



Moray Council Emergency Cabinet

Thursday, 23 April 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council Emergency Cabinet** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 23 April 2020** at **11:00**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Meeting dated 25 March 2020** **5 - 8**
- 4 Scheme of Delegation - Development Management** **9 - 22**
Report by Depute Chief Executive (Economy, Environment and Finance)

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

THE MORAY COUNCIL

Moray Council Emergency Cabinet

SEDERUNT

Councillor Shona Morrison (Chair)
Councillor Graham Leadbitter (Depute Chair)
Councillor George Alexander (Member)
Councillor John Divers (Member)
Councillor Tim Eagle (Member)
Councillor Donald Gatt (Member)
Councillor Derek Ross (Member)

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MINUTE OF SPECIAL MEETING OF MORAY COUNCIL

25 MARCH 2020

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Morrison (Chair), Leadbitter (Depute), Alexander, Divers, Feaver, Gatt and Ross

APOLOGIES

As a result of the Covid-19 virus pandemic, the attendance of Councillors at this meeting was restricted therefore apologies from those members not present are not being recorded.

IN ATTENDANCE

Chief Executive, Head of Governance, Strategy and Performance and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

2. EMERGENCY DECISION MAKING ARRANGEMENTS

A report by the Chief Executive sought approval for temporary decision making arrangements to reduce the need for face to face meetings during the current coronavirus (Covid 19) outbreak due to the long term nature of the restrictions as a result of this pandemic.

The Council Leader thanked the political groups for their support and the constructive way in which they had come together to deal with the challenging situation surrounding the Covid 19 outbreak. He further paid tribute to the significant amount of work currently being undertaken by Officers and other staff members across the Council and other public sector partners to ensure the continuation of vital services in Moray.

Councillor Gatt noted that the recommendations in the report stated that the proposed arrangements are to be reviewed on or before 17 June 2020 however within the body of the report the date for review was 17 July 2020 and sought clarification on the actual review date.

In response, the Head of Governance, Strategy and Performance advised that this was an administrative error and that the suggested date for review should read on or before 17 June 2020 as stated in the recommendations.

During discussion, clarification was sought as to how Elected Members would be advised of any decisions made by the Chief Executive under the revised arrangements.

In response, the Chief Executive advised that it was unlikely that there would be any Emergency Cabinet meetings during the current lock down period to Monday 13 April 2020.

He further stated that the Council's emergency Incident Management Team (IMT) were meeting frequently and these meetings were recorded and decisions logged for transparency. He stated that press releases and staff team briefs would be issued as and when required and that work on a schedule of Members questions and answers was being undertaken which would address frequently asked questions. In addition, a Members Brief was also planned for publication.

In terms of governance, details of the IMT, the regional Resilience Partnership and national Resilience framework would be circulated to the Emergency Cabinet for information.

The Chief Executive acknowledged the difficulties staff were facing as a result of the Covid crisis and thanked staff for their continued support during this time.

In relation to nominations required to sit on the Emergency Cabinet, the Council Leader proposed Councillors Eagle, Gatt, Divers, Ross and Alexander along with the Convener as Chair and himself as Depute Chair. This was unanimously agreed.

The Council joined the Chair in commending communities for their assistance in supporting some of the most vulnerable people in Moray and thereafter agreed:

- (i) to note the emergency powers delegated to the Chief Executive in terms of paragraph 4.1 (i) of Council's Scheme of Delegation detailed in paragraph 3.3 of the report;
- (ii) to suspend, on a temporary basis, all delegations to committees;
- (iii) to form a temporary Emergency Cabinet of 7 Councillors, reflecting political balance and allowing substitutes;
- (iv) to nominate the Convener as Chair of the Emergency Cabinet and the Leader as Depute Chair;
- (v) that Councillors Eagle, Gatt, Divers, Ross and Alexander sit on the Emergency Cabinet, reflecting political balance as outlined in para 4.1 of the report;
- (vi) to authorise the Emergency Cabinet to take any decisions which the Full Council are empowered to take;
- (vii) to authorise the Chief Executive, for lower risk business as outlined in paragraph 4.5 of the report, to exercise the delegated authority given to him in paragraph 5(7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the requirement for homologation;

- (viii) to note that the Emergency Cabinet will need to approve further temporary arrangements in relation to quasi-judicial decisions and regulated processes as outlined in paragraph 4.6 of the report;
- (ix) to note that it will not be possible to continue normal public access to meetings and that, where possible, live streaming will be maintained, failing which, agendas and minutes for meetings of the Emergency Cabinet will be made publicly available, subject to confidentiality provisions;
- (x) to review these arrangements (without the need to suspend standing orders) on or before 17 June 2020.



