

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Application No.	DA-28/2021
Applicant	Mr Pieter Jan Colburn Mayne
Land to be developed	Lot 2 DP 189390, Lot 27 DP 664352 Gunyan Road, BONSHAW 2361
Approved development	Intensive Plant Agriculture - Installation of Centre Pivots
Building Code of Australia Classification	Not Applicable
Determination	The determination is consent granted subject to conditions.
Determination date	25 March 2021
Consent is to operate from	25 March 2021
Consent will lapse on	25 March 2026
	Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

CONDITIONS OF CONSENT

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the installation of two centre pivots (intensive plant agriculture).

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.

Note: The type of crop is not limited under this consent and further development consent is not required for the changing of crops.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.
3. The centre pivots must be wholly contained within Lot 2 DP 189390 and Lot 27 DP 664352.
4. The centre pivots / irrigation circles must maintain a buffer of 40 metres from Lickinhole Creek.
5. The installation of a pipe under Gunyan Road must be undertaken in accordance with an approval under Section 138 of the Roads Act 1993.
6. The intensive plant agriculture must comply with any relevant water licensing requirements from NSW Water and/or Natural Resources Access Regulator.

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 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 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, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.
2. Intensive plant agriculture is an established farming practice in the locality and the proposed development is consistent with this land use.
3. At the date of Council's inspection, the primary ground cover is invasive weeds including African lovegrass and Coolatai Grass. Native ground cover is limited to invasive species (e.g. galvanized burr), which in the context of the site represents a negligible amount of native vegetation on the property.
4. Subject to conditions, the development is not considered to adversely impact water sources.
5. The nearest non-associated dwelling is approximately 1.5 kilometres from the development site. This development is not considered to have a significant adverse impact on the amenity of this dwelling.

COMMUNITY CONSULTATION

As per the Inverell Community Participation Plan the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Division 8.3 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 Division 8.2 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 SERVICES COORDINATOR