
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 5 MARCH 2024

COMMENCING AT 9:39PM

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, Cr J Evans

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, A/Director Technical Services (Theakstone), Chief Financial Officer, Manager Corporate Governance, Executive Support Officer.

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 items 2.2 - Development Application DA 233/2023(1) - 60 Stairs Road, 2.3 - Development Application DA 252/2023(1) – 10 Autumn Street, 2.4 - Development Application DA 316/2023(1) – Orange Christian School – 500 Cecil Road and 2.5 – Post Exhibition – LEP Amendment 37, Shiralee DCP Amendment and Voluntary Planning Agreement – 12-20 Shiralee Road as her husband’s consultancy company has undertaken work for these sites/applicants.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2024/171

RESOLVED - 24/054

Cr G Floyd/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 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 9.40pm

2.2 DEVELOPMENT APPLICATION DA 233/2023(1) - 60 STAIRS ROAD

TRIM REFERENCE: 2024/31

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work for this sites/applicant, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/055

Cr M McDonell/Cr G Floyd

That Council consents to development application DA233/2023(1) for a dual occupancy (detached - one additional dwelling); demolition (existing dwelling); dual occupancy (detached - one additional dwelling); and farm building at Lot 2 DP 1042613 - 60 Stairs Road, 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 McDonell noted these two dwellings add up a substantial development, is there any indication that one or both are going to be used as accommodation like B&B type accommodation or is it purely private use residential accommodation.

The Director Development Services stated that the application is for private use residential accommodation, the design is quite extensive but that hasn't been applied for so it's just a dwelling and a secondary dwelling/dual occupancy on that site.

Cr Peterson asked Air BnB was effected by zoning or it just happens.

The Director Development Services stated that if it was going to be an Air BnB they would have to comply with State Exempt Development Policy or come back to us for a Development Application similar to if it was going to be an alternative accommodation use.

2.3 DEVELOPMENT APPLICATION DA 252/2023(1) - 10 AUTUMN STREET

TRIM REFERENCE: 2023/2165

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband’s consultancy company has undertaken work for this sites/applicant, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/056

Cr J Hamling/Cr T Greenhalgh

That Council consents to development application DA 252/2023(1) for Demolition (existing dwelling, sheds and trees); Subdivision (two lot Torrens title); Dwelling House; Multi Dwelling Housing (six dwellings); and Subdivision (seven lot Community Title) at Lot 10 DP 1086043 - 10 Autumn Street, 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: Nil

Absent: Cr F Kinghorne

2.4 DEVELOPMENT APPLICATION DA 316/2023(1) - ORANGE CHRISTIAN SCHOOL - 500 CECIL ROAD

TRIM REFERENCE: 2024/191

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband’s consultancy company has undertaken work for this sites/applicant, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/057

Cr G Power/Cr S Peterson

- 1 That the information contained in the planning assessment report relating to DA 316/2023(1) for proposed school (demolition of existing buildings and new building) at 500 Cecil Road be noted.
- 2 That Council make a supporting submission upon this application to the Western Regional Planning Panel.

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: Nil

Absent: Cr F Kinghorne

Cr Mileto asked whether traffic had been addressed and will that assessment be provided in the documentation to the planning panel and what was happening with the single lane bridge. *The Acting Director Development Services stated that traffic had been assessed, the SFR will be built by the time the DA is engaged, the bridge will remain single lane, however UGL has plans to replace it with a two lane bridge.*

2.5 POST EXHIBITION - LEP AMENDMENT 37, SHIRALEE DCP AMENDMENT AND VOLUNTARY PLANNING AGREEMENT - 12-20 SHIRALEE ROAD

TRIM REFERENCE: 2024/172

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work for this sites/applicant, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/058**Cr J Hamling/Cr D Mallard**

1 That, consistent with the exhibition and matters contained in this report, Council resolve:

- To endorse the Planning Proposal to amend the LEP, to be known as Amendment 37.
- Council supports the lots indicated in the planning proposal subject to new typologies adjacent to the park to be exempted from the provisions of SEPP (Exempt and Complying Development) in order to achieve a higher design outcome for residential development.
- To endorse the VPA in relation to Hill Top Park and related residential developments.
- To adopt the contents of the Shiralee DCP Amendment, allowing for formatting and branding adjustments to be more consistent with the existing Shiralee DCP layout and style, the Amendment is to take effect upon gazettal of Amendment 37.
- That the Planning Proposal component now be referred to the Parliamentary Counsel Office (PCO) for formal legal opinion.
- That any mapping requirements arising from PCO or the Department shall be at the proponents expense.

2 That Council authorise the CEO to:

- Execute the VPA on Councils behalf, and
- Formally make Amendment 37 to the LEP subject to the VPA being registered on title of the subject land and formal opinion from Parliamentary Counsel that the plan may lawfully be made.

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: Nil

Absent: Cr F Kinghorne

Cr Kinghorne returned to the chamber with the time being 9.46pm

THE MEETING CLOSED AT 9.46PM.