



**MINUTES OF THE EXTRAORDINARY PLANNING & DEVELOPMENT COMMITTEE**  
**HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE**  
**ON 21 APRIL 2026**  
**COMMENCING AT 6:15 PM**

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## **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 Whitton

Chief Executive Officer, Director Corporate & Commercial Services, Director Development Services (Arnold), Acting Director Community, Recreation & Cultural Services (Stanford), Acting Director Technical Services (Davis), Manager Corporate Governance, Manager Development Assessment, Coordinator Strategic Planning, Senior Planner (Yates), Communications Lead, Risk Lead, Governance Officer (Allan)

### **1.1 APOLOGIES AND LEAVE OF ABSENCE**

**RESOLVED - 26/179**

**Cr M Ruddy/Cr S Peterson**

That the apologies be accepted from Cr J Stedman and that Council grant them a leave of absence from the Extraordinary Planning & Development Committee of Orange City Council on 21 April 2026.

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 Whitton

Against: Nil

Absent: Cr J Stedman

### **1.2 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 46/2026(1) - 7 Squatters Ridge as her husband's consulting company has undertaken work on this site.

**2 GENERAL REPORTS****2.1 OPTIONS PAPER - PLANNING PATHWAYS REGARDING ELECTRICITY GENERATING WORKS  
APPLICATIONS WITHIN THE ORANGE LOCAL GOVERNMENT AREA**

TRIM REFERENCE: 2026/623

**RESOLVED - 26/180****Cr T Mileto/Cr G Power**

That Council

- 1 Request the CEO to progress options 3 and 4 and to provide a further report to Council on cost, sequence and pathway.
- 2 Continue advocacy with the State government, agencies and relevant bodies to elevate the protection of primary production as well as tourism and scenic values in the planning framework, especially in relation to evaluation of applications for Electricity Generating Works.

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 Whitton

Against: Nil

Absent: Cr J Stedman

Cr Peterson asked how much power the DCP and LEP have on these developments and why spend the money if it will not make any change.

*The Director Development Services advised that the SEPP allows for consideration of solar farms in non-residential zones, however the only part of the LEP and DCP that introduces permissible options for solar farms is in water catchment zones. He advised Councillors to consider the political overlay in both Federal and State Government who support renewable energy, as the Minister has the power to introduce renewable energy zones anywhere in the state.*

**2.2 DEVELOPMENT APPLICATION DA 46/2026(1) - 7 SQUATTERS RIDGE**

TRIM REFERENCE: 2026/432

*Cr Kinghorne declared a Significant Pecuniary Interest in this item, left the meeting with the time being 6.29pm and did not participate in the discussion.*

**RESOLVED - 26/181****Cr D Mallard/Cr S Peterson**

That Council consents to Development Application DA 46/2026(1) for Secondary Dwelling at Lot 29 DP 248205 - 7 Squatters Ridge, Clifton Grove 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 Whitton

Against: Nil

Absent: Cr J Stedman, Cr F Kinghorne

*\*Cr Kinghorne returned to the meeting with the time being 6.30pm\**

**2.3 DEVELOPMENT APPLICATION DA 353/2025(1) - 86 SUMMER STREET**

TRIM REFERENCE: 2026/433

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

That Council consents to development application DA 353/2025(1) for Demolition, Specialised Retail Premises and Retail Premises (construction and use) at Lot 100 DP 1291348 - 86 Summer Street, Orange pursuant to the conditions of consent in the attached Notice of Approval with a number of changes to the conditions.

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

That Council DEFER consideration of development application DA 353/2025(1) for Demolition, Specialised Retail Premises and Retail Premises (construction and use) at Lot 100 DP 1291348 - 86 Summer Street, Orange for the purpose of reviewing condition changes proposed by Cr Duffy and for a site inspection to be undertaken.

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 Whitton

Against: Cr K Duffy

Absent: Cr J Stedman

**THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION**

**THE MOTION ON BEING PUT WAS CARRIED**

**RESOLVED - 26/182**
**Cr M McDonell/Cr D Mallard**

That Council DEFER consideration of development application DA 353/2025(1) for Demolition, Specialised Retail Premises and Retail Premises (construction and use) at Lot 100 DP 1291348 - 86 Summer Street, Orange for the purpose of reviewing condition changes proposed by Cr Duffy and for a site inspection to be undertaken.

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 Whitton

Against: Cr K Duffy

Absent: Cr J Stedman

Cr Mileto asked if the 12.5 metre vehicle in Condition 92 refers to a semi-trailer, and what length of vehicles are permitted.

