

Application to modify a development consent



Department of
**Infrastructure, Planning
and Natural Resources**

Date received: 12 / 01 / 04 DA modification no: MOD-4-1-2004-i

You can use this form to apply to modify a development consent given by the Minister of Infrastructure, Planning and Natural Resources. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

To complete this form, please place a cross in the boxes ☐ and fill out the white sections as appropriate. **To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us.** When your application has been assessed, you will receive a notice of determination.

1. Details of the applicant

NAME

Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other ☐

First name

Bob

Family name

Griffiths

Company/organisation

Cargill Foods Australia Pty Ltd

ABN

4200468417
3

STREET ADDRESS

Unit/street no.

Street name

Dampier Street

Suburb or town

Bomen (via Wagga Wagga)

State

NSW

Postcode

2650

POSTAL ADDRESS (or mark 'as above')

as above

Suburb or town

State

Postcode

CONTACT DETAILS

Daytime telephone

02 6938 3000

Fax

02 6938 3092

Mobile

Email

2. Identify the land

Unit/street no. (or lot no. for Kosciuszko ski resorts)

as above

Street or property name

Suburb, town or locality

Postcode

Local government area

Wagga Wagga

Lot/DP or Lot/Section/DP or Lot/Strata no. ^{(1) (2)}

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg 123/579, 162/2.

Lot 1,2 & 4/DP700113

Lot 1/DP840624

Lot 6/ DP614169

Lot 11/DP814225

Lot 1/DP 823346

(1) Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact Department of Lands for updated details.

(2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

3. Details of the original development consent

Describe what the original consent allows

The proposal involves:

- demolishing some buildings;
- reconstructing and expanding a major portion of the abattoir, including an administration and amenities building;
- installing a biofilter to capture and treat odour originating from rendering plant and ancillary units, the DAF/Clarifier, Rotary Screen and Save-all;
- augmenting and refurbishing the existing wastewater treatment system;
- discharging 20% of effluent directly to the sewer system;
- constructing an access road, internal roads, carparking, security gatehouse and associated infrastructure to service the abattoir;
- increasing production from 850 to 2,000 head of cattle per day; and
- operating 24 hours a day, seven days a week.

What is the development application no.?

220-07-2002-i

What is the date of consent?

27 Feb 03

What was the original estimated cost of development (including GST)?

\$30M

4. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box ☐ below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

- ☐ A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)

- ☒ A modification that will have minimal environmental impact

Describe the modification and its expected impact

(Refer to section 96(1A) of the EP&A Act)

see attached Statement of Environmental Effects

- ☐ Any other modification

Describe the modification and its expected impact

(Refer to section 96(2) of the EP&A Act)

Will the modified development be substantially the same as the development that was originally approved?

No ☐ ➤ Please submit a new development application.

Yes ☒ ➤ Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

see attached Statement of Environmental Effects

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the National Parks and Wildlife Service to your application.

5. Number of jobs to be created

Please indicate the number of jobs this will create. This should be expressed as a proportion of full time jobs over a full year. (e.g. a person employed full-time for 6 months would equal 0.5 of a full-time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full-time for 2 weeks, which equals approximately 0.08 of an FTE job.)

Construction jobs (full-time equivalent)

100

6. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clause 258 of the regulations includes details on these fees.

Note: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

\$30M

Total fees lodged

\$500

7. Signatures

The owner(s)* of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application. If the land is Crown land, an officer of the Department of Infrastructure, Planning and Natural Resources (previously known as Department of Land and Water Conservation) must sign the application.

As the owner(s)* of the above property, I/we consent to this application:

Signature



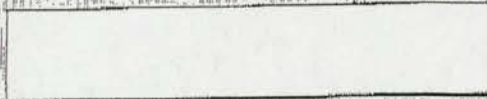
Name

Bob Griffiths

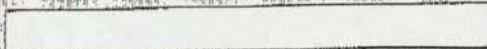
Date

9/1/04

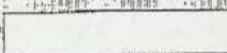
Signature



Name



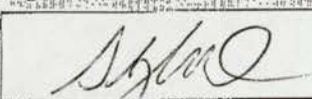
Date



* Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than owner is required.

The applicant, or the applicant's agent, must sign the application.

Signature



Name, if you are not the applicant

Tony Mitchell

Date

9 JAN 04

In what capacity are you signing if you are not the applicant?

Principal Environmental Scientist

8. Privacy policy

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted. If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.

**Statement of Environmental Effects to support
Modification Application 2
Bomen Abattoir Expansion Project, Wagga Wagga**

9 January 2004

Prepared for:

Cargill Foods Australia Pty Ltd

Dampier Street

Bomen (via Wagga Wagga) NSW 2650

Report by:

HLA-Envirosciences Pty Limited

ABN: 34 060 204 702

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HLA Ref: S5003601_Rptfinal_6JAN2004



sustainable solutions for environmental, OHS and
natural resource management

DISTRIBUTION

Statement of Environmental Effects to support modification application 2
Bomen Abattoir
Wagga Wagga
9 January 2004

Copies	Recipient	Copies	Recipient
2	Greg O'Hare Cargill Foods Australia Pty Ltd Dampier Street Bomen (via Wagga Wagga) NSW 2650		
2	Department of Infrastructure, Planning and Natural Resources Henry Deane Building 20 Lee Street Sydney NSW 2000		
1	HLA File		

This document was prepared for the sole use of Cargill Foods Australia Pty Ltd and the regulatory agencies that are directly involved in this project, the only intended beneficiaries of our work. No other party should rely on the information contained herein without the prior written consent of HLA-Envirosciences Pty Limited and Cargill Foods Australia Pty Ltd.

By

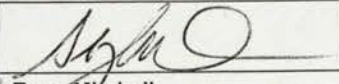
HLA-Envirosciences Pty Limited
ABN: 34 060 204 702
Level 2, 55-65 Grandview Street
PO Box 726 Pymble NSW 2073 Australia

Karen Loomes

Karen Loomes
Senior Environmental Scientist

Peer Review:

Date:

	9 Jan 04
Tony Mitchell Principal Environmental Scientist	

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Attachment 1 Contamination Letter

1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to support an application to modify the consent to DA 220-07-2002-i, lodged with the Department of Planning on 15 July 2002, as amended by MOD-61-1-2003, approved by the Minister for Planning on 3 November 2003

HLA-Envirosciences Pty Ltd (HLA) has prepared this SEE on behalf of Cargill Foods Australia Pty Ltd (Cargill) (the Applicant). The report provides a supplement to the environmental impact assessment provided in the *Bomen Abattoir Expansion Proposal Environmental Impact Statement* (EIS) for the development, prepared by HLA, dated 25 June 2002 and the *Statement of Environmental Effects to Support Modification Application: Bomen Abattoir Expansion*, prepared by HLA, dated 23 June 2003.

1.1 Background

Cargill lodged a Development Application (DA 220-07-2002-i) with PlanningNSW on 15 July 2002 for the production intensification and expansion of the Bomen Abattoir, Wagga Wagga.

The proposal was deemed 'State significant', 'designated', and 'integrated' development under the *Environmental Planning and Assessment Act, 1979*:

- **State significant development** – pursuant to State Environmental Planning Policy (SEPP) No.34 – Major Employment-Generating Industrial Development. As State significant development, the Minister for Planning was the consent authority for the application;
- **Designated development** – pursuant to Schedule 3 of the *Environmental Planning and Assessment Regulation, 2000*, as a 'livestock processing industry' with an intended processing capacity of more than 3,000 kilograms per day. As such, an EIS was submitted with the development application;
- **Integrated development** – the proposed development required an Environmental Protection Licence under the *Protection of the Environment Operations Act, 1997*. As such, the Environment Protection Authority (EPA) was an integrated approval body for the application.

