
ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 4 FEBRUARY 2025

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 (Audiovisual link), Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Technical Services (Davies), Manager Corporate Governance, Governance Officer

1.1 APOLOGIES

Nil.

1.2 LIVESTREAMING AND RECORDING

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

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Peterson declared a Significant Non-Pecuniary Interest in PDC Item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way as he is a volunteer of the Orange Evangelical Church.

Cr Peterson declared a non-significant Non-Pecuniary Interest in RCPC Item 2.1 – Response to Question on the Digitisation of the Central Western Daily (CWD) Negative Collection as he is a paid member with the Orange & District Historical Society.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in RCPC Item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as he and other family members are actively involved in various sporting clubs and activities locally.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary interest in RCPC Item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as the previous Orange District Basketball Association President ran on her election ticket.

Cr McDonnell declared a Significant Non-Pecuniary Interest in CCL Closed Item 6.1 – NSW ALGWA Conference 2025 - Nomination(s) for Councillor Attendance as she is a Board member of the NSW Local Government Women’s Association (ALGWA).

Cr Mileto declared a Significant Non-Pecuniary Interest in RCPC Item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as he is the President of the Orange & District Football Association (ODFA).

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in RCPC Item 2.2 – Grounds Maintenance – Waratah Sports Club 2023-2024 as he is the President of the Orange & District Football Association (ODFA).

Cr Mileto declared a Significant Non-Pecuniary Interest in FPC Item 2.1(6) – Small Donations – Request for Donations as the applicant is an acquaintance.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in PDC Item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way as she resides nearby.

Cr Whitton declared a significant non-pecuniary interest in this CCL Closed Item 6.4 – Electricity Procurement for Small Market Sites as he is on the Board of a company that may tender for the opportunity.

Cr Mallard declared a Non-Significant Non-Pecuniary interest in the Matter Arising from Cr Duffy in PDC relating generally to Solar Farms as he is a member and shareholder of Central West renewable Energy.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.34PM.

PDC Item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way

- Steve Adams – Orange Evangelical Church

Cr Kinghorne joined the meeting with the time being 6.35pm

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.40PM.

2 MAYORAL MINUTES

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 25/001**Cr D Mallard/Cr M McDonell**

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 record of the proceedings of the Council meeting held 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 S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr Duffy asked about the use of funding, reporting and what steps are being taken to ensure no inappropriate paraphernalia or displays are included in the Rainbow Festival.

The Director of Corporate & Commercial Services advised that the event this year is of a smaller scale, and therefore staff labour costs will be less significant.

The Chief Executive Officer advised that Staff can provide regular updates including this information during the planning process.

QUESTION TAKEN ON NOTICE**Cr K Duffy**

Cr Duffy requested a list of the names of individuals who are representing organisations on the Rainbow Festival committee and details of what steps are being taken to ensure no inappropriate paraphernalia or displays are included in the Rainbow Festival.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.47PM.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.11PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - PUBLIC WIFI

TRIM REFERENCE: 2025/14

RESOLVED - 25/017**Cr S Peterson/Cr D Mallard**

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

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 Greenhalgh asked if we track and have data on usage of public Wi-Fi that it is currently supplied.

The Chief Executive Officer advised that we do have access to basic data usage.

5 GENERAL REPORTS

Nil.

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 - 25/018

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 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) 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

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.

6.8 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.

FPC Item 2.1(6) – Small Donations Program – Requests for Donations

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.

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 Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.22pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.24pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

Cr McDonell left the meeting with the time being 8.24pm.

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

TRIM REFERENCE: 2025/34

Cr McDonell declared a Significant Non-Pecuniary Interest in this item as she is a Board member of the NSW Local Government Women's Association (ALGWA), left the room and did not participate in discussion or voting on this item.

MOTION

Cr K Duffy/Cr J Whitton

That any Councillors who so request be permitted to attend the 2025 Australian Local Government Women's Association (ALGWA) Conference in the Griffith NSW from 1-3 May 2025.

AMENDMENT

Cr D Mallard/Cr G Power

That three (3) Councillors will attend the 2025 Australian Local Government Women's Association (ALGWA) Conference in the Griffith NSW from 1-3 May 2025.

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

Against: Cr K Duffy

Absent: Cr M McDonell

RESOLVED - 25/019

Cr D Mallard/Cr G Power

That three (3) Councillors will attend the 2025 Australian Local Government Women's Association (ALGWA) Conference in the Griffith NSW from 1-3 May 2025.

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, Cr J Whitton

Against: Nil

Absent: Cr M McDonell

Cr McDonell returned to the meeting with the time being 8.40pm.

