



16.2 Boyanup Saleyards - Interim Wastewater Infrastructure - Lots 202 and 203 (No. 31), and Lot 146 (No. 22) Salter Road, Boyanup

Location	Lots 202 and 203 (No. 31) and Lot 146 (No. 22) Salter Road, Boyanup
File Reference	PA264/2023
Applicant	Rowe Group
Owner	WA Livestock Salesman's Association
Author	Manager Development Services, Scott Price
Authorising Officer	Director Infrastructure Development, Tanya Gillett
Nature of the Decision	Legislative 16.2.1 D A's 1 & 2 RFI Response
Attachments	16.2.2 PA264 Agencies Submissions 16.2.3 PA264 Public Submissions
Confidential Status	<i>This item is not a confidential matter.</i>

Proposal

Support an application for Development Approval for a partial change of use and installation of interim wastewater infrastructure at Lots 202 and 203 (No. 31), and Lot 146 (No. 22) Salter Road, Boyanup (subject site).

The applicants have proposed to construct the interim wastewater infrastructure to support the existing use of the subject site (saleyard). The proposed development will involve the installation of a 300,000L rainwater buffer tank (primarily within Lease Area L2992), installation of a new bore (on Lot 146), associated pipework and concrete bunding for the purpose of achieving improved wastewater management in accordance with the Department of Water and Environmental Regulation ('DWER') License.

Due to the interest in the Boyanup Saleyards upgrades within the community, Council is being asked to consider the Development Application for the interim wastewater infrastructure.

Recommendation

That Council in accordance with Clause 68(2)(c) in Schedule 2 Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves development application for an Interim Wastewater Disposal Infrastructure installation to the existing Boyanup Saleyards at Lots 202 and 203 (No.31), and Lot 146 (No. 22) Salter Road, Boyanup, subject to compliance with the following condition(s):

1. The development is to be carried out in accordance with the plans, drawings and documentation included with the application for development approval. The development shall be completed within twelve months from the date of this decision and the receipt of the subsequent Approval Notice (in accordance with c12.2 and c12.4 of the Lease).



2. Stormwater and roof run-off disposal including driveway drainage shall be contained on site (Lot 146, 202 and 203 Salter Road, Boyanup).
3. Prior to the lodgement of the Building Permit Application, a detailed Engineering design plan of the stormwater disposal system shall be submitted for approval of the Shire of Capel, and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.
4. Drainage from the new roof shall be contained on site and not flow into the Corridor.
5. All construction works must be contained within the lot boundary and as such management protocols must be in place for all construction methods to ensure no material is placed within the rail corridor boundary.
6. No services including water, electricity, fibre optic, gas and any other services running to and from the site can run across the rail corridor, either above or below ground.
7. No parking of construction equipment, such as front-end loaders, excavators, dozers, dump trucks, bobcats, utility vehicles and any other equipment are permitted on rail corridor land at any time during the performance of the construction works.
8. Dust suppression methods must be used during the performance of any construction works.
9. No drainage, water runoff or erosion from construction works is permitted to run onto rail corridor land and as such all-water runoff must be contained on the site.
10. No clearing of native vegetation is permitted in the rail corridor.
11. Effective hygiene and biosecurity management must be in place to ensure there is no spread of weeds or diseases into rail corridor land.
12. Once all works are completed, the tenant is to provide written compliance and certificate of completion of works from their nominated contractor to the satisfaction of the local shire.
13. To ensure current insurance is updated to reflect addition to improvements (if applicable).
14. To ensure all requirements issued by Arc Infrastructure are acknowledged and adhered to in full.
15. No infrastructure, including the boundary wall, should be allowed to come closer to 10 m from the nearest rail.
16. The height of the highest structure must not exceed 9m.
17. If the land is required for the operation of the trains to Greenbushes, the land should be vacated at the cost of the lessee.



