



Inverell Shire Council Development Control Plan No 16

To Control Building Envelope Location for Rural Residential Land

Adopted 24 May 2005

1. Citation

- 1.1 This plan may be cited as the Shire of Inverell Development Control Plan No 16 – To Control Subdivision Layout and Building Envelope Location for Rural Residential Land.
- 1.2 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.

2. Land to Which this Plan Applies

- 2.1 This plan shall apply to all land covered by Clause 12 of the Inverell Local Environmental Plan, 1988 (as amended) within the area of the Council of Inverell.
- 2.2 The major planning instrument, which applies to the Council area, is the Inverell Local Environmental Plan, 1988 (as amended).

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.

4. The Need For Controls

This plan provides more detailed provisions than those contained in the Inverell LEP (as amended) and gives guidance to the location of building envelopes on rural residential land and subdivision of rural residential land.

5. Aims

- 5.1 To maximize future development potential by ensuring the placement of building envelopes is appropriate.
- 5.2 To ensure that future subdivision potential is not precluded by inappropriate siting of building envelopes or by inappropriate subdivision boundaries.
- 5.3 To take into consideration the environmental constraints and servicing requirements in relation to the location of dwellings on rural residential land.
- 5.4 To encourage the planning of appropriate building envelopes with regard to existing vegetation, views, soil, topography and location of services.
- 5.5 To ensure that rural residential development maintains the rural character of the locality and minimizes disturbances to the landscape and the environment generally.
- 5.6 To preserve and enhance the amenity of rural residential land in order that it remains compatible with existing land use and reflects the capability of the land.
- 5.7 To recognise potential impacts arising from legitimate rural activities on adjoining land and to implement appropriate measures to assist in the mitigation of any potential land use conflicts.

6. Controls

- 6.1 Council would favourably consider building envelope locations that maximises the development potential of the subject land.
- 6.2 All building envelope locations should take into consideration the future subdivision potential of the subject land.
- 6.3 All building envelope locations should be sited so that they do not limit the future subdivision potential of adjoining land.
- 6.4 All building envelope locations should take into account the natural topography of the land.
- 6.5 All subdivision layouts shall be designed as to maximise possible future re-subdivision potential.

7. Criteria

- 7.1 When considering any development application, Council will, in addition to the issues contained within section 79C of the Environmental Planning and Assessment Act 1979, take into account the following matters:
- (a) the site location;
 - (b) the likely impacts of the proposed development on nearby land uses;
 - (c) the likely impacts of the building envelope location on nearby land uses by minimising future subdivision potential;
 - (d) the likely impact of the subdivision layout of proposed subdivision;
 - (e) the likely impact of the subdivision layout on possible future re-subdivision;
 - (f) natural hazards;
 - (g) neighbourhood views;
 - (h) visual impact of the development;
 - (i) solar access;
 - (j) building setbacks;
 - (k) building height;
 - (l) ancillary buildings;
 - (m) access;
 - (n) pedestrian access to the site; and
 - (o) any submissions received as a result of the notification process.

8. Determination

- 8.1 Any development application received may be referred to Council for consideration and or may be dealt with under delegated authority. This is a decision of the Director of Planning & Development.
- 8.2 Council will not determine any application for until it has considered the content of all submissions it may have received.

In making a determination in respect of any development application Council may impose any conditions necessary to ensure the development meets the objectives set out in this plan, the Inverell Local Environmental Plan 1988 and the Environmental Planning and Assessment Act 1979.