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# ORANGE CITY COUNCIL

## MINUTES OF THE

## PLANNING & DEVELOPMENT COMMITTEE

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

ON 1 JULY 2025

COMMENCING AT 7:16 PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Development Assessment, Communications Lead

#### 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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Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.3 - Development Application - DA 218/2015(5) - Lot 218 Hawke Lane as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.4 - Development Application - DA 18/2025(1) - 185 Leeds Parade (Child Care Facility) as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.5 - Development Application - DA 68/2025(1) - 185 Leeds Parade (Self-Storage Units) as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.7 - Draft Redmond Place Precinct DCP as her husband's consultancy company has undertaken work on this site.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in Item 2.3 - Development Application - DA 218/2015(5) - Lot 218 Hawke Lane as he has met with proponents of the DA.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in Item 2.3 - Development Application - DA 218/2015(5) - Lot 218 Hawke Lane as he has met with proponents of the DA.

## 2 GENERAL REPORTS

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

TRIM REFERENCE: 2025/796

**RESOLVED - 25/298****Cr J Whitton/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 M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

### 2.2 DEVELOPMENT APPLICATION DA 19/1995(2) - LOT 4 OPHIR ROAD

TRIM REFERENCE: 2025/903

**RESOLVED - 25/299****Cr M McDonell/Cr D Mallard**

That Council defers the consideration of development application DA 19/1995(2) for Rural Residential Subdivision at Lot 4 DP 1274221 - Ophir Road, Orange for the purpose of a site visit.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr McDonell asked for confirmation that the land being discussed is a residual parcel of land from the 1995 development consent that has been acted on.

*The Director Development Services advised that the original development consent has already been implemented in part, as Development Applications expire if work has not commenced within a five year time limit. It was clarified that the land opposite the Resource Recovery Centre is the subject of this modification proposal.*

*\*Cr Kinghorne left the meeting with the time being 7:23pm\**

**2.3 DEVELOPMENT APPLICATION DA 218/2015(5) - LOT 218 HAWKE LANE**

TRIM REFERENCE: 2025/650

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

*Cr Whitton declared a Non-Significant Non-Pecuniary Interest in this item as he has met with the proponents of the DA.*

*Cr Mileto declared a Non-Significant Non-Pecuniary Interest in this. item as he has met with the proponents of the DA.*

**MOTION****Cr J Whitton/Cr K Duffy**

That Council DEFERS the decision to modify development application DA 218/2015(4) for Subdivision (207 lot residential) and Demolition (existing dwelling and shed) at Lot 218 DP 1305914, Hawke Lane, Orange for procedural fairness to obtain information from the applicant.

**AMENDMENT****Cr D Mallard/Cr M McDonell**

That Council REFUSES consent to modify development application DA 218/2015(4) for Subdivision (207 lot residential) and Demolition (existing dwelling and shed) at Lot 218 DP 1305914, Hawke Lane, Orange for the following reasons:

1. The proposed development is inconsistent with the requirements of Section 9.4 (Street Network and Access) of the Shiralee Development Control Plan 2015.
2. The proposed modification is inconsistent with the objects of the Environmental Planning and Assessment Act 1979, specifically Section 1.3(c), to promote the orderly and economic use and development of land.
3. The proposed modification does not serve the public interest as required by Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

For: Cr M McDonell (Chairperson), Cr D Mallard, Cr G Power

Against: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr S Peterson, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Absent: Cr F Kinghorne

**THE AMENDMENT ON BEING PUT WAS LOST****THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 25/300****Cr J Whitton/Cr K Duffy**

That Council DEFERS the decision to modify development application DA 218/2015(4) for Subdivision (207 lot residential) and Demolition (existing dwelling and shed) at Lot 218 DP 1305914, Hawke Lane, Orange for procedural fairness to obtain information from the applicant.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr Ruddy asked for clarification on what the concern is with making a decision on the motion as it stands.

*The Director Development advised that staff have assessed the application and the plans of the original consent, as well as all documentation that had been submitted before it.*

## **2.4 DEVELOPMENT APPLICATION DA 18/2025(1) - 185 LEEDS PARADE (CHILD CARE FACILITY)**

TRIM REFERENCE: 2025/1131

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

### **RESOLVED - 25/301**

**Cr J Stedman/Cr D Mallard**

That Council consents to development application DA 18/2025(1) for Centre Based Childcare Facility (130 places) at Lot 4 DP 1065309 and Lot 1 DP 1286615 - Leeds Parade, Orange pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

## **2.5 DEVELOPMENT APPLICATION DA 68/2025(1) - 185 LEEDS PARADE (SELF-STORAGE UNITS)**

TRIM REFERENCE: 2025/1132

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

### **RESOLVED - 25/302**

**Cr M McDonell/Cr D Mallard**

That Council consents to development application DA 68/2025(1) for Self-Storage Units at Lot 4 DP 1065309 and Lot 1 DP 1286615 - Leeds Parade, Orange pursuant to the conditions of consent in the attached Notice of Approval, with the following amendments to Conditions:

1. Alterations to Condition 36 to include a requirement that the upright oak trees be planted at 8m centres (previously 15) and that an additional clause be included in the condition that either requires the provision of a landscape buffer to be provided along the western boundary of the development to screen the development when viewed from the west or alternatively requires a solid style fence to be provided and or the combination of a solid fence and landscaping along the western boundary to achieve same. The condition shall be to the satisfaction of the Manager Development Assessment.
2. Include an additional condition that requires the colour of the exterior roller doors on the western façade of the development to be of a dark recessive colour.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

*\*Cr Kinghorne returned to the meeting with the time being 7:50pm\**

**2.6 DEVELOPMENT APPLICATION DA 144/2025(1) - 171 DALTON STREET**

TRIM REFERENCE: 2025/1133

**RESOLVED - 25/303****Cr M McDonell/Cr M Ruddy**

That Council consents to development application DA 144/2025(1) for Mixed Use Development (industrial training facility and general industrial units) at Lot 300 DP 1183165 - 171 Dalton Street, Orange pursuant to the conditions of consent in the attached Notice of Approval, with the confirmation of a requirement for the applicant to provide a site construction management plan prior to the issue of a construction certificate and a request to the applicant to reconsider the planting of Manchurian Pear trees.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Cr K Duffy

Absent: Nil

Cr Mileto asked for clarification whether Council can tell a developer what trees to plant.

*The Director Development advised that the landscape plan has been reviewed by the Manager City Presentation and no objection was raised, however flexibility can be added to the wording of this condition.*

Cr Greenhalgh asked why the traffic modification was not requested before this item was presented to Council.

*The Director Development advised that road opening permits are required prior to the issue of the construction certificate and engineers would have managed it under that, however that it should have been done prior to going to Council and that was likely an oversight.*

*\*Cr Kinghorne left the meeting with the time being 8:00pm\**

**2.7 DRAFT REDMOND PLACE PRECINCT DCP**

TRIM REFERENCE: 2025/1220

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

**RESOLVED - 25/304****Cr D Mallard/Cr G Power**

That Council resolves to place the Draft Redmond Place Precinct Development Control Plan on public exhibition for a period of 28 days.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

*\*Cr Kinghorne returned to the meeting with the time being 8:02pm\**

**THE MEETING CLOSED AT 8:02 PM.**