

## Deemed Provisions – Cl 67 Matters to be considered by local Government

## Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment:**

The application seeks approval for amendments to the conditions of an approved Abattoir, which falls within the land use of 'Noxious Industry'. This land use is defined under TPS2 as *"an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm"*. The subject site is zoned 'Rural' under TPS2 where a 'Noxious Industry' is an 'SA' use. This means that *"the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions."* The proposal was advertised as previously mentioned.

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment:**

The subject site would be zoned 'Rural' under LPS3 and the development would fall within the land use of 'Abattoir', which is defined as *"premises used commercially for the slaughtering of animals for the purposes of consumption as food products"*. An 'Abattoir' is an 'A' use within the 'Rural' zone which means *"the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions"*.

c) any approved State planning policy	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment:**

SPP2.1 – The Peel-Harvey Coastal Plain Catchment has been considered further in this assessment and in the body of the Council Report.

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

e) any policy of the Commission	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

f) any policy of the State	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

g) any local planning policy for the Scheme area	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment:</b> LPP 1.4 – Public Consultation for Planning Matters Policy has been considered in identifying appropriate advertising for the proposal.			

h) any structure plan, activity centre plan or local development plan that relates to the development	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

## Development:

k) the built heritage conservation of any place that is of cultural significance	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<p><b>Comment:</b></p> <p><u>Amenity</u></p> <p>The proposal seeks approval for an increase in annual meat production from 100 tonnes to 500 tonnes. While there is no physical alterations to the site that would impact the character of the area, Officers consider that the offsite impacts of the Abattoir should be addressed to ensure the increase in meat production would not adversely impact the character and amenity of the locality.</p> <p><i>Odour, Noise and Dust:</i></p> <p>The Environmental Protection Guidance No. 3 – Separation Distances between Industrial and Sensitive Land Uses (2005) recommends a separation distance of between 500m-1,000m between abattoirs and sensitive land uses depending on the size of the facility. The Draft 2015 Environmental Assessment Guidelines recommends a separation distance of 500m.</p> <p>Other matters relating to environmental impacts associated with the management of wastewater are identified in clause o) below.</p>			

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<p><b>Comment:</b></p> <p><i>Nutrient and Irrigation Management:</i></p> <p>State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment (SPP 2.1) has the objectives of ensuring that “changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage” and “to prevent land uses likely to result in excessive nutrient export into the drainage system”. To this end, the development must demonstrate that the management of waste associated with the increase in production would not result in nutrient export that could adversely impact the quality of groundwater and the environment within the locality. The subject site is in close proximity to the Punrak Drain, which contributes directly to the Peel Harvey Estuary.</p> <p><i>Waste Management Process:</i></p> <p>The intention within this proposal is to maintain the existing approved waste management process of the Abattoir as approved within the existing NIMP for the current operations. During the slaughtering process, blood and offal will be contained within removable waste bins via chutes located beneath a grated floor as depicted following. Animal waste and offal is then placed into separate containers which are taken off site, generally daily. Residual solid manure waste collected is spread no closer than 100m to the nearby waterway or sensitive wetlands, complying with WQPN 98.</p> <p>In terms of wastewater, approximately 500 to 1,000L of water is used daily to wash down the Abattoir facility, which is directed into an existing sump, in which any gathered solids are separated from the water. Residual solids are removed from the sump weekly and spread out across the property. The remaining wastewater is diverted to water tanks, diluted with water by a factor of ten and then pumped to reticulate an irrigation area of 3 hectares of land on site that is used for cropping.</p>			

Officers note that this practice was considered acceptable based on the 100 tonne capacity of the Abattoir. Wastewater volumes and concentration were not classified as being 'nutrient-rich' (containing high levels of nutrient and phosphorous). As a result, there was no need for further treatment measures other than being diluted prior to the wastewaters being used to irrigate the paddocks.

However, due to the proposed increase in production and increase in wastewater production, Officers and DWER do not consider that the continuation of the existing nutrient management practices are suitable in dealing with the volume and concentration of wastewater likely to be generated from the development. This poses a risk of nutrient export into the environment. In this regard, Officers raise the following matters that need to be addressed within an updated NIMP:

*Nutrient Balance and Application:*

WQPN 98 identifies a 2-step process, which is typical of treating wastewater for rural abattoirs. The initial stage involves the removal of solids from the wastewater, which the proposal already employs through the sump. The proposed NIMP however, does not outline a secondary stage, of which the purpose is to use biological treatments to stabilise and reduce residual organic matter. Stripping as much nutrient from the wastewater as possible before irrigation is important for the management of groundwater impacts, and the broader receiving environments. A mixture of the two treatment stages would ensure the final application of wastewater for irrigation has acceptable contaminant concentrations.

