T Mileto/Cr K Duffy

That Council move Item 5.10 – Rainbow Festival Project Plan to be the first item at the meeting for discussion.

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

### 5.10 RAINBOW FESTIVAL PROJECT PLAN

TRIM REFERENCE: 2024/1846

Cr Whitton declared a Significant Pecuniary Interest in this item as he is on the Board of Marathon Health, left the meeting and did not participate in discussion or voting on this item.

### **MOTION**

### Cr T Mileto/Cr M Ruddy

That Council support the proposed project plan for Rainbow Festival 2025, including the expenditure of \$30,000 and that any ticket sales and sponsorships received are applied to lower the impact to the overall budget.

### **AMENDMENT**

### Cr K Duffy/Cr G Judge

That Council require the Rainbow Festival committee to form an independent incorporated body and make an application under the events sponsorship program to be in line with all other applications by independent incorporated bodies. When evidence is provided, authorise the Chief Executive Officer to approve the maximum of \$10,000 for the event.

For: Cr K Duffy, Cr G Judge

Against: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S

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

Absent: Cr J Whitton

### THE AMENDMENT ON BEING PUT WAS LOST

### **AMENDMENT**

### Cr M McDonell/Cr D Mallard

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.

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

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

Peterson, Cr J Stedman Absent: Cr J Whitton

### THE AMENDMENT ON BEING PUT WAS LOST

### THE MOTION ON BEING PUT WAS CARRIED

<sup>\*</sup>Cr Whitton left the meeting with the time being 7.45pm\*

### **RESOLVED - 24/506**

### Cr T Mileto/Cr M Ruddy

That Council support the proposed project plan for Rainbow Festival 2025, including the expenditure of \$30,000 and that any ticket sales and sponsorships received are applied to lower the impact to the overall budget

For: Cr T Mileto (Mayor), Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr S Peterson

Absent: Cr J Whitton

Cr Mileto asked the Director Corporate & Commercial Services for clarification regarding events and incorporated bodies.

The Director Corporate & Commercial Services advised that as this is a Council run event, the concept of an incorporated body applying for funding is inconsistent with other Council run events such as New Years Eve and Australia Day. Events that receive funding through sponsorship from Council are independently run by external organisations. Additionally, it was advised that other Council run events generally spend between \$18,000 - \$57,000.

Cr Power asked what the implications would be if we needed to look at passing already obtained grant funding onto another entity.

The Director Corporate & Commercial Services advised that we are unsure at this stage if this was possible or how it would work.

Cr Mileto asked for clarification as to the extended timeframe of the event proposed for 2025. The Director Corporate & Commercial Services advised this was to provide businesses the opportunity to spread events over multiple days.

\*Cr Whitton returned to the meeting with the time being 8.36pm\*

### **2 MAYORAL MINUTES**

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

TRIM REFERENCE: 2024/1900

### **RESOLVED - 24/507**

Cr T Mileto/Cr J Whitton

That the information contained in this Mayoral Minute 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

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### **RESOLVED - 24/508**

### Cr J Whitton/Cr F Kinghorne

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 record of the proceedings of the Council meeting held on 3 December 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

MATTER ARISING Cr M Ruddy

Cr Ruddy asked if Council could coordinate a list of Health Care Providers (Doctors and Pharmacists) locally where people could access abortion services.

### 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

TRIM REFERENCE: 2024/1906

### **RESOLVED - 24/509**

Cr D Mallard/Cr M Ruddy

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.

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 F Kinghorne** 

Cr Kinghorne requested information regarding the financial shortfall associated with companion animal donations for microchipping and desexing programs.

### 4.2 NOTICE OF MOTION - AFFORDABLE HOUSING

TRIM REFERENCE: 2024/1915

### **RESOLVED - 24/510**

### Cr F Kinghorne/Cr J Whitton

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.

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 GENERAL REPORTS**

#### 5.1 CONFIRMATION OF THE MINUTES FROM POLICY COMMITTEES 3 DECEMBER 2024

TRIM REFERENCE: 2024/1755

### **RESOLVED - 24/511**

Cr J Whitton/Cr K Duffy

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.

