



ASSESSMENT REPORT

Section 75W Modification

Teys Australia Beef Abattoir, Bomen, Wagga Wagga (DA 220-07-2002-i MOD 8) Cattle Yard Expansion

1. BACKGROUND

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 expand the existing cattle yards with associated stormwater management and shade structures, construct an awning at an existing box storage area and demolish an existing office building to accommodate the expanded cattle yards.

2. SUBJECT SITE

The site is located in the Bomen Business Park, within the suburb of Bomen, in the Wagga Wagga Local Government Area (LGA) (**Figure 1**). Surrounding land uses include industrial operations such as a waste oil refinery, bulk fuel depot and the Wagga Wagga livestock marketing centre.

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 recently partially rezoned area of Cartwrights Hill are to the west. The site is legally described as lots 1, 2 and 4 in DP 700113, Lot 6 in DP 614169, Lot 11 in DP 814225, Lot 1 in DP 840624 and Lot 1 in DP 823346.

3. APPROVAL HISTORY

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.

The site is zoned IN1 General Industrial under the *Wagga Wagga Local Environmental Plan 2010* (LEP). The existing and proposed modifications to the abattoir are classified as a livestock processing industry, which is permissible as an innominate use under the IN1 General Industrial zone of the LEP.

The proposed modifications are located in Lot 1 in DP 840624 and shown in **Figure 2**.

