

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff and Cr R. Scholes.

IN ATTENDANCE: Mr A. Irving (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr I. Denker (Planning Consultant), Ms F. Plesman (General Manager), Mr D. Finnigan (Director- Community Infrastructure), Mr P. Chambers (Chief Engineer), Cr G. McNeill and Miss M. Meadows (PA to the Mayor) .

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

That the Minutes of the Development Assessment Committee held on 21 October 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Item 6.1 – DA39/2019 (Two lot Boundary adjustment (Subdivision) - Mr Jeffrey Bretag, Perception Planning

Item 6.3 – DA87/2015 (Section 4.55 (1A) Modification)- Mr Adam Thrift

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA39/2019 TWO LOT BOUNDARY ADJUSTMENT (SUBDIVISION) - LOTS 51 & 52 DP811580 207 & 211 KAYUGA ROAD MUSWELLBROOK

Mr Bretag advised the meeting that the proposed boundaries has been unofficially in place since the 1960's. Mr Bretag advised the meeting that he has a file note from Council stating a request can be made to the Department of Planning for the amendment to the LEP in relation to variations in lots sizes and boundary adjustments.

Mr Rush advised the meeting the new LEP will still be some time until it is finalised.

RECOMMENDED on the motion of Crs Rush and Scholes that:

That the Development Assessment Committee REFUSE Development Application No. 39/2019, proposing two (2) lot boundary adjustment of Lots 51 & 52 DP 811580, 207 & 2011 Kayuga Road Muswellbrook, for the following reasons:

1. The proposal does not to comply with the subdivision minimum lot size development standard prescribed by Clause 4.1 of Muswellbrook Local Environmental Plan 2009.
2. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979,

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the proposal would be inconsistent with the requirements of Clause 2.3 of the Muswellbrook LEP 2009, the land use zone objectives of the RU1 Primary Production, as the application does not adequately address the social impacts and potential conflict of having a dwelling house with minimal buffers to an adjoining rural industry land use on an adjoining lot.

3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application has not adequately demonstrated that the proposed development would not result in significant adverse environmental impacts in relation to the location and operation of an on-site sewage management system on a 939.6m² sized lot.
4. Pursuant to Section 4.15(1)(e) the proposed development is considered to be contrary to the public interest as a development that is inconsistent with local planning controls, is likely to have adverse environmental impacts and creates the potential for land use conflicts.

6.2 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

6.3 DA 87/2015 SECTION 4.55(1A) MODIFICATION - LOT 31 GOLDEN HIGHWAY, SANDY HOLLOW

Mr Rush advised the meeting that the land is zoned Village and therefore required a sealed road access.

Mr Rush advised the meeting that if the applicant was to withdraw the current application and submit a new application which removes the lot with access from Honey lane, the developer would not need to seal Honey Lane.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee defer the Section 4.55(1A) modification of DA 87/2015, involving the carrying out of the nine (9) lot subdivision of Lot 31 DP 1156452 in 2 Stages, to allow discussion with relevant parties.

7 DATE OF NEXT MEETING

18 November 2019

8 CLOSURE

The meeting was declared closed at 4:51 pm.

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General Manager

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Chairperson

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