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

TRIM REFERENCE: 2024/1845

#### **RESOLVED - 24/512**

Cr K Duffy/Cr J Whitton

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

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

### 5.3 REDMOND PLACE MASTER PLAN - POST-EXHIBITION REPORT

TRIM REFERENCE: 2024/1848

### **RESOLVED - 24/513**

Cr D Mallard/Cr G Power

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

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 what constitutes favourable market conditions to increase the affordable housing percentage from 20% to 30%.

The Chief Executive Officer advised that the project is required to at least breakeven. If housing prices increase, then more affordable housing can be provided however, if the market is tight, it would go the other way. Regardless, 20% is the minimum.

Cr Whitton asked if the arrangement would mean Council forgoes Section 94 contributions. The Chief Executive Officer advised that the project is not under Section 94 but instead under voluntary planning agreements which would come to Council for approval.

The meeting adjourned for a short recess with the time being 8.58pm The meeting resumed with the time being 9.01pm

\*Cr McDonell & Cr Whitton left the meeting with the time being 9.01pm\*

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

TRIM REFERENCE: 2024/794

Cr McDonell declared Significant Non-Pecuniary Interest in this Item as family has a business nearby, left the meeting and did not participate in discussion or voting on this item.

Cr Whitton declared Significant Pecuniary in this item as he owns an Air BnB, left the meeting and did not participate in discussion or voting on this item.

### **RESOLVED - 24/514**

Cr K Duffy/Cr D Mallard

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.

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

Against: Nil

Absent: Cr M McDonell, Cr J Whitton

Cr Kinghorne asked what happens to the money obtained as a result of shortfall of parking contributions.

The Acting Director Development Services advised that the money is quarantined by Council to facilitate other local parking needs.

Cr Peterson asked if there can be inclusions in Development Applications to incentivise timely completion of projects and reduce delays.

The Chief Executive Officer advised that we cannot do this and that planning and economic development cannot be confused.

\*Cr McDonell & Cr Whitton returned to the meeting with the time being 9.04pm\*

### 5.5 ORANGE LEP 2011 - MAP AMENDMENT 4 - 26 LYSTERFIELD ROAD

TRIM REFERENCE: 2024/1836

Cr Kinghorne declared a Significant Pecuniary Interest in this Item as her husband's consultancy company has undertaken work at this site, left the meeting and did not participate in discussion or voting on this item.

### **RESOLVED - 24/515**

Cr J Whitton/Cr K Duffy

That Council resolves

- 1 To support the planning proposal and authorise the CEO to formally make the plan.
- 2 That any final mapping updates required by the Department of Planning Housing and Infrastructure shall be at the proponent's cost.

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

### 5.6 STATEMENT OF INVESTMENTS - NOVEMBER 2024

TRIM REFERENCE: 2024/1857

### **RESOLVED - 24/516**

Cr M Ruddy/Cr G Power

That Council resolves to:

- 1 Note the Statement of Investments for the period November 2024
- 2 Adopt the certification of the Responsible Accounting Officer.

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

<sup>\*</sup>Cr Kinghorne left the meeting with the time being 9.04pm\*

<sup>\*</sup>Cr Kinghorne returned to the meeting with the time being 9.05pm\*

### **QUESTION TAKEN ON NOTICE**

Cr M Ruddy

Cr Ruddy asked for information to be provided to Councillors relating to Council's Investments, any break fees and options for refinancing of Council's term deposits.

### 5.7 ELECTRIC VEHICLE CHARGING FEES - POST EXHIBITION

TRIM REFERENCE: 2024/1916

### **RESOLVED - 24/517**

Cr M McDonell/Cr D Mallard

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.

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

### 5.8 ECONOMIC DEVELOPMENT STRATEGY

TRIM REFERENCE: 2024/1844

### **RESOLVED - 24/518**

**Cr F Kinghorne/Cr G Power** 

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.

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 if there was a plan to activate the CBD and fill currently empty shops.

The Manager Economic Development advised that the purpose of the strategy is to provide a framework, and further details and specific actions will be provided to Council in due course.

### 5.9 RESTRICTED SHOP TRADING DAYS

TRIM REFERENCE: 2024/1832

### **RESOLVED - 24/519**

Cr T Greenhalgh/Cr M Ruddy

That Council acknowledge the report on Restricted Shop Trading 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

### Item - 5.10 Rainbow Festival Project Plan - has been moved to another part of the document.

### **5.11 APPLICATIONS FOR EVENT SPONSORSHIP**

TRIM REFERENCE: 2024/1750

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in this Item as he has a longstanding association with the Orange Mountain Bike Club, however is no longer an active position holder.

### **RESOLVED - 24/520**

### Cr S Peterson/Cr G Power

- 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

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 for clarification on where additional funds will be sourced from to support this program for the remainder of the financial year.

The Director Corporate & Commercial Services advised that \$10,000 will be reallocated from the Sister Cities budget which it is anticipated will suffice, and other funds will be identified where needed.

### 5.12 REGISTER OF DISCLOSURES - INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

TRIM REFERENCE: 2024/1837

### **RESOLVED - 24/521**

Cr M McDonell/Cr S Peterson

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.
- 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.

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

## 5.13 REGISTER OF DELEGATIONS - COUNCIL, COMMITTEES, CHIEF EXECUTIVE OFFICER AND SPECIFIC APPOINTMENTS

TRIM REFERENCE: 2024/1331

### **RESOLVED - 24/522**

Cr T Greenhalgh/Cr M McDonell

That Council adopt the Register of Delegations.

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M Buddy, Cr J Stodger, Cr J Mileton

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

Against: Nil Absent: Nil

Cr Kinghorne asked for clarification on the deletion of review panels from the register.

The Manager Corporate Governance advised this was a legacy delegation and that panels are now appointed as separate members of conduct reviewers.

### 5.14 STRATEGIC POLICY REVIEW - POST EXHIBITION

TRIM REFERENCE: 2024/1904

### **RESOLVED - 24/523**

Cr J Whitton/Cr G Power

That Council resolves to adopt Strategic Policy ST40 – Audit Risk & Improvement - Terms of Reference and Strategic Policy ST41 – Internal Audit – Terms of Reference.

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

### **5.15 STRATEGIC POLICY REVIEWS**

TRIM REFERENCE: 2024/1905

### **RESOLVED - 24/524**

Cr T Greenhalgh/Cr S Peterson

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

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

### **5.16 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

TRIM REFERENCE: 2024/1879

### **RESOLVED - 24/525**

Cr D Mallard/Cr G Judge

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 Ruddy asked if there was a timeline for the installation of the smart water meters.

The Director Technical Services advised replacement (and therefore new installation) occurs on a 10-15 year cycle, with staff having set a goal of having the project completed in the next 5 years.

Cr Duffy asked for clarification on the lack of unrestricted reserves showing in the report.

The Chief Executive Officer clarified this is timing issue related to reporting and grants and major project financials.

### **RESOLVED - 24/526**

Cr M McDonell/Cr J Whitton

That the Council Meeting continue until all items are complete, noting the time being 9.30pm and in accordance with the Code of Meeting Practice defining this to be the limit on Council Meetings.

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

### 5.17 2023/2024 FINANCIAL STATEMENTS

TRIM REFERENCE: 2024/1858

### **RESOLVED - 24/527**

Cr J Whitton/Cr J Stedman

That Council resolves:

- To authorise the Mayor, Chairperson of Finance Policy Committee, Chief Executive Officer and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose and Special Purpose Financial Statements in order for Council's Auditors to conduct the audit and upon completion of the audit, issue an audit statement in accordance with section 413(2)(c) of the Local Government Act 1993.
- That Council refers the General Purpose and Special Purpose Financial Statements to the Audit Office of NSW for audit.
- That Council's Auditor be invited to present the Audit Report to 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 G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr S Peterson

<sup>\*</sup>Cr Peterson left the meeting with time being 9.35pm and joined the meeting via AudioVisual Link\*

Cr Whitton asked what is happening with outstanding rates.

The Chief Executive Officer advised that debt collection has commenced.

Cr Peterson asked for clarification regarding the increase in disability and aged services grants. The Director Community, Recreation & Cultural Services advised that the funding was incorrectly recorded last year and this error has been rectified for the current reporting.

### 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 - 24/528**

### Cr M McDonell/Cr M Ruddy

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.

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

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 9.39pm.

The Mayor declared the Ordinary Meeting of Council resumed at 10.00pm.

### 7 RESOLUTIONS FROM CLOSED MEETING

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

## 6.1 2023/24 FOURTH & 2024/25 FIRST QUARTER WATER CONSUMPTION CHARGES - 15 YULANTA PLACE ORANGE

TRIM REFERENCE: 2024/1854

### **RESOLVED - 24/529**

**Cr J Stedman/Cr F Kinghorne** 

That Council Resolves:

- 1 That the 2023/24 fourth quarter water consumption charge of \$13,502.82 be reduced prorata to normal consumption being \$113.40 and the 2024/25 first quarter water consumption charge of \$1,207.10 also be reduced pro-rata to normal consumption being \$127.06.
- 2 That the interest charges levied as a result of non-payment also be written off.

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

## 6.2 2023/24 SECOND & THIRD QUARTER WATER CONSUMPTION/SEWERAGE CHARGES - 109 PLOUGHMANS LANE ORANGE

TRIM REFERENCE: 2024/1855

### **RESOLVED - 24/530**

Cr M McDonell/Cr J Whitton

That the 2023/24 Second Quarter Sewerage Charge of \$5,611.94 be reduced pro-rata to normal consumption being \$2865.28, and the Third Quarter Sewerage Charge of \$4,785.74 also be reduced pro-rata to normal consumption being \$3,842.03.

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

### 6.3 PROPOSED SALE PART LOTS 402 AND 403 DP 1232601

TRIM REFERENCE: 2024/1872

### **RESOLVED - 24/531**

Cr J Whitton/Cr G Power

That Council resolves:

- 1 To seek a market appraisal for the sale of the proposed land.
- 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 D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil Absent: Nil

## 6.4 TENDER F3590-5 - GOSLING CREEK DAM ENGINEERING ASSESSMENTS AND RISK MITIGATION OPTIONS STUDY

TRIM REFERENCE: 2024/1659

### **RESOLVED - 24/532**

Cr M McDonell/Cr D Mallard

That Council accept and sign a contract with GHD Pty Ltd for the Gosling Creek Dam Engineering Assessments and Risk Mitigation Options Study upon negotiating final terms and the CEO accepting any contract modifications.

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

# 6.5 WORKS IN KIND AGREEMENT FOR SHIRALEE ROAD CONSTRUCTION FRONTING LOTS 1 & A DP381935, LOT 1 DP630681 & LOT 22 DP1212446

TRIM REFERENCE: 2024/1918

### **RESOLVED - 24/533**

Cr D Mallard/Cr T Greenhalgh

That Council enter into a Works in Kind Agreement with Oakstand for the part construction of Shiralee Road with an adjusted amount of \$891,347.

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

### 6.6 SUBMISSION REDACTION REPORT 17 DECEMBER 2024

TRIM REFERENCE: 2024/1859

### **RESOLVED - 24/534**

Cr T Greenhalgh/Cr K Duffy

That the information contained in the Submission Redaction report 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

### THE MEETING CLOSED AT 10.02PM

This is Page Number 17 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 17 December 2024.

### COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning & Development - Chaired by Melanie McDonell

Environmental Sustainability - Chaired by Cr David Mallard – no items

Finance - Chaired by Cr Steven Peterson

Infrastructure - Chaired by Cr Jeff Whitton

Recreation & Culture - Chaired by Cr Tammy Greenhalgh

Services - Chaired by Cr Marea Ruddy - no items

Regional & Economic Development - Chaired by Cr Tony Mileto (Mayor) - no items

### **COUNCIL MEETING RESUMES**

### 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - PUBLIC WIFI

RECORD NUMBER: 2025/14

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 4 February 2025:

#### **MOTION**

That Council investigates costs and options to provide public Wi-Fi in Cook Park.

