

PERRAM & PARTNERS

PLANNING AND ENVIRONMENTAL CONSULTANTS

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Our Ref: 136/L03

Attention: Ms Emma Barnet

Dear Madam

**RE: MUSHROOM SUBSTRATE PLANT, MULGRAVE
APPLICATION TO MODIFY PART 3A APPROVAL**

Yesterday by email you requested advice as to the reason the applicant is seeking to modify the concept plan for the above development at the same time as the project approval is modified.

In responding to this request I refer initially to the environmental assessment (EA) for the Part 3A project (Perram & Partners 2010). The site of the substrate plant was identified in that document on the property plan (Figure 2.3) and an oblique aerial photo that also showed surrounding land use (Figure 2.4). Both of these figures are attached for your reference. You will notice that the artwork for Figure 2.4 has been repeated in Figure 1 of the current EA for the proposed modification.

Section 3.3.2 of the 2010 EA explained the land zoning at the time to be "Rural Living" under Hawkesbury LEP 1989. The substrate plant, being a rural industry, was not permissible development within that zone. The EA further explained that Hawkesbury Council was aware of the permissibility issue and had in 2004 resolved to rezone the substrate plant site to Light Industrial (4b), although this had not taken effect.

Section 3.3.3 of the EA observed that a draft LEP (2009) had been exhibited for all of Hawkesbury Shire consistent with the Department's standard instrument. The draft LEP proposed to adopt the new standard zoning for the substrate plant site, IN2 – Light Industrial, where the substrate plant would be permissible development. However, the EA observed that the draft zoning boundaries did not adequately cover the site. Section 3.3.3 of the EA contains the following paragraph:

The boundaries of the land proposed to be zoned IN2 relate to the existing substrate plant and do not coincide with the extent of the current proposal to expand the substrate plant. Consequently, should the draft LEP come into force in its current configuration, the proposed development would be partly in zone IN2 and partly in zone RU4 – Small Rural Holdings. The draft LEP does not propose to make rural industries permissible within the RU4 zone, so unless the boundaries of the proposed IN2 zone are adjusted prior to gazettal to align with the proposal, part of the expanded substrate plant would remain prohibited development. This would be an unfortunate outcome.


The concept plan approval and project approval for development of the substrate plant were signed on 11 January 2012. Some nine months later on 21 September 2012, Hawkesbury LEP 2012 was gazetted. The misaligned zoning boundaries referred to in the 2010 EA came into force at that time. Attached is an extract from the relevant zoning plan of the LEP.

The current application to modify the project approval includes works which, while located on the substrate plant site as defined in the 2010 EA, are partially in the subsequently created RU4 zone. This includes part of each biofilter and part of the modified pre-wet building. The fourth attached diagram shows the detailed site layout upon which has been superimposed the zone boundary from Hawkesbury LEP 2012.

It is understood the portion of the works within the RU4 zone are able to be approved under repealed section 75W of the Act, provided the concept plan for the project is modified accordingly. For this reason the current application requests complementary modification to both the project and the concept plan.

I trust this explanation meets your requirements

Yours Faithfully
for Perram & Partners



Terry Perram
Principal