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To: [DPE PS ePlanning Exhibitions Mailbox](#)
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Submission: The attached submission is on behalf of Teys Australia Pty Ltd

URL: <https://pp.planningportal.nsw.gov.au/WaggaWaggaSAP>

MinterEllison

29 September 2020

Executive Director Regions - Industry and Key Sites
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Executive Director Regions

Submission - Wagga Wagga Special Activation Precinct draft master plan and Discussion Paper

1. Introduction

- 1.1 We act for Teys Australia (**Teys**) in relation to their existing facility at 1 Dampier Street, Bomen (**Teys Site**). The Teys Site is one of the largest individual allotments in the proposed Wagga Wagga Special Activation Precinct (**SAP**).
- 1.2 This Submission highlights a number of issues which, in our view, should be clarified and addressed by the NSW Department of Planning, Industry and Environment (**DPIE**) and the Department of Regional NSW (**Regional NSW**) to ensure that Teys existing operations and future projects are not unreasonably impacted by the SAP. The issues set out in this Submission include:
 - (a) development contributions;
 - (b) air quality and odour
 - (c) noise;
 - (d) wastewater and sewage treatment;
 - (e) groundwater protection; and
 - (f) the treatment of existing operations.
- 1.3 Teys welcome further consultation with respect to these issues.

2. The Teys Site

- 2.1 The Teys Site occupies approximately 160 hectares at south-western extent of the proposed Wagga Wagga SAP. The Teys Site has been operated for the purpose of a 'livestock processing industry' since the 1940s. The site currently operates under:
 - (a) DA 220-07- 2002-i, a State Significant Development consent, which permits it to process up to 1,600 head of cattle per day; and
 - (b) Environmental Protection Licence (**EPL**) number 2262.
- 2.2 The Teys Site is generally configured as follows:
 - (a) abattoir-related buildings and hardstand areas located in the north-eastern portion of the site;



- (b) anaerobic wastewater treatment ponds located to the south-west of the main abattoir complex near the centre of the site; and
- (c) the remainder of the site is devoted to on-site wastewater irrigation from the abattoir and turf farming, generally occurring across two separate areas:
 - (i) Cargill Farm Area (**CFA**) High, which has an area of approximately 7.3 ha; and
 - (ii) CFA Low, which has an area of approximately 35ha.

3. Development contributions

- 3.1 It is understood that the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 (**LICP**) will continue to apply in relation to the SAP. In our view, the SAP should be subject to separate arrangements.
- 3.2 The LICP commenced 1 July 2019 and does not contemplate the SAP. As a result the LICP does not account for the level of private investment that will be required to achieve to objectives of the SAP and is outdated in so far as it applies to the SAP.
- 3.3 The 'Wagga Wagga Special Activation Precinct Discussion Paper' (**Discussion Paper**) states:

The Activation Precincts SEPP will “turn off” the *Wagga Wagga Local Environmental Plan 2010* (Wagga Wagga LEP 2010) for land within the Wagga Wagga Special Activation Precinct and the Activation Precincts SEPP will be the primary environmental planning instrument for that land.
- 3.4 This acknowledges that there will be a fundamental change to local planning controls and future vision of the SAP. It follows that this change should be reflected in the contributions arrangements for the SAP, establishing a separate contributions regime that promotes investment and growth throughout the SAP.
- 3.5 It is understood that, during consultation, Teys provided Regional NSW with information relating to future projects at the Teys Site. These projects require a total investment in excess of \$125M which is significantly disproportionate to the amounts proposed to be spent by other businesses affected by the SAP. It is expected, given the objectives of the SAP, that similar levels of investment will be required from other existing and future operations. The LICP does not anticipate this level of expenditure.
- 3.6 In our view, a separate contribution formula should be proposed for the SAP. This formula may take the form of an amendment to the LICP or the introduction of a new contributions plan. The formula should lower the percentage contribution payable for work within the SAP to promote growth and investment while acknowledging a need for public infrastructure expenditure that is both reasonable and robustly justified. This may take the form of an overall reduction to the percentage contribution or a reduction that is triggered over a certain value (for instance a reduced percentage of for development with a capital investment value of over \$1M). It is critical that the contribution arrangement acknowledges the SAP and facilitates its objectives.
- 3.7 Teys welcomes further discussion on this issue.

4. Air quality and odour

- 4.1 The 'Special Activation Precinct Wagga Wagga Draft Master Plan July 2020' (**Draft Master Plan**) recommends the following supporting provisions to be developed as part of the Delivery Plan:
 - (a) The Delivery Plan must outline the mitigation and management measures that will be adopted to minimise air quality (including dust) and odour impacts of the Precinct.
 - (b) The Delivery Plan must set out the monitoring and reporting process for air quality and odour.
- 4.2 It is not clear how these recommendations will apply to existing uses throughout the SAP. In our view, the Delivery Plan should avoid potential 'double regulation' of existing sites.
- 4.3 The Teys Site has operated for 80 years under various regulations and consents, most recently DA 220-07- 2002-i. Air quality and odour at the Teys Site is currently regulated by:

- (a) Protection of the Environment Operations Act 1997 and EPL 2262;
- (b) Protection of the Environment (Clean Air) Regulation 2002; and
- (c) DA 220-07- 2002-i, which required the preparation of an:
 - (i) Odour Impact Assessment;
 - (ii) Air Quality Impact Assessment Verification Report; and
 - (iii) Odour Management Plan.

These were prepared to the satisfaction of the Director General and other relevant stakeholders. DA 220-07- 2002-i also requires ongoing monitoring and sampling in accordance with the conditions of consent and the Odour Management Plan.

- 4.4 The site has operated efficiently and with an excellent environmental record under this system of regulation and introducing additional regulatory standards for existing operations under the Master Plan or Delivery Plan is not supported or justified in our submission.
- 4.5 Teys also anticipate the need for ongoing development throughout the Site. We believe it would be logical for such projects to be subject to the existing regulatory measures for air quality and odour for the Site as set out at paragraph 4.3.
- 4.6 In our view, it is necessary for further consideration to be given to the impact that proposed air quality and odour controls will have on existing operations and the potential for the SAP to create unnecessary additional regulatory 'red tape' at sites which have operated efficiently and managed such impacts under separate management and monitoring regimes for many years.

5. Noise

- 5.1 The Draft Master Plan makes the following statements and recommendations with respect to noise:
 - (a) The Delivery Corporation is responsible for ensuring that the cumulative impacts of development are consistent with this precinct-scale target, through the issue of individual Activation Precinct Certificates.
 - (b) Any construction or operational management plan must include noise and vibration considerations.
 - (c) The Delivery Plan must set out the monitoring and reporting process for noise generated from within the Precinct including an outline of how the cumulative noise impacts from the Precinct will be managed to ensure the noise criteria is met.
- 5.2 Consistent with the discussion of odour and air quality regulation in section 4, the Teys Site and its existing operations are subject to considerable noise regulation. Operational noise at the Teys Site is currently regulated by:
 - (a) EPL 2262; and
 - (b) DA 220-07- 2002-i under which Teys prepared and implemented:
 - (i) a noise monitoring program, consistent with the *NSW Industrial Noise Policy*; and
 - (ii) a Noise Management Plan.
- 5.3 To our knowledge, the site has operated efficiently and with an excellent compliance record under this system of regulation and introducing additional regulatory standards for existing operations under the Master Plan or Delivery Plan is not supported.
- 5.4 Teys also anticipate the need for ongoing development throughout the Site. We believe it would be logical for such projects to be subject to the existing regulatory measures for noise as set out at paragraph 5.2.

- 5.5 In our view, it is necessary for further consideration to be given to the impact that proposed noise controls will have on existing operations and the potential for the SAP to create unnecessary additional regulatory 'red tape' at sites which have operated efficiently and managed such impacts under separate management and monitoring regimes for many years.

6. Wastewater and sewage treatment

- 6.1 In our view, the Discussion Paper and the Draft Master Plan do not provide sufficient information with respect to the scope of wastewater treatment infrastructure and planned upgrades throughout the SAP.
- 6.2 It is understood that Teys currently make up a significant portion of Wagga Wagga Wastewater Treatment Plant capacity. Given the nature of existing uses throughout the locality, including Teys existing operations, it would be valuable to understand what future upgrades are proposed (including information with respect to recycled water quality and discharge costs).
- 6.3 We note the following relevant considerations and extracts from the 'Final Masterplan Report Infrastructure and Services Plan' (**ISP**) prepared by WSP:
- (a) Section 3.4 of the ISP provides recommendations and opportunities relating to water and wastewater infrastructure requirements. It is not clear whether these recommendations and opportunities have been considered or incorporated into the Discussion Paper or Draft Master Plan.
 - (b) A demand assessment is carried out at section 4.2 of the ISP. It is not clear whether these recommendations and opportunities have been considered or incorporated into the Discussion Paper or Draft Master Plan.
 - (c) Section 4.2.2 of the ISP states that 'review and development of WWCC's overall wastewater treatment strategy for Wagga Wagga is required to guide prudent wastewater infrastructure development for the SAP'. It is not clear whether any such review or development of the Council's wastewater treatment strategy has occurred. In our view this should be carried out and exhibited prior to the finalisation of the masterplan component.
 - (d) Section 4.2.6 provides a number of assumptions that have been adopted in the preparation of the ISP, noting:
 - (i) Additional wastewater treatment capacity is expected to be required for the SAP and other planned growth in North Wagga Wagga. The capacity and timing requirements for this have not been assessed.
 - (ii) A long-term strategy for WWCC's overall wastewater treatment in Wagga Wagga is required to provide critical guidance for development of wastewater infrastructure for the SAP ...
 - (e) The conclusions at section 5 of the ISP note the following in relation to 'water and sewerage':

SERVICE TYPE	SUMMARY OF INFRASTRUCTURE AND COSTS AND STAGING	RECOMMENDATIONS/NEXT STEPS
Water and Sewerage	<p>Immediate Infrastructure investment for Water between 2019 - 2030:</p> <ul style="list-style-type: none"> – North Wagga High Lift pump station (228 L/S @ 70 m) – Bomen Reservoir Upgrade, new 5 ML concrete tank – Water mains <p>Immediate Infrastructure investment for Wastewater between 2019 - 2030:</p> <ul style="list-style-type: none"> – SBS A 387 L/s @ 50 m head 6 m x 7 m wet well (200 m³) with 2.5Km rising mains – Upgrade the common rising main system between Cartwrights Hill Area and Narrung St WWTP (4.7 km) and reconfiguration of the BISTF discharge (to direct it to SPS A) 	<ul style="list-style-type: none"> – The assessed demand basis is conservative and further review and refinement of these demands including benchmarking against similar developments and consultation with RWCC is recommended. – Further design development as well as refinement of assumptions is recommended before attempting to establish an estimated project cost/budget

The extent to which these recommendations and conclusions have been taken up or considered in the Discussion Paper and Draft Master Plan is not clear. It is also not clear whether Regional NSW intends to action these recommendations as part of the SAP.

6.4 The first 'core component' of the SAP, identified at section 2.2.1 of the Discussion Paper states:

The Department of Planning, Industry and Environment conducts technical studies to inform the development of the master plan and to ensure land uses and development occurs in the right locations for each precinct. This up-front planning takes the burden away from investors wanting to grow or start up a business in the precincts.

6.5 As stated in paragraph 6.3, many of the elements and recommendations of the ISP do not appear to be reflected in the Discussion Paper and the Draft Master Plan. As such, the Discussion Paper and the Draft Master Plan do not provide information sufficient to take 'the burden away from investors wanting to grow or start up a business in the precincts'.

6.6 In our view, the recommendations of the ISP should be adopted as part of the 'up-front planning' and information regarding the funding and scale of proposed sewage and wastewater treatment infrastructure throughout the proposed SAP should be exhibited for public comment.

7. Groundwater protection

7.1 A portion of the Teys Site is identified in the Draft Master Plan as being located in a Groundwater Protection Zone. It is not clear how this protection zone was identified as it appears to be outside the study area of the Desktop Hydrogeology Assessment carried out by WSP. The Desktop Hydrogeology Assessment states:

Figure 5.1 spatially illustrates the areas within the SAP that, from a hydrogeological perspective, should be protected from potentially contaminating development and therefore should be considered for land use restrictions during the development of the SAP Master Plan.

7.2 However, the study area shown in Figure 5.1 of the Desktop Hydrogeology Assessment does not appear to extend to the southern portion of the Teys Site that is identified in the Draft Master Plan as being a Groundwater Protection Zone.

7.3 We understand that the portion of the Teys Site which is identified as a Groundwater Protection Zone in the Draft Master Plan is currently used for effluent irrigation and operated as a turf farm. Teys is authorised to use this portion of the Teys Site for these purposes in accordance with EPL 2262 and DA 220-07- 2002-i.

7.4 The Draft Master Plan notes:

To ensure Wagga Wagga's water resources are protected a new flood map and groundwater protection zone map will be adopted for the Wagga Wagga Special Activation Precinct. Particular land uses, as identified in the technical studies, such as liquid fuel depots, mines, rural industries and heavy industrial storage establishments will not be permitted on flood prone areas or within the groundwater protection area.

- 7.5 The Draft Master Plan also provides a range of performance criteria with respect to the management of water resources. Teys existing use of the proposed Groundwater Protection Zone for effluent irrigation and turf farming will of course benefit from existing use rights if either of these uses are prohibited in this location as part of the final SAP. However, we submit that:
- (a) additional justification should be provided with respect to the inclusion of the Teys Site as a Groundwater Protection Zone given the area does not appear to have been considered in the Desktop Hydrogeology Assessment; and
 - (b) consideration should be given to the impact of Groundwater Protection Zones on existing uses throughout the SAP (particularly those which are effectively managed and monitored under the conditions of a DA and EPL).

8. Treatment of existing operations

- 8.1 In general terms, the SAP appears to focus on facilitating new land uses and new investment rather than cultivating and supporting existing operations. There is a general lack of information about how existing operations will be impacted by the SAP. We submit that additional consideration should be given to encouraging the growth of existing operations and facilitating projects to improve the efficiency and operational capacity of long term land uses.
- 8.2 In addition, many of the technical studies that have informed the Discussion Paper and the Draft Master Plan focus on land to the north of the Teys Site. In many instances the SAP boundary applied in various technical studies does not align with the SAP boundary reflected in the Discussion Paper and Draft Master Plan. The result of this is that the southern portion of the Teys Site is proposed to be subject to various controls in the Draft Master Plan that are not justified in the technical studies. In our view the technical studies should be updated to reflect the boundaries of the SAP, as set out in the Draft Master Plan, and the documentation should be re-exhibited to allow for more accurate comment and consideration from community and industry.

9. Conclusion

- 9.1 We consider that the issues set out in this Submission require consideration and resolution prior to the finalisation of the Draft Master Plan or the release of the Delivery Plan.
- 9.2 Teys welcomes further consultation in relation to the matters set out in this Submission and any other matters that DPIE or Regional NSW believe may be relevant to Teys ongoing operation in the proposed SAP.

Yours faithfully
MinterEllison



Luke Walker
Partner

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OUR REF: