
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 7 MARCH 2023

COMMENCING AT 7.39PM

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

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Executive Support Manager, Executive Support Administration Officer

APOLOGIES AND LEAVE OF ABSENCE

RESOLVED - 23/052

Cr K Duffy/Cr M McDonell

That the apologies be accepted from Cr Jack Evans (leave) for the Planning and Development Committee of Orange City Council on 7 March 2023.

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

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

Cr Kinghorne declared an interest in PDC Items: 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road; PDC Item 2.3 Orange Local Environmental Plan – Amendment 33 – Rosedale Gardens; and PDC Item 2.4 Orange Local Environmental Plan – Planning Proposal – 274 Leeds Parade as her husband’s environmental consultancy firm has undertaken work at these sites.

Cr Mileto declared a less than significant, non-pecuniary interest in PDC Item 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road as he is the President of Orange Ex-Services Soccer Club but will stay in the Chamber and vote on this item.

Cr Greenhalgh declared a significant non-pecuniary interest in PDC Item 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road as she is a family friend with CEO of the Ex-Services Club and they are a major sponsor of Bloomfield football club of which she is the Secretary.

Cr Mallard declared a non-significant non-pecuniary interest in PDC Item 2.2 Development Application – DA 293/2022(1) – Ex-Services Country Club – Lot 205 Forest Road as he is a member of the OESC but will remain in the Chamber and vote on this item.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2023/79

RESOLVED - 23/053

Cr J Hamling/Cr T Greenhalgh

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 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 J Evans

Cr Kinghorne and Cr Greenhalgh left the meeting with the time being 7.41pm

2.2 DEVELOPMENT APPLICATION - DA 293/2022(1) - EX-SERVICES COUNTRY CLUB - LOT 205 FOREST ROAD

TRIM REFERENCE: 2023/33

Cr Kinghorne declared a significant non-pecuniary interest in this items as her husband's environmental consultancy firm has undertaken work at the site.

Cr Greenhalgh declared a significant non-pecuniary interest in this item as she is a family friend of the CEO of the Ex-Services Club and they are a major sponsor of Bloomfield football club of which she is the Secretary.

RESOLVED - 23/054

Cr G Floyd/Cr G Power

That Council consents to development application DA 293/2022(1) for Recreation Facility (outdoor) (alterations and additions) at Lot 205 DP 42900 - Forest Road, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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

Against: Nil

Absent: Cr J Evans, Cr F Kinghorne, Cr T Greenhalgh

Cr Duffy asked if this DA can be approved subject to an agreement by both parties concerning noise levels.

Director Development Services advised it is a matter of what controls are existing on the site already and recommended in the approval. Site has to abide to liquor license and normal noise legislation can be administered but that there is opportunity for the neighbours to work together.

Cr Whitton asked if the two parties come to an agreement outside our jurisdiction do we get involved.

Director Development Services advised no. Such an agreement would work privately between the two parties, in a similar way to the way the Orange Liquor Accord operates in the City. The Agreement could detail restrictions, measures around how the Club will manage the site and how patrons are managed, the time of lights on/off etc.

Cr Hamling asked if we can approve and apply a condition stating that parties come together with a Masterplan.

Director Development Services advised we cannot make them [develop a Master Plan for all Club operations], but he has met with both parties. The Club already have existing Management Plans for the site and could amend them to include the lighting of greens. We could put a condition of consent to develop a masterplan that relates only to the operation of the bowling greens and lighting [the subject of this DA].

Cr McDonnell asked if planting along the fence line of bowling green would be allowed (within Heritage) and if it would act as noise buffering.

Director Development Services stated that vegetation doesn't actually reduce noise. The site is a State Heritage item, any solid screening to absorb noise would require NSW Heritage approval but would also take away the nice views of open space.

Cr Greenhalgh returned to the meeting with the time being 7.57pm

2.3 ORANGE LOCAL ENVIRONMENTAL PLAN - AMENDMENT 33 - ROSEDALE GARDENS

TRIM REFERENCE: 2023/42

Cr Kinghorne declared a significant non-pecuniary interest in this items as her husband's environmental consultancy firm has undertaken work at the site.

RESOLVED - 23/055**Cr D Mallard/Cr J Hamling**

That Council note the submissions from government agencies and Cabonne Shire Council and resolve to support the planning proposal being finalised by the Department of Planning and Environment subject to:

- 1 The site remaining within an Urban Release Area designation that requires a site-specific development control plan be prepared and adopted prior to any development applications.
- 2 A site-specific development control plan being drafted and adopted to include;
 - a. detailed provisions that respond to the matters contained in Section 6.3 of the Orange Local Environmental Plan 2011
 - b. that a concept subdivision layout be included that identifies and protects Critically Endangered Ecological Communities (CEEC) present on the site
 - c. landscape buffers and building setbacks to the northern and eastern boundaries of the estate to protect neighbouring agricultural activities
 - d. controls to address biosecurity issues to protect neighbouring agricultural activities
 - e. building setbacks to the western boundary of the estate to ensure rail corridor vibrations do not impact upon dwellings and associated outbuildings
 - f. design of a public open space in consultation with Council's Technical Services division to incorporate any retention or detention basins as may be required
 - g. clear controls to minimise the extent of earthworks, maximum cut/fill controls and building envelopes on lots with steep slopes that demonstrate appropriate setbacks from boundaries to preserve privacy and maintain the natural landscape features of the site
 - h. that all other DCP requirements arising from Amendment 13 of Orange LEP 2011 be maintained, unless superseded by the above.
- 2 Staff enter negotiations with the proponent for a Voluntary Planning Agreement, to accompany the site specific DCP, to address:
 - a. dedication and embellishment of public open space areas
 - b. protection and management of ecological lands, and
 - c. road and intersection upgrades arising from the development.
- 3 The Terrestrial Biodiversity map of the Orange LEP 2011 be updated in relation to this site to incorporate the data outlined in figure 5 (page 8) of the updated planning proposal.
- 4 The current SP2 zone, in place to protect the Transgrid Transmission Line, is to remain with no alteration to its current boundaries.
- 5 The rezoning be conditional upon a local clause that caps the number of residential lots at 700, lots for other purposes such as public open space to be excluded from this clause.
- 6 That Council require the preparation of a site-specific development control plan to include direct consultation with the Biodiversity Conservation and Science Directorate to ensure that their concerns in relation to Critically Endangered Ecological Communities on the site are appropriately addressed.

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

Absent: Cr J Evans, Cr F Kinghorne

Cr Mallard asked if this creating the flexibility for the residential zoning and creating stronger protection for the critically endangered ecological community.

Director Development Services advised, yes. The site already has approval for 450 residential lots. The motion as printed would give rezoning approval for increased density but requires extra consultation with Biodiversity Government agency prior to the rezoning being finalised.

Cr Peterson asked if specific details of the subdivision construction are dealt with at a later stage, paths for example.

Director Development Services said the recommendation tonight relates to the acceptance and adoption of rezoning proposal. The motion requires other works including the drafting of development control plans. Finalisation of the DCP and the detailed layout of the site comes through out at subdivision/development stage when roads, footpaths, cycleways etc.

2.4 ORANGE LOCAL ENVIRONMENTAL PLAN - PLANNING PROPOSAL - 274 LEEDS PARADE

TRIM REFERENCE: 2023/253

Cr Kinghorne declared a significant non-pecuniary interest in this items as her husband's environmental consultancy firm has undertaken work at the site.

RESOLVED - 23/056

Cr J Hamling/Cr D Mallard

- 1 That Council resolves to support the planning proposal to rezone Lot 211 DP 1177178 known as 274 Leeds Parade to the R1 General Residential Zone , establish a minimum allotment size and seek a gateway determination from the Department of Planning and Environment, subject to the site being designated as an Urban Release Area for the purposes of Section 6.3 of the Orange Local Environmental Plan.
- 2 That subject to the terms of a gateway determination that Council proceed to undertake agency and community consultation of the planning proposal and return the matter to Council for determination.
- 3 That Council request the Department of Planning and Environment provide Council with delegations to formally make the plan once relevant conditions of the gateway determination are satisfactorily completed.
- 4 That the draft Development Control Plan provided with the planning proposal be noted, but deferred at this time to allow further refinement, including matters that may be raised during the agency and public consultations of the planning proposal.

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

Cr Kinghorne returned to the meeting with the time being 8.02pm

THE MEETING CLOSED AT 8.02PM.