

NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)

TO: Inverell Shire Council
OF: PO Box 138
Inverell NSW 2360

being the applicant in respect of **Application No DA-26/2019**

Notice is hereby given of the determination by Council of **Application No. DA-26/2019** relating to the land owned by **Inverell Shire Council, of PO Box 138, Inverell NSW 2360** and is described as follows:

Lot 3 DP 1101540
6375 Gwydir Highway, INVERELL 2360

The development proposal is: **New Colorbond Fence**

The Determination is **consent granted subject to conditions described below** made on **22 May 2019**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning and Assessment Act 1979.

Consent is granted for a colorbond fence within Lot 3 DP 1101540 at the front of the RSM Clay Target Club.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan (and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. The fence must be setback a minimum 1 metre from the front and eastern boundary of Lot 3 DP 1101540, with landscaping to be provided between the colorbond fence and the boundaries. This landscaping must take the form a hedge (or similar dense planting) with a minimum mature growth height of 4 metres.

Prior to installation of the fence, a landscaping plan must be submitted to and approved by Council nominating plant species, planting size, size at maturity and location.

3. Within 6 months of completion of the fence, all landscaping must be completed in accordance with the approved landscaping plan.
4. All landscaping is to be maintained in perpetuity in a reasonable manner, with replacement plantings undertaken in the event of any loss of plants.

Reasons for Conditions:

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

Reasons for Approval

1. The proposed development complies with the *Inverell Local Environmental Plan 2012*, *Inverell Development Control Plan 2013* and other relevant planning legislation.
2. DA-26/2019 was referred to the NSW Firearms Registry. No issues have been raised by the NSW Firearms Registry.
3. The vegetation removal did not require planning or environmental approval. Furthermore, there is no planning or environmental obligation to reinstate either a solid barrier or landscaping along the Gwydir Highway. The proposed colorbond fence and landscaping is considered to be an acceptable planning outcome.

Community Consultation

Neighbour notification was undertaken in accordance with the *Inverell Development Control Plan 2013*. Two submissions and a petition were received. Additional representations were made by members of the public at the Public Forum of Council's Civil and Environmental Services Committee.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES
DATE: 28 May 2019