



ASSESSMENT REPORT

Section 75W Modification

Teys Australia Beef Abattoir, Bomen, Wagga Wagga (DA 220-07-2002-i MOD 9) Chiller Facility Awning

1. INTRODUCTION

This report is an assessment of a request to modify the Development Consent for the Teys Australia (formerly Cargill) beef abattoir (DA 220-07-2002-i). The request has been lodged by Teys Australia Southern Property Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). The request seeks to construct an awning over an existing annex of the meat chiller building within the abattoir facility.

2. BACKGROUND

The Proponent operates a beef abattoir at 1 Dampier Street, Bomen in the Wagga Wagga local government area (see **Figure 1**).

The site is irregular in shape and is approximately 115.8 hectares in area. Bomen Road bounds the site to the north, Dampier Street, the Main Southern railway and rural residential properties are to the east and the city of Wagga Wagga is located approximately five kilometres to the south. Unaffiliated rural residential properties and the area of Cartwrights Hill are to the west. Over the years, the Proponent has amalgamated the land parcels that make up the site. The operation now sits on one lot and is legally described as Lot 1 DP 1213252.

The Bomen abattoir was established in around 1947-50 to process cattle into finished beef products for domestic consumption and for export. The site currently operates under a Ministerial consent (DA 220-07-2002-i), which permits the abattoir to process up to 1,600 head of cattle per day. The site currently operates below this limit and processes approximately 1,275 head of cattle per day.

Teys Australia currently operates the site. Teys Australia is a 50/50 partnership between the Teys Family and Cargill Foods Australia Pty Ltd which has owned the facility since 1991.

Surrounding land uses include industrial operations such as a waste oil refinery, bulk fuel depot and the Wagga Wagga livestock marketing centre. The nearest existing residential receiver is over 900 m to the west.

The site is highly modified. The majority of abattoir related buildings and hardstand areas are located in the north-eastern part of the site. Anaerobic wastewater treatment ponds are located to the south-west of the main abattoir complex near the centre of the site. The remainder of the site is devoted to on-site wastewater irrigation from the abattoir operation.

The Proponent is seeking to modify the Development Consent to construct an awning over an existing annex of the meat chiller facility where chilled meat products are currently stored prior to distribution (see **Figure 2**).

