

SHIRE OF INVERELL

DEVELOPMENT CONTROL PLAN NO. 2

CODE FOR THE CONTROL OF BUFFER AREAS

AROUND SEWAGE TREATMENT WORKS

Adopted 28 March 1989
Amended 14.12.92
Amended 28.11.2000

Section 1 - Citation

- 1.1 This plan may be cited as Shire of Inverell Development Control Plan No. 2 - Code for the Control of Buffer Areas Around Sewage Treatment Works.

Section 2 - Land to Which this Plan Applies

- 2.1 This plan applies to all land within the Shire of Inverell. The planning instrument which applies to the Shire is: Inverell Shire Local Environmental Plan, August, 1988.

Section 3 - Definitions

- 3.1 Buffer Area - an area of land or water near a Sewage Treatment Works which reduces odour, noise, visibility or any other adverse environmental impact to an acceptable level.
- 3.2 "Existing Use" - the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Sections 100A & 101 of the Environmental Planning Assessment Act, 1979 (see attached schedule), have the effect of prohibiting that use.

Section 4 - The Aims of a Sewage Buffer Area

- 4.1 To reduce any odour, noise, visibility or any other adverse environmental impact to an acceptable level.
- 4.2 To obtain the most efficient use of the land possible.
- 4.3 To limit structures to the minimum required for acceptable uses.

- 4.4 To avoid re-zonings that permit more intensive development, mainly for residential purposes.
- 4.5 To maintain all "existing use" rights under Section 106 (a) of the Environmental Planning & Assessment Act, 1979.

Section 5 - The Need for Controls

- 5.1 The reasons for controlling buffer areas around sewage treatment works include:
- a) Environmental Impact.
 - b) Aesthetics.
 - c) Safety.

Section 6 - Locations

- 6.1 The sewage buffer areas, cover an area of 400 metres from the perimeter fencing surrounding the Sewage Treatment Works at:
- a) Inverell, as shown on sheet one
 - b) Ashford, as shown on sheet two
 - c) Delungra, as shown on sheet three
 - d) Gilgai, shown on sheet four.

Section 7 - "Existing Use" Rights

7.1 Interpretation

Under the Environmental Planning & Assessment Act, 1979, Section 106, "existing use" means:-

- a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Sections 100A & 101, have the effect of prohibiting that use; and;

- b) in the case of a building, work or land erected, carried out or used in accordance with a consent to which Section 99(i) (a) (ii) applies

- the use of that building, work or land for the purpose specified in the development application to which the consent was granted.

7.2 Continuance of and Limitations on Existing Use

Section 107 states:-

Except where expressly provided in this Act, nothing in this Act or an environmental planning instruments prevents the continuance of an existing use.