
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 1 NOVEMBER 2022

COMMENCING AT 6.43PM

1 INTRODUCTION

ATTENDANCE

Cr J Whitton (Chairperson), Cr J Hamling (Mayor), Cr G Power (Deputy Mayor), Cr D Mallard, Cr M McDonell (*zoom*), Cr T Mileto, Cr G Floyd, Cr S Peterson, Cr T Greenhalgh, Cr F Kinghorne, Cr J Evans

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Chief Financial Officer, Manager Development Assessment, Governance Officer

APOLOGIES AND LEAVE OF ABSENCE

RESOLVED - 22/439**Cr J Whitton/Cr T Greenhalgh**

That the apology be accepted from Cr K Duffy for the Planning & Development Committee Meeting of Orange City Council on 1 November 2022.

For: Cr J Hamling, 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: Cr Duffy

RESOLVED - 22/440**Cr D Mallard/Cr G Floyd**

That Cr M McDonell be permitted to attend the Planning & Development Committee meeting of Orange City Council on 1 November 2022 via audio visual link (*zoom*).

For: Cr J Hamling, 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: Cr Duffy

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

Cr Evans declared a Significant Non-Pecuniary Interest in Item 2.2 – Development Application DA140/2021(1) – Helipad – 360 Phoenix Mine Road as the applicant is a customer of his business.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in Items 2.4 Development Application DA98/2022(1) – Voluntary Planning Agreement and 2.5 Development Application DA98/2022(1) - 103 Prince Street as she made a submission on the Development Application.

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in PDC Item 2.4 and 2.5 – Development Application DA98/2022(1) – Voluntary Planning Agreement and DA - 103 Prince Street as the applicant is a sponsor of the Bloomfield Junior Rugby League Football Club where she is secretary and sponsorship coordinator.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2022/1955

RESOLVED - 22/441

Cr T Greenhalgh/Cr G Floyd

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 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: Cr K Duffy

Cr Evans left the meeting with the time being 6:45pm

2.2 DEVELOPMENT APPLICATION DA 140/2021(1) - HELIPAD - 360 PHOENIX MINE ROAD

TRIM REFERENCE: 2022/2058

Cr Evans declared a Significant Pecuniary Interest in this item as the applicant is a customer of his business, left the chamber and did not participate in voting or discussion on this item.

RESOLVED - 22/442

Cr J Hamling/Cr G Floyd

That Council consents to development application DA 140/2021(1) for Helipad at Lot 100 DP 1092868, 360 Phoenix Mine Road, Huntley pursuant to the conditions of consent in the attached Notice of Determination.

For: Cr J Hamling, 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: Cr K Duffy, Cr J Evans

Cr Evans returned to the meeting with the time being 6:46pm

2.3 DEVELOPMENT APPLICATION DA 403/2021(1) - 157 LYSTERFIELD ROAD

TRIM REFERENCE: 2022/2060

RESOLVED - 22/443**Cr D Mallard/Cr S Peterson**

That Council resolves:

- 1 To enter into the terms of the draft Planning Agreement generally described in the letter of offer from The Bathla Group dated 7 July 2022, as exhibited in relation to this development application.
- 2 To issue a "Deferred Commencement" consent in relation to development application DA 403/2021(1) for Subdivision (163 residential lots and 1 public reserve, roads) and Demolition at Lots 185-187 and Lot 189 DP 750401 - 157 Lysterfield Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

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: Nil

Absent: Cr K Duffy

Cr Peterson asked if the access roads planned for Shiralee will be adequate for the number of lots planned, if there was to be a bike path included in the plan and for clarification regarding the footpaths and whether they will be on both sides of the streets in the subdivision.

The Director of Technical Services advised the Southern Feeder Road will eventually link to Shiralee Road providing access to both North and South of development as well undertaking an upgrade to Shiralee Road, all assisting access. The Director noted there is an extensive footpath network in the development however with the extensive access roads not all streets will have footpaths on both sides.

Cr Mileto asked how long after subdivision eventuates until bus routes are considered.

The Director of Technical Services advised bus routes are a matter for Transport for NSW, however it was noted there is already a school bus route in existence through area and there are proposed routes in planning.

Cr Kinghorne and Cr Greenhalgh left the meeting with the time being 6:52pm

2.4 DEVELOPMENT APPLICATION - DA 98/2022(1) - VOLUNTARY PLANNING AGREEMENT - 103 PRINCE STREET

TRIM REFERENCE: 2022/2149

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she made a submission on the Development Application left the chamber and did not participate in discussion or voting on this item.

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in this item as the applicant is a sponsor of the Bloomfield Junior Rugby League Football Club where she is secretary and sponsorship coordinator, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 22/444

Cr T Mileto/Cr G Power

- 1 That Council authorises the Chief Executive Officer (CEO) to enter into the Voluntary Planning Agreement (VPA) and execute the VPA on behalf of Council.
- 2 That the CEO be authorised to negotiate on behalf of Council and agree to any variations to the VPA prior to execution that may be considered appropriate.
- 3 That Council advise the Western Region Planning Panel (WRPP) of its decision with respect to the VPA and request the WRPP, if they were of a mind to support the Development Application, that they consider a “deferred commencement” consent that requires the applicant to show evidence to Council of entry into the VPA and registration of the VPA on the title prior to the operation of the consent.

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

Against: Nil

Absent: Cr K Duffy, Cr F Kinghorne, Cr T Greenhalgh

2.5 DEVELOPMENT APPLICATION DA 98/2022(1) - 103 PRINCE STREET

TRIM REFERENCE: 2022/2140

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she made a submission on the Development Application left the chamber and did not participate in discussion or voting on this item.

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in this item as the applicant is a sponsor of the Bloomfield Junior Rugby League Football Club where she is secretary and sponsorship coordinator, left the chamber and did not participate in discussion or voting on this item.

RESOLVED - 22/445

Cr T Mileto/Cr G Power

That item 2.5 Development Application DA 98/2022(1) – 103 Prince Street be heard and voted on in seriatim.

RESOLVED - 22/446**Cr T Mileto/Cr G Floyd**

- 1 That the information contained in the report by Andrew Crump Town Planning for Development Application DA 98/2022(1) - proposed Multi Dwelling Housing (17 dwellings) and Subdivision (three lot residential - Torrens title) (Stage 1); and Residential Flat Building (63 apartments) and Recreation Area (public park) (Stage 2) - 103 Prince Street, Orange be acknowledged.

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

Against: Nil

Absent: Cr K Duffy, Cr F Kinghorne, Cr T Greenhalgh

RESOLVED - 22/447**Cr M McDonell/Cr D Mallard**

- 2 That Council makes a submission upon this application to the Western Regional Planning Panel (WRPP) in line with the recommendation of the independent planner, Andrew Crump Town Planning.

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

Against: Nil

Absent: Cr K Duffy, Cr F Kinghorne, Cr T Greenhalgh

Cr Kinghorne and Cr Greenhalgh returned to the meeting with the time being 7:06pm

THE MEETING CLOSED AT 7.07PM.