Approval for the proposed development was granted by the Minister on 27 February 2003. Consent was granted subject to a number of consent conditions, as detailed in Schedule 2 of the Instrument of Consent.

Cargill then lodged a section 96(2) modification application on 1 July 2003 which was approved by the Minister on 3 November 2003. Consent was granted subject to a number of consent conditions, as detailed in Schedule 2 of the Notice of Amendment of Development Consent.

Following appraisal of the consent conditions by Cargill, further assessment into contamination issues on Site were undertaken by HLA (letter attached) to establish whether the revised conditions were relevant to the proposal. Consequently, the attached letter summarises the present contamination issues in relation to the consent conditions.

1.2 The Applicant

Cargill Foods Australia Pty Ltd is the Applicant of the modification application.

1.3 The Proposed Modification

Consent is sought to modify the existing consent conditions to DA No.220-07-2002-I, as amended by MOD-61-1-2003-i.

Cargill proposes modification to the development consent by deleting conditions 5.23, 5.23a, 5.24 and 5.25, and replacing them with (or similar):

Condition 5.23: If the construction of the development results in the disturbance of any contaminated soil identified in the report entitled : '*Preliminary Environmental Site Assessment Bomen Abattoir - Bomen NSW*' prepared by HLA Envirosciences Pty Ltd dated 20 November 1996, the applicant shall:

- (a) provide to the Director General a Remedial Action Plan that has been approved by an auditor accredited under the *Contaminated Land Management Act, 1997*;
- (b) provide to the Director-General a report outlining:
 - (i) how the proposed remediation of the land would be coordinated with the proposed works;
 - (ii) which measures would be implemented to managed or mitigate any potential impacts associated with these works; and
 - (iii) how the effectiveness of these measures would be monitored during the proposed works;
- (c) not commence construction until the Remedial Action Plan and the report referred to in paragraph (b) has been submitted to the Director General;
- (d) carry out the works referred to in the Remedial Action Plan; and
- (e) ensure that, prior to obtaining an occupation certificate for that part of the development on the land affected by the remedial works, all the works in the Remedial Action Plan have been completed and a site audit statement has been issued by an auditor accredited by the EPA stating that the site is appropriate for use for commercial/industrial purposes.

Further conditions may also be required to be added, modified, or deleted as considered by the consent authority.

2 THE SITE

2.1 Site Description and Locality Information

Bomen Abattoir (the site) is located on Bomen Road, North Wagga Wagga, approximately 5 kilometres north north-east of the urban centre of Wagga Wagga.

The site is located in the Parish of North Wagga, County of Clarendon. The real property description of the existing abattoir site is:

- Lots 1,2 & 4 in DP 700113;
- Lot 1 in DP 840624;
- Lot 6 DP 614169; and
- Lot 11 in DP 814225.

The site occupies a total of 155.8 ha, owned by Cargill Australia Limited.

The proposed modification does not involve the physical modification or design change of any part of the proposal.

2.2 Surrounding Land Use

The locality encompassing the site is dominated by rural landuse. On a more local scale industrial landuse is situated to the north, west and east of the site. Some rural-residential holdings are situated to the west and south of the site, and a small amount of residential landuse is situated to the west of the site (East Street residents).

Landuse immediately surrounding the site is as follows:

- **North** – Industrial landuse and Bomen Road beyond;
- **East** – Main Southern Railway, Byrnes Road and Rural-Industrial landuse beyond;
- **South** – Main Southern Railway, Byrnes Road and Rural / Rural-Residential landuse beyond;
- **West** – Rural-Industrial landuse.

The closest residences to the abattoir are located on Byrnes Road, approximately 1km south of the Site. Residences are also located further west of the site at Cartwrights Hill, along East Street (approximately 1.2km from the site).

3 THE PROPOSED MODIFICATION

3.1 Rationale for the Modification

The proposed modification comprises a change to consent conditions issued for the approved DA 220-07-2002-i, as amended by MOD-61-1-2003-i.

