

Your Ref: MP08\_0255-Mod-4  
Our Ref:

19 March 2025

The Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
PARRAMATTA NSW 2124

E-mail: <patrick.copas@planning.nsw.gov.au>

Attention: Mr Patrick Copas

Dear Sir,

**Re: Major Projects – Elf Mushroom Farm and Substrate Plant - MOD 4 - Renewal and relocation of processing plant (MP08\_0255-Mod-4)**

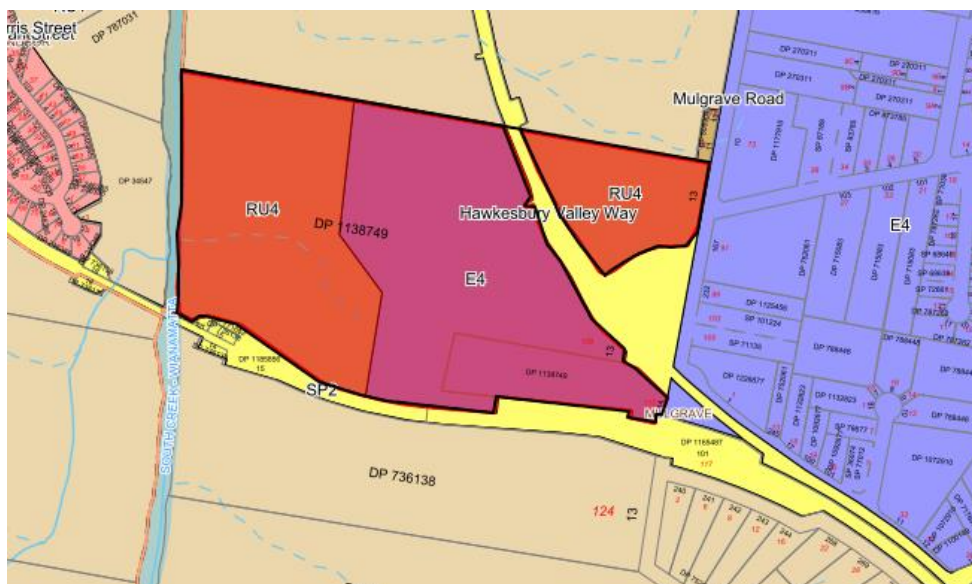
Thankyou for the opportunity to provide comments in relation to the Department of Planning, Housing and Infrastructure's recent Major Projects Portal request for Council advice in relation to the above State Significant Development application to modify an existing approval.

The following comments are provided in response to the application received by the Department of Planning, Housing and Infrastructure seeking to modify the Concept Plan and Project Approval (08/0255) for the Elf Mushroom Farm and Substrate Plant Project at 108 Mulgrave Road, Mulgrave from Elf Farm Supplies Pty Ltd (the applicant).

The mushroom substrate plant known as Elf Farm Supplies has been in operation since 1981 and has been subject to a number of approvals issued by Council and the Department of Planning and Environment. Project Approval No. MP 08\_0255 was issued by the then Department of Planning and Environment on 11 January 2012 for the upgrading and expansion of the mushroom substrate plant. This approval has been amended by a number of subsequent modification approvals. A number of consents issued by Council relating to the operation of the substrate plant were surrendered to satisfy the conditions of Project Approval No. MP 08\_0255.

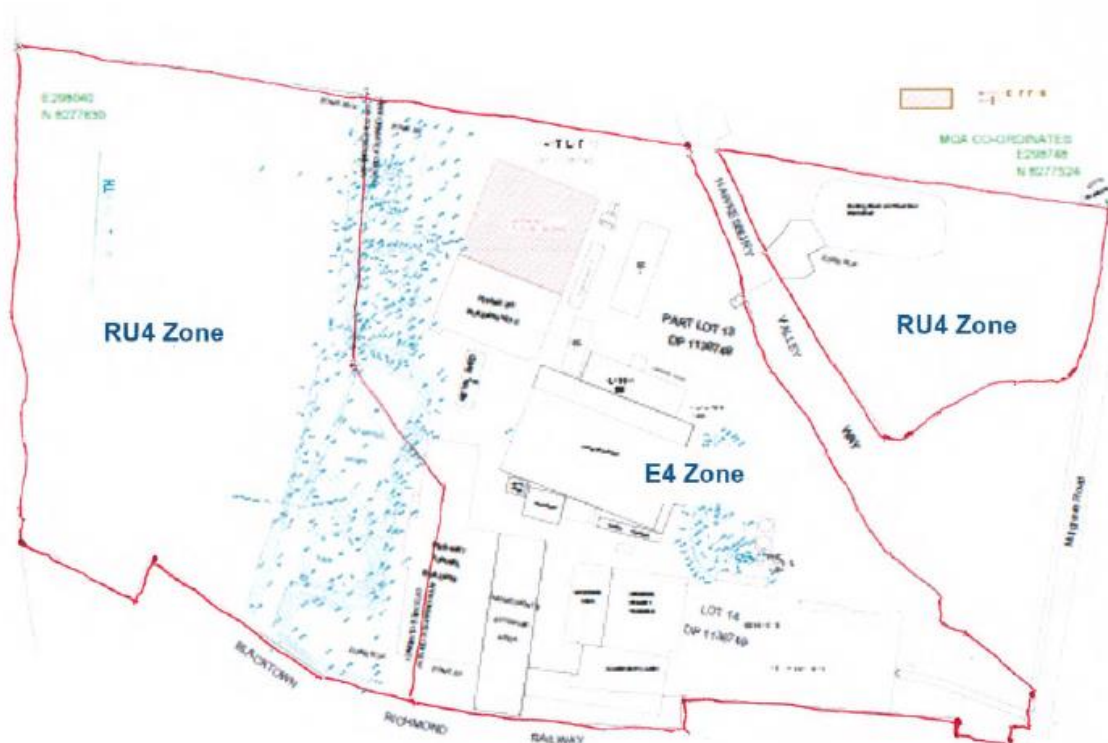
On 11 January 2012, a Concept Plan was approved by the then Acting Deputy Director-General, as delegate of the then Minister for Planning, for the expansion of the existing Mulgrave substrate plant. At the time, the substrate plant site was zoned Rural Living under the Hawkesbury Local Environment Plan (LEP) 1989, which prohibited the construction and operation of rural industries within this zone. Consequently, the Concept Plan facilitated the continued use of the site, and its subsequent expansion under the project approval.

