
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 2 AUGUST 2022

COMMENCING AT 6.48PM

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 T Greenhalgh, Cr F Kinghorne, Cr J Evans

Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services (A/Chief Executive Officer), Director Technical Services, Manager Corporate Governance, Executive Support Officer

APOLOGIES AND LEAVE OF ABSENCE

Nil

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

Cr Kinghorne declared a Significant Non-Pecuniary Interest in Item 2.3 Development Application DA 406/2021(1) – 267,293 and 297 Ploughmans Lane as her husband's business has undertaken environmental testing on this site.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2022/1199

RESOLVED - 22/294

Cr K Duffy/Cr M McDonell

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 Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

2.2 DEVELOPMENT APPLICATION DA 346/2021(1) - 4633 MITCHELL HIGHWAY

TRIM REFERENCE: 2022/1363

RESOLVED - 22/295**Cr D Mallard/Cr T Greenhalgh**

That Council refuses development application DA346/2021(1) for Demolition (tree removal) at Lot 1 DP 171953, 4633 Mitchell Highway, Lucknow for the following reasons:

- 1 No Arboricultural evidence has been submitted to substantiate that the tree has a structural weakness or that a failure may occur.
- 2 Damage to the concrete footpath from the front property boundary to the front patio is negligible.
- 3 There is no evidence to show that tree roots have egressed beneath the patio or house foundations.
- 4 Tree removal will have an undesirable impact on the heritage significance of this neighbourhood in the Lucknow Heritage Conservation Area.
- 5 Tree removal will have adverse visual impacts on the streetscape.
- 6 Tree removal will have adverse impacts on the landscape setting in the locality.

For: Cr J Hamling, Cr J Evans, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr K Duffy, Cr G Floyd

Absent: Nil

Cr Mileto asked if the applicant responded by due date.

The Director Development Services advised the applicant has submitted some information, however was requested to provide an engineering report and arborist details, which have not been provided.

2.3 DEVELOPMENT APPLICATION DA 406/2021(1) - 267, 293 AND 297 PLOUGHMANS LANE

TRIM REFERENCE: 2022/1401

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as her husband's business has undertaken environmental testing on this site, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 22/296**Cr J Evans/Cr J Hamling**

That Council consents to development application DA 406/2021(1) for Subdivision (22 lot Torrens Title and public reserve), Demolition (outbuildings) and tree removal at Lots 4, 3 and 2 DP 733452 - 267, 293 and 297 Ploughmans Lane, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr J Hamling, Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr McDonnell sought clarification that the idea of redesign was to protect the flying fox population and keep them where they are and asked if interest level of people who live in the area had been consulted.

The Director Development Services advised there are conditions of consent. The applicant provided a specialist report regarding the flying fox protections. A Covenant will be on the land notifying future owners of the flying fox population and any potential issues when building.

Cr Mileto asked if there will be sufficient surface area/groundwater for the Flying foxes as they usually inhabit water areas.

The Director of Development Services advised he was not aware of a requirement for having to add more onsite stormwater retention, however with dam being retained is an available water source.

Cr Evans asked in regards to flood plain management and if there is requirement for buildings to be built above flood risk level to mitigate risk.

The Director Development Services advised under Council's Subdivision and Drainage Code there is a requirement for new residential allotments to be constructed above flood level. This application was also referred to the Natural Resource Regulator and feedback included in the assessment and consent.

Cr Mallard referred to submissions stating the least number of trees to be removed and sought clarification that there is nothing in place to enforce protection of trees at this time.

The Director Development Services advised there is a small number of native trees identified for removal. Council staff tree removal in accordance with the adopted master plan for this area and consider the proposed removal of trees is reasonable. Staff have negotiated with the owner to give Council additional open space land. This is a positive impact for the community.

Cr Mallard sought clarification on protection of the Flying Fox population regarding the trees on the West side of the dam that will be removed then replaced and if there is a mechanism to retain these until new plantings can provide habitat.

The Director Development Services advised from assessment, those trees are not used by the flying foxes a lot, the removal of them will encourage the flying foxes to concentrate in the main trees, making a slight buffer between trees and houses. The applicant will be requested to only remove the trees on the dam after the establishment of other vegetation or at the completion of subdivision works.

THE MEETING CLOSED AT 7.02PM