As described in the letter attached (HLA, 11 December 2003) HLA identified three areas of contamination within the boundaries of Bomen Abattoir. These included:

- limited hydrocarbon contamination around the fuel oil underground storage tank (UST);
- potential hydrocarbon contamination within the fill sand immediately against the unleaded petrol UST in the administration area; and
- organochlorine pesticide (OCP) and arsenic contamination in the soil beneath the floor of the skin shed.

As discussed in **Section 5.1** below the three areas listed above are not within the proposed development area for the approved expansion. Additionally, based on the 1996 assessment by HLA, the level of contamination within these areas in its present condition is already suitable for commercial/industrial use.

Therefore Cargill's propose that the consent conditions requiring immediate remediation of these areas (Conditions 5.23 – 5.25) be modified so as to only require action on remediation to be taken when, and if these areas are developed in the future (as described in **Section 1.4** above).

3.2 What the EIS Proposed

The approved layout of the reconstructed abattoir is identified in Figure 3.1 of the EIS (June 2002) and Plan 102605:A.003-02 prepared in the SEE (June 2003), and is discussed in Section 3.7 of the EIS and.

There are no proposed changes to the approved layout of the facility.

4 PLANNING CONTEXT

4.1 Environmental Planning and Assessment Act, 1979

Section 96 of the EP&A Act allows a consent authority to modify a development consent, where the consent authority is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

It is considered that the development as modified by the proposal is substantially the same development as that originally approved by the minister, for the following reasons:

- The proposed modification requires no changes to the building layout or design. As detailed above, the modification constitutes only minor amendment of consent conditions of the approved development; and
- The proposed modification is of minimal environmental impact.

It is submitted that as there are no environmental impacts as a result of the proposed modification, the proposed modification can be assessed as a modification application under Section 96(1A) of the EP&A Act.

As the Minister was the consent authority for the original Development Application, the Minister is also the consent authority for the modification application.

4.2 State Environmental Planning Policies

4.3 SEPP 11 – Traffic Generating Development

State Environmental Planning Policy No.11 (SEPP 11) ensures that the traffic management authority is given the opportunity to make a representation on certain 'traffic generating' development applications before a consent authority can make a determination on the proposal. The SEPP establishes the Road and Traffic Authority (RTA) as the sole traffic management authority to be consulted.

The original development application was referred to the RTA pursuant to SEPP 11.

The proposed modification would have no impact on the traffic generation associated with the approved development (refer to **Section 5.5**).

4.4 SEPP 33 – Hazardous and Offensive Development

State Environmental Planning Policy No.33 (SEPP 33) provides definitions for hazardous and offensive industry to enable decisions on developments to be made on the basis of merit, rather than on industry type per se.

The proposed modification would have no impact on the hazards or risk associated with the approved development (refer to **Section 5.7**).

4.5 SEPP 34 – Major Employment Generating Industrial Development

SEPP 34 aims to promote and coordinate the orderly and economic use and development of land and the economic welfare of the State by facilitating certain types of major employment-generating industrial development of State significance.

The original proposal satisfied the criteria listed within the SEPP and as such was deemed State significant development. As State significant development, the Minister for Planning was the consent authority.

As the Minister was the consent authority for the original application, the Minister is also the consent authority for the modification application.

4.6 SEPP 55 – Remediation of Land

SEPP 55 aims to provide for a Statewide planning approach to the remediation of contaminated land, and in particular, to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. Clause 7 of the SEPP requires a consent authority to consider whether the land to which a development application relates is contaminated, and if the land is contaminated, to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation), prior to granting consent.

Consideration of land contamination is provided in **Section 5.1**.

4.7 Regional Environmental Planning Instruments

There are currently no Regional Environmental Plans (REPs), or draft REPs, that apply to the proposed development.

4.8 Local Environmental Planning Instruments

4.8.1 Wagga Wagga Local Environmental Plan, 1985

The land to which the proposed development relates is affected by the *Wagga Wagga Local Environmental Plan (Wagga LEP), 1985*.