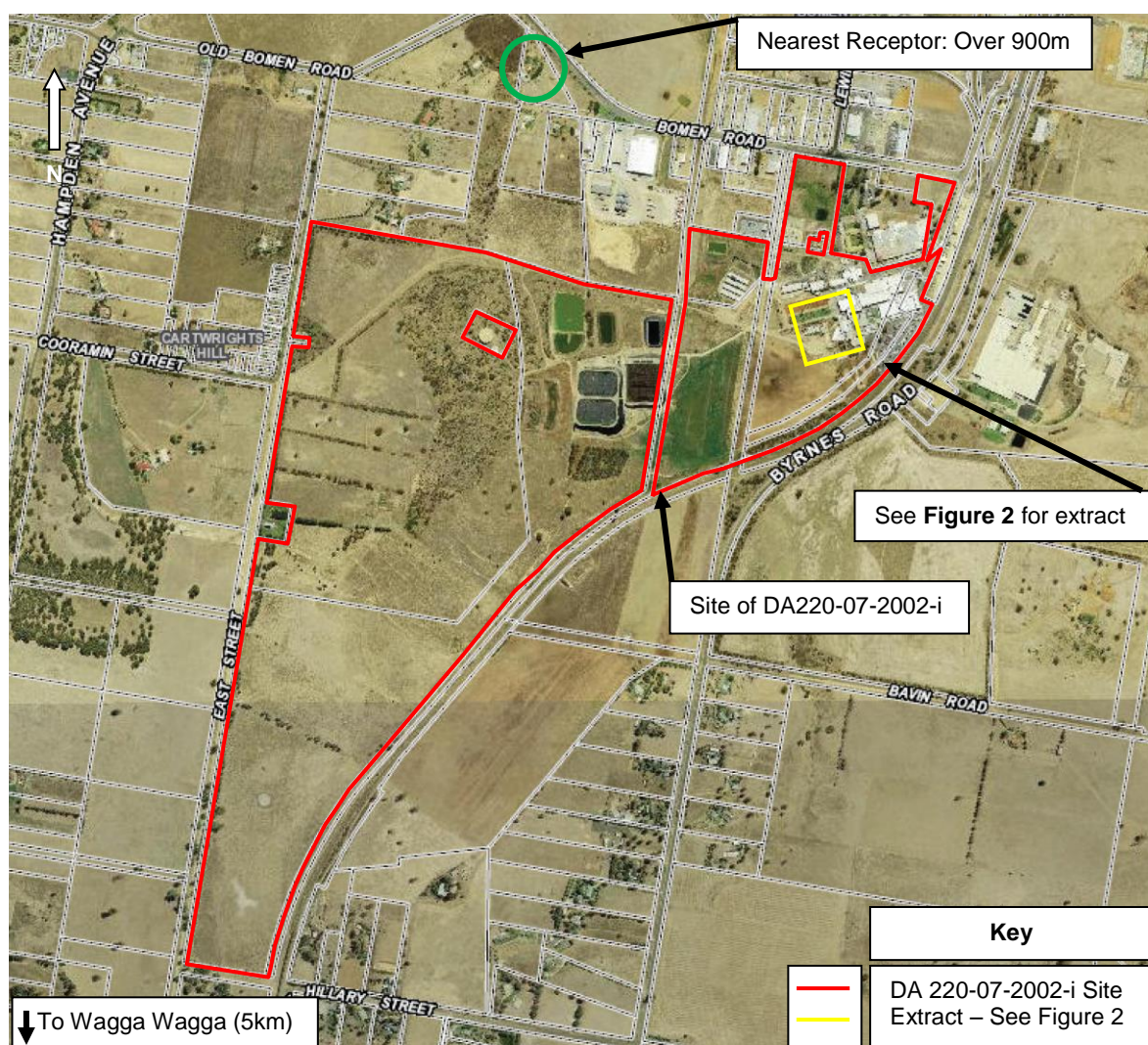


Figure 1: Site Context (Source: SIX Maps)

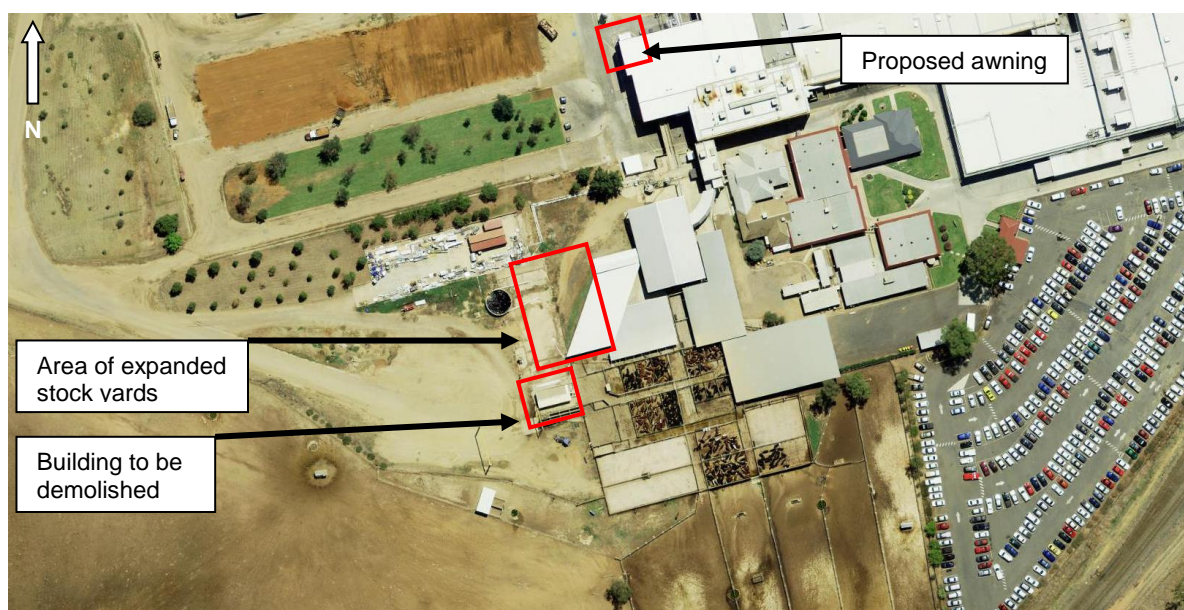


Figure 2: Areas of proposed modifications (Source: SIX Maps)

4. PROPOSED MODIFICATION AND JUSTIFICATION

On 11 July 2016, the Proponent lodged a modification request and an Environmental Assessment (EA) with the Department of Planning and Environment (the Department) seeking to modify the existing consent to:

- construct a 500 m² expansion to the existing cattle stock yard and an associated roof;
- demolish an existing 60 m² office building to accommodate the expanded stock yard; and
- construct an awning on the main abattoir building, which will be four to five metres in height and occupy an area of 119 m² (refer to **Figure 3**).

