



**Inverell Shire Council
Development Control Plan No 12**

**To Control Development On The Land
Being Re-Zoned by Draft Amendment
No 10 Of The Inverell Local Environmental Plan**

*Draft 5th May 2003
Adopted 26nd August 2003
Gazetted 15 October 2005*

1. Citation

This plan may be cited as the Shire of Inverell Development Control Plan No. 12 – To Control Development on the Land Being Re-Zoned by Draft Amendment No 10 of the Inverell Local Environmental Plan 1988.

2. Land to Which this Plan Applies

This plan shall apply to the land re-zoned by the adoption of Amendment No 10 of the Inverell Local Environmental Plan 1988.

3. Precedence And Status Of This Plan

- 3.1 This Development Control Plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979, and Part 3 of the Environmental Planning and Assessment Regulation, 2000.
- 3.2 The authority for the preparation of this plan is drawn from section 72 (1) (a) of the Environmental Planning and Assessment Act 1979 which provides that, "if a Council considers it necessary or desirable to provide more detailed provisions than are contained in a Local Environmental Plan or a draft Local Environmental Plan in respect of a part or parts of the land to which the plan applies it may prepare or cause to be prepared a development control plan.
- 3.3 This Plan must be read in conjunction with any current Local Environmental Plans (LEP), State Environmental Planning Policies (SEPP), Development Control Plans and relevant planning legislation.
- 3.4 The major planning instrument, which applies to the Council area, is the Inverell Local Environmental Plan, 1988 (as amended).
- 3.5 The provisions of this Plan do not take precedence over the provisions of the LEP, SEPP's or statutory controls. In accordance with the requirements of Section 79C(1) of the Environmental Planning and Assessment Act 1979 the contents of this Plan must be taken into account by Council in determining any development application to which it applies. Each application will be determined on its merits but the contents of this Plan will obviously provide an important indicator to Council of the issues, which need to be addressed in determining any particular application.
- 3.6 This plan will be taken into account in the consideration of any development application lodged in respect of the land to which it applies.

- 3.7 The content of this plan may be varied only by a decision of Council in the manner provided for in clause 22 of the Environmental Planning and Assessment Regulation 2000.

4. The Need For Controls

This plan has been prepared to ensure that the land to which it applies is developed in a manner that is suitable for the site taking into account its prominent location in Inverell, flooding issues, adjoining tourist Centre and transport interchange, other adjoining land uses and open space land, the streetscape, traffic issues, and the adjoining conservation zone.

5. Aims

- 5.1 To ensure that the site, which is the subject of this Development Control Plan is developed in an appropriate manner which will enhance the site, the surrounding area and the town of Inverell;
- 5.2 To ensure that the use of the site is one which reflects the importance of the site in the context of its location in Inverell, the adjoining river and open space land;
- 5.3 To ensure that the nature of any proposed development of the site is in accordance with the intention of Council as indicated in the aims and objectives of Amendment No 8 of the Inverell Local Environmental Plan 1988.
- 5.4 To establish criteria against which any development proposal for the site will be assessed.
- 5.5 To ensure that the site is not developed for conventional retail purposes or similar uses, which would have the potential to detrimentally impact on the site and surrounding area in respect of those matters set out in clause 6.4. This is not intended to preclude retail sale of products at the premises but to indicate that the dominant use should not be retail.

6. Controls

- 6.1 It is Council's intention that the site be developed in a way and for a use that utilises to the maximum extent possible the existing development works on the site whilst still providing for some additional complementary development works. Any proposed development should accord with this statement of intent.
- 6.2 Council would favourably consider development applications for the establishment of a function centre, motel, educational establishment, place of assembly, place of public worship, professional consulting rooms, public building, recreation facility, refreshment room, tourist facility or child care_centre or similar uses or a combination of those uses.
- 6.3 The land subject to this Plan is a key site within the town of Inverell and Council will carefully consider the nature of any proposed use of the site, particularly in relation to the stated aims and objectives of the Amendment No 8 of the Inverell Local Environmental Plan 1988 and sub-clause 6.4 of this clause.
- 6.4 When considering any application for development of this site Council is to take into account the following matters:
- ◆ the site location at the gateway to Inverell,
 - ◆ flooding issues and the provisions of Development Control Plan No 5,
 - ◆ the impacts of the proposed development on:
 - ◆ the adjoining special uses and open space,
 - ◆ the streetscape,

- ◆ visual impact of the development,
- ◆ landscaping
- ◆ traffic issues,
- ◆ pedestrian access to the site, and
- ◆ the adjoining conservation zone.