
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 5 APRIL 2022

COMMENCING AT 6.44PM

1 INTRODUCTION

ATTENDANCE

Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonell, Cr T Mileto, Cr G Floyd, Cr S Peterson, , Cr F Kinghorne, Cr J Evans
Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Engineering Services, Manager Corporate and Community Relations, A/Manager Corporate Governance, Executive Support Admin Officer

APOLOGIES AND LEAVE OF ABSENCE

RESOLVED - 22/100**Chairperson J Whitton/Cr M McDonell**

That the apologies be accepted from Cr T Greenhalgh for the Planning and Development Committee of Orange City Council on 5 April 2022.

For: Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonell, Cr T Mileto, Cr G Floyd, Cr S Peterson, Cr F Kinghorne, Cr J Evans

Against: Nil

Absent: Cr Greenhalgh

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

Cr Kinghorne declared a non-pecuniary, non-significant interest in Item 2.2 Information Report – Employment Zones Reforms as she has a business in the CBD and will leave the Chamber and not vote on this item

Cr Kinghorne also declared a pecuniary, significant interest in Item 2.5 Development Application DA 372/2021(1) – 75 Rossi Drive, Clifton Grove as her husband has carried out geotechnical work at 75 Rossi Drive

Cr Evans declared a non-pecuniary, significant interest in Item 2.2 Information Report – Employment Zones Reforms as he has a business in the CBD and will leave the Chamber and not vote on this item

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2022/241

RESOLVED - 22/101**Cr J Hamling/Cr D Mallard**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

For: Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonell, Cr T Mileto, Cr G Floyd, Cr S Peterson, Cr F Kinghorne, Cr J Evans

Against: Nil

Absent: Cr Greenhalgh

Cr Kinghorne left the Chamber at 6.46pm

Cr Evans was placed in the waiting room on Zoom at 6.46pm

2.2 INFORMATION REPORT - EMPLOYMENT ZONES REFORMS

TRIM REFERENCE: 2022/415

Cr Kinghorne declared a non-pecuniary, non-significant interest in this Item as she has a business in the CBD and left the Chamber and did not vote on this item

Cr Evans declared a non-pecuniary, significant interest in this Item as he has a business in the CBD and left the Chamber (placed in the waiting room on Zoom) and did not vote on this item

RESOLVED - 22/102**Cr D Mallard/Cr J Hamling**

That Council acknowledge the content of this report and advise the Department of Planning and Environment of the following concerns;

- The merging of the B1 and B2 zones creates a risk to the established hierarchy of commercial activity in Orange, such that it may result in pressure for more out-of-centre shopping centres and supermarkets, and
- The merging of the B5, B6 and B7 zones creates a risk to the established hierarchy of commercial activity in Orange, such that it may result in a scattering of specialised retail premises (a.k.a. bulky goods premises) across various parts of Orange in an uncoordinated manner
- That both of these risks are likely to undermine the trading performance of the Orange CBD, which is a centre of regional significance providing higher order services to the sub-region and beyond.

That Council request the Department of Planning and Environment work with Council staff to identify and draft appropriate local clauses and other mapping changes, such as

- Floor Space Ratio limits on the current B1 land to reflect the neighbourhood scale these sites have always been intended to serve, and limit the potential for out-of-centre retail shopping.
- GFA limits on the current B6 and B7 zoned land in relation to:
 - o Specialised retail premises
 - o Landscaping and material supplies
 - o Local distribution centres
 - o Rural supplies
 - o Timber yards

For: Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonnell, Cr T Mileto, Cr G Floyd, Cr S Peterson,

Against: Nil

Absent: Cr T Greenhalgh, Cr Evans, Cr F Kinghorne

Cr Mileto asked will these changes impact on business and commercial rates in the CBD moving forward

Director Development Services commented that the base of the rating is on the valuation of the land and this is not proposing to change. Rates should remain approximately the same.

Cr Mileto commented that people caught up in the rezoning would not be expecting an impact on their rates in the future

Director Development Services commented that this is not a rezoning but a renaming of the zones they are in, our proposal is that we keep it close to what it is at the moment

Cr Whitton asked what would be the impact if we were to collapse zones

Director Development Services said there could be an area of smaller commercial use if there was consolidation of blocks, you could have larger supermarkets wanting to go on the fringes of town or another example is the bulky goods area of the Harvey Norman/gateway-which is reserved for developments with larger items for sale so that we keep core retail uses in the CBD of town, If you allow retail into the other areas it spreads retail and we have tried to protect this over the years.

Cr Mileto asked on the McLachlan Street Northern end where development is happening – development on one side of road but residential on the other, how would this be impacted

Director of Development Services commented that there will always be potential conflict between zones and this is the most sensitive place when there are two very different zones across from each other. (industrial and residential)

Cr Mileto asked would the people who live across the road in McLachlan Street be expected to be impacted with an increase in rates as a result of the rezoning

Director Development Services commented that he would not be expecting that. The bigger risk is that if there was a non-industrial use (eg retail) impacts of traffic would be higher, but in relation to the valuation of the industrial land it should remain the same.

