
ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING & DEVELOPMENT COMMITTEE

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

ON 5 AUGUST 2025

COMMENCING AT 7:09 PM

1 INTRODUCTION

ATTENDANCE

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 Executive Support, Executive Support Officer, Manager Engineering Services

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 Item 2.2 - Development Application DA 19/1995(2) - Lot 4 Ophir Road as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.3 - Development Application DA 149/2007(2) - 1040 Pinnacle Road 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 100/2025(1) - 59-67 Bathurst Road - KWS as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.6 - Post-exhibition Report - Amendment to Orange Development Control Plan 2004 - 277 Cargo Road Site-Specific Development Control Plan as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.7 - Amendment to Orange Development Control Plan 2004 - Site-Specific Development Control Plan - 274 Leeds Parade as her husband's consultancy company has undertaken work on this site.

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in Item 2.5 - Development Application DA 100/2025(1) - 59-67 Bathurst Road - KWS as she is an ex-student of Kinross Wolaroi High School.

Cr Ruddy declared a Significant Non-Pecuniary Interest in Item 2.3 - Development Application DA 149/2007(2) - 1040 Pinnacle Road as the applicant is known to her.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2025/798

RESOLVED - 25/367

Cr J Whitton/Cr J Stedman

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

**Cr Kinghorne left the meeting with the time being 7.10pm.*

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

TRIM REFERENCE: 2025/1470

Cr Kinghorne declared a Significant Pecuniary Interest in this 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 - 25/368

Cr G Power/Cr M Ruddy

That Council consents to modified development application DA 19/1995(2) for Rural Residential Subdivision at Lot 4 DP 1274221 - Ophir Road, 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 S Peterson, Cr M Ruddy, Cr J Whitton

Against: Cr G Judge, Cr D Mallard, Cr G Power, Cr J Stedman

Absent: Cr F Kinghorne

Cr Mallard asked what capacity Council has to set parameters and conditions on development applications within the proposed subdivision and the impact that might have upon the heritage items located nearby.

The Director Development Services advised there are two different ways houses and ancillary buildings can occur. The most common is the Development Application process which requires addressing heritage matters adjoining and within proximity to the site. The other way is a Complying Development Certificate which has pre-set standards and limitation that does not require the formal acknowledgement or assessment of heritage significance or other environmental impacts, and can be approved without coming before Council.

Cr McDonell asked that if the existing archaeological survey conditions were included as controls. *The Director Development Services advised that Conditions 30-31 cover these elements. Asbestos is managed under the Work Health and Safety Regulations and items of heritage significance fall under the Heritage Act and may have archaeological restrictions on them.*

Cr McDonell asked why the pre-existing Condition 8 of the 1995 Approval was not met. This condition stated that the land within the 400 metre buffer area will be densely planted with trees and shrubs that will effectively provide for noise attenuation, litter screening, dust screening and odour attenuation prior to the release of stage 1.

The Director Development Services advised the 400 meter buffer as stipulated in numerous conditions within the 1995 approval has been adhered to. There are plans to plant trees within the buffer in accordance with bushfire mapping controls and restrictions.

Cr Duffy asked about any concerns with the traffic flow coming out of this subdivision from the western side.

The Director Development Services advised that this subdivision would not significantly change the traffic volume on those roads as there are only 12 lots included in this development.

Cr Ruddy left the meeting with the time being 7.23pm

2.3 DEVELOPMENT APPLICATION DA 149/2007(2) - 1040 PINNACLE ROAD

TRIM REFERENCE: 2025/1134

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 Ruddy declared a Significant Non-Pecuniary Interest in this item as the applicant is known to her, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/369

Cr T Mileto/Cr G Power

That Council consents to development application DA 149/2007(2) for Subdivision (two lot rural) at Lot 101 DP1140615 - 1040 Pinnacle Road Canobolas pursuant to the conditions of consent in the attached Notice of Determination.

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 J Whitton

Against: Cr J Stedman

Absent: Cr F Kinghorne, Cr M Ruddy

Cr Peterson asked if there is a way that Council can acknowledge the speakers request to add an additional condition to the consent.

The Director Development Services advised that the request is probably beyond the scope of what is possible as this development is a modification of a previous approval and there are restrictions on what can and cannot be done. Council will continue to work with both the applicant and neighbours to resolve the land dispute conflict.

Cr Duffy asked why the issue of a buffer zone is not being considered in this matter.

The Director Development Services advised that there is a buffer zone included in the report and that trees have been replanted along the boundary as the large trees that were previously there had been removed before Councils involvement.

