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Media Release

17 March 2008

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Hub waste facility rejected

Waste facilities must be ecologically sustainable

Justice Preston and Commissioner Moore of the Land and Environment Court today rejected Orange City Council's proposal to build a waste facility at Molong. The rejection was due to the Court's concern that the waste facility did not constitute 'ecologically sustainable development' and its impact on prime crop and pasture land.

The case was commenced by the Hub Action Group, a group of local residents, against an approval granted by the Minister for Planning. They were represented by barristers Malcolm Craig QC and Ian Hemmings and solicitors from the Environmental Defender's Office.

The Hub proposal is highly contentious in the local area, with over 100 residents attending the first day of the hearing on site at Molong.

Planning controls in Molong, as in most rural areas, have a clause prohibiting any development that will have an adverse impact on the long term productivity of any prime crop and pasture land. The Council failed to show that the garbage dump could be built without compromising the agricultural productivity of the site.

Environmental Defender's Office solicitor Ms Josie Walker today said:

"Half way through the proceedings Orange Council could see that the agricultural land issue was going to be critical, and came up with a proposal to cover the two metre high waste mound with topsoil and use it for growing food crops.

"Protection of good agricultural land is important, because international scientists have told us that agricultural productivity is going to decline as a result of climate change. Continuing to convert prime agricultural land to other uses, whether it is urban subdivisions or garbage dumps, is unsustainable."

"This judgment has emphasised the need for all developments to ensure they are sustainable. The Court refused to approve a development on the premise that at some future time the proposal may become sustainable and result in waste minimisation."

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