The proposed NIMP relies upon dilution of the wastewater after being contained prior to being used for irrigation purposes. It also relies upon the use of a product called iron man gypsum spread within the paddock as an additional method to strip phosphorous which is a key nutrient generated by the development. This however is not a preferred method identified by DWER, as it doesn't fully address nitrogen which is another key nutrient generated by Abattoir waste. DWER and DPIRD also raised concerns that the process of dilution does not in fact reduce the potency of the nutrients at the proposed volume, causing concerns over the efficacy of the NIMP. As such, a secondary treatment process would become necessary and more significant in appropriately managing nutrients generated from the development.

In terms of a preferred secondary treatment, WQPN 98 identifies the following treatment ponds as a suitable method. A number of these ponds and their purpose are identified below (*Water Quality Protection Note 39: Ponds for stabilising organic matter*):

- Anaerobic pond – *"Anaerobic ponds are generally used to reduce organic wastewater strength for subsequent treatment in facultative or aerobic ponds."*
- Aerobic pond – *"Aerobic ponds are shallow (less than 120 centimetres deep) and rely on sunlight, atmospheric oxygen and algal cells to assist the pond microbes to stabilise wastewater."*
- Polishing pond – *"These shallow ponds containing aquatic plants e.g. reeds may be used following wastewater stabilisation to foster nutrient removal and reduce the suspended solids content of effluent."*

Officers consider that due to the increased production and increase in nutrient rich wastewater generated by the development, a condition of approval requiring an updated NIMP to the satisfaction of the Shire and relevant state agencies be required. The updated NIMP is conditioned to include a suitable secondary treatment method of the wastewater, which is an associated incidental aspect of the process. This is conditioned to reflect WQPN 98, to ensure a suitable solution to treat wastewater is designed prior to irrigation. Any suitable treatment must also consider being sized appropriately to cater for stormwater runoff to address the potential of overflow leading to nutrient export.

*Separation to Groundwater:*

Officers note that WQPN 22: Irrigation with nutrient rich wastewater (WQPN 22) and WQPN 98 require that proposals which involve 'nutrient-rich' wastewater, should only occur in areas where groundwater is at least 2m below the surface. The applicant indicates in the submitted NIMP that the groundwater level is 3m below the surface, with the ground level being 17m AHD and the groundwater at maximum is 14m AHD.

While the indicated heights would satisfy the requirement, the NIMP does not identify how these groundwater heights were identified. This is further needing to be addressed via the condition for an updated NIMP. This must demonstrate adequate depth to groundwater, based on local site-specific data. Regional measurements do not recognise seasonal variations within an area, and thus local site-specific data is necessary.

This needs to be verified as part of a revised NIMP being submitted to the Shire for approval in conjunction with DWER. Any other requirements resulting from this, for example additional fill being brought to site to maintain separation can be addressed within an updated NIMP. Fill would ultimately have to be certified as being clean in accordance with *Landfill Waste Classification and Waste Definitions 1996*.

#### *Monitoring and Contingency Methods:*

Officers consider that monitoring is a vital method to ensure ongoing compliance and that the development is not impacting upon the amenity of the locality. The NIMP details that the outcomes of these monitoring results will be sent to DWER for reviews. Officers consider that the Shire should also receive these documents to assess the efficacy of the proposed nutrient management methods as the local government plays an important role in regulating impacts to local amenity.

Officers also recommend a condition requiring an Annual Compliance Assessment report be submitted. This will further ensure that the approved development is complying with the conditions of approval and the management plans associated. This is a common approach when dealing with such developments that have the potential to impact upon the amenity of the locality.

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> Risks associated with the application on nutrient rich wastewater are considered above.			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> Risks associated with the application on nutrient rich wastewater are considered above.			

s) the adequacy of –	YES	NO	N/A
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I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			

**Comment:**

Traffic associated with the Abattoir utilises Yangedi Road. The Abattoir currently operates across two days and entails two trucks attending the site per day, one to deliver animals and one to collect offal. A delivery van also attends the premises, to undertake meat delivery. The proposed amendments would maintain this arrangement, extending the operation days from two per week to five per week. This is within the permitted timeframe of the current approval. Officers consider that due to the minor amount of traffic generated by the proposal, that the local road network would not be impacted by the increased days of operation.

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment:**

Traffic arrangements are discussed above.

u) the availability and adequacy for the development of the following –	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
I. Public transport services			
II. Public utility services			
III. Storage, management and collection of waste			
IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)			
V. Access by older people and people with disability			

**Comment:**

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

w) the history of the site where the development is to be located	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
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**Comment:**

y) any submissions received on the application	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
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**Comment:**

1 objection received and addressed in the body of the Council Report.

Za) the comments or submissions received from any authority consulted under clause 66

**YES****NO****N/A****Comment:**

Referral comments from State Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development received and addressed in the body of the Council Report.

Zb) any other planning consideration the local government considers appropriate

**YES****NO****N/A****Comment:**