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 23 APRIL 2020

SUBJECT: SCHEME OF DELEGATION – DEVELOPMENT MANAGEMENT

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To review the procedures for determining planning applications currently carried out in accordance with the Council's approved scheme of delegation to ensure that the Council's statutory function as a Planning Authority can continue to operate during the Coronavirus (COVID-19) outbreak, whilst the Planning & Regulatory Services Committee has been temporarily suspended.

2. RECOMMENDATION

2.1 It is recommended that the Emergency Cabinet:

- i) agree a temporary change to the Council's Scheme of Delegation for Development Management Section 43 Town & County Planning (Scotland) Act 1997 (as approved by the Planning and Regulatory Services Committee on 29 January 2019 and by Scottish Ministers on 12 February 2019 – Appendix 1), set out in Appendix 2 to delegate determination of local applications to the Appointed Officer; and seek the approval of the Scottish Ministers for the amended scheme;
- ii) agree under Section 56 of the Local Government Act 1973 the Council's Scheme of Delegation be amended for the Appointed Officer to determine major planning applications as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009;
- iii) agree that a minimum of 5 Cabinet members must be in attendance to determine a planning application;
- iv) agree that prior to determination a copy of the report and recommendation on all major planning applications and those that would have previously been determined by the Planning & Regulatory Services Committee (Appendix 1) be circulated to the Emergency Cabinet members who would have the right to call them in for determination;

- v) note that all Proposal of Application Notices (PoANs) received will be circulated to all Members of the Council for comment through email, and any comments received will be fed back to the applicant and consultees; and
- vi) agree to review the position once a decision has been made on or before 17 June 2020 in terms of the re-establishment of all committees.

3. BACKGROUND

- 3.1 Some aspects of the planning system, including a number of processes and requirements, are being affected by the impacts of the Coronavirus (COVID-19) outbreak and the resultant need for social distancing. The restrictions that have been introduced are having a significant impact on the planning workforce and its ability to deliver the Council's statutory function. At a meeting of Moray Council on 25 March 2020 the Council agreed to temporarily suspend all delegations to committees, including the Planning & Regulatory Services (P&RS) Committee (para 2 of the draft minute refers), therefore planning applications that fall outwith the approved Scheme of Delegation cannot be determined within agreed timescales.
- 3.2 One of the consequences of this is the risk of applications of importance to the local economy stalling in the system, for example major applications and large local applications which generate local jobs through investment in projects. Some of these will relate to affordable housing. A further consequence is that applicants have the right to appeal against non-determination of planning applications unless covered by a processing agreement which may result in applications being determined by the Directorate for Planning and Environmental Appeals (DPEA). This would remove local decision making and the planning application would in effect be dealt with in the same way as if the application had been refused by the P&RS Committee.
- 3.3 The current Scheme of Delegation scheme (**Appendix 1**) for Development Management purposes was approved by the P&RS Committee on 29 January 2019 (para 11 of the minute refers), and subsequently approved by the Scottish Ministers on 12 February 2019. This scheme has been working well and allows for a number of local applications to be determined by the Appointed Officer allowing the P&RS Committee to focus on larger local and major applications in accordance with Scottish Government advice contained in Circular 5/2013.

4. Proposed Temporary Arrangements

- 4.1 It is considered that in the current circumstances there are a range of options to consider. The first is to make no planning decisions on planning applications that would have normally been determined by the P&RS Committee. The risks associated with this option are outlined above at para 3.2 and until the position of all committees is reviewed on or before 17 June 2020, there is a chance that the impacts highlighted could occur. Since it is unclear whether the P&RS Committee will sit before September 2020, the

next scheduled meeting after the one which was due to take place on 16 June 2020, other options have been explored and are set out below.

- 4.2 Other Councils including Aberdeenshire are operating virtual committees using Skype and through emergency legislation recently laid that has removed the requirement for meetings to be held in public. This is not considered viable in Moray however, as debate and decision-making is likely to be difficult and unworkable due to the varying quality of connection. This also applies to circulating committee papers electronically for determination by email, as the process of seeking comments/recommendations from each member for every application under consideration by the Emergency Cabinet would be difficult to manage due to the applications being of a more significant and technically complex nature.
- 4.3 A further option available to the Council is to amend the current Scheme of Delegation for a temporary period to allow all planning applications that are local as defined in the hierarchy to be determined by the Appointed Officer. This amended Scheme of Delegation would then allow the Planning Authority to continue to process and make decisions on planning applications which are currently delegated to the P&RS Committee. This would ensure that when the current restrictions on movement are lifted the development industry in Moray is in the best position it can be in terms of progressing with approved developments. The amended Scheme of Delegation (**Appendix 2**), if agreed by Members, would need to be approved by Scottish Ministers and assurances have been given at government level that this would be turned around timeously.
- 4.4 It is on this basis that the current Scheme of Delegation (**Appendix 1**) for Development Management purposes be amended for a temporary period to allow the Appointed Officer to determine all local applications until a decision has been taken regarding the re-establishment of the P&RS Committee. At this point the previously approved Scheme of Delegation would be re-established. If this has not occurred by 17 June 2020 a review of the process will be carried out.
- 4.5 In addition to the above proposed procedure, it is recommended that under Section 56 of the Local Government Act 1973 the Council's Scheme of Delegation in terms of its emergency powers be amended to allow the Appointed Officer to determine major planning applications. This is a power that is being requested separately under exceptional circumstances and again is considered to be the only option to continue decision-making in Moray in order to maintain a functioning planning system.
- 4.6 In light of the potential controversial nature of these applications it is recommended that, prior to determination, a copy of the report and recommendation on all major planning applications and those that would have previously been determined by the P&RS Committee (**Appendix 1**) be circulated to the members of the Emergency Cabinet who would have the right to call them in for determination. A request from any individual member of the Emergency Cabinet for an application to be determined by the Cabinet would be sufficient to have the application called in.

- 4.7 All of the applications that would have been determined by the P&RS Committee will continue to be drafted in the same committee report format rather than an officer handling report and circulated to members of the Emergency Cabinet. There may be occasions where the Appointed Officer would request that an individual application would be determined by the Emergency Cabinet without the need for a Member to request a call-in and this would depend on the overall scale and complexity of the planning application.
- 4.8 The Moray Council meeting on 25 March 2020 considered the report on emergency decision making and the establishment of the Emergency Cabinet. This report allowed for a Cabinet of 7 members to reflect the political balance of the Council and allowed for the use of substitute members. If a planning report is presented to or called in for determination, any member of the Emergency Cabinet may consider requesting a substitute Cabinet member with experience of considering planning matters as a member of the P&RS to attend in their stead. Although the report on the 25 March was silent on the matter, Council standing order 19 states that $\frac{1}{4}$ of members or at least 3 need to be in attendance, whichever is greater, however for the purposes of Planning Applications it is suggested that a minimum of 5 members should be present for the meeting to be quorate to allow a greater representation of views.
- 4.9 Emergency Cabinet meetings with 7 members allow for safe social distancing within the Council Chambers which would allow public webcasting to take place however the public would not be allowed in the chamber itself. It would not be appropriate to hold a Planning Hearing during the current social distancing measures and this would not be an option for any application although none are currently anticipated. Members of the Cabinet can utilise audio remote connections to attend Emergency Cabinet meetings and in such cases voting will be done by verbal confirmation of each vote. Where audio connections using vscene are made, webcasting live will not be possible and the webcast will be uploaded after the meeting has concluded. Emergency Cabinet meetings will normally require at least 3 clear working days to consider the agenda before the meeting.
- 4.10 Members of the Cabinet or their substitutes must comply with Scottish Government guidance on social distancing and self isolation and should not put themselves or others at risk by unnecessarily attending meetings in person. However as a minimum, it is anticipated that the Chair of the Cabinet, Committee Officer and a Planning Officer would be present in the Council Chamber to facilitate the meeting when planning applications are being considered. Guidance will be issued on the running of the Emergency Cabinet and how it will operate remotely.
- 4.11 In terms of appeal arrangements all major applications under the hierarchy that are determined and refused would still have the right of appeal to the DPEA. Any applications refused under the amended scheme of delegation for local applications would be determined by the Local Review Body (LRB) except for any major application. Guidance is awaited from the Scottish Government in relation to conducting LRBs during the current COVID emergency and a report will come before the Cabinet at a future date on the proposed procedures for the LRB.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