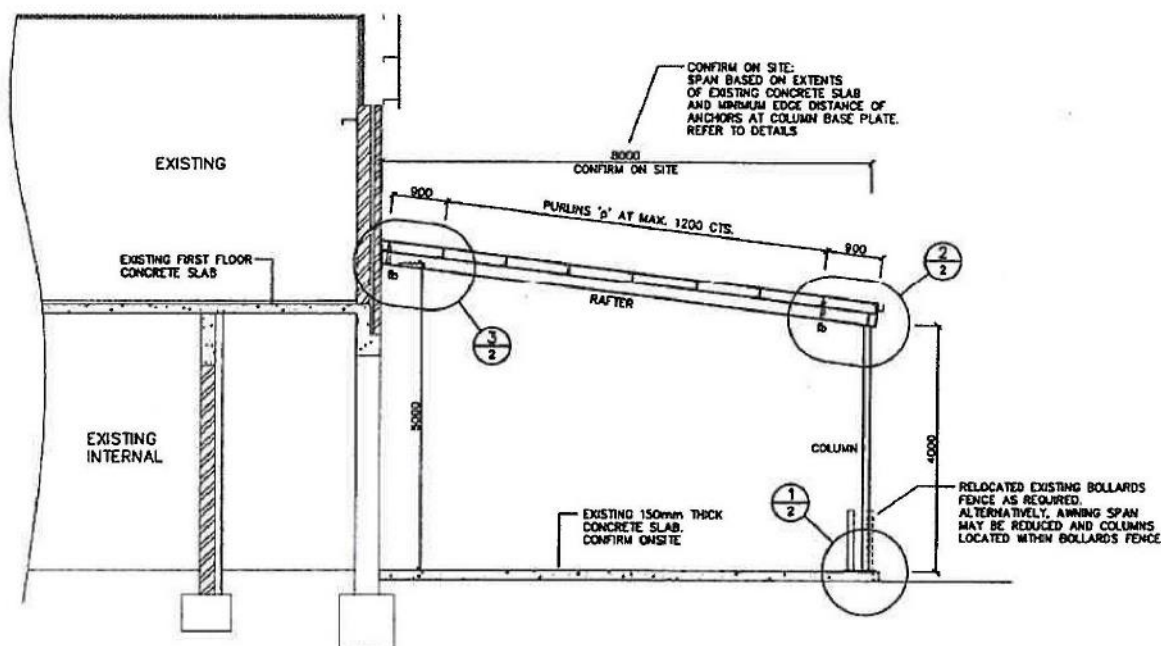


Figure 3: Section of the proposed awning on the main abattoir building (Source: Proponent)

The Proponent anticipates that construction of the expanded cattle yard would take approximately eleven weeks, and that the construction of the awing on the main abattoir building would take one week.

The Proponent has advised that the expansion of the cattle stock yard is required to improve animal welfare by providing shade and weather protection for stock. This would allow the abattoir to meet the standards stipulated within *Australian Animal Welfare Standards and Guidelines for Cattle* (2016), prepared by Animal Health Australia. In addition, the Proponent has advised that the construction of an awning on the main abattoir building is required for the protection of goods (cardboard boxes) stored outside the box room from a range of weather conditions.

The Department notes that the modification does not propose an increase in the number of cattle processed at the site.

5. STATUTORY CONTEXT

5.1 Modification of Minister's Consent

Under Clause 8J(8)(b) of the *Environmental Planning and Assessment Regulation 2000*, a development consent granted by the Minister for Planning under *State Environmental*

Planning Policy No 34 – Major Employment Generating Industrial Development is to be modified under section 75W of the EP&A Act.

The Department is satisfied the proposed changes to the cattle yards and main abattoir building constitute a modification to the original development consent and are within the scope of section 75W of the EP&A Act as:

- the primary function and purpose of the approved development would not change as a result of the proposed modification; and
- the environmental impacts associated with the development remain unchanged with those previously assessed, and can be appropriately managed through the existing or modified conditions of consent.

Accordingly, the Department considers the modification request can be assessed and determined under section 75W of the EP&A Act.

5.2 Approval Authority

On 16 February 2015, the then Minister for Planning delegated responsibility for the determination of section 75W modification requests to Managers and Directors who report to the Executive Director, Key Sites and Industry Assessments where:

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

The modification request complies with the terms of the delegation as Wagga Wagga City Council (Council) raised no objection, a political donation disclosure has not been made and no public submissions by way of objection were received. Therefore, the Director, Industry Assessments may determine the modification request under the Instrument of Delegation.

5.3 Consultation

The modification request was made publicly available on the Department's website on 21 July 2016. Given the minor nature of the modification request, it was not exhibited by any other means.

Notwithstanding, the Department invited comment from Council and the Environment Protection Authority (EPA). The comments received are summarised below. No public submissions were received.

Council raised no objection to the modification request and provided the following comments:

- if cattle numbers were to increase as a result of the increased size of the holding area, Council requested that it should be consulted further;
- given the location of the holding area and the proximity of this to sensitive receptors in Cartwright's Hill, Council agreed with the EA that no further noise reporting or monitoring is required to support the application;
- given the current design capacity of the site's Waste Water Treatment Plant (WWTP) lagoons, Council sought clarification as to whether the expanded cattle yards would overload the existing lagoons in a 20 year ARI 24 hour design system; and
- Council noted that the works proposed would require Construction Certificate approval, and that all necessary building conditions are reflected in the original consent and its subsequent modifications.

