
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 6 SEPTEMBER 2022

COMMENCING AT 7.09PM

1 INTRODUCTION

ATTENDANCE

Cr J Whitton (Chairperson), Cr J Hamling (Mayor), 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 (Deputy Mayor)

Chief Executive Officer, A/Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Chief Financial Officer, Manager Corporate Governance, Executive Support Officer, Manager Communications & Engagement, Manager Operations, Manager Engineering Services

APOLOGIES AND LEAVE OF ABSENCE

Nil

RESOLVED - 22/318	Cr M McDonell/Cr S Peterson
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That Cr T Greenhalgh be permitted to attend the Council meeting of Orange City Council on 6 September 2022 via audio visual link (zoom).

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

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

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in the Planning and Development Committee Meeting Item 2.5 – Development Application DA65/2022(1) – 13 Borrodell Drive as she resides nearby.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in the Planning & Development Committee Meeting Item 2.2 - Development Application DA154/2022(1) – 61B Moulder Street as the applicants are known to her.

Cr Kinghorne declared a Significant Pecuniary Interest in the Planning & Development Committee Meeting Item 2.4 as the Development Application DA218/2021(1) – 46 Shiralee Drive as her husband’s business has undertaken soil testing on this site.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in the Planning & Development Committee Meeting Item 2.5 - Development Application DA65/2022(1) – 13 Borrodell Drive as the she resides nearby.

Cr Kinghorne declared a Significant Pecuniary Interest in the Planning & Development Committee Meeting Item 2.7 - Development Application DA231/2022(1) – 12 and 13 Cameron Place as her husband’s business has undertaken testing on this site.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2022/1482

RESOLVED - 22/319

Cr K Duffy/Cr J Evans

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

Cr Kinghorne left the meeting with the time being 7.20pm

2.2 DEVELOPMENT APPLICATION DA 154/2022(1) - 61B MOULDER STREET

TRIM REFERENCE: 2022/1544

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as the applicants are known to her, left the chamber and did not participate in discussion or voting on this item.

MOTION

Cr K Duffy/Cr G Floyd

That Council defer the decision on development application DA 154/2022(1) for Dwelling Alterations and Additions (two storey) at Lot 15 DP 1273424 – 61B Moulder Street, Orange, until a site visit is arranged.

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

Against: Cr T Mileto

Absent: Cr F Kinghorne

AMENDMENT**Cr J Hamling/Cr M McDonell**

That Council consents to development application DA 154/2022(1) for Dwelling Alterations and Additions (two storey) at Lot 15 DP 1273424 - 61B Moulder Street, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr J Hamling, Cr M McDonell, Cr T Mileto, Cr G Power , Cr J Whitton

Against: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr D Mallard, , Cr S Peterson

Absent: Cr F Kinghorne

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 22/320****Cr K Duffy/Cr G Floyd**

That Council defer the decision on development application DA 154/2022(1) for Dwelling Alterations and Additions (two storey) at Lot 15 DP 1273424 – 61B Moulder Street, Orange, until a site visit is arranged.

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: Cr J Whitton

Absent: Cr F Kinghorne

Cr Kinghorne returned to the meeting with the time being 7.22pm

2.3 DEVELOPMENT APPLICATION DA 448/2021(1) - 60 WITTON PLACE

TRIM REFERENCE: 2022/1503

RESOLVED - 22/321**Cr K Duffy/Cr M McDonell**

That Council consents to development application DA 448/2021(1) for Subdivision (11 residential lots and two new roads) and Demolition (existing dwelling and tree removal) at Lot 10 DP 1045677 - 60 Witton Place, 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 F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne left the meeting with the time being 7.23pm

2.4 DEVELOPMENT APPLICATION DA 218/2021(1) - 46 SHIRALEE ROAD

TRIM REFERENCE: 2022/950

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

RESOLVED - 22/322

Cr M McDonell/Cr G Floyd

That Council consents to development application DA218/2021(1) for Demolition (existing outbuildings and trees), Multi Dwelling Housing (comprising 19 new dwellings plus alterations to the existing dwelling (20 dwellings in total)), Subdivision (21 lot Community Title) at Lot 1 DP778563 - 46 Shiralee Road, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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

2.5 DEVELOPMENT APPLICATION DA 65/2022(1) - 13 BORRODELL DRIVE

TRIM REFERENCE: 2022/1307

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in this item as she resides nearby, and remained in Chamber.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she resides nearby, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 22/323

Cr K Duffy/Cr J Hamling

That Council consents to development application DA 65/2022(1) for Subdivision (17 lot Torrens title) and Demolition (tree removal, dwelling) at Lot 26 DP 791830 - 13 Borrodell Drive, 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 Kinghorne returned to the meeting with the time being 7.29pm

2.6 DEVELOPMENT APPLICATION DA 387/2021(1) - 26 LYSTERFIELD ROAD

TRIM REFERENCE: 2022/1528

RESOLVED - 22/324**Cr J Hamling/Cr J Evans**

That Council resolves:

- 1 To formally enter into the terms of the draft Planning Agreement as exhibited in relation to this matter.
- 2 To issue a "Deferred Commencement" consent in relation development application DA 387/2021(1) for Subdivision (14 lot Torrens title and 3 Open Space Lots) at Lot 76 DP750401, 26 Lysterfield Road, Orange pursuant to the conditions outlined in the attached Notice of Determination.

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

Against: Cr K Duffy

Absent: Nil

Cr Mileto sought clarification regarding rules and regulations around easements and using parklands for residential.

The Director Development Services advised part of recommendation is for deferred commencement so the voluntary planning agreement gets advertised and signed then if the applicant progresses with the planning proposal for extra land off the park, a planning proposal for rezoning is to be lodged which would be considered by Council.

The Director Technical Services advised the subdivision application is immaterial to where easements go. The neighbour is not obliged to agree to any easements.

Cr Whitton clarified this is not approving an easement application and Cr Hamling asked if the easement would be approved and come back to Council.

The Director Technical Services said correct, it is a subdivision process not an easement and yes, the easement approval would come back to Council.

Cr Whitton asked if the easement path is using private land it must be approved by the landowner.

The Director Technical Services stated yes.

Cr Duffy asked if the owner of land does not agree, then is it all over.

The Director Technical Services advised that it is not always the case, there are other routes.

Cr Duffy asked why go through someone else's lot.

The Director Technical Services advised Council would like a main to service many lots instead of having additional mains.

Cr Duffy asked if this wouldn't make the lot unusable with an easement going through it.

The Director Development Services advised owners meet to negotiate where mains easements go.

Cr Kinghorne left the meeting with the time being 7.41pm

2.7 DEVELOPMENT APPLICATION DA 231/2022(1) - 12 AND 13 CAMERON PLACE

TRIM REFERENCE: 2022/1553

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

RESOLVED - 22/325

Cr J Hamling/Cr K Duffy

That Council consents to development application DA 231/2022(1) for Mixed Use Development (office premises, warehouse or distribution centre and self-storage units) and Subdivision (two x 12 Strata lots) at Lots 10 and 11 DP 270446 - 12 and 13 Cameron Place, 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 McDonnell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr F Kinghorne

Absent: Nil

Cr Kinghorne returned to the meeting with the time being 7.41pm

THE MEETING CLOSED AT 7.41PM.