The Hawkesbury LEP 1989 was repealed on 21 September 2012, and the Elf Mushroom Farm site containing the substrate plant is now zoned part RU4 Primary Production Small Lots and part E4 General Industrial under the Hawkesbury LEP 2012 as shown in Figure 1.



**Figure 1: Extract of Land Zoning Map of HLEP 2012**

As shown in Figure 2, a significant part of the approved mushroom substrate plant site is located within that part of the subject site zoned E4 General Industrial which permits rural industries, including mushroom substrate plants with consent.



**Figure 2: Location of Mushroom Substrate Plant**

However, rural industries, including mushroom substrate plants are not permitted uses within the land areas zoned RU4 that are east and west of E4 zoned land area.

It is noted that certain proposed works including new tunnels, extended working hall, filter maintenance platform and a new bio filter are located within the RU4 land area west of the E4 zoned land area. Given rural industries are not permitted within the RU4 zoned land, the approved Concept Plan and Project Approval (08/0255) for the subject site would need to be modified to allow these proposed works. Given part of the subject site prohibits development for the purpose of mushroom substrate plants under the



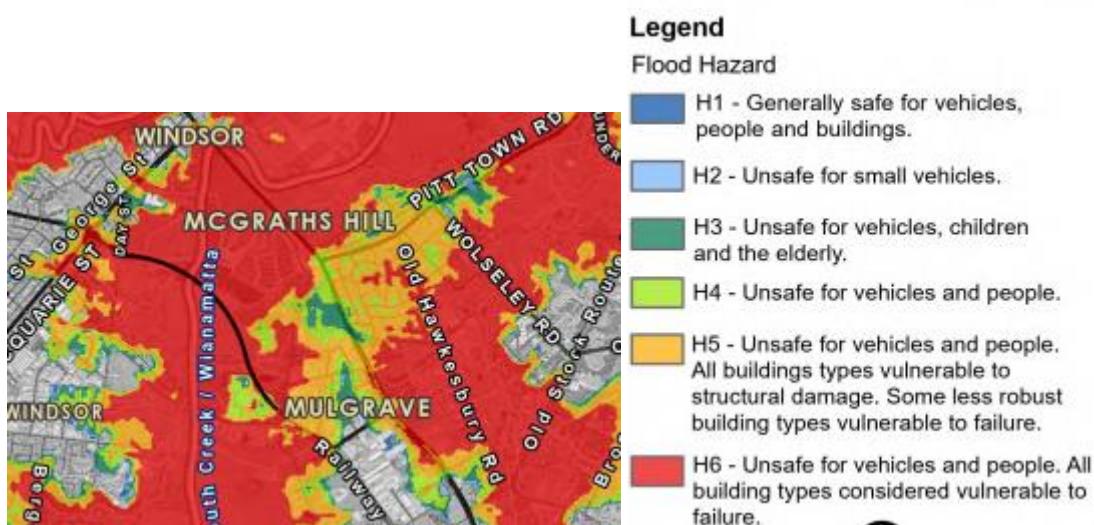
Hawkesbury Local Environmental 2012, the Department should consider the permissibility of the proposed modification of the approved Concept Plan to allow expansion of the existing mushroom substrate plants development onto the RU4 zoned land area.

It is noted that the application seeks approval for modification of the approved Concept Plan to allow certain proposed works as an expansion to the existing mushroom substrate plants development on that part of the site zoned RU4. As such consideration of the permissibility of the proposed expansion onto the RU4 zoned portion of the site should be made, and whether any specific conditions should be imposed restricting further expansion of the existing development onto that part of the subject site zoned RU4 which would require significant filling of this flood prone land.