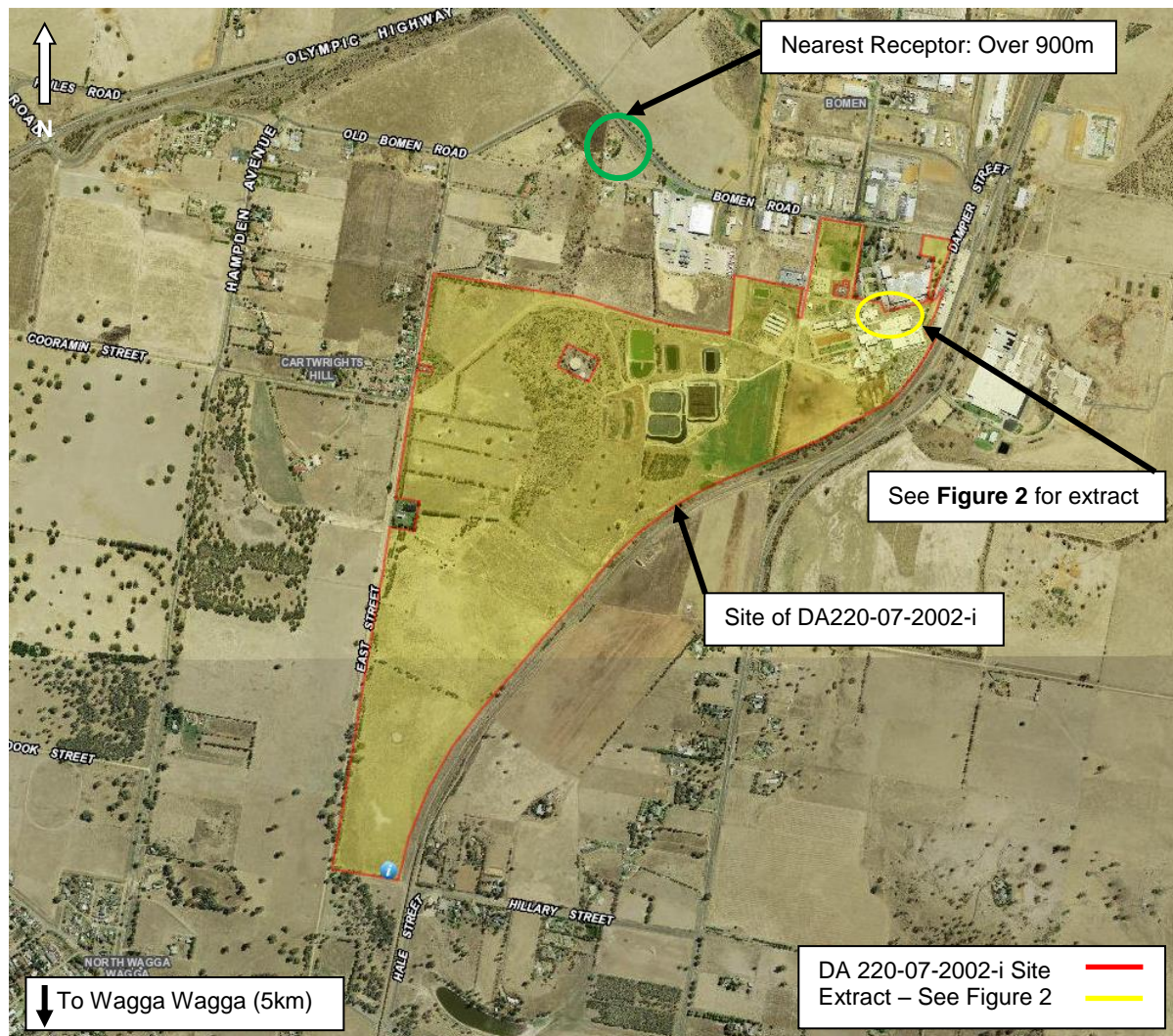


Figure 1: Site Location

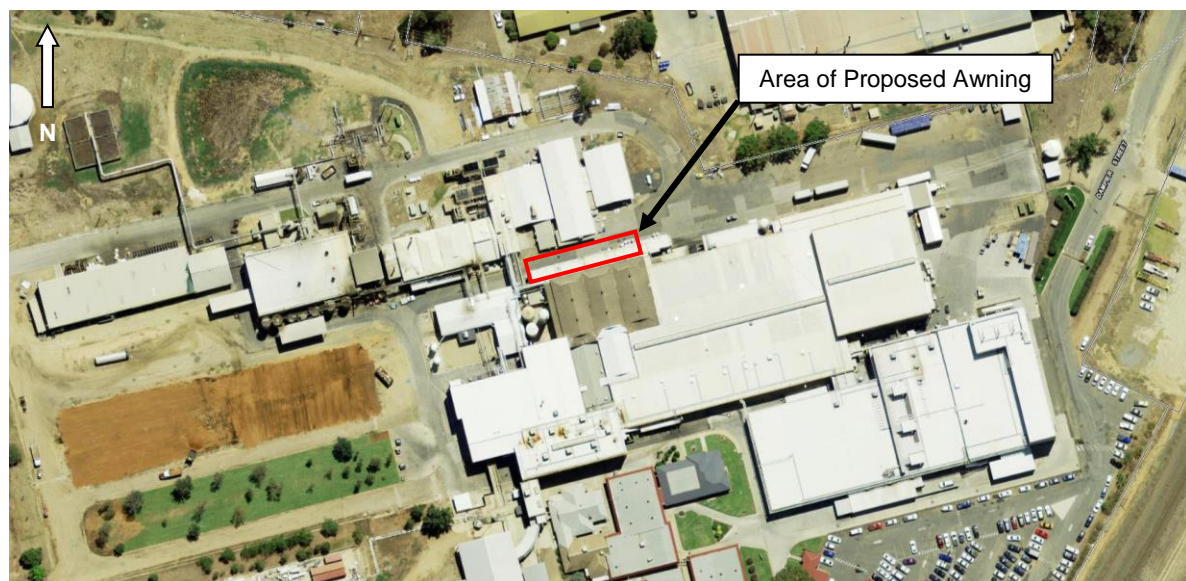


Figure 2: Location of Proposed Awning

3. APPROVAL HISTORY

On 28 February 2003, Development Consent was granted by the then Minister for Planning for the upgrade of the Bomen Beef Abattoir (DA No. 220-07-2002-i).

