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INTRODUCTION



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1.1 Title

The title of this Plan is the *Inverell Development Control Plan 2013* (IDCP).

1.2 Land to Which This Plan Applies

The IDCP applies to all land within the Inverell Local Government Area.

1.3 Intent

The purpose of the IDCP is to facilitate good development outcomes for the Inverell Shire.

1.4 Operation

The IDCP has been prepared in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It was adopted by Council on 16/07/2013 and commenced on 19/07/2013 after notification in the *Inverell Times*.

1.5 Relationship with Other Planning Instruments

In the event of an inconsistency between a provision in the IDCP and one in an Environmental Planning Instrument (namely a State Environmental Planning Policy or Local Environmental Plan), the requirements of the Environmental Planning Instrument prevails to the extent of that inconsistency.

Note: There may be other matters under different state and federal legislation, not addressed in the IDCP, the Inverell Local Environmental Plan 2012, the EP&A Act or State Environmental Planning Policy, which may influence a particular development.

1.6 Land Use Zones

References in the IDCP to Land Use Zones are the same as under the *Inverell Local Environmental Plan 2012* (ILEP) and are listed as follows:

Rural Zones

- RU1 Primary Production
- RU5 Village

Residential Zones

- R1 General Residential
- R5 Large Lot Residential

Business Zones

- B1 Neighbourhood Centre
- B2 Local Centre
- B5 Business Development

Industrial Zones

- IN1 General Industrial

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E3 Environmental Management
- E4 Environmental Living



1.7 Inverell Strategic Land Use Plan

Council's *Strategic Land Use Plan* (SLUP) is the strategic planning basis behind the content of the *Inverell Local Environmental Plan 2012* (ILEP). The SLUP represents the combined outcomes of Council's *Rural Land Strategy*, *Employment Lands Strategy*, *Living Lands Strategy*, *Heritage Study* and other strategic documents. These strategic documents assess key land use elements in the Shire that will underpin environmental, economic, infrastructure and social decision-making by Council. All development proposals submitted to Council should be generally consistent with the strategies expressed in the SLUP.

1.8 Contributions

Under Section 94 of the EP&A Act Inverell Shire Council is able to impose monetary contributions for specific development proposals. These developer contributions are calculated in accordance with Council's Section 94 Plan 1992 and/or Development Servicing Plan No. 1 (DSP). Council uses these contributions to provide and maintain public amenities, infrastructure and services that are impacted by development. In addition to the provisions contained within the IDCP, it is recommended that applicants investigate Council's Section 94 Plan and DSP to determine whether contributions will be required as part of a development.

1.9 Structure

The IDCP is structured as chapters. One or more chapters may apply to a development. Each chapter has an overall **intent** and subsequent provisions are expressed as both an **outcome** and **acceptable solutions**.

- **Intent** describes the main aims of each chapter and in some cases specific provisions. Each **intent** contains broad principles that apply to achieving a good development outcome.
- **Outcomes** cover a range of matters required to satisfy each **intent**. They guide, but do not prescribe, how development is to be undertaken. All development **MUST** comply with these **outcomes**.
- **Acceptable Solutions** are specific measures or requirements that when applied will achieve both the **intent** of the chapter and the **outcomes** for the particular development matter. All development proposals **SHOULD** comply with the **acceptable solutions** if possible.

1.10 Variation to Acceptable Solutions

Variations to the **acceptable solutions** in the IDCP may be considered by Council. Requests for variations are to be made in writing and are to be supported by sufficient information to justify the variation. Variations to **acceptable solutions** will only be permitted where Council is satisfied that the variation will meet the **intent** and **outcomes** of the IDCP. Significant variations from the **acceptable solutions** may require determination at a Committee or Council meeting.

1.11 Notification of Applications

Notice of a Development Application will be sent to the persons who own adjoining land and/or neighbouring land when a Development Application has been received, where, in Council's opinion, the enjoyment of the adjoining land or neighbouring land may be affected by the development in relation to:

- The views to and the views from the adjoining land or neighbouring land;
- Overshadowing;
- Privacy;
- Noise;
- The visual quality of the development in relation to the streetscape;
- The location of the proposed development in relation to the neighbouring boundaries;
- The means of disposing of roof drainage water from the building and any potential adverse affect of drainage on adjoining sites;
- Whether any fuel burning equipment or mechanical devices are to be installed as part of the development;
- The relationship of the proposed development to existing development on adjoining land or neighbouring land;
- The amount of traffic likely to be generated by the development and the capacity of the site to handle the associated traffic movements; or
- The effect the development is likely to have on the future amenity of the neighbourhood.

The notification period will be a minimum of fourteen (14) days.

Where in the opinion of Council, the development (including modification) is of a minor or inconsequential nature with minimal environmental impact, notification of a Development Application may not be required.



1.12 Advertising of Applications

In addition to notification requirements, the following types of development also require advertisement within the local newspaper:

- Within the R1 General Residential zone:
 - Multi dwelling housing;
 - Residential flat building;
 - Group homes, boarding houses and hostels;
 - Seniors housing;
 - Health services facility;
 - Health consulting rooms;
 - Neighbourhood shops;
 - Places of public worship; or
 - Community facilities;
- Telecommunication facilities in residential or rural residential settings;
- Tourist and visitor accommodation;
- Caravan parks and camping grounds;
- Hospital;
- Education establishment;
- Recreation facility;
- Sex services premises;
- Licensed club;
- Demolition of a building or work that is an Item of Environmental Heritage or located within a Heritage Conservation Area; or
- Any development Council considers locally or regionally significant.

The advertised period will be a minimum of fourteen (14) days from the date of the advertisement within the local newspaper. During the advertising period a sign will also be placed at the site of the proposed development. The EP&A Act and other SEPPs may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis of being in the public interest.

1.13 Information Requirements

Council's fact sheets provide details in relation to the Development Application process including the documentation and plans required to be submitted with a Development Application. Council will have regard to the requirements contained within these fact sheets in the assessment of Development Applications.

1.14 Notes

Content within the IDCP expressed as a '*Note*' is for information purposes only and does not form part of the adopted IDCP.

1.15 Record of Amendments to the IDCP

No.	Date commenced	Details of change