### **BACKGROUND**

Last Council, I put forward a unanimously supported resolution on 2 August 2022 for public Wi-Fi to be available in the CBD after requests from a youth committee member.

My recollection is at the time that I was told that Wi-Fi from council owned buildings was possible and relatively inexpensive. However, the new infrastructure required for Wi-Fi in parks was explained to be much more expensive and we did not pursue Wi-Fi in those areas.

Earlier this year 2 Orange ratepayers contacted me referring to public Wi-Fi being available in recreational parks in Bathurst. I am aware that Councillor Stedman has contacted executive staff about obtaining better maps that shows Wi-Fi coverage that already exists at the Botanic Gardens and Robertson Park.

I would like Council to investigate options and costs of public Wi-Fi in Cook Park, and if there is any planned infrastructure work in Cook Park where installing Wi-Fi could be added on at reduced cost to doing it independently.

Signed Cr Steven Peterson

### **STAFF COMMENT**

Expanding the currently available public Wi-Fi is not part of the immediate plans. A review the options available to provide public Wi-Fi in Cook Park can be completed and report back to Council on the costs and recommendations.

### FINANCIAL/RESOURCING IMPLICATIONS

The cost of completing the review is minimal and the cost of the requested public Wi-Fi will form part of the requested report to Council.

### **POLICY AND GOVERNANCE IMPLICATIONS**

None identified.

## **5 GENERAL REPORTS**

Nil

### 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.

### 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 NSW ALGWA Conference 2025 - Nominations(s) for Councillor Attendance

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

### 6.2 Transfer of Ownership - Lot 11 DP 1206162

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 Lease hangar Site J Orange Airport

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.

### 6.4 Electricity Procurement for Small Market Sites

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 Minutes of the Audit Risk and Improvement Committee Meeting 28 August 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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

## 6.6 Minutes of the Extraordinary Audit Risk and Improvement Committee Meeting 4 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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

### 6.7 Minutes of the Audit Risk and Improvement Committee Meeting 18 December 2024

## 6.8 Submission Redaction Report 4 February 2025

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 NSW ALGWA CONFERENCE 2025 - NOMINATIONS(S) FOR COUNCILLOR ATTENDANCE

RECORD NUMBER: 2025/34

AUTHOR: Catherine Davis, Executive Support Manager

### **REASON FOR CONFIDENTIALITY**

### 6.2 TRANSFER OF OWNERSHIP - LOT 11 DP 1206162

RECORD NUMBER: 2025/1

AUTHOR: Shirley Hyde, Legal & Property Lead

### **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.

### 6.3 LEASE HANGAR SITE J ORANGE AIRPORT

RECORD NUMBER: 2025/3

AUTHOR: Shirley Hyde, Legal & Property Lead

### **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.

### 6.4 ELECTRICITY PROCUREMENT FOR SMALL MARKET SITES

RECORD NUMBER: 2025/36

AUTHOR: David Waddell, Chief Executive Officer

### **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 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 28 AUGUST 2024

RECORD NUMBER: 2025/32

AUTHOR: Janessa Constantine, Manager Corporate Governance

### **REASON FOR CONFIDENTIALITY**

# 6.6 MINUTES OF THE EXTRAORDINARY AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 4 DECEMBER 2024

RECORD NUMBER: 2025/31

AUTHOR: Janessa Constantine, Manager Corporate Governance

### **REASON FOR CONFIDENTIALITY**

# 6.7 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 18 DECEMBER 2024

RECORD NUMBER: 2025/29

AUTHOR: Janessa Constantine, Manager Corporate Governance

### **REASON FOR CONFIDENTIALITY**

### 6.8 SUBMISSION REDACTION REPORT 4 FEBRUARY 2025

RECORD NUMBER: 2025/50

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