Cr Whitton asked if the planning team is aware of the covenants when making their assessment. *The Director Development Services advised that the covenants are known, but there are provisions under the Local Environment Plan that do not require Council to give them full consideration as they are effectively civil agreements between parties.*

Cr Kinghorne and Cr Ruddy returned to the meeting with the time being 7.30pm

2.4 DEVELOPMENT APPLICATION DA 1/2025(1) - 2 CHERRYWOOD CLOSE

TRIM REFERENCE: 2025/1477

RESOLVED - 25/370

Cr J Whitton/Cr T Greenhalgh

That Council consents to development application DA 1/2025(1) for Demolition (tree removal and outbuildings) and Subdivision (ten lot Torrens title and new road) at Lot 43 DP 788920 - 2 Cherrywood Close, Orange pursuant to the conditions of consent in the attached Notice of Determination.

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 Kinghorne left the meeting with the time being 7.31pm

2.5 DEVELOPMENT APPLICATION DA 100/2025(1) - 59-67 BATHURST ROAD - KWS

TRIM REFERENCE: 2025/1521

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 McDonell declared a Non-Significant Non-Pecuniary Interest in this item as she is an ex-student of Kinross Wolaroi High School.

RESOLVED - 25/371

Cr T Mileto/Cr J Whitton

That Council consents to development application DA 100/2025(1) for Educational Establishment (school) (alterations and additions) and Demolition (tree removal) at Lot 30 DP 1190518 - 59-67 Bathurst Road, 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

2.6 POST-EXHIBITION REPORT - AMENDMENT TO ORANGE DEVELOPMENT CONTROL PLAN 2004 - 277 CARGO ROAD SITE-SPECIFIC DEVELOPMENT CONTROL PLAN

TRIM REFERENCE: 2025/1559

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 - 25/372**Cr K Duffy/Cr G Power**

- 1 That Council adopts the amendment Orange Development Control Plan 2004 and includes site-specific development controls relating to 277 Cargo Road (Lot A DP 408148) under Chapter 7 of Orange Development Control Plan 2004.
- 2 That a notice be placed on Council's website for the adoption of the amendment to the Orange Development Control Plan 2004 in accordance with the Environmental Planning and Assessment Regulation 2021 within 28 days of adoption.

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

2.7 AMENDMENT TO ORANGE DEVELOPMENT CONTROL PLAN 2004 - SITE-SPECIFIC DEVELOPMENT CONTROL PLAN - 274 LEEDS PARADE

TRIM REFERENCE: 2025/1383

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 - 25/373**Cr S Peterson/Cr J Whitton**

- 1 That Council adopts the amendment Orange Development Control Plan 2004 and includes site-specific development controls relating to 274 Leeds Parade (Lot 211 DP 1177178) under chapter 7 of Orange Development Control Plan 2004.
- 2 That a notice be placed on Council's website of the adoption of the amendment to the Orange Development Control Plan 2004 in accordance with the Environmental Planning and Assessment Regulation 2021 within 28 days of adoption.

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 7.33pm

2.8 PLANNING PROPOSAL - RURAL LAND BOUNDARY ADJUSTMENT CLAUSE

TRIM REFERENCE: 2025/1263

RESOLVED - 25/374**Cr D Mallard/Cr M Ruddy**

That Council resolves to:

- 1 Support the preparation and submission of a Planning Proposal to insert new Clause 4.2D into the Orange LEP 2011 (as outlined).
- 2 Authorise the CEO (or delegate) to address any Gateway conditions and progress the matter without further reporting until post-exhibition.
- 3 Prepare and concurrently exhibit a draft DCP amendment to support the implementation of the new clause.

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

2.9 PLANNING PROPOSAL - ORANGE LEP 2011 ADMINISTRATIVE AMENDMENT (HOUSEKEEPING AMENDMENT)

TRIM REFERENCE: 2025/1463

RESOLVED - 25/375**Cr D Mallard/Cr G Power**

That Council resolves to:

- 1 Submit the Planning Proposal to amend the Orange Local Environmental Plan 2011 (Housekeeping Amendment - Administrative) to the Department of Planning, Housing and Infrastructure for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979.
- 2 Undertake any revisions or updates to the Planning Proposal required by the Gateway Determination.
- 3 Carry out public exhibition and agency consultation of the Planning Proposal for a minimum of 28 days in accordance with the Gateway Determination and the Local Environmental Plan Making Guideline.

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

THE MEETING CLOSED AT 7:36 PM.