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# ORANGE CITY COUNCIL

## MINUTES OF THE

## ORDINARY COUNCIL MEETING

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

ON 3 JUNE 2025

COMMENCING AT 6:30 PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr T Mileto (Mayor), Cr K Duffy (Audiovisual Link), 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, Director Community, Recreation and Cultural Services, Acting Director Technical Services (Theakstone), Manager Corporate Governance

#### 1.1 APOLOGIES

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**RESOLVED - 25/197****Cr S Peterson/Cr D Mallard**

That the apologies be accepted from Cr Greenhalgh for the Council Meeting of Orange City Council on 3 June 2025.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

**RESOLVED - 25/198****Cr S Peterson/Cr D Mallard**

That Cr Duffy & Cr Kinghorne be permitted to attend the Council Meeting of Orange City Council on 3 June 2025 via Audio Visual Link.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

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**1.2 LIVESTREAMING AND RECORDING**

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

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**1.3 ACKNOWLEDGEMENT OF COUNTRY**

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The Mayor conducted an Acknowledgement of Country.

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

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Cr Mileto declared a Non-Significant Non-Pecuniary Interest in FPC Item 2.1 - 2(1) – Small Donations – Requests for Donations as the applicant is known to him.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC Item 2.4 – Development Application DA 669/2024(1) – 357 and 367 Pinnacle Road as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC Item 2.5 – Development Application DA 675/2024(1) – 248-264 Summer Street as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in PDC Item 2.6 – Draft Site-Specific Development Control Plan – 277 Cargo Road - as her husband's consultancy company has undertaken work on this site.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in FPC Item 2.1 - 2(3) – Small Donations – Requests for Donations as he will be attending the event.

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.3 – Notice of Motion – Congratulations to the Orange Local Aboriginal Lands Council as the Lands Council is administering a grant for Domestic Abuse Prevention Orange of which he is a member.

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.3 – Notice of Motion – Congratulations to the Orange Local Aboriginal Lands Council as the Lands Council is administering a grant for Domestic Abuse Prevention Orange of which she is a member.

Cr Power declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.3 – Notice of Motion - Congratulations to the Orange Local Aboriginal Lands Council as he is a member of the Lands Council.

Cr Ruddy declared a Non-Significant Non-Pecuniary Interest in CCL Item 4.3 – Notice of Motion – Congratulations to the Orange Local Aboriginal Lands Council as the Lands Council is administering a grant for Domestic Abuse Prevention Orange of which she is a member.

**RESOLVED - 25/199****Cr D Mallard/Cr J Stedman**

That the following Late Item be permitted to be considered at the Council Meeting of 3 June 2025:

- 6.3 - Circular Futures Forum: Innovating Sustainability in Regional NSW - Nomination(s) for Councillor Attendance

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

The Mayor and Director Corporate & Commercial Services welcomed and acknowledged trainees, apprentices and cadets who have joined Council as a result of the NSW Government Fresh Start program.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.39PM**

**DA669/2024(1) – 357 & 361 Pinnacle Road**

- Scott Cantrill
- Craig Iffland

**IPC Item 2.3 – Minutes of the City of Orange Traffic Committee Meeting 13 May 2025**

- Troy Paton

**FPC Item 2.1(1) – Small Donations - Requests for Donations**

- Balaji Chakaravarthy - Orange Regional Malayalee Association

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.58PM**

## **2 MAYORAL MINUTES**

### **2.1 MAYORAL MINUTE - ACKNOWLEDGEMENT OF JENNY BENNETT - EXECUTIVE OFFICER, CENTRAL NSW JOINT ORGANISATION**

TRIM REFERENCE: 2025/954

**RESOLVED - 25/200****Cr T Mileto/Cr M Ruddy**

- 1 That Council note the Mayoral Minute
- 2 That Council thank Ms Jenny Bennett for her significant contribution to the Central West including CENTROC and CNSWJO via a letter to Ms Bennett from the Mayor to thank her and wish her well in her retirement.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

**2.2 MAYORAL MINUTE - NSW FLOODING**

TRIM REFERENCE: 2025/1010

**RESOLVED - 25/201****Cr T Mileto/Cr M McDonell**

That the information contained in this Mayoral Minute be acknowledged.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****RESOLVED - 25/202****Cr J Whitton/Cr G Power**

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 May 2025 (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 May 2025.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.03PM****THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.33PM**

## 4 NOTICES OF MOTION/NOTICES OF RESCISSION

### 4.1 NOTICE OF MOTION - BUDGET ALLOCATION MERC

TRIM REFERENCE: 2025/961

**RESOLVED - 25/243****Cr K Duffy/Cr G Judge**

That Council consider \$10,000 in the 2025/26 budget submission process to support MERC to conduct a campaign to bring back Resources for Regions or a similar program.

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

Against: Cr J Whitton, Cr M McDonell, Cr G Power, Cr M Ruddy

Absent: Cr T Greenhalgh (Deputy Mayor)

### 4.2 NOTICE OF MOTION - ANZAC BANNERS

TRIM REFERENCE: 2025/962

**RESOLVED - 25/244****Cr K Duffy/Cr J Whitton**

That Council display the ANZAC Banners for the Locally Fallen from the First Monday of April to the First Sunday of May each year for the next four years, 2026, 2027, 2028 2029.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

### 4.3 NOTICE OF MOTION - CONGRATULATIONS TO ORANGE LOCAL ABORIGINAL LAND COUNCIL

TRIM REFERENCE: 2025/963

**RESOLVED - 25/245****Cr K Duffy/Cr J Stedman**

That this item be withdrawn.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

#### 4.4 NOTICE OF MOTION - POST CONFERENCE REPORT - 2025 FLOODPLAIN MANAGEMENT AUSTRALIA NATIONAL CONFERENCE - 13-16 MAY 2025

TRIM REFERENCE: 2025/965

**RESOLVED - 25/246****Cr M Ruddy/Cr G Power**

That Council note the contents of this report and continues to support Floodplain Management Australia.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

Cr Kinghorne asked about the robustness and maintenance of permeable pavements.

*The Acting Director Technical Services advised they do require additional maintenance but are valuable to floodplain management.*

## 5 GENERAL REPORTS

### 5.1 FIRE AND RESCUE NSW - REPORT

TRIM REFERENCE: 2025/688

**RESOLVED - 25/247****Cr G Power/Cr D Mallard**

- 1 That Council acknowledges the receipt of two reports from Fire and Rescue NSW relating to recommended maintenance and upgrade works to two buildings in the City.
- 2 That Council acknowledge staff are working with owners to achieve compliance with the recommendations outlined in the FRNSW report.
- 3 That Council determine in accordance with Schedule 5 of the Environmental Planning and Assessment Act, not to issue Fire Safety Orders on the building owners, however acknowledge that staff have existing Council delegation to issue Fire Safety Orders should building owners not action the recommendations of FRNSW as required.
- 4 That Council notify the Commissioner of FRNSW of Council's actions and determination in regards to this matter.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

**5.2 SHE MATTERS MURAL**

TRIM REFERENCE: 2025/971

**RESOLVED - 25/248****Cr M Ruddy/Cr J Stedman**

- 1 That Council supports the installation of a "She Matters" mural on the amenity block in the Southcourt; and
- 2 That the installation remains in place for a minimum period of six months.

For: Cr T Mileto (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

Against: Nil

Absent: Cr T Greenhalgh (Deputy Mayor)

**QUESTION TAKEN ON NOTICE****Cr K Duffy**

That staff provide information regarding suicide rates across Australia for the last 12 months.

**RESOLVED - 25/249****Cr M McDonell/Cr G Power**

That the Council Meeting continue until 10.00pm, noting the time nearing 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 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: Cr T Greenhalgh (Deputy Mayor)

*\*Cr Peterson left the meeting with the time being 9.30pm and joined the meeting via Audio Visual Link\**

**5.3 RAINBOW FESTIVAL 2025**

TRIM REFERENCE: 2025/986

**RESOLVED - 25/250****Cr M McDonell/Cr M Ruddy**

That Council note the report on the Rainbow Festival 2025.

For: Cr T Mileto (Mayor), 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: Cr K Duffy

Absent: Cr T Greenhalgh (Deputy Mayor)

**Item - 5.4 Film Production Support - has been moved to the Closed section of the Meeting.**

*\*Cr Duffy left the meeting with time being 9.38pm\**

**5.5 STRATEGIC POLICY REVIEWS - POST EXHIBITION**

TRIM REFERENCE: 2025/1017

**RESOLVED - 25/251****Cr M Ruddy/Cr G Power**

That Council resolves to adopt the following policies:

- ST36 – Banners
- ST37 – Outdoor Dining
- ST38 – Events on Council Owned/Managed Lands – with an updated form similar to the toolkit for accessible and inclusive events
- ST39 – Industry Event Sponsorship

For: Cr T Mileto (Mayor), 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: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

Cr Ruddy asked for clarification as to whether sponsorship recipients are required to provide acquittal reports and the detail of the information requested.

*The Director Corporate & Commercial Services advised this varies depending on the level of funding and where the money had come from for example, a small grant or a large event sponsorship. The expectation is that the report will be received and if it is not, may impact further funding applications.*

**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 - 25/252****Cr G Power/Cr G Judge**

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 Planning Proposal - Land Sales**

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 Submission Redaction Report 3 June 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.

**6.3 Circular Futures Forum: Innovating Sustainability in Regional NSW - Nomination(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.

**5.4 Film Production Support**

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.

For: Cr T Mileto (Mayor), 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: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 9.47pm.

The Mayor declared the Ordinary Meeting of Council resumed at 10.08pm.

## 7 RESOLUTIONS FROM CLOSED MEETING

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

### 6.1 PLANNING PROPOSAL - LAND SALES

TRIM REFERENCE: 2025/948

#### RESOLVED - 25/253

Cr J Stedman/Cr G Power

- 1 That Council resolve to forward the attached Planning Proposal to the Department of Planning Housing and Infrastructure for a Gateway Determination.
- 2 That upon receipt of a Gateway Determination staff proceed to work through the conditions of the Gateway Determination in order to undertake public and agency consultation.
- 3 That once public exhibition is concluded, and in accordance with any requirements of the Gateway Determination, staff arrange a public hearing into the reclassification of the property in accordance with the Local Government Act 1993
- 4 That following the conclusion of the public hearing and earlier public exhibition staff review submissions and provide a further report to Council to consider finalisation of the amendment.

For: Cr T Mileto (Mayor), 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: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

### 6.2 SUBMISSION REDACTION REPORT 3 JUNE 2025

TRIM REFERENCE: 2025/99

#### RESOLVED - 25/254

Cr M McDonell/Cr M Ruddy

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

For: Cr T Mileto (Mayor), 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: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

### 6.3 CIRCULAR FUTURES FORUM: INNOVATING SUSTAINABILITY IN REGIONAL NSW - NOMINATION(S) FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2025/1056

#### RESOLVED - 25/255

Cr D Mallard/Cr M McDonell

That Council resolves that at least 2 x Councillors will attend the Circular Futures Forum to be held in Orange from Wednesday 3 September to Friday 5 September 2025.

For: Cr T Mileto (Mayor), 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: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

**RESOLVED - 25/256****Cr M Ruddy/Cr M McDonell**

That the Council Meeting continue until 10.15pm, noting the time nearing the 10.00pm extension of time, and in accordance with the Code of Meeting Practice defining this to be the limit on Council Meetings.

For: Cr T Mileto (Mayor), 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: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

**5.4 FILM PRODUCTION SUPPORT**

TRIM REFERENCE: 2025/1011

**MOTION****Cr J Whitton/Cr G Power**

That Council:

- 1 Support the in-kind request received for the film production; and
- 2 Add the \$12,000 as a budget submission.

**ON BEING PUT THE MOTION AS LOST**

For: Cr D Mallard, Cr J Whitton

Against: Cr T Mileto (Mayor), Cr G Judge, Cr F Kinghorne, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Absent: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy

**THE MEETING CLOSED AT 10.10PM.**

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 3 June 2025.