DA 220-0-2002-i has been modified eight times. The previous modifications are summarised below:

- MOD-61-1-2003-i, approved on 3 November 2003, sought to amend the layout of the approved abattoir upgrade;
- MOD-4-1-2004-i, approved on 31 March 2004, sought to amend requirements for on-site soil remediation;
- MOD 3, approved on 29 June 2009, sought to construct and operate a new covered wastewater treatment system;
- MOD 4, approved on 2 August 2010, sought to upgrade the wastewater treatment system to include a biological nutrient removal system and two covered anaerobic ponds;
- MOD 5, approved on 28 November 2011, sought to undertake additional effluent irrigation within the southern section of the site, on land known as the CFA Low irrigation area;
- MOD 6, approved on 7 June 2015, sought to construct new loading dock facilities and a new heavy vehicle access point from Jersey Street;
- MOD 7, approved on 13 January 2016, sought to construct and operate a new bio-filter to replace the degrading rendering plant bio-filter; and
- MOD 8, approved on 11 October 2016, sought to expand the cattle stockyards and construct an awning over a carton storage area.

4. PROPOSED MODIFICATION

On 20 November 2016, the Proponent lodged a modification request under section 75W of the EP&A Act. The modification seeks to construct a 233 metre squared (m²) skillion awning over an existing annex, which is used for the chilled storage of packaged meat products prior to distribution. The proposed awning will be located in the north-eastern part of the site.

The modification is described in full in the Environmental Assessment (EA) included in **Appendix B** and is shown in **Figure 3** and **Figure 4**.

The Proponent has advised the awning is required for weatherproofing as the existing annex has degraded with age and rainwater penetrates the structure during heavy rainfall, leading to product losses due to water damage. Damaged products must be re-packaged, leading to production delays and additional costs and resource use associated with repackaging products.

The awning would therefore reduce operational costs from lost time and resources from repackaging damaged products. Construction of the skillion awning would also allow the Proponent to continue using the adjacent loading area and prevent operational losses, instead of closing down production if the annex itself were to be repaired.

The proposed awning would cover the roof area of the existing chiller annex and would not result in any changes to production capacity or any increase in impervious surfaces. The Proponent seeks to include civil plans of the proposed awning in the development consent. The Proponent has advised the awning would take approximately two weeks to construct.

