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# ORANGE CITY COUNCIL

## MINUTES OF THE

## PLANNING AND DEVELOPMENT COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE AND VIA ONLINE CONFERENCING  
PLATFORM ZOOM

ON 1 SEPTEMBER 2020

COMMENCING AT 7.04PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr R Turner (Chairperson), Cr R Kidd (Mayor)(Zoom), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae (Zoom), Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services (Redmond), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Acting Manager Corporate Governance (Constantine) , Manager Financial Services (Zoom), Executive Support Manager, Manager Engineering Services.

#### APOLOGIES AND LEAVE OF ABSENCE

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Nil

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

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Nil

### 2 GENERAL REPORTS

#### 2.1 ITEM APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

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TRIM REFERENCE: 2020/1297

##### RESOLVED - 20/265

Cr J Whitton/Cr S Munro

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 Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**2.2 DEVELOPMENT APPLICATION DA 187/2020(1) - BYNG, MARCH AND PEISLEY STREETS, AND LORDS PLACE (ORANGE CIVIC PRECINCT)**

TRIM REFERENCE: 2020/980

**RESOLVED - 20/266****Cr S Nugent/Cr S Munro**

That Council consents to development application DA 187/2020(1) for Mixed Use Development (community facility, entertainment facility, information and education facility, markets and other uses) at Lot 1 DP 257566 – 151 and 151A Byng Street; Lot 11 DP 706480 – 284 Lords Place; Lot Z DP 108472 - 282 Lords Place; Lots 7, 8, and 9 DP 820905 - 147-149 Byng Street, March Street, Peisley Street, and Byng Street; Lot 42 PCE C DP 841174 - 286-290 Lords Place; Lot 3 PCE PT and Lot 3 PCE PT SEC 43 DP 1064225 – 270-276 Lords Place; Lots 100, 101 and 102 DP 1072260 – 135 Byng Street, 266 and 278-280 Lords Place, and 142-148 March Street; and 270-276, 282, and 284 Lords Place pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

**2.3 DEVELOPMENT APPLICATION DA 221/2020(1) - 78 FORBES ROAD**

TRIM REFERENCE: 2020/1457

**RESOLVED - 20/267****Cr K Duffy/Cr S Munro**

That Council consents to development application DA 221/2020(1) for Demolition (dwelling and tree removal) and Subdivision (four lot Torrens title and three lot Community title) at Lot 3 DP 1112473, Lot A DP 334156 - 78 Forbes Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Nugent asked if conditions were imposed for the protection of trees, the number of trees, their types and the condition they are in.

*The Director Development Services advised restrictions can be placed in covenants on the land as well as restrictions for the ongoing management to protect trees, fines, court action and civil liability and that the conditions will vary through the different stages.*

Cr Kidd stated that the site has been overplanted and that some of the trees marked for retention may not make it. He asked what happens in future if trees present a hazard to the house, drainage, sewer or water and whether that comes back on Council as we required the trees to be retained.

*The Director Development Services stated that the onus is on the owner to maintain the trees, however the applicant can request approval to remove trees later if required.*

Cr Kidd asked if the tree removal requirements were based on the diameter of the trunk.  
*The Director Development Services stated yes, 300mm.*

Cr Duffy raised concerns regarding the hazard of any gum trees and how large and dangerous they may become.

Cr Nugent asked if the Manager City Presentation had discussed the issue of trees with the developer.

*The Director Development Services stated yes, this had occurred.*

Cr Turner asked what the difference was between the Torrens Title and Community Title subdivisions and why it was a staged development.

*The Director Development Services stated that Torrens Title related to the ownership of individual lots while Community Title related to the shared areas such as the driveway. He also stated that the staging was the applicant's choice.*

## **2.4 DEVELOPMENT APPLICATION DA 191/2020(1) - 4613 MITCHELL HIGHWAY, LUCKNOW**

TRIM REFERENCE: 2020/1531

### **MOTION**

**Cr S Munro/Cr T Mileto**

That Council consents to development application DA 191/2020(1) for Service Station (removal of existing fuel dispensers, fill points, underground fuel tanks and pipework; construction of a two dispenser covered vehicle fuelling area, new underground fuel tanks and forecourt pollution control system) and Business Identification Signage at Lot 101 DP 1053642 - 4613 Mitchell Highway, Lucknow, pursuant to the conditions of consent in the attached Notice of Approval.

### **NOTICE WAS GIVEN OF A FORESHADOWED AMENDMENT**

### **AMENDMENT**

**Cr J Whitton/Cr G Taylor**

That development application DA 191/2020(1) for Service Station (removal of existing fuel dispensers, fill points, underground fuel tanks and pipework; construction of a two dispenser covered vehicle fuelling area, new underground fuel tanks and forecourt pollution control system) and Business Identification Signage at Lot 101 DP 1053642 - 4613 Mitchell Highway, Lucknow be deferred for a Council inspection and to seek a review of access arrangements by Council and TfNSW.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Cr McRae

Absent: Nil

**THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION**

**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**

**THE FORESHADOWED AMENDMENT WAS WITHDRAWN**

**RESOLVED - 20/268****Cr J Whitton/Cr G Taylor**

That development application DA 191/2020(1) for Service Station (removal of existing fuel dispensers, fill points, underground fuel tanks and pipework; construction of a two dispenser covered vehicle fuelling area, new underground fuel tanks and forecourt pollution control system) and Business Identification Signage at Lot 101 DP 1053642 - 4613 Mitchell Highway, Lucknow be deferred for a Council inspection and to seek a review of access arrangements by Council and TfNSW.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Nil

Cr Whitton raised concerns regarding the removal of the requirement for a centre turning lane which was not now required because of the smaller floor space of the shop, however stated this did not have a bearing on the 20 bowzers and vehicles turning right into the premises. He further stated Lucknow should have a turning lane the whole way along and a reduction in the speed limit from 60kms/hr to 50kms/hr.

*The Director Development Services stated that Council approved a consent in December 2018 for a larger development and a 200sqm convenience store. This application seeks to demolish and reinstall bowzers as well as a canopy and was deemed environmental works. The previous consent would be required to be surrendered.*

**THE MEETING CLOSED AT 7.36PM.**