The land to which the approved development relates covers two zones – the majority of the development area is situated within zone 5a–Special Uses, with the northern portion situated within zone 4a Industrial–General.

The proposed modification is not affected by any Special Provisions of the Wagga LEP.

4.9 Development Control Plans

4.9.1 Wagga Wagga DCP, 1986

The Wagga Wagga DCP, 1986 provides further regulation of landuse and development within the LGA. Chapter 11 of the DCP provides guidelines for development in the Special Uses zone. The chapter does not contain any provisions directly relevant to the Bomen Abattoir site or to

the approved development or modification proposal, except for Section 11.5.5, which requires applicants to consult and have regard to the requirements of the various Council Departments for development proposed to be undertaken in the Special Uses zone. Council Departments were consulted extensively in the preparation of the EIS and in the early stages of planning for the proposed development.

5 ENVIRONMENTAL ISSUES

5.1 Soil and Water

The proposed modification would have no impact on the soil and water of the Site. There are no physical changes to the proposed layout or design. Details of soil contamination can be found in HLA's letter of 11 December 2003 (attached) and are summarised below.

Fuel Oil Underground Storage Tank (UST)

The fuel oil UST has been previously decommissioned. Although the contamination status at decommissioning is unknown, it is known from previous studies by HLA (1996) that there was no contamination identified outside the tankpit, indicating a limited extent of impact. Despite the potential for contamination in this area, the fuel oil UST was located outside the area affected by the Proposal and would therefore not be disturbed for the construction and operation of the proposed development.

Unleaded Petrol UST

The unleaded petrol UST was removed from the site in July 2003. Sampling of soils during decommissioning identified no soil contamination. Regardless of this result, the location of this UST is also outside the area affected by the proposed abattoir expansion.

Skin Shed

Previous sampling results (HLA, 1996) show that the soil under the skin shed is already suitable for commercial/ industrial use without remediation. That notwithstanding, the skin shed is outside the proposed development area and, if, in the future the skin shed location undergoes improvements or reconstruction, Cargill intend to remove the soils beneath the shed floor containing contamination.

During all phases of the proposed development the provisions identified in the EIS (Section 6.1.7) would be implemented to mitigate against potential soil contamination from construction works and activities at the abattoir in accordance with the Bomen Abattoir EMP.

5.2 Flora and Fauna

As described in the EIS (Section 6.4) the Bomen Abattoir and surrounds consist predominantly of cleared rural land and the site has been cleared and extensively disturbed from past and present landuses.

The proposed modification would have no impact on the flora and fauna of the Site. There are no physical changes to the proposed layout or design.

5.3 Odour and Air Quality

As described in the EIS (Section 6.7) an odour impact assessment was undertaken for the proposed expansion. Modelling and consultation was undertaken to assess potential and existing impacts on surrounding receivers and odour abatement measures were recommended for the expansion.

As detailed in the EIS, an Odour Reduction Strategy has been adopted at the plant to achieve the draft EPA odour standard.

The proposed modification would not alter other air emissions from boilers, rendering, vehicles and dust. There are no anticipated air quality impacts from the undisturbed areas of contamination.

5.4 Noise

A noise impact assessment for the original proposal was undertaken by HLA-Envirosciences for the EIS. An assessment of the proposed development was undertaken for operational noise in accordance with the EPA's *NSW Industrial Noise Policy*, traffic noise in accordance with the EPA's *Intermittent Traffic Noise Guidelines* and construction noise in accordance with the EPA's *Environmental Noise Control Manual*. The noise assessment is provided in section 6.8 of the EIS.

The proposed modification will not involve any physical changes to the design or layout of the facility. Noise impacts for the proposed modification would remain unchanged from the previously approved proposal.

5.5 Traffic

TEF Consulting Pty Ltd. undertook a traffic impact assessment for the original proposal. This report assessed potential impacts to traffic, road safety and intersections affected by the site. The traffic assessment is found in section 6.10 of the EIS. Further traffic information was also provided to Planning NSW in the form of a document titled *Further Information regarding Bomen Abattoir* (8 November 2002).

