
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 6 DECEMBER 2022

COMMENCING AT 7.14PM

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

Chief Executive Officer, Director Corporate and Commercial Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Governance Officer, Senior Planner (Hicks), Manager Development Assessment

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 Pecuniary Interest in Item 2.2 Development Application DA392/2021(1) – 6-8 Callawa Street, as her Husband's business has undertaken work at this site.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in Item 2.1 – Items approved under delegated authority as he is an OCTEC Board member.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in Item 2.1 – Items approved under delegated authority as he is an OCTEC Board member.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2022/2154

Cr Hamling and Cr Whitton declared Non-Significant Non-Pecuniary Interests in this item as they are OCTEC Board members, and noting the items were approved under delegated authority, remained in the chamber and voted on this item.

RESOLVED - 22/496

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 7.16pm

2.2 DEVELOPMENT APPLICATION DA 392/2021(1) - 6-8 CALLAWA STREET

TRIM REFERENCE: 2022/1527

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

RESOLVED - 22/497

Cr T Mileto/Cr K Duffy

- 1 That Council approve development application DA 392/2021(1) for demolition, Category 1 land remediation and construction of a mixed-use development comprising three buildings each with shop top housing and seniors housing (in-fill self-care housing) (comprising a combined total of three shop top housing apartments and 42 seniors housing apartments), ground floor tenancies (for future fit out and use as retail and/or business premises) (comprising a total of six ground floor tenancies) and basement and ground level car parking, and associated site landscaping and public domain improvements, pursuant to the conditions of consent in the attached draft Notice of Approval.
- 2 That this consent does not grant consent for the subdivision of the site or the fit-out and use of the ground floor tenancies. These matters will be required to be addressed as part of future development application(s).
- 3 That the updated Notice of Determination, clauses 4 and 41 as provided to Councillors be noted.

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 Mileto noted it is a complying DA but questioned the value of the development and if it would therefore go to planning panel.

The Manager Development Assessment advised the development does not meet the Regional Joint Planning Panel's very specific criteria. Normal restrictions outside of those criteria is \$30mil.

Cr Greenhalgh asked what the definition of Seniors Housing was.

The Manager Development Assessment advised application was made under legislation where the applicant has specifically sought seniors housing. This then generates need for assessment under those controls, and availability for special disability accommodation under Federal legislation.

QUESTION TAKEN ON NOTICE**Cr T Mileto**

Cr Mileto asked for information on when the \$10mil Regional Joint Planning Panel threshold applies.

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

2.3 DEVELOPMENT APPLICATION DA 278/2022(1) - 80 DEAN DRIVE

TRIM REFERENCE: 2022/2373

RESOLVED - 22/498**Cr M McDonell/Cr G Power**

That Council consents to development application DA 278/2022(1) for Secondary Dwelling at Lot 202 DP 1210563 - 80 Dean 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 F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

2.4 DEVELOPMENT APPLICATION DA 277/2022(1) - 3 AND 5 GATEWAY CRESCENT

TRIM REFERENCE: 2022/2375

RESOLVED - 22/499**Cr T Mileto/Cr J Hamling**

That Council consents to development application DA 277/2022(1) for Self-Storage Units and Consolidation of land at Lot 16 and 17 DP 270446 - 3 and 5 Gateway Crescent, 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 F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

2.5 DEVELOPMENT APPLICATION DA 507/2021(1) - 314 ANSON STREET

TRIM REFERENCE: 2022/2380

RESOLVED - 22/500**Cr D Mallard/Cr M McDonell**

That Council REFUSES consent to development application DA 507/2021(1) for Demolition (existing garage) and Garage/Studio (two storey) at Lot 87 DP 869661 - 314 Anson Street, Orange for the following reasons:

- 1 The proposal will have adverse impacts on the significance of the heritage conservation area.
- 2 The proposal will have adverse impact on residential amenity caused by visual bulk encroachment.

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

2.6 PLANNING PROPOSAL TO AMEND ORANGE LOCAL ENVIRONMENTAL PLAN 2011 - ADDITIONAL PERMITTED USE (CARWASH) AT 2 HANRAHAN PLACE

TRIM REFERENCE: 2022/2381

RESOLVED - 22/501**Cr K Duffy/Cr S Peterson**

That Council resolve to support the Planning Proposal in principal and direct staff to:

- 1 Forward the proposal to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, and
- 2 Request that the Department provide delegations to Council to formally make the plan, and
- 3 Once a Gateway Determination is received, advise and require the proponent to pay all costs associated with any mapping, additional studies or reports as may be required by the Gateway Determination, and
- 4 Subject to any conditions of the Gateway Determination, proceed to undertake agency consultation and public exhibition, and
- 5 Report back to Council at the conclusion of consultation and exhibition for final determination.

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

THE MEETING CLOSED AT 7.27PM