

**NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

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

TO: **Ms Heather Joy Hottes**
OF: **80 Rose Street**
Inverell NSW 2360

being the applicant in respect of **Application No DA-134/2019**

Notice is hereby given of the determination by Council of **Application No. DA-134/2019** relating to the land owned by **Mr Donald Robert Strahley and Mrs Cheryl Clare Strahley, of 90 Doncaster Drive, Inverell NSW 2360** and is described as follows:

Lot 2 DP 667552, Lot 1 DP 302892, Lot 1 DP 4909, Lot 3 DP 4909
18-22 Glen Innes Road, INVERELL 2360

The development proposal is: **Relocation of New England Hunting**

The Determination is **consent granted subject to conditions described below** made on **12 December 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:

Preliminary

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 the relocation of New England Hunting within the existing 18-22 Glen Innes Road complex.

To confirm and clarify the terms of consent, the development (including footprint of the development) shall be carried out in accordance with the stamped and approved plans and accompanying supportive documentation.

Any deviation from this will require the prior consent of Council.

Prior to Operation of New England Hunting

2. In accordance with Section 4.17 (1) (b) and Section 4.17 (5) of the *Environmental Planning and Assessment Act 1979*, prior to the operation of New England Hunting under this consent, the owner of 18-22 Glen Innes Road, Inverell (Lot 2 DP 667552, Lot 1 DP 302892, Lot 1 DP 4909 and Lot 3 DP 4909) must surrender DA-79/2017 issued 28 August 2017 and modified (DA-79/2017/A) 6 April 2018, for the extension to hours of operation for the existing retail premises, sale or firearms and new signage.
3. Prior to the operation of New England Hunting under this consent, an inspection of the premises by NSW Police is to be undertaken and any pre-operation direction issued by the NSW Police complied with.

Ongoing Use

2. The hours of operation are to be limited to:

Retail sales: Monday to Friday 8am to 6pm;
Saturday 8am to 4pm; and
Sunday 9am to 3pm.

Stockfeeder Assembly: Monday to Friday 8am to 6pm; and
Saturday 8am to 4pm
3. The stockfeeder assembly must be undertaken as an ancillary operation to the primary retail sales of New England Hunting. In the event that the retail sales cease operation, the stockfeeder assembly must also cease operation.
3. The handling and sale of firearms must comply with any direction issued by the NSW Police.
4. At no time may any goods for sale, display or storage be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the site without the prior consent of Council.

Note: The operator of an approved business must apply to Council to lease Council's property (i.e. footpaths) should it be required for use in conjunction with the approved business.
5. The operation of the premises must be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The operation must not interfere with the quiet enjoyment of the surrounding neighbourhood.
6. All loading, unloading and storage of goods must be carried out within the confines of the property. No loading or unloading of goods on the public roadway system is permitted.
7. The advertising sign(s) is not to be illuminated, have flashing or moving parts without the prior approval of Council.
9. The use of lighting to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

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 development is the relocation of an existing business, already established within the 18-22 Glen Innes Road complex.
2. Subject to conditions, the development is not considered to have an adverse impact on safety, security or crime prevention.

3. In consideration of commercial controls of the Inverell Development Control Plan 2013, the development is considered appropriate within the commercial precinct on the corner of Glen Innes Road and Chester Street.

Community Consultation

Being the relocation of a current business already approved within the 18-22 Glen Innes Road complex, the development was considered to be a minor development and notification was not necessary.

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



CHRIS FALEY
DEVELOPMENT PLANNER

DATE : 12 December 2019