Background

Land / Title Information:	Lots 202 and 203 (No. 31), and Lot 146 (No. 22) Salter Road, Boyanup
Development Description:	Wastewater treatment, disposal and associated infrastructure (subsidiary to the primary use of the sites)
Land Area:	58,217m ²
Existing Land Use	Existing Animal Establishment
Local Planning Scheme zone:	Lots 202 and 203 (No. 31) Salter Road: Public Purposes Reserve; and Lot 146 (No. 22) Salter Road: Residential Zone
Greater Bunbury Region Scheme zone:	Urban Zone
Bushfire Prone Area:	Yes
Heritage Listing:	Heritage Survey Listing – Category C (Site 95)
Application Received Date:	18 December 2023
Application Process Days:	72 days

Whilst no previous Council development decision apply to the site, it should be acknowledged in the background section of this report that a significant level of negotiation between the Shire and WA Livestock Salesman's Association (WALSA) has occurred to ensure better conditions for animals within the saleyard prior to the lease being extended.

A development application was anticipated to be lodged with the Shire in early 2023 in a bid to erect shading for the remaining parts of the summer period, however the application process was held up through the complexities of the site constraints, which included the requirement of state government agencies to consent to development for portions that encroached their land holdings.

Council is also being asked to consider a roof covering to the existing saleyard pens at the February 2024 OCM (PA265/2023) of which will run concurrently with the approval process of this Development Application. This wastewater treatment system is proposed to accommodate the significant stormwater runoff and associated waste that will be generated by the roof area. This importance of this application is significant, as it will ensure wastewater is appropriately disposed of without allow it to penetrate the water table, potentially resulting in contamination.

Previous Council Decisions

- January 2022 (OC004/2022) – Council approved the leasing of the land known as the Boyanup Cattle Saleyards situated on Reserve 27193 and Reserve 27194 Boyanup to Elders Rural Services Limited and Nutrien Ag Solutions Limited (WALSA) on the following essential terms:
 - a. An initial term of 10 years;*
 - b. A further term of 10 years by mutual agreement;*
 - c. Annual gross rent at the commencement of the lease (not including current and separate Council rate's charges) being set at \$81,000 plus GST;*



d. Rent to be reviewed annually on the anniversary of the commencement date by CPI.

That above is subject to the negotiation of a management order with WALSA that includes but is not limited to:

- i. Animal welfare legislation, regulations and standards;*
- ii. WHS standards, worker qualifications and incident response plans;*
- iii. Environmental matters including, waste and effluent management, odour, noise and dust;*
- iv. Operating standards, security and times;*
- v. Public access, vehicular movement and management, parking and conditions of entry;*
- vi. Access for people living with a disability;*
- vii. Facility standards, amenity and maintenance.*
- viii. The installation either shade sails or solid roof over all cattle pens.*

To the satisfaction of Shire Officers.

- That the Capital Upgrade Plan and Management Plan be appendices to the lease above and conditions of lease of the Boyanup Cattle Saleyards.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

Direction 2 - Manage and protect our environment

2.6 Increased opportunities for better waste management and reduction

Direction 4 - Deliver good leadership, governance and decision-making

4.2 Informed and transparent decision making

Corporate Business Plan 2023-2027

DEVS 12 - **Development Applications** - Process and determine development applications in accordance with the local planning framework.

Boyanup Saleyards Lease

The executed Boyanup Saleyards lease contains the following relevant clauses and details:

12.2 Approval of Capital Upgrade Plan

- (1) The Lessee must not commence the Capital Upgrade Works until the Lessor has given the Lessee written notice to the Lessee that the Capital Upgrade Plan is acceptable to the Lessor (Approval Notice).
- (3) Once the Capital Upgrade Plan has been agreed by the Lessor and the Lessee, the Lessor must give the Lessee an Approval Notice with respect to the amended Capital Upgrade Plan.

12.4 Capital Upgrade Works

- (1) Following receipt of the Approval Notice, the Lessee must:
 - (a) perform those parts of the Capital Upgrade Works which do not require an approval from an Authority within 6 months of the Approval Notice;
 - (c) complete the remaining Capital Upgrade Works within 12 months of receiving the approvals referred to in paragraph (b) above;
- (3) The Lessee must provide the Lessor with written notice as soon as practicable following



completion of the Capital Upgrade Works advising the Lessor that the Capital Upgrade Works have been completed.