It is important for the Council to maintain an effective decision making process to continue to support the local economy and deliver a statutory planning service.

(b) Policy and Legal

These proposals will temporarily amend the Councils approved Scheme of Delegation approved by the P&RS Committee on 29 January 2019 (as approved by Scottish Ministers on 12 February 2019). The amended Scheme set out in **Appendix 2** will require to go the Scottish Ministers for approval and in the circumstances it is anticipated this will be given as a matter of urgency.

(c) Financial implications

None.

(d) Risk Implications

Streamlining the Council's decision making could compromise transparency and the involvement of Councillors in the decision making process. The proposals are considered to be a reasonable and proportionate response in light of the current exceptional circumstances.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

No direct implications.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Strategic Planning & Development Manager, the Equalities Officer and Lissa Rowan (Committee Services Officer) have been consulted and comments incorporated into this report.

6. CONCLUSION

- 6.1 As a result of the Coronavirus (COVID 19) outbreak temporary changes to the Council's current Scheme of Delegation for Development Management (as approved by the P&RS Committee on 29 January 2019 and by Scottish Ministers on 12 February 2019) (set out in Appendix 2) including determination of major applications by the Appointed Officer are proposed. This would be subject to the Emergency Cabinet having the right to call in for determination any major planning application and any planning application normally determined by the P&RS Committee (Appendix 1).**

6.2 This temporary position will be reviewed once a decision has been made on or before 17 June 2020 in terms of the re-establishment of all committees.

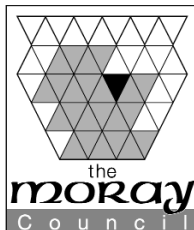
Author of Report: Beverly Smith, Development Management & Building Standards Manager

Background Papers: Appendix 1 – Approved Scheme of Delegation for Development Management – 29 January 2019

Appendix 2 - Proposed temporary Scheme of Delegation for Development Management – April 2020

Ref:

THE MORAY COUNCIL
PROPOSED SCHEME OF DELEGATION
27 January 2019
(AS APPROVED BY SCOTTISH MINISTERS ON 12 FEBRUARY 2019)



Scheme of Delegation
Development Management

All categories of development applications submitted to The Moray Council as Planning Authority for consideration may normally be determined for approval or refusal by the appointed officer with the exception of applications of which one or more of the following applies:

- The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site;
- Applications for 5-49 dwellings will only be approved under delegated powers if they are in accordance with the development plan);
- Any development where the gross floor space of the building, structure or other erection constructed as a result of the proposal exceeds 2000 sq.metres. (This will include, but is not limited to, business & general industry, storage and distribution, retail, leisure and entertainment, education, healthcare, community facilities, transport interchanges, transport infrastructure projects, water and drainage developments and other similar projects);
- Any other application where the overall area of the proposed site exceeds a maximum of 2 hectares;
- An application is submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process;
- The proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the appointed officer considers that significant amendments have been made to any previous application for Committee to reconsider the development;
- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and/or planning significance The decision to refer to Committee or hold a hearing rests with the appointed officer and this discretion to refer may be exercised where, for example, all ward members and the chair consider that an application raises matters of wider community interest.
- The application falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009). See Schedule below:

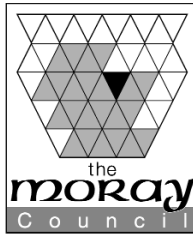
APPENDIX 1

SCHEDULE Major Developments Regulation 2(1)	
Description of development	Threshold or criterion
<p>1. Schedule 1 development</p> <p>Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).</p>	<p>All development.</p>
<p>2. Housing</p> <p>Construction of buildings, structures or erections for use as residential accommodation.</p>	<p>(a)The development comprises 50 or more dwellings; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>
<p>3. Business & General Industry, Storage and Distribution</p> <p>Construction of a building, structure or other erection for use for any of the following purposes—</p> <p>(a) as an office;</p> <p>(b) for research and development of products or processes;</p> <p>(c) for any industrial process; or</p> <p>(d) for use for storage or as a distribution centre.</p>	<p>(a)The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>
<p>4. Electricity Generation</p> <p>Construction of an electricity generating station.</p>	<p>The capacity of the generating station is or exceeds 20 megawatts.</p>
<p>5. Waste Management Facilities</p> <p>Construction of facilities for use for the purpose of waste management or disposal.</p>	<p>The capacity of the facility is or exceeds 25,000 tonnes per annum.</p> <p>In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.</p>

APPENDIX 1

<p>6. Transport and infrastructure projects</p> <p>Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines.</p>	<p>The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.</p>
<p>7. Fish Farming</p> <p>The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26(6) of the Act.</p>	<p>The surface area of water covered is or exceeds 2 hectares.</p>
<p>8. Minerals</p> <p>Extraction of minerals.</p>	<p>The area of the site is or exceeds 2 hectares.</p>
<p>9. Other Development</p> <p>Any development not falling wholly within any single class of development described in paragraphs 1 to 8 above.</p>	<p>(a)The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or (b)The area of the site is or exceeds 2 hectares.</p>

THE MORAY COUNCIL PROPOSED SCHEME OF DELEGATION



Scheme of Delegation Development Management

Temporary scheme of delegation to cover COVID 19 response period during the emergency period whilst the Planning and Regulatory Services Committee is suspended.

All categories of development applications submitted to The Moray Council as Planning Authority for consideration may normally be determined for approval or refusal by the appointed officer with the exception of applications of which one or more of the following applies:

- An application is submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process;
- An application that would have previously been determined by the Planning & Regulatory Services Committee (Appendix 1) or an application that falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009) which has been called in for determination by the Emergency Cabinet by a member of the Cabinet;
- See Schedule below of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009). Comment not sure why you need this paragraph or the schedule

APPENDIX 2

SCHEDULE Major Developments Regulation 2(1)	
Description of development	Threshold or criterion
<p>1. Schedule 1 development</p> <p>Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).</p>	<p>All development.</p>
<p>2. Housing</p> <p>Construction of buildings, structures or erections for use as residential accommodation.</p>	<p>(a)The development comprises 50 or more dwellings; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>
<p>3. Business & General Industry, Storage and Distribution</p> <p>Construction of a building, structure or other erection for use for any of the following purposes—</p> <p>(a) as an office;</p> <p>(b) for research and development of products or processes;</p> <p>(c) for any industrial process; or</p> <p>(d) for use for storage or as a distribution centre.</p>	<p>(a)The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>
<p>4. Electricity Generation</p> <p>Construction of an electricity generating station.</p>	<p>The capacity of the generating station is or exceeds 20 megawatts.</p>
<p>5. Waste Management Facilities</p> <p>Construction of facilities for use for the purpose of waste management or disposal.</p>	<p>The capacity of the facility is or exceeds 25,000 tonnes per annum.</p> <p>In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.</p>

APPENDIX 2

<p>6. Transport and infrastructure projects</p> <p>Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines.</p>	<p>The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.</p>
<p>7. Fish Farming</p> <p>The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26(6) of the Act.</p>	<p>The surface area of water covered is or exceeds 2 hectares.</p>
<p>8. Minerals</p> <p>Extraction of minerals.</p>	<p>The area of the site is or exceeds 2 hectares.</p>
<p>9. Other Development</p> <p>Any development not falling wholly within any single class of development described in paragraphs 1 to 8 above.</p>	<p>(a)The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or (b)The area of the site is or exceeds 2 hectares.</p>

