



MINUTES OF THE EXTRAORDINARY COUNCIL MEETING
HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE
ON 29 SEPTEMBER 2025
COMMENCING AT 12:01 PM

1 INTRODUCTION

ATTENDANCE

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

Chief Executive Officer, Director Corporate & Commercial Services, Director Development Services, Director Community, Recreation & Cultural Services, Manager Corporate Governance, Manager Development Assessments

1.1 APOLOGIES

Nil.

RESOLVED - 25/497

Cr M Ruddy/Cr J Stedman

That Cr Greenhalgh, Cr McDonell, Cr Peterson and Cr Whitton be permitted to attend the Council Meeting of Orange City Council on 29 September 2025 via Audio Visual Link.

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

Against: Nil

Absent: Cr J Whitton

Cr Whitton joined the meeting with the time being 12.03pm

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

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

Cr McDonell declared a Significant Non-Pecuniary Interest in Item 2.1 - Notice of Rescission - Development Application DA 771/2024(1) - 140 Cadia Road Springside as she is a member of the Western Regional Planning Panel.

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in Item 2.1 - Notice of Rescission - Development Application DA 771/2024(1) - 140 Cadia Road Springside as he is a member and shareholder of Central West Renewable Energy, and also a member of Environmentally Concerned Citizens of Orange who made a submission on the proposal.

Cr Power declared a Non-Significant Non-Pecuniary Interest in Item 2.1 - Notice of Rescission - Development Application DA 771/2024(1) - 140 Cadia Road Springside as the owner has a professional relationship with his son.

THE MAYOR DECLARED THE EXTRAORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 12.05PM.

Item 2.1 - Development Application DA 771/2024(1) - 140 Cadia Road, Springside

- Tony McPaul
- Linda Cruickshank
- Joanna Sangster
- Christopher Delaney
- Mark Lindfield

Cr McDonell left the meeting with the time being 12.38pm

THE MAYOR DECLARED THE EXTRAORDINARY MEETING OF COUNCIL RESUMED AT 12.38PM.

2 NOTICES OF MOTION/NOTICES OF RESCISSION

2.1 NOTICE OF RESCISSION - DEVELOPMENT APPLICATION DA 771/2024(1) FOR PROPOSED ELECTRICITY GENERATING WORKS (SOLAR FARM) AND BATTERY ENERGY STORAGE SYSTEM (BESS) AT LOT 5 DP6173 - 140 CADIA ROAD SPRINGSIDE

TRIM REFERENCE: 2025/2067

Cr McDonell declared a Significant Non-Pecuniary Interest in this item as she is a member of the Western Regional Planning Panel, left the meeting and did not participate in discussion or voting on this item.

Cr Mallard declared a Non-Significant Non-Pecuniary Interest in this item as he is a member and shareholder of Central West Renewable Energy, and also a member of Environmentally Concerned Citizens of Orange who made a submission on the proposal.

Cr Power declared a Non-Significant Non-Pecuniary Interest in this item as the owner has a professional relationship with his son.

RESOLVED - 25/498**Cr K Duffy/Cr T Greenhalgh**

That Council rescind the following resolution of Council from its meeting on 16 September 2025:

RESOLVED - 25/482**Cr F Kinghorne/Cr T Mileto**

That Council resolves:

- 1 That the information contained in the report for development application DA 771/2024(1) for proposed Electricity Generating Works (solar farm) and Battery Energy Storage System (BESS) at Lot 5 DP6173 - 140 Cadia Road, Springside, be acknowledged.*
- 2 That Council makes a submission to the Western Regional Planning Panel acknowledging that the application meets the criteria while also outlining Council's concerns.*

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

Against: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge

Absent: Cr M McDonell

THE RESCISSION MOTION ON BEING PUT WAS CARRIED.**THE ORIGINAL RESOLUTION IS RESCINDED.**

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr S Peterson, Cr J Whitton

Against: Cr F Kinghorne, Cr D Mallard, Cr G Power, Cr M Ruddy

Absent: Cr M McDonell, Cr J Stedman

Cr Kinghorne asked for further information on the concerns that had been raised regarding the stream that runs through the property.

The Manager Development Assessments advised that the development is classified as Integrated Development under the Environmental Planning & Assessment Act, which requires authorisation from the NSW Office of Water. General terms of approval were issued by the NSW Office of Water, which have been acknowledged and included in the Draft Notice of Determination.

Cr Kinghorne asked if digging in the ground to install the solar panels had the potential to worsen the contamination in the area.

The Manager Development Assessments advised that this concern has been taken into consideration by the environmental team and that the proposed development will be utilising small pegs driven into the ground, which carries less risk of disturbing the soil than boring holes would.

Cr Mileto asked if any authorities visited the sites or if they were only provided documents showing a map of what was proposed.

The Manager Development Assessments advised that the individual determining bodies can choose whether or not they inspect the site in person or remotely. Council wrote to the NSW Office of Water and the Department of Primary Industries as part of the assessment of the Development Application however the Western Regional Planning Panel were the only ones to attend the site.

Cr Stedman left the meeting with the time being 1.06pm

Cr Stedman joined the meeting via AudioVisual link with the time being 1.16pm

Cr Ruddy asked if Council had been provided all the necessary information and if it is reliable, noting that the question relating to the Statement of Environmental Effects not matching what is in Council papers.

The Manager Development Assessments advised that Development Applications are comprised of many documents which are always available to Councillors, but not always included within the Council meeting papers. The Manager Development Assessments confirmed that the Statement of Environmental Effects that was included in Council papers is the most recent.

Cr Duffy noted that the Statement of Environmental Effects was not included in the information that was made available to the public.

The Manager Development Assessments advised all documents submitted with the Development Application were made public on the Planning Portal during the 28 day period of exhibition.

Cr Kinghorne asked if the application met the planning criteria.

The Manager Development Assessments stated that it did meet the criteria.

Cr Mileto asked how the development still complies while residing within 5 kilometres of the residential zone.

The Manager Development Assessments advised that the land is not anticipated to be needed for residential development within the foreseeable future due to the water catchment zone.

Cr Power noted Orange already has hundreds to thousands of solar panels on houses and asked what the difference is if there is a hail event that smashes these existing solar panels and where does the water or any contamination go in those circumstances.

The Manager Development Assessments advised that there would be no difference, however the issue raised related to the impact on the land as opposed to a roof system. If we were unfortunate to have those unforeseen weather impacts in the city we would deal with the waste through our waste management processes. There are conditions in relation to waste management throughout the construction and decommissioning plans.

Cr Stedman left the meeting with the time being 1.33pm

RESOLVED - 25/499**Cr K Duffy/Cr T Mileto**

That Council cannot support the project and formally advises the Western Region Planning Panel that Council is not satisfied that Condition 11 of the Draft Notice of Approval can achieve its intended purpose of ensuring a quality rural setting for the development which complements the surrounding environment. This is due to the low lying nature of land affecting parts of the site where landscaping is proposed to mitigate impacts on the surrounding lands and public roads and concerns regarding contamination, ambience, city growth, consultation practices and limited community support. Council encourages the Panel to consider this matter in line with its Refusal of the Mudgee Solar Farm.

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

Against: Cr D Mallard, Cr G Power

Absent: Cr M McDonnell, Cr J Stedman

Cr Kinghorne noted that they are usually required to provide planning grounds when refusing an application and asked why this is different.

The Chief Executive Officer advised Council can determine applications however this is being decided by the Western Region Planning Panel so it is not relevant on this application.

THE MEETING CLOSED AT 1:52 PM.

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