(4) If the Lessee is unable to:

- (a) complete the Capital Upgrade Works (or parts thereof) within the timeframes specified in **clause 12.4(1)**; or
- (b) submit an application to an Authority for approval to the balance of the Capital Upgrade Works within 6 months of the Approval Notice,

due to an event of Force Majeure, then the relevant date shall be extended by the period of time that the Lessee is delayed by such event.

Statutory Framework

Local Framework

- Shire of Capel Local Planning Strategy;
- Shire of Capel Local Planning Scheme No. 8;
- Local Planning Policy 6.5 - Heritage Protected Places; and
- Local Planning Policy 6.7 - Community Engagement.

State Framework

- *Planning & Development Act 2005*;
- *Planning & Development (Local Planning Schemes) Regulations 2015*;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas;
- State Planning Policy 5.4 - Road and Rail Noise; and
- Greater Bunbury Region Scheme (GBRS).

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

There are no Council policies relevant to this item.

Implications

Risk Implications

Risk	Likelihood	Consequence	Mitigation
Risk 1 Environmental Rating: Medium	Possible	Moderate	Support the proposal as per the Officer's recommendation.
Risk Description: Potential Contamination of Groundwater Without a robust wastewater disposal treatment system, the roofing of the saleyard will create an unduly amount of rain runoff and likely result in mixture with the cow manure of the yards. This			



will eventually seep into the ground and potentially contaminate the water table.			
Risk 2 Reputation Rating: Medium	Possible	Moderate	Support the proposal as per the Officer's recommendation.
Risk Description: Community Dissatisfaction			
There has been significant community pressure to see a greater emphasis on animal welfare at the current saleyard. The Shire has been seeking a development application to be lodged by WALSA to address the lack of shade for cattle in summer periods. The roof covering's success is largely dependent upon an adequate wastewater disposal system to connect to. Refusing the Development Application would not alleviate such welfare issues.			
Opportunity: Upgrading the Existing facilities			
The competitive advantage of providing a greater animal welfare to such facilities would likely mean cattle salesman choosing the Boyanup Saleyard to conduct business at, thus resulting in money exchanging hands within the local economy.			

Financial Implications

Budget

The proposal results in minor budget implications, largely through the expenditure associated with community consultation and the various letters sent out to adjoining and nearby landowners inviting comments.

Sustainability Implications

Climate Change and Environmental

The sawtooth design and carefully thought-out wastewater system that is being considered with this application should reduce the runoff and potential contamination of the groundwater that occurs when sensitive uses are proposed in low lying areas without appropriate drainage.

Social

The covering of the Boyanup saleyards will bring the existing facilities into alignment with other saleyards throughout the state, who have made the necessary modifications to promote animal welfare.

Economic

There are no relevant economic implications relevant to this item.

Asset

There are no relevant asset implications relevant to this item.



Consultation/Engagement

External Consultation

The following agencies were consulted as part of the Shire’s referral process:

- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulation (DWER);
- Department of Mining, Industry Regulation and Safety (DMIRS);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Health (DoH);
- Water Corporation (WC); and
- Public Transport Authority (PTA).

A summary of the feedback received can be found in **Table 1** below.