In its response to the submissions, the Proponent highlighted that the capacity of the WWTP lagoons would be unaffected by the modification during a storm event. This is due to the fact that the expanded cattle yards would be roofed, directing stormwater to the stormwater system, rather than the lagoons. Consequently, the Department is satisfied that the modification would not overload the existing lagoons during a storm event.

The **EPA** raised no objection to the modification request provided the increased wastewater flows from the expanded cattle yards can be handled by the existing treatment plant. The EPA also noted that the conditions of the current Environment Protection Licence for the site are sufficient to regulate the operation of the activity. The EPA also recommended that the Department include several requirements relating to the construction and operation of the modification, specifically in regards to waste and wastewater management, erosion and sediment control, and noise.

The Department has reviewed these requirements, and is satisfied that the conditions requested already form part of the original consent and its subsequent modifications. It is also noted that the modification will not involve the construction or operation of any new plant machinery, and will consequently have a minimal impact upon the project specific noise levels for the site.

6. ASSESSMENT

The Department has considered the following in its assessment of the modification request:

- the EA provided to support the proposed modification (**Appendix A**);
- all submissions received by the Department (**Appendix B**); and
- previous assessment reports for the original development application and previous modifications.

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

Table 1: Assessment of Issues

Issue	Consideration	Recommended Conditions
<i>Air Quality – Particulate Matter</i>	<ul style="list-style-type: none"> • Demolition and construction works and associated equipment will emit gaseous and particulate emissions during construction and demolition. • Dust emissions will be minimal as an earthworks would be limited to site preparation works, the modification site is confined to a small area within the overall site and construction and demolition works would occur over a short period of time. • The EPA raised no objection to the modification request, and recommended that the Proponent be required to implement measures to control and minimise dust during the construction phase. • The Department considers no additional adverse air quality impacts in excess of that previously assessed will occur as a result of the modification request, as the construction and demolition works will be minimal and occur over a short period of time. • Condition 7.2 c) of the existing conditions of consent required the preparation of a <i>Dust Management Plan</i> as part of the <i>Construction Environmental Management Plan (CEMP)</i>, which is used to manage dust and particulate emission impacts at the abattoir. This plan will also cover 	<ul style="list-style-type: none"> • Manage through existing conditions of consent and the existing <i>CEMP</i>.

	<p>the construction and operation of the proposed modification.</p> <ul style="list-style-type: none"> • Conditions 5.3 and 5.7 of the existing conditions of consent require the Proponent to minimise the emission of offensive odours and dust from the site during operation. • The Department's assessment concludes that the existing conditions of consent are capable of managing dust and particulate emissions from the modification request during construction and operation. 	
<i>Stormwater Management</i>	<ul style="list-style-type: none"> • Existing conditions and management measures are in place to manage stormwater on-site. • Minor disruptions in stormwater management may be encountered during construction. These would be temporary and would be managed by existing erosion and sediment control measures outlined within the site's existing <i>CEMP</i>. • The modifications will result in a marginal increase in the amount of rainwater run-off from roofed areas. This increase in run-off will be accommodated by the existing stormwater management system and managed within the site's existing <i>Operation Environmental Management Plan (OEMP)</i>. • Condition 7.4 b) of the existing conditions of consent required the preparation of a <i>Water Management Plan</i> as part of the <i>OEMP</i>, which is used to control and manage surface water and stormwater associated with the development. This plan will also cover the increase in run-off associated with the proposed modification. • Notwithstanding, the Department considers the existing stormwater management system can handle the minor increase in stormwater run-off from the expanded hardstand. • The Department's assessment concludes stormwater impacts from the modification are negligible and can be managed through the existing conditions of consent. 	<ul style="list-style-type: none"> • Manage through existing conditions of consent and the existing <i>CEMP</i> and <i>OEMP</i>.
<i>Traffic and transport</i>	<ul style="list-style-type: none"> • Construction traffic consisting of heavy and oversized vehicles would enter the site via the existing access to the west of the modification area, off Bomen Road. This access is currently used for livestock deliveries and dispatch of finished beef products. • The Proponent has advised that there would be no additional traffic movements to and from the site beyond that currently approved, and it is noted that no changes to operational traffic from the modifications are anticipated. • The Department notes Condition 7.2 e) of the existing conditions of consent required the preparation of a <i>Traffic Management Plan</i> as part of the <i>CEMP</i>, which is used to manage construction traffic at the abattoir and its impact upon the regional road network. • The Department's assessment concludes the proposed works would have negligible impacts on the existing traffic volumes on-site and along the local road network during operation, and construction traffic can be adequately managed through the existing conditions of consent and the <i>CEMP</i>. 	<ul style="list-style-type: none"> • Manage through existing conditions of consent and the existing <i>CEMP</i>.