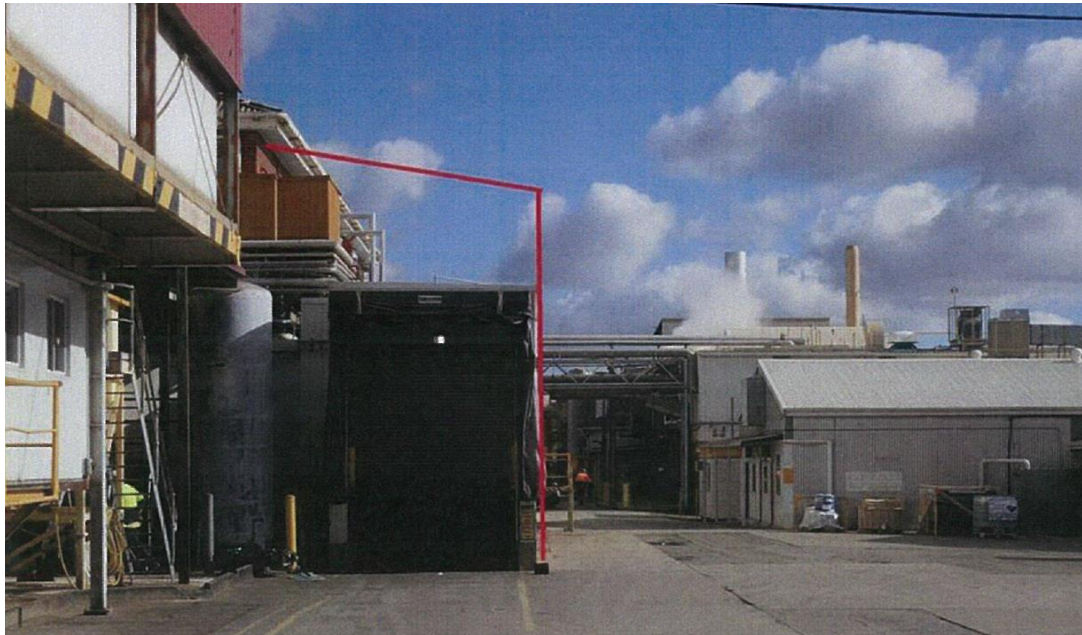


Figure 3: Envelope of Proposed Awning

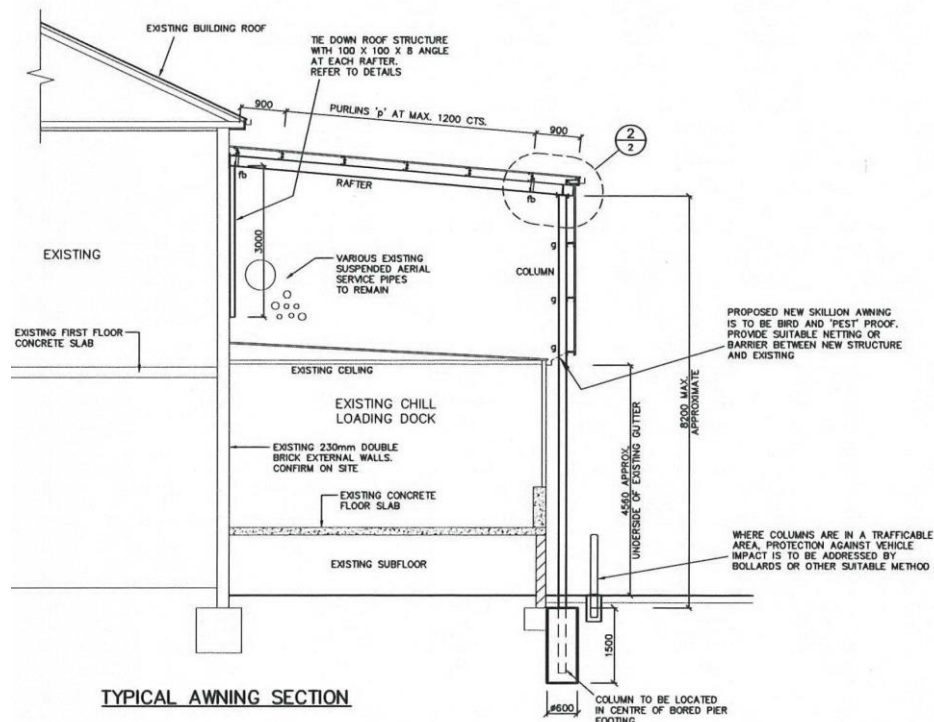


Figure 4: Section Plan of Proposed Awning

5. STATUTORY CONTEXT

5.1 Approval Authority

The Minister for Planning is the approval authority for the request. Under the Minister's delegation of 16 February 2015, the Director, Industry Assessments, may determine the request under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

5.2 Section 75W

Under clause 8J(8)(b) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), a development consent granted by the Minister for Planning for State significant development under *State Environmental Planning Policy No 34 - Major Employment-Generating*

Industrial Development is to be modified under section 75W of the EP&A Act. Despite the repeal of Part 3A of the EP&A Act on 1 October 2011, the effect of section 75W is continued for such consents by the operation of Clause 12 of Schedule 6A of the EP&A Act.

The Department notes that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification;
- the modification is of a scale that warrants the use of section 75W of the EP&A Act;
- the approved cattle processing rates would remain unchanged as a result of the proposed modification; and
- any potential environmental impacts would be appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 75W of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the request should be assessed and determined under section 75W of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification request. Upon receipt, the request was placed on the Department's website and following a review of the documentation, the Department did not consider that further consultation was necessary. Notwithstanding, the Department sought comments from Wagga Wagga City Council (Council).

During the notification period, one submission was received from Council. No submissions were received from the public.

Council did not object to the modification request and advised it does not have any additional requirements for the development with regards to noise, odour or stormwater controls. Council also advised the proposed works would require Construction Certificate approval.

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- EIS and assessment report for the original application;
- existing conditions of consent (as modified);
- the EA supporting the proposed modification (**Appendix B**);
- submissions from Council (**Appendix C**);
- the Proponent's response to issues raised in submissions;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the potential impacts from the proposed modification are minor and are assessed in **Table 1** below.

Table 1: Assessment of Issues

Issue	Assessment	Recommendation
Stormwater management	<ul style="list-style-type: none">• The proposed awning would cover the roof of the existing chilled loading dock and would not increase the volume of stormwater run-off or impact existing drainage flows on-site.• The awning would discharge run-off into the existing stormwater management system, in accordance with Council's Engineering Guidelines.• Minor disruptions in stormwater management may occur during the construction of awning footings, but would be temporary and are within the capacity of the existing stormwater system.• Council raised no concerns regarding any potential stormwater impacts of the modification request.• Stormwater and sediment and erosion controls form part of the existing Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plans (OEMP).	<ul style="list-style-type: none">• Manage through existing conditions of consent and the existing CEMP and OEMP.