Table 1: External Referral Comments		
Agency	Comments	Officer Response
DPLH	<p>Under the provisions of the Greater Bunbury Region Scheme ('GBRS'), Lots 202 and 203, Lot 146 and the unmade portion of Salter Road are zoned 'Urban'. The railway corridor land L2992 is reserved as 'Railways'. The subject lots also abut the Railways Reservation.</p> <p>The Department’s Land Use Planning Team does not have any objection to the proposed development in principle and would like to make the following comments:</p> <ul style="list-style-type: none"> • The application has been assessed in accordance with the provisions of the Greater Bunbury Region Scheme (GBRS) with particular reference to the Notice of Resolution (RES2014/03) made under Clause 27, and the Instrument of Delegation (DEL-2014/01). • On land zoned Urban abutting the Railways reserve, approval is required under the GBRS, pursuant to Schedule 1, point 4 of the WAPC's GBRS Clause 27 Resolution. This decision is delegated to the Shire if it accepts the recommendation of the public authority responsible for the reserved land or chooses to refuse the application, pursuant to Schedule 2, point 4 of the GBRS Delegation Powers of Local Governments. • On land reserved for Railways under the GBRS, approval is required under the GBRS and the decision is delegated to the local government if the criteria is met under Schedule 1, point 3 of the GBRS Delegation Powers of Local Governments. 	<p>Noted.</p> <p>It is recognised that the Shire will have delegation to determine the proposal on the basis that the recommendation/decision reflects the advice of relevant authorities.</p> <p>It is also noted that the various land ownerships have resulted in an updated application provided by the proponent which includes signatures from delegated parties of DPLH and PTA.</p>



	<p><i>General Advice</i> The Greater Bunbury Region Scheme (GBRS), Resolution 2014/03 and Delegation 2014/01 detail the situations where a GBRS application will be required, and whether that decision is delegated to the local government. If after referral and assessment the local government believes a GBRS application is required to be determined by the Western Australian Planning Commission, or has any other queries relating to the GBRS, please contact the office to discuss on 9791 0577.</p>	
Table 1: External Referral Comments		
Agency	Comments	Officer Response
DWER	<p>As stated in the referral, this proposal is for “the installation of a 300,000L rainwater buffer tank (primarily within Lease Area L2992), installation of a new bore (on Lot 146), associated pipework and concrete bunding for the purpose of achieving improved wastewater management in accordance with the Department of Water and Environmental Regulation (‘DWER’) License L9123/2018/2”.</p> <p><u>Licensing under the <i>Environmental Protection Act 1986</i></u></p> <p>DWER has reviewed this proposal and supports this DA as it will facilitate the improvements/upgrades recently imposed on their licence L9123/2018/2 specifically to address (short term) effluent/stormwater management issues at the site.</p> <p><u>Licensing under the <i>Rights in Water and Irrigation Act 1914</i></u></p> <p>DWER notes that the cattle saleyard activity occurs on Lot 202 and Lot 203 (see Screenshot 5 & 6 below), and water is to be drawn across a road reserve (Screenshot 7) from a proposed new bore at Lot 146 (Screenshot 8).</p> <p>The current use on Lot 146 Salter Road is for stock water only under groundwater licence GWL175973 (2), where the current Annual Water Entitlement is 4,500kL (DWER ref: DWERDT672625 & DWERDT877694).</p> <p>Other than the statement “new groundwater bore with 3L/s pump to supply washdown”, no details have been provided with regards to the required annual water demand from this bore in the referral.</p> <p>It is further noted that DWER water licensing assessment 057753 is currently underway which</p>	<p>Noted. All relevant advice notes have been incorporated into the Shire’s recommendation.</p> <p>It will be the responsibility of the proponent to acquire the relevant approvals from State Government agencies once any planning decision has been made.</p>



	<p>involves a trade/transfer of 10,000KL to support the proposed activities at Lots 146, 202 & 203 (DWER ref: DWERDT887275).</p> <p>As such, the proponent is advised to quantify their water use requirements for this proposal and amend their license to cover the use at Lot 202 and Lot 203, including completion of DWER water licensing assessment 057753.</p> <p>For further information and progress of the license amendment, the Shire is advised to contact DWER's Bunbury water licensing branch at 9726 4111.</p> <p><u>General</u> Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p> <p>In the event that the applicant determines that a works approval or licence application is required under Part V of the <i>Environmental Protection Act 1986</i> (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>	
DMIRS	No comment.	Noted.
DPIRD	The Department of Primary Industries and Regional Development (DPIRD) does not object to the improvement of the wastewater infrastructure at the Boyanup Sale Yards.	Noted.
DoH	No comment.	Noted.
WC	<p><u>Water</u> Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. The developer may be required to fund upgrading of existing works and protection of all works.</p> <p><u>Wastewater</u> Reticulated sewerage is not immediately available to serve the subject area. All sewer main extensions required for the development site should be laid within the existing and proposed</p>	<p>All shortcomings of the documentation or proposed infrastructure will look to be addressed at the point in time when the proponent applies for approval by the Water Corporation Building Services division.</p> <p>It is noted that an advice note is included to ensure the proponent remains aware of this requirement</p>