6.2 TRANSFER OF OWNERSHIP - LOT 11 DP 1206162

TRIM REFERENCE: 2025/1

RESOLVED - 25/020

Cr K Duffy/Cr T Greenhalgh

- 1 That Council proceed with the transfer of ownership of Lot 11 DP 1206162 under the terms contained in this report.
- 2 That Council grant approval for the use of the Council Seal on any necessary documentation.

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

6.3 LEASE HANGAR SITE J ORANGE AIRPORT

TRIM REFERENCE: 2025/3

RESOLVED - 25/021**Cr T Greenhalgh/Cr K Duffy**

- 1 That Council enter into a lease of Hangar Site J for a term of five years with one five year option.
- 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 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 Duffy asked if there were tie downs out at the airport, as he was aware of plane damage that occurred during a recent windstorm.

The Director Development Services advised there are tie downs on the apron.

Cr Whitton left the meeting with the time being 8.43pm.

6.4 ELECTRICITY PROCUREMENT FOR SMALL MARKET SITES

TRIM REFERENCE: 2025/36

Cr Whitton declared a Significant Non-Pecuniary interest in this item as he is on the Board of a company that will likely tender for the opportunity, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/022**Cr D Mallard/Cr S Peterson**

That Council resolves:

- 1 To note the report on electricity procurement for small market sites;
- 2 To participate in the regional procurement process, facilitated by Central NSW Joint Organisation, for the supply of electricity for small market sites;
- 3 To note the extreme volatility of the energy market currently being experienced;
- 4 To agree to purchase 100% of renewable energy for each site in line with Council's current large site PPA with Iberdrola;
- 5 To note the short timeframe for acceptance of offers for the supply of electricity;
- 6 That because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for small market sites which are due to commence on 1 January 2025;
- 7 To note that the reasons for the decision of the Council in resolution 6 are as follows:
 - a. The services with respect to which the tender relates can only be provided by energy retailers.
 - b. Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.
 - c. Even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.
 - d. This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.
 - e. This would not be a satisfactory result for Council.
- 8 To delegate the determination, acceptance or rejection of proposals on behalf of Council to the Chief Executive Officer;
- 9 To delegate the execution of the contract for the supply of electricity for small sites to the Chief Executive Officer;
- 10 To receive a report on conclusion of the process detailing the outcome; and
- 11 To advise Central NSW Joint Organisation of its decisions.

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

Against: Nil

Absent: Cr J Whitton

Cr Whitton returned to the meeting with the time being 8.49pm.

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

TRIM REFERENCE: 2025/32

RESOLVED - 25/023

Cr S Peterson/Cr G Power

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 28 August 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 28 August 2024 be adopted.

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 S Peterson

Cr Peterson asked that a summary of key points from ARIC meetings and papers be provided with future reports.

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

TRIM REFERENCE: 2025/31

RESOLVED - 25/024

Cr K Duffy/Cr S Peterson

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its Extraordinary meeting held 4 December 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 4 December 2024 be adopted.

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

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

TRIM REFERENCE: 2025/29

RESOLVED - 25/025

Cr K Duffy/Cr S Peterson

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 18 December 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 18 December be adopted.
- 3 That Council acknowledge the ARIC Annual Report for the year ended 31 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

6.8 SUBMISSION REDACTION REPORT 4 FEBRUARY 2025

TRIM REFERENCE: 2025/50

RESOLVED - 25/026

Cr M Ruddy/Cr T Greenhalgh

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

Cr Mileto left the meeting with the time being 8.55pm.

In the absence of the Mayor, Deputy Mayor - Cr Greenhalgh chaired the meeting for this item.

FPC ITEM 2.1(6) – SMALL DONATIONS – REQUESTS FOR DONATIONS

TRIM REFERENCE: 2024/1800

Cr Mileto declared a significant non-pecuniary interest in this item as the applicant is an acquaintance, left the meeting and did not participate in discussion or voting on this item

RESOLVED - 25/027

Cr D Mallard/Cr M Ruddy

That Council donate \$222 to Wiradjuri Nation Sovereignty Conference to cover the venue hire fees for the events on 25 and 26 January 2025 (deferred from FPC Meeting 5 February 2025).

For: Cr K Duffy, Cr T Greenhalgh, 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: Cr M McDonell, Cr G Judge

Absent: Cr T Mileto (Mayor)

Cr Mileto returned to the meeting and resumed the Chair with the time being 9.15pm.

THE MEETING CLOSED AT 9.28PM

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 4 February 2025.