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> The Department's assessment concludes the works proposed under the modification request would have a negligible effect on stormwater management on-site and can be managed through existing conditions of consent and the existing CEMP and OEMP. 	
Traffic and transport	<ul style="list-style-type: none"> The Proponent has advised the awning would take approximately two weeks to construct. Construction traffic would consist of one truck, a crane and an excavator. Considering the minor nature of the works, no additional traffic movements to and from the site beyond the volumes currently approved are anticipated. The location of the proposed awning is adjacent to an internal road used for heavy vehicle circulation. The awning would cover the existing chilled loading dock where heavy vehicles receive refrigerated finished beef products. Council raised no issues regarding traffic impacts. The awning would cover and not extend beyond the existing chilled loading dock and therefore would not impact on internal vehicle movements. The Department's assessment concludes the construction traffic can be adequately managed through the existing conditions of consent and the CEMP, and the proposed works would have negligible impacts on the existing traffic volumes on-site and along the local road network during operation. 	<ul style="list-style-type: none"> Manage through existing conditions of consent and the existing CEMP and OEMP.
Construction waste and wastewater	<ul style="list-style-type: none"> The proposed modification would generate minor amounts of general construction waste from the excavation of awning footings. The modification request does not seek any demolition works. Waste that cannot be re-used on site as inert fill would be disposed of at a licensed waste facility. Metal waste would be disposed of at a metal recycling facility. No increase in operational waste or wastewater streams are anticipated from the modification request as operational numbers and volumes would remain unchanged. The Department's assessment concludes any increase in waste would be limited to construction works, which would generate minor volumes of construction waste and can be managed through existing conditions of consent and Waste Management Plan within the existing CEMP. 	<ul style="list-style-type: none"> Manage through existing conditions of consent and the existing CEMP.
Noise	<ul style="list-style-type: none"> Previous noise assessments have been undertaken for the facility as part of the original DA and subsequent modifications. The region surrounding the site has several sources of road and rail traffic noise including Byrnes Road, Olympic Highway and the Main Southern Railway. The modifications would not result in any changes to operational noise emissions. Any potential impacts can also be managed through the Noise Management Plan contained within the existing OEMP. The Department's assessment concludes any noise impacts from the modifications would be from construction works, which would be temporary and negligible in impact. No additional noise impacts are expected from an operational perspective and can be managed through existing conditions of consent and the OEMP. 	<ul style="list-style-type: none"> Manage through existing conditions of consent and the OEMP.
Visual impact	<ul style="list-style-type: none"> The Department is satisfied the visual impacts of the proposed modification would be minor given the expanded awning is located within the site and would be screened by existing buildings on-site. The Department's assessment concludes the visual impacts of the proposed works are negligible and can be managed through the existing CEMP and OEMP. 	<ul style="list-style-type: none"> Manage through existing CEMP and OEMP.

8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposed works are of a minor nature and would improve operational efficiency of the development and reduce operational waste from damaged products and packaging during heavy rainfall;

- allow the Proponent to continue operations in the existing annex without needing to suspend operations; and
- construction impacts of the modification request are negligible and can be managed by existing conditions of consent under DA 220-07-2002-i, as modified.

The Department is satisfied the impacts of the proposed modification are minor and existing conditions of consent and management measures can adequately manage any residual impacts. The modification requested requires minor administrative amendments to the conditions of consent to incorporate the EA for the modification and include plans of the new awning.

Consequently, the Department concludes the modification should be approved, subject to conditions recommended in the Instrument of Modification at **Appendix A**.

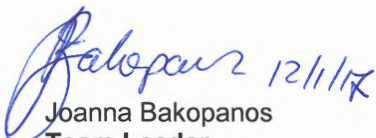
9. RECOMMENDATION

It is recommended that the Director, Industry Assessments:

- **consider** the findings and recommendations of this report;
- **approve** the proposed modification (DA 220-07-2002-i MOD 9) under section 75W of the EP&A Act; and
- **sign** the attached Instrument of Modification (in **Appendix A**).

Thomas Piovesan
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Industry Assessments

ENDORSED:


Joanna Bakopanos
Team Leader
Industry Assessments


Sally Munk
A/Director
Industry Assessments

APPENDIX A – INSTRUMENT OF MODIFICATION

APPENDIX B – ENVIRONMENTAL ASSESSMENT

APPENDIX C – SUBMISSIONS

APPENDIX D – CONSOLIDATED DEVELOPMENT CONSENT