The subject site is identified as being flood prone land, bushfire prone, and also, contains Shale Plains Woodland along the southern boundary, in addition to Connectivity between Remnant Vegetation as identified on the Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012. The subject site is not identified as a heritage or a draft heritage item. However, the property immediately south of the subject site at 117 Mulgrave Road, Mulgrave is listed as a heritage item with local significance, and as such the impacts on that heritage item should be considered in the assessment of the application. The subject site is affected by the Australian Noise Exposure Forecast (ANEF) contour 20 – 25. It is noted that the application accompanies supporting documents addressing those constraints and impacts.

Given the applicant seeks a modification to the approved Concept Plan and Project Approval (08/0255), in addition to the permissibility issue, the Department is requested to have due consideration to the following key issues when assessing and determining the development application:

- **Flooding and Evacuation Capacity** - The subject site is identified as being flood prone land with the entire site below the 1: 100-year flood event level being located within the South Creek floodplain. The existing development is located approximately 300m east of South Creek. The land falls west towards South Creek, with levels accommodating the facility ranging from approximately 16m down to 9m AHD. Therefore, flooding is considered to be one of the key determining factors with the subject site in close proximity to an existing evacuation route. The Hawkesbury-Nepean River Flood Study (May 2024) identifies areas affected by flooding and assesses the potential impacts of climate change, using flood hazard categories to classify flood risk. Assessment against Council's Flood Policy 2020 should be undertaken which can be accessed via [Strategies and Policies | Hawkesbury City Council](#) with the accompanying Schedule of Development Controls able to be accessed via [Strategies and Policies | Hawkesbury City Council](#). Council's Flood Policy 2020 is based on consideration of hazards and risks, with the subject site being located within the H4 Hazard Category (existing facility) to H6 Hazard Category for the expansion area as identified in the Reconstruction Authority's Hawkesbury Nepean River Flood Study 2024 (1:100 Flood Hazard).





- **Proposed Filling** - The proposed modification to the Concept Plan requires an additional area of the subject site to be raised to the existing working floor level of 16 metres AHD, and a smaller area to be raised to 17.3 metres for the high-level shed. The cumulative impact of filling within the floodplain, changing the flood behaviour and affecting the stormwater management of the subject site may also have a negative effect on flood behaviour, and therefore is considered to be key consideration when determining the modification application.
- **Odour and Air Pollution** – Given the current facility produces mushroom compost (substrate) from recycled agricultural materials, including straw, poultry manure, stable bedding, gypsum and other nitrogen rich materials, odour is also considered to be a significant issue in determining the application.

The operation of the mushroom substrate plant is also subject to Environment Protection Licence No. 6229 issued by the Environment Protection Authority (EPA). Council understands that the EPA has received ongoing complaints about odour in the Mulgrave and South Windsor areas, with descriptions of the odours varying from compost, organic, rotten eggs, chemicals, manure and sewage. In 2013 the EPA commissioned an Odour Report from an independent consultant in order to identify the potential causes of odour, and to help target regulatory efforts to address the issue.

In addition, Council has, and still receives complaints from nearby residents, local businesses in the vicinity and passing travellers (car and train) about the emission of odour. Given the nature and operation of the use on the subject site and the proposed modification to allow expansion of the existing facility, there is potential for increased air pollution which should be addressed. If referral to the EPA has not been undertaken, it is recommended that such referral be made.

- **Noise Pollution** – The proposed modification to the approved Concept Plan to allow expansion of the existing development is also likely to increase noise levels which should be considered in the assessment of the application.
- **Visual Amenity** – The proposed modification to the approved Concept Plan seeks to allow additional buildings including trucks and tractor workshop and storage sheds fronting Hawkesbury Valley Way. In order to ensure an appropriate scale and design with no adverse impacts on the visual amenity of the locality, the design of the development should consider the context of its setting adjacent to South Creek and existing development, and include appropriate measures such as design of built form and landscaping with suitable mature native vegetation to be designed and planted on the subject site.
- **Additional Traffic Generation** – Currently, the subject site is accessed via Mulgrave Road and there is no other alternative access arrangement to the subject site. The proposed expansion to the existing mushroom substrate plant is likely to create increased traffic movements on Mulgrave Road which is linked to Windsor Road and likely to cause impacts to the existing road network in the locality. It is considered necessary to determine whether the current road network has the capacity to accommodate the additional traffic volumes generated by the proposed development.
- **Stormwater Management** – The proposed expansion with the inclusion of new buildings including storage sheds and tractor and trucks workshop, installation of new tunnels, bio retention basin and sediment basin, raised bio beds along with significant filling is likely to impact and alter the existing stormwater management system. Given the subject site is identified as being flood prone with the whole site below the 1: 100-year flood event level, stormwater management is also considered to be key issue when determining the application.



Thankyou for your consideration of Council's response in relation to this application to modify an existing State Significant Development Approval. Should need any further information or clarification regarding this matter, please contact Council's Senior Strategic Planner on (02) 4560 4546.

Yours faithfully

Andrew Kearns  
**Manager Strategic Planning**