*The Director Development Services advised that the 12.5 metre vehicle refers to a heavy rigid vehicle and that such vehicles are permissible, however Council's engineer has recommended a vehicle size limit of 8.5 metres as there are concerns over the loss of a parking bay, the removal of an existing street tree and the relocation of a streetlight.*

Cr McDonell asked if Condition 92 was added to comply with Council's Development and Subdivision code.

*The Director Development Services confirmed this was the case.*

Cr Ruddy asked what impact there might be on deferring this item.

*The Chief Executive Officer advised that the only known impact would be waiting another two weeks to determine the application.*

Cr Kinghorne noted that the applicant's consultant suggested that some changes are not planning requirements but rather personal preferences of Council and imposing such conditions suggests making the development unviable for the developer, and asked if the application does not meet the planning criteria.

*The Director Development Services advised that the consultant is entitled to a different opinion than Council staff, but he disagrees with the consultant on staff's approach of addressing the requirements of the LEP. He would have to review the application in its entirety to comment himself on the planning criteria.*

Cr Duffy asked if Condition 47 could be removed so the applicant could negotiate with Council regarding the existing heritage sign.

*The Director Development Services advised that negotiations have been ongoing for some time and that once Council received the report, staff spoke to the consultant which resulted in a letter to Councillors but no discussion with staff.*

Cr Whitton asked if the conditions would still hold up if the applicant took this to the Land & Environment Court.

*The Chief Executive Officer advised that the conditions were recommended by staff after consideration and that it is difficult to predict what the Land & Environment Court may decide.*

Cr Greenhalgh asked what staff recommend as a solution to not letting the applicant take down the tree despite the awning needing to go all the way along the wall in one piece.

*The Manager Development Assessment advised that staff advocated for minor pruning of the tree and adjustment to the awning, as well as reducing the size of vehicle permitted to enter in order to preserve the streetscape. To offset the impact of accommodating 12.5 metre vehicles, the applicant has proposed to add 9 trees in planter boxes along Sale Street. Council staff assessed that trees in these planter boxes would be unlikely to survive and instead recommend planting 3 larger trees in expense of 3 parking spaces, noting a surplus of parking available.*

Cr Ruddy asked if the trees in the planter boxes could potentially be moved offsite.

*The Manager Development Assessment advised that the agreement would need to be maintained in perpetuity and if the trees were relocated they would need to be replaced.*

Cr McDonnell asked if the conditions on stormwater drainage and waste collection are a standard requirement.

*The Manager Development Assessment confirmed that this is a consistent approach with other developments and that these conditions ensure that there is a service condition in place so that any changes would be advised to Council.*

Cr Kinghorne asked if the 3 replacement trees suggested by Council could be positioned in a way to take up 1 parking space rather than 3.

*The Manager Development Assessment advised that they could look at other designs however they need to facilitate a reasonable area for growth.*

Cr Whitton asked if staff could negotiate with the applicant on conditions that are not changeable.

*The Director Development Services confirmed that staff would be happy with that approach and have had discussions with the applicant throughout the process.*

Cr Duffy asked if the planter boxes proposed for the 9 trees are similar to those utilised in Lords Place.

*The Director of Development confirmed that they used a similar method.*

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**2.4 POST EXHIBITION REPORT - AMENDMENT TO ORANGE LOCAL ENVIRONMENTAL PLAN  
2011 AND ORANGE DEVELOPMENT CONTROL PLAN 2004 RURAL LOT BOUNDARY  
ADJUSTMENT**

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TRIM REFERENCE: 2026/659

**RESOLVED - 26/183****Cr J Whitton/Cr G Power**

- 1 That Council endorse the Planning Proposal as exhibited and authorise the Chief Executive Officer to formally make the plan in accordance with the Environmental Planning and Assessment Act 1979 (Part 3, Division 3.4, Section 3.36), and
- 2 That once the plan is notified on the NSW Legislation website, Council adopts the amendment to Orange Development Control Plan 2004, and
- 3 That a copy of the Development Control Plan be provided to the Planning Secretary and a notice be placed on Council's website of the adoption of the amendment to Orange Development Control Plan 2004 in accordance with the Environmental Planning and Assessment Regulation 2021 (Part 2, Division 2, Section 20) 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 F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Whitton

Against: Nil

Absent: Cr J Stedman

**THE MEETING CLOSED AT 7:08PM.**