Transport and traffic impacts for the proposed modification would remain unchanged from the approved proposal.

5.6 Visual Amenity and Landscaping

The existing industrial development and agricultural landuses dominate the visual environment of the site at present. Visual impacts for the proposed modification would remain unchanged from the already approved proposal.

5.7 Hazards and Risk

The hazards and risks associated with the proposed modification would be identical to the original proposal. Health and hazards were addressed in section 6.14 of the EIS. There would be reduced risk to human health and to hazards associated with the disturbance of contaminated materials as soils in the vicinity of the old sheep skin shed would not require disturbance as part of the proposed modification.

6 CONCLUSION AND RECOMMENDATIONS

Section 96 of the *Environmental Planning and Assessment Act, 1979* requires a consent authority to take into consideration the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

The following provides a summary of the environmental assessment related to the matters for consideration under Section 79C (1):

- i. *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) *any development control plan, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

Refer to **Section 3**. The proposal is considered to be in accordance with the provisions of all applicable state, regional and local environmental planning instruments.

- ii. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Refer to **Section 5**. The modification is considered to be the same development as that proposed in DA No.220-07-2002-I, as amended by MOD-61-7-2003, with some minor changes to the consent conditions. The proposed modification is not anticipated to cause any significant or irreversible environmental impacts.

- iii. *the suitability of the site for the development,*

Refer to **Section 2**. The site is the existing location of the Bomen abattoir and is zoned for industrial and special (abattoir) uses. The surrounding landuses are predominantly rural and industrial, with the nearest residences approximately one kilometre from the site.

- iv. *any submissions made in accordance with this Act or the regulations,*

The proposed modification is expected to be exhibited for a period of at least two weeks, during which interested persons will be able to make a submission to the consent authority.

- v. *the public interest.*

A community consultation program was undertaken as part of the EIS process in 2001. The community have not been formally consulted further regarding the modification as it is considered that the development is substantially the same as that for which consent has been granted and will not have any additional impacts on the environment or on neighbouring land users. The public will have the opportunity to make a submission regarding the proposed modification during the exhibition period.

7 JUSTIFICATION

It is considered that the development as modified is substantially the same development as that approved in February 2003 and modified in November 2003.

There are not considered to be any significant additional environmental impacts resulting from the proposed modification, and the development would be carried out in accordance with the requirements of the Instrument of Consent as modified.

Attachment 1

11 December 2003

Mr Greg O'Hare
Cargill Australia Limited
Dampier Street
Bowmen NSW 2650

**RE: POTENTIAL DISTURBANCE OF CONTAMINATED SOIL OWING TO THE PROPOSED
ABATTOIR EXPANSION AT DAMPIER ST, BOMEN**

Dear Greg,

HLA-Envirosciences Pty Limited (HLA) are pleased to provide this letter clarifying the significance of the contamination issues identified in our assessment report for the above site (the Site) of 20 November 1996 (HLA, 1996), in the context of the Bomen Abattoir Expansion Proposal and present regulatory standards.

HLA refer to the conditions of consent dated 3 November 2003 from the NSW Department of Planning for the Bomen Abattoir Expansion Proposal (the Proposal), in particular conditions 5.23, 5.23(a) and 5.24.

Condition 5.23 requires that *"two weeks prior to the commencement of any construction work, the Applicant shall submit to the Director-General a Remedial Action Plan for the site that has been certified by an accredited site auditor under the Contaminated Land Management Act, 1997 to address contaminated soil identified in the report, titled Preliminary Site Assessment Bomen Abattoir - Bomen, NSW, prepared by HLA-Envirosciences Pty Ltd and dated 20 November 1996"*.

Condition 5.23(a) requires that *"Should construction work be conducted on-site in conjunction with works outlined in the Remedial Action Plan required by condition 5.23, the Applicant shall, two weeks prior to the commencement of these works, submit to the Director - General a report outlining:*

- i. how the proposed remediation of the land would be coordinated with the proposed works;*
- ii. what measures would be implemented to manage or mitigate and potential impacts associated with these works; and*
- iii. how the effectiveness of these measures would be monitored during the proposed works"*.

Condition 5.24 requires that *"construction of any component shall not:*

- (a) occur on any part of the site that has yet to be remediated and validated by a site Auditor accredited by the EPA; and*
- (b) occur on any part of the site in such a location or manner that may interfere with the ongoing remediation of areas of the site or validation by a site auditor accredited by the EPA."*

HLA (1996) identified three areas of contamination in the context of the soil investigation criteria that applied at the time (ANZECC, 1992 and NSW Service Station Guidelines, 1994). The three areas of contamination identified in HLA (1996) consisted of:

- Limited hydrocarbon contamination around the fuel oil underground storage tank (UST);

- Potential hydrocarbon contamination within the fill sand immediately against the unleaded petrol UST in the administration area; and
- Organochlorine Pesticide (OCP) and arsenic contamination in soil beneath the floor of the skin shed.

The present condition of these areas in relation to the Proposal and future uses is described below.

Fuel Oil UST

During HLA's 1996 Preliminary Site Assessment three soil boreholes (BH1 to BH3) were completed in proximity to the UST. Borehole BH1 was completed within the tankpit (ie: within the backfill sands) to a depth of 4m below grade, whilst BH2 and BH3 were located outside the tankpit. Boreholes BH2 and BH3 encountered granite bedrock at depths between 0.6m and 0.85m below grade. Analysis of soil samples indicated that petroleum hydrocarbon contamination existed within the UST backfill sands but was not identified outside the tankpit, indicating a limited extent of impact.

As described in section 6.15 of the Proposal the use of this UST was discontinued due to the Site's transition to natural gas as a fuel supply. Cargill engaged B & B Petroleum Equipment (an Australian Institute of Petroleum approved contractor) in December 1996 to decommission the UST (by removal). HLA is not aware of environmental sampling works being undertaken during the decommissioning process and therefore, the contamination status is not known. HLA notes however, that the 1996 soil investigation did not identify contamination outside of the tankpit and that the UST was located outside the area affected by the proposal.

Unleaded Petrol UST

This UST was located outside the area affected by the Proposal, adjacent to the administration building in the south-east corner of the property. Two soil boreholes (BH4 and BH5) were completed to 4.0m below grade in the vicinity of this structure during HLA's 1996 Preliminary Site Assessment. Analysis of soil samples (2 per borehole) did not identify petroleum hydrocarbons.

This UST was removed from Site (in July 2003) by Ladex Industries, who reported to Cargill that *"there were no visible signs of leakage and the tank was in very good condition"* and *"there was no odour in the spoil"*. Two samples of tankpit backfill sands (spoil) were laboratory analysed for the presence of petroleum hydrocarbons, with no soil contamination identified.

Skin Shed

The skin shed is located outside the area affected by the Proposal, in the north-west corner of the property. The skin sheds have been removed since the HLA (1996) investigation was conducted. This area is currently not utilised for any purpose.

Based on current NSW EPA (1998) guidelines and the results obtained as part of HLA (1996), this area is suitable for commercial/industrial use without remediation.

Conclusion

Based on our knowledge of the Bomen Abattoir, all remaining areas of contamination identified as part of HLA (1996) are outside the area encompassed by the Proposal. Consequently, construction methods for the proposed development shall ensure that these areas are not disturbed.

On that basis, and considering that the results of HLA (1996), in our opinion the site in its' present condition is suitable for commercial/industrial use. Further, it is our opinion that the proposed new conditions referred to in the attached Section 96 application will ensure that if the soil is disturbed then remediation will be undertaken.

Please call the undersigned on 9988 4422 should you require further information or additional assistance in this matter.

HLA

Yours faithfully,

HLA-Envirosciences Pty Limited

Alex Latham
Senior Environmental Scientist

Anthony Mitchell
Principal

