

**HAWKESBURY CITY COUNCIL
SPECIAL MEETING**

Where People Make the Difference!

SUPPLEMENTARY SPECIAL BUSINESS PAPER

DATE OF MEETING: 7 February 1995

LOCATION: Council Chambers

TIME: 7:30pm

This business paper has been reproduced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.

ITEM	SUBJECT	PAGE
------	---------	------

SUPPLEMENTARY AGENDA

-	SECTION 1 - Minutes of Meetings. No Meeting Minutes Are Submitted	
-	SECTION 4 - Reports for Determination	
26:	MUSHROOM COMPOSTERS PTY LTD - TINDA CREEK DA171/94/EVD	4
-	SECTION 5 - Reports for Information	
27:	EMERGENCY SERVICES HEADQUARTERS GC305/009 PT01;F010/033 PT02/MYR	7

***** END OF TABLE OF CONTENTS *****

SPECIAL

Section 4 **Reports for Determination**

ITEM: 26 MUSHROOM COMPOSTERS PTY LTD - TINDA CREEK

FILE NUMBER: DA171/94/EVD

REPORT:

On Thursday 2 February 1995, the applicants met with the Divisional Manager Environment Development to discuss the report to the Special Meeting on Tuesday 7 February 1995.

Without prejudicing their legal advice from Mr McClellan QC which was to the effect that no environmental impact statement is required, they did propose to amend their development application so that it complies with Council's legal advice.

In summary, Council's legal advice from Abbott Tout is that provided the quantity of poultry manure and cotton seed meal and hulls, both considered to be waste, is less than 5,000 tonnes per annum, the development is not designated and does not require the preparation of an environmental impact statement. There are also a number of locational criteria which need to be satisfied and the applicants have submitted documentation which satisfy each of these.

The revised arrangements are to replace that proportion of poultry manure in excess of 5,000 tonnes with more expensive vegetable alternatives such as soya. The cotton seed meal and cotton seed hulls have been deleted with the necessary nitrogen being provided by legumes and hay.

There has been considerable discussion about the classification of the development (designated or not) and the requirement for an environmental impact statement. Council itself adopted a policy position at its meeting on 7 May 1991 where it resolved that Hawkesbury Local Environmental Plan 1989 be amended to define mushroom composting as designated development requiring an environmental impact statement.

Council's draft local environmental plan to make mushroom composting designated development was refused by the Department of Planning in a letter dated 19 May 1992. The reasons provided by the Department were:-

- A) *Mushroom composting is not consistent with other industries included in Schedule 3 of the Environmental Planning and Assessment Act Regulations.*
- B) *The odour associated with the activity relates more to an issue of amenity rather than representing a significant environmental impact.*
- C) *The designation of the activity only within Hawkesbury City is not warranted.*
- D) *Clause 32 of the Environmental Planning and Assessment Act Regulation 1980 provides Council with the opportunity to request any additional information it may require in determining Development Applications for mushroom composting.*

ORDINARY MEETING

Meeting Date: 7 February 1995

Item: 26

- E) *Section 30(4) of the Environmental Planning and Assessment Act allows Council to incorporate a provision in a draft LEP which would require the advertising of development applications for mushroom composting.*
- F) *An appropriate Development Control Plan is the most suitable mechanism for addressing the issues raised by Council.*

Now that an application for mushroom composting has been submitted the question is not one of policy, but one of law. That is the discussion is not what should happen, but rather what does the law require.

Despite the vagueness of the new designated development regulations, Council's legal advice and the advice received by the applicant supports the proposition that the development application may proceed in a particular form without an environmental impact statement. The Department's rebuff of Council's draft plan to make composting designated development would also suggest that the Department never intended mushroom composting to require an environmental impact statement.

On this basis the recent amendments allow the application to be advertised and determined on its merits. Given a minimum 14 day exhibition period, the application could be determined at a Special Meeting in March or alternatively via the March General Purpose Committee and the April Ordinary Meeting.

RECOMMENDATION:

That the amended application be advertised for comment and reported back to Council for determination.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR207&BX.V05

**** END OF ITEM 26 ****

SPECIAL

Section 5 **Reports for Information**

ITEM: 27 EMERGENCY SERVICES HEADQUARTERS

FILE NUMBER: GC305/009 PT01;F010/033 PT02/GMA

REPORT:

The following correspondence has been received from Mr Ken Pullen on behalf of the Hawkesbury City Bush Fire Advisory Committee :

"I have been asked to write on behalf of the Hawkesbury City Bush Fire Advisory Committee, and the members of the Hawkesbury City Bush Fire Brigades.

This letter is to indicate our support for the General Manager's recommendation, regarding the Emergency Services Headquarters, before you at the Special Council Meeting of Tuesday 7th February 1995.

The Advisory Committee wish to take this opportunity to thank you and the Councillors for the time they have taken, and will take, to consider this matter.

We thank Council for the offer of the opportunity to place the Advisory Committee's views before you and Councillors at this Special Meeting. We do not wish to speak at this time as we believe we had ample opportunity at last week's informal meeting, and feel confident that the Councillors will make a wise decision in relation to this matter.

Please feel free to table this letter of support for the recommendation if you feel it is appropriate to do so."

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

FN:OR207&CX.Y06

****** END OF ITEM 27 ******

**SPECIAL
MEETING**

Meeting Filename: OR070295.BI&

END OF BUSINESS PAPER