	<p>road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p><u>General Comments</u> This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p>	<p>prior to the commencement of development.</p>
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Table 1: External Referral Comments

Agency	Comments	Officer Response
PTA	The PTA provided comments on the proposal on the 23 rd February 2024. The recommendation was to support the proposal on the basis that a series of conditions and advice notes were accompanying the Officer’s Recommendation.	Conditions and Advice Notes included in recommendation.

Further to the invitation for government agencies to comment on the proposal, the Shire sent letters to 194 nearby landowners and occupiers, which was in accordance with the Shire’s Local Planning Policy 6.7- Community Engagement. The application was advertised for a period of 28 days, with 2 submissions being received.

The main points raised as part of the community consultation are summarised in **Table 2** below.

Table 2: Community Consultation Comments

Comments	Officer Response
We note that the Site Based Management Plan (SBMP) attached to the application is still in Draft. Will we be provided with a final version of the document? Table 4 indicates that the current operation involves effluent being irrigated on site. Is this incorrect as this is not permitted according to the environmental licence. Table 7 refers to odour from a sewage treatment plant (STP). Is an STP proposed for the site?	<p>The Site Based Management Plan (SBMP) will remain as a draft until the Development Application is approved and, any conditions that triggered amendments to the SBMP, have been incorporated into the document.</p> <p>Table 4 of the SBMP was developed to inform DWER of approx. pump out volumes from the SST and truck numbers required to dispose of this effluent offsite under the 3 upgrade scenarios for the saleyards. Due to Amendments to WALSA’s Licence in 2023, all liquid and solid waste is disposed of offsite at a regulated facility. Onsite irrigation no longer occurs.</p> <p>Table 7 of the SBMP refer to an STP, it should say SST and will be amended in the subsequent</p>

<p><u>Installation of a 300,000L rainwater buffer tank</u></p> <p>Question: There is already a very high volume of cattle trucks using Salter Road, has the Shire considered the impact on the road condition, traffic management impacts on residents with the numbers of tankers in and out of the site?</p> <p>Table 4 indicates that the installation of the 300,000L tank will reduce the number of trucks initially, but the reduction is yet to be proven until the 'potentially contaminated' stormwater is tested against the DWER licence criteria. Table 4 shows that the final stage of development (soft floor installation) actually increases the number of trucks from 55 trucks/month to 56 truck/month so the impact of increased traffic will continue to be a problem long term.</p> <p>Question: Is the rainwater buffer tank adequately sized to contain potentially contaminated rain water? If the cattle yards are 7200m², a 40mm rain event will fill the 300,000L tank. Rainfall records show that daily rainfall can exceed 43mm two or three times each year. Further, the DWER licence requires stormwater in the tank to be tested and comply with limits, prior to discharge, including analysis for Biological Oxygen Demand (BOD), which takes at least 5 days for analysis. This means that the tank would need to be able to contain at least 5 days of rainfall as an absolute minimum.</p> <p>Question: The drawings indicate that the rainwater buffer tank will overflow to the SST. Is the SST adequately sized to contain contaminated water as well as potentially contaminated water from the rainwater tank overflow? The drawing in the licence (Schedule 1: Maps) states the "assumed" depth of the SST is 2m depth which conflicts with the SLR Plan A which states "assumed" max. depth of the SST</p>	<p>version of the SBMP.</p> <p>Dilapidation of the road infrastructure and subsequent remediation by the proponent may be considered as part of the conditioned Construction Management Plan.</p> <p>The installation of soft flooring recognises the increase in washdown water required to satisfactorily clean the yards post sale and assumes limited onsite buffering of effluent to manage flow rates with effluent discharged directly into the sewer network as authorised Trade Waste.</p> <p>The interim wastewater design (DA 1) utilises the SST for temporary storage of dirty water, the buffer tank's principal role is to provide additional temporary storage of saleyard washdown water (clean water) and, allow release of this water to the swale drain if water quality discharge criteria are achieved. There is sufficient capacity within the buffer tank to allow for water quality discharge criteria analysis to be undertaken. The system has also been designed to overtop into the SST for pump out (if needed). WALSA is to manage the SST in accordance with DWER licence conditions. Regarding the 5 BOD analysis, we will utilise an installed online analyser to continually run BOD trends including providing calculation summary on the 5-day BOD.</p> <p>As above.</p>
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is 1.5m. Should the SST be accurately surveyed to confirm the storage volume to ensure it is adequate?