<i>Construction Waste and Wastewater</i>	<ul style="list-style-type: none"> • Demolition and construction works would generate general construction waste. • The Proponent has advised that this waste will be controlled and regularly removed from the site. • The Proponent has also advised that asbestos may be encountered during demolition. If this occurs, it will be removed and disposed of in accordance with the requirements of the <i>Work Health and Safety Regulation (2011)</i>. • No increases in operational waste streams are anticipated as operational numbers and volumes at the facility would remain unchanged. • Additional wastewater would be generated by workers during the construction of the modification, however this would be minimal. • Additional wastewater (approximately 20 kilolitres a day) would also be generated by the wash-down of the proposed hardstand area during operation. This water would be directed into the existing wastewater treatment system, which has the capacity to treat the additional wastewater. • The Department's assessment concludes any increases to waste and wastewater would be minimal and can be managed by existing conditions of consent. 	<ul style="list-style-type: none"> • Manage through existing conditions of consent and the existing <i>CEMP</i> and <i>OEMP</i>.
<i>Noise</i>	<ul style="list-style-type: none"> • Previous noise assessments have been undertaken for the facility as part of the original DA and subsequent modifications. • Noise is expected from the demolition works, however, these activities would be temporary. Potential impacts can be managed through the <i>Noise Management Plan</i> contained within the existing <i>CEMP</i>. • The nearest residential receptor to the site of the proposed works is over 900 metres to the west (Figure 1). • 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 which would be further mitigated by the existing sources of road traffic and rail noise and the local topography. Any potential impacts can also be managed through the <i>Noise Management Plan</i> contained within the existing <i>OEMP</i>. • The Department's assessment concludes any noise impacts from the modifications would be from construction works, which would be temporary. No additional noise impacts are expected from an operational perspective and can be managed by existing conditions of consent, the <i>CEMP</i> and the <i>OEMP</i>. 	<ul style="list-style-type: none"> • Manage through existing conditions of consent and the existing <i>CEMP</i> and <i>OEMP</i>.
<i>Erosion and Sediment Control</i>	<ul style="list-style-type: none"> • Conditions 7.2 a) and 7.4 b) of the existing conditions of consent address construction and operational erosion and sediment control through the <i>CEMP</i> and <i>OEMP</i> prepared for the abattoir. • The existing cattle yard connects to the site's stormwater management system. • Earthworks to facilitate the expanded cattle yard would be limited to site preparation works and minor excavation to 	<ul style="list-style-type: none"> • Manage through existing conditions of consent and the existing <i>CEMP</i> and <i>OEMP</i>.

	<p>install additional stormwater management works.</p> <ul style="list-style-type: none"> The Department considers the existing <i>CEMP</i> and <i>OEMP</i> are capable of adequately managing any potential erosion and sedimentation impacts as a result of the minor excavation and demolition works of the modification request. 	
<i>Visual Impact</i>	<ul style="list-style-type: none"> The Department is satisfied the visual impacts of the proposed modifications would be minor given the expanded cattle yard would be of a similar bulk and scape of the existing holding pens and the awning would be located internally within the site and would be shielded by existing buildings and trees on-site. The Department's assessment concludes the visual impacts of the proposed works are negligible and can be managed through the existing <i>CEMP</i> and the <i>OEMP</i>. 	<ul style="list-style-type: none"> Manage through the existing <i>CEMP</i> and <i>OEMP</i>.

7. CONCLUSION

The Department has assessed the modification request and considered the submissions received from Council and the EPA. The modification request seeks to expand the existing cattle stock yard to improve animal welfare, and to construct an awning on the main abattoir building to protect goods from wet weather.

The Department is satisfied the impacts of the proposed modification are minor, and the existing conditions of consent can adequately manage any residual impacts. Minor amendments to the conditions are administrative in nature and required to incorporate the EA for the modification, which contains plans of the cattle stock yard expansion and the new awning.

Consequently, the Department has concluded that the modification request should be approved subject to the conditions recommended in the Instrument of Modification at **Appendix C**.

8. RECOMMENDATION

Under delegation of the Minister for Planning, it is recommended that the Director, Industry Assessments:

- consider** the findings of this report;
- approve** DA 220-07-2002-i MOD 8 under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- sign** the Instrument of Modification at **Appendix C**.

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11/10/16

APPENDIX A: MODIFICATION REQUEST

Refer to the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7828

APPENDIX B: SUBMISSIONS

Refer to the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7828

APPENDIX C: INSTRUMENT OF MODIFICATION