Cr Mileto asked if the landowner could write to Council and have a land valuation increase reviewed. Can they dispute the value increase in land, and what is their recourse.

Director Development Services commented that it relates to the Valuer General's appeals process – take this question on notice

Cr Whitton asked that the NSW Planning Department have advised that they are intending on doing these actions and Council is saying what the impact of their actions will be. We are not actually approving them but we are not actually refusing them either. We are acknowledging that this would be the impact.

Director Development Services commented that they are just asking feedback on what we think, we are not necessarily saying we are against it, we are saying if you do this, we need to have these protections in place for our zones that we have long looked after

QUESTION TAKEN ON NOTICE

Cr T Mileto

That in relation to the Information Report – Employment Zones Reforms, if a resident's land value increased what is their avenue for appealing this increase.

Cr Kinghorne returned to the Chamber at 6.57pm

Cr Evans returned to the meeting at 6.57pm

2.3 DEVELOPMENT APPLICATION DA 521/2021(1) - 370 THE ESCORT WAY

TRIM REFERENCE: 2022/423

RESOLVED - 22/103

Cr T Mileto/Cr D Mallard

That Council consents to development application DA 521/2021(1) for Seniors Housing (four dwellings) at Lot 206 DP 1257565 - 370 The Escort Way, Orange pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonell, Cr T Mileto, Cr G Floyd, Cr S Peterson, Cr F Kinghorne, Cr J Evans

Against: Nil

Absent: Cr Greenhalgh

Cr McDonell asked about pedestrian safety around escort way, the edges of the road are bad, what is the near future looking like for crossings on that Road

Director Technical Services commented that Council has an underpass on the NDR off Valencia and George Weily Place that can be accessed without having to cross a road from that proposed development. A grass verge is in place to get to that underpass.

Cr McDonnell asked if there were any plans for a refuge across Escort way

Director Technical Services commented not at this point but we are in negotiation with Transport for NSW and is part of the handover with the NDR, and an upgrade to that intersection of NDR, Escort Way and Ploughmans Lane and whether that be lights and roundabout and the associated infrastructure that would come with that. We are not ordinarily obliged to put footpaths in just because of where something is situated.

2.4 PART 5 ENVIRONMENTAL ASSESSMENT LAKE CANOBOLAS WATER AND SEWER RETICULATION PROJECT

TRIM REFERENCE: 2022/427

RESOLVED - 22/104

Cr G Floyd/Cr T Mileto

That Council approves the Lake Canobolas Water & Sewer Reticulation Project in accordance with its obligations and powers under Part 5 of the Environmental Planning & Assessment Act 1979 subject to:

1. All safeguards and mitigation measures identified within the REF;
2. Additional conditions imposed by Council staff outlined in this report; and
3. Technical Services Division to develop a consultation and property access plan for residents during construction where necessary; and
4. A dilapidation report on the bluestone shed at 381 Pinnacle Road be provided prior to the commencement of works around it

Compliance with all other relevant statutory approvals, licences, permits and authorisations needed to carry out the project.

For: Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonnell, Cr T Mileto, Cr G Floyd, Cr S Peterson, Cr F Kinghorne, Cr J Evans

Against: Nil

Absent: Cr T Greenhalgh

Cr Whitton commented that there are obviously several concerns around the construction and the impacts on dwellings and living standards whilst this project was underway

Director Development Services commented that Council add additional points onto the approval, one would be to our Technical Services Division to have a consultation or access plan for residents during construction where necessary; and in terms of heritage matters we could ask for a dilapidation report on the bluestone shed prior to the commencement of works around it.

Cr Kinghorne left the Chamber at 7.06pm.

2.5 DEVELOPMENT APPLICATION DA 372/2021(1) - 75 ROSSI DRIVE, CLIFTON GROVE

TRIM REFERENCE: 2022/434

Cr Kinghorne declared a pecuniary, significant interest in this Item as her husband has carried out geotechnical work at 75 Rossi Drive and left the Chamber and did not vote on this item.

RESOLVED - 22/105**Cr T Mileto/Cr G Floyd**

That Council consents to development application DA 372/2021(1) for Secondary Dwelling at Lot 108 DP 1043048 - 75 Rossi Drive, Clifton Grove pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr K Duffy, Cr M McDonell, Cr T Mileto, Cr G Floyd, Cr S Peterson, Cr J Evans

Against: Nil

Absent: Cr T Greenhalgh, Cr F Kinghorne

Cr Mileto asked if feedback could be provided given that recommendation is to approve this DA when it probably wouldn't normally be the case

Director Development Services commented that under the Housing SEPP in Clifton Grove, a dual occupancy is prohibited so we have to balance that off with this being a secondary dwelling. This proposed house is in the middle of the block, behind the existing house, next to a shed, and environmentally does it significantly change the character of the area by having the building here. It seems reasonable to depart from the 60m², we look at the controls in other zones that allow 60m² [maximum floor area] or up to 50% of the floor area of the existing house. This dwelling is well below the 50%, but technically, the zone it is in only has the control of 60m². We are saying that this is unreasonable so therefore recommended approval.

Cr Kinghorne returned to the Chamber at 7.09pm.

THE MEETING CLOSED AT 7.09PM.