The catchment area of the cattle yards and SST are collectively 7540m² so a 25mm rainfall event will generate approximately 188m³ of water. If the max. depth is 1.5m (assume an average depth of 0.75m) then the SST (250m²) may have an approximate storage volume of 187m³. If this SST volume is correct then there would be no freeboard and contaminated wastewater would overflow to the environment every time there is more than 25mm, during sales or before the concrete areas are clean. This also assumes the SST is empty and allows for no washdown water or overflow water from the rainwater buffer tank.

Installation of a production bore

Question: Why is the proponent proposing to use groundwater (via a bore) for washdown water when rainwater collected in the 300,000L tank could be used? Even prior to testing this water it could be used for an initial washdown and then, a smaller volume of high-pressure clean water could be used. This could reduce the overall volume of wastewater generated at the site, especially as the Site Based Management Plan (SBMP) describes the washdowns as 'high volume flow'. Have the additional volumes of groundwater from washdown been included in the contaminated and potentially contaminated water storage calculations?

Question: Will the Shire require installation of groundwater monitoring bores to identify potential groundwater contamination? Given there have been incidents of discharge of untreated wastewater at the site this should be required to determine if there has been

There are two overflows built into the interim wastewater design (DA 1) and, it is recognised by WALSA & DWER that the SST has limited storage capacity should either of these overflow mechanisms be triggered. Under the DWER Licence, WALSA has a number of conditions that require them to:

- Monitor weather forecasts for the Saleyards weekly and daily;
- Undertake visual inspections of the SST prior to sales, following sales, prior to rain and immediately following rain;
- Maintain a freeboard in the SST of 300mm; and
- Pump out the SST, as required.

The upgrade to the groundwater bore and additional water allocation will provide sufficient water volume for saleyard washdown following installation of soft flooring within the yards, to improve animal welfare and animal presentation.

The purpose of the 300KL tank is not water reuse, its principal role is to provide additional temporary storage of saleyard washdown water and, allow release of this water to the swale drain if water quality standards are achieved. This interim wastewater design separates clean and dirty water onsite and provides additional temporary water storage capacity, in addition to the SST. Following a sale as per the SBMP and DWER licence conditions, washdown and adequate disinfection is required before diverting the clean runoff into the tank for future release. If quality conditions are not achieved within the 300kL tank then truck pump out and offsite disposal is required.

This will be the responsibility of DWER who regulate groundwater purity.



<p>any on-site and off-site groundwater contamination. Aging infrastructure such as the SST may also be leaking and contribute to groundwater contamination.</p> <p><u>Pipework and bunding to achieve improved wastewater management</u></p> <p>QUESTION: The proposal description refers to a specially designed filtration and separation system but there are no details provided in the supporting documentation. Will this information be provided to us at some point in the future?</p> <p>QUESTION: Do the proposed changes include design elements or controls to prevent mosquitos, flies and other pests breeding in the SST and effluent sumps/pits? Do the effluent sumps/pits empty completely (become dry after washdown), or do they hold stagnant water that may breed pests?</p> <p>QUESTION: What controls will be put in place to prevent odour from the wastewater management areas (SST and effluent sumps/pits)?</p>	<p>The details of the infrastructure including pipe sizes are shown on the Interim Wastewater Design.</p> <p>As indicated in the Interim Wastewater Design and the SBMP, following removal of solids, the saleyard floor will be washed down with high volume flow, and then pressure washed if required. If needed, liquid chlorine could be used to assist with disinfection, though if washdown is carried out adequately, it is believed chlorine won't be required as a disinfectant. All washdown water will be drained to SST for future pump out operations. It is envisaged that this regular washdown and disinfection (if required) will assist with preventing odour from the SST and sumps.</p> <p>As previously indicated, WALSA & DWER recognise that the SST has limited storage capacity, as a result, the DWER Licence requires WALSA to monitor the SST as follows: Monitor weather forecasts for the Saleyards weekly and daily; Undertake visual inspections of the SST prior to sales, following sales, prior to rain and immediately following rain; Maintain a freeboard in the SST of 300mm; and Pump out the SST, as required. It is envisaged that this enhanced management of the SST and associated infrastructure will assist in the management of odours.</p>
<p>QUESTION; What treatment is planned for that water should it not meet the stated quality and what control is in place to guarantee that the sample taken is from that tank?</p> <p>QUESTION: Are there any ground water monitoring bores planned to identify potential ground water contamination?</p> <p>QUESTION: Is the rain water buffer tank</p>	<p>Nil, if water in the buffer tank fails to meet water quality discharge criteria, it will be pumped out and disposed of offsite.</p> <p>No.</p> <p>The buffer tank will not receive rainwater from</p>



<p>adequately sized to contain rainwater collected from a 7200 square metre roof?</p> <p>QUESTION: Is the Secondary sedimentation tank (SST) adequately sized to hold the wash down water and contaminated storm water?</p> <p>QUESTION: Has the cost of removing contaminated water/ effluent (coded K100) as a controlled waste from the complex been estimated?</p> <p>QUESTION: A new groundwater bore is proposed to be located on Lot 146 (Zoned R30) The existing groundwater water bore licence No 175973 with an allocation of 4500KI is located on the same lot. Has the applicant got approval to construct another bore and has the applicant got approval for additional water volume as the ground water sub area (Bunbury East) is fully allocated?</p> <p>QUESTION; DWER amended licence quotes the "Licence Holder "as the person responsible however the Site Based Management Plan (SBMP) refers to the sale yard manager as responsible for the day-to-day operations to comply with the conditions set out in the amended licence. This facility is operated by 2 different companies with 2 different management structures so who is the Sale yard manager?</p> <p>QUESTION; Mortalities and manure disposal needs to be inspected for compliance with the DWER licence, at this point of time the manure is bagged and sold on the side of Trigwell Rd. Who is responsible to carry out compliance?</p> <p>QUESTION: The SBMP in section 6 quotes" All monitoring is to be undertaken</p>	<p>the saleyard roof, rainwater (stormwater) will be directed to the SST under DA 2. The SST will operate as a stormwater detention basin. Further confirmation of throughput volume, water quality modelling will be completed during development of operational works.</p> <p>The SST will receive and hold either washdown water under DA 1 and roof water (stormwater) under DA 2. Under DA 1 the SST will be regularly pumped out and under DA 2, stormwater (roof water) will be discharged to the SST via the soakwell, will retain a 1:10 year storm event and, will ultimately discharge to the swale drain.</p> <p>Yes, WALSA has a contract with a Licensed Contractor to remove liquid and solid waste from the Saleyards.</p> <p>WALSA are proposing to upgrade their bore onsite (via DA 2 with Council and a Works approval with DWER) and have increased their water allocation, which will provide additional water for wash downs of sealed areas and to provide dust suppression on unsealed areas.</p> <p>WALSA manages the Boyanup Saleyards and day to day management is currently the responsibility of Nutrien.</p> <p>Carcass and solid waste management is undertaken in accordance with the current WALSA Licