
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 6 AUGUST 2024

COMMENCING AT 7:04PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Acting Director Corporate and Commercial Services (Sharp), Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services, Governance Officer

APOLOGIES AND LEAVE OF ABSENCE

Nil.

RESOLVED - 24/327

Cr T Greenhalgh/Cr D Mallard

That Cr F Kinghorne & Cr K Duffy be permitted to attend the Council Meeting of Orange City Council on 6 August 2024 via Audio Visual Link.

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

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

Cr Evans declared a Non-Significant Non-Pecuniary Interest in Item 2.5 Development Application DA 516/2024(1) - 258 Clergate Road as the applicant is a customer of his business.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in Item 2.5 Development Application DA 516/2024(1) - 258 Clergate Road as the applicant is a sponsor of Bloomfield Junior Rugby League Club.

Cr Kinghorne declared Significant Pecuniary Interests in Items 2.2 Development Application DA 557/2024(1) – 20 Shiralee Road, 2.3 Development Application DA 370/2023(1) – 54 Stevenson Way, 2.5 Development Application DA 516/2024(1) - 258 Clergate Road, 2.6 Development Application DA 270/2022(1) – 260 Clergate Road and 2.8 Planning Proposal to Amend Orange LEP 2011 – Amendment 42 –168 Shiralee Road as her husband’s consultancy company has undertaken work on these sites.

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in Item 2.7 Development Application DA 532/2024(1) – 11 Cameron Place as she owns property adjacent to this development.

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in Item 2.3 Development Application DA 370/2023(1) – 54 Stevenson Way as he resides nearby.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in Item 2.1 Items Approved Under Delegated Authority of Council as OCTEC has an application noted in this report where he is board member.

Cr Hamling declared a Non-Significant Non-Pecuniary Interest in Item 2.1 Items Approved Under Delegated Authority of Council as OCTEC has an application noted in this report where he is board member.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2024/1149

Cr Hamling & Cr Whitton declared Non-Significant Non-Pecuniary Interests in this Item as OCTEC has an application noted in this report and they are board members.

RESOLVED - 24/328

Cr J Hamling/Cr G Power

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 7.05pm

2.2 DEVELOPMENT APPLICATION DA 557/2024(1) - 20 SHIRALEE ROAD

TRIM REFERENCE: 2024/1157

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

RESOLVED - 24/329**Cr T Mileto/Cr G Power**

That Council consents to development application DA 557/2024(1) for Dwelling Houses (14) (construction of dwelling houses on approved residential lots (DA 245/2022(2)) at Lot A DP 381935 and Lot 1 DP 381932 - 20 Shiralee 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 questioned the placement of the garages at the rear of the plans in relation to solar exposure.

The Director of Development Services advised this is challenging on the narrow blocks, it was a reasonable design and that her concerns will be passed on.

Cr Mileto asked if this was a compliant Development Application.

The Director of Development Services confirmed that it is compliant.

Cr Floyd left the meeting with the time being 7.10pm

2.3 DEVELOPMENT APPLICATION DA 370/2023(1) - 54 STEVENSON WAY

TRIM REFERENCE: 2024/1242

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

Cr Floyd declared a Non-Significant Non-Pecuniary Interest in this item as he resides nearby, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/330**Cr S Peterson/Cr G Power**

That Council consents to development application DA 370/2023(1) for Subdivision (13 lot Torrens title), Demolition (tree removal), Retaining Walls and New Road at Lot 102 DP 1147159 - 54 Stevenson Way, Orange pursuant to the conditions of consent in the attached Notice of Approval.

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

Cr McDonell asked for confirmation regarding a Tasmanian Blue Gum Tree on the property as the plans appeared contradictory.

The Director of development Services advised that the tree will not be kept.

Cr McDonell asked if speed limiting options or a stop sign can be added to the road for safety.

The Director of development Services advised that a condition can be added to the application, and this can be referred to the City of Orange Traffic Committee for consideration.

QUESTION TAKEN ON NOTICE

Cr D Mallard

Cr Mallard asked when Stevenson Way reopens, that monitoring be put in place to identify frequency and speed of vehicles to support safety recommendations.

Cr Floyd returned to the meeting with the time being 7.16pm

Cr Kinghorne returned to the meeting with the time being 7.19pm

2.4 DEVELOPMENT APPLICATION DA 230/2022(1) - 33 MARAMBA ROAD

TRIM REFERENCE: 2024/1195

RESOLVED - 24/331

Cr D Mallard/Cr M McDonell

That Council consents to development application DA 230/2022(1) for Subdivision (six lot Torrens title and 13 lot Community title at Lot 17 DP 1275461 - 33 Maramba 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 F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Nil

Crs Greenhalgh, Evans and Kinghorne left the meeting with the time being 7.21pm

2.5 DEVELOPMENT APPLICATION DA 516/2024(1) - 258 CLERGATE ROAD

TRIM REFERENCE: 2024/1156

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in this Item as the applicant is a sponsor of Bloomfield Junior Rugby League Club, left the meeting and did not participate in discussion or voting on this item.

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

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

RESOLVED - 24/332**Cr J Hamling/Cr K Duffy**

That Council consents to development application DA 516/2024(1) for General Industry (construction of new industrial building with ancillary office) at Lot 20 DP 1022526 - 258 Clergate Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

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

Crs Greenhalgh and Evans returned to the meeting with the time being 7.22pm

2.6 DEVELOPMENT APPLICATION DA 270/2022(1) - 260 CLERGATE ROAD

TRIM REFERENCE: 2024/795

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

RESOLVED - 24/333**Cr M McDonell/Cr G Floyd**

That Council consents to development application DA 270/2022(1) for Mixed-Use Development (depot, landscaping materials supplies, and general industry comprising concrete batching, material crushing, and screening works) at Lot 2 DP 1085646 - 260 Clergate Road, 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 D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr Peterson asked if a secondary access road can be included after the Development Application has been approved.

The Director of Development Services advised once consent is issued a review or modification can be requested.

2.7 DEVELOPMENT APPLICATION DA 532/2024(1) - 11 CAMERON PLACE

TRIM REFERENCE: 2024/1255

Cr Kinghorne declared a Non-Significant Non-Pecuniary Interest in this item as she owns property adjacent to this development, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/334**Cr T Mileto/Cr T Greenhalgh**

That Council consents to development application DA 532/2024(1) for Mixed Use Development (warehouse or distribution centre and self-storage units) and Subdivision (eight lot Strata title) at Lot 9 DP 270446 - 11 Cameron Place, 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

2.8 PLANNING PROPOSAL TO AMEND ORANGE LEP 2011 - AMENDMENT 42 - 168 SHIRALEE ROAD

TRIM REFERENCE: 2024/1258

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

RESOLVED - 24/335**Cr G Floyd/Cr M McDonell**

That Council:

- 1 Endorse the planning proposal to amend the Orange Local Environmental Plan 2011 to rezone part of 168 Shiralee Road (Lots 90 and 100 DP750401) from R2 Low Density Residential to R1 General Residential and to adjust the minimum lot size to 500m², in accordance with the proposal presented.
- 2 Authorize staff to submit the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination.
- 3 In seeking the Gateway Determination direct staff to request delegations for the finalisation and making of the plan.
- 4 Upon receipt of a favourable Gateway Determination, undertake public exhibition of the planning proposal for a period of 20 business days (or such timeframe as the gateway determination requires) in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
- 5 Authorize staff to review and consider any submissions received during the public exhibition period and make any necessary amendments to the planning proposal based on feedback received, prior to returning the matter to Council for determination.

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 Kinghorne returned to the meeting with the time being 7.26pm

2.9 AMENDMENT 36 - HAWKE LANE PARK - POST-EXHIBITION REPORT

TRIM REFERENCE: 2024/1271

RESOLVED - 24/336

Cr G Floyd/Cr D Mallard

That Council endorse the planning proposal as exhibited and authorise the CEO to formally make the plan, subject to:

- 1 That the Biodiversity, Conservation and Science (BCS) Directorate advise of:
 - a. no objection, or
 - b. support subject to minor conditions that impose no cost or burden upon Council.
- 2 That Parliamentary Counsel provide formal advice that the plan can be made.
- 3 That in the event that BCS advise that they object to the making of the plan, the matter shall be deferred to a future Council meeting for further consideration.

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

2.10 DRAFT PLANNING AGREEMENT - 142 & 148 LYSTERFIELD ROAD

TRIM REFERENCE: 2024/1248

RESOLVED - 24/337

Cr T Mileto/Cr S Peterson

That Council delegates the execution of the Planning Agreement – 142 & 148 Lysterfield Road to the Chief Executive Officer and that any submissions made during the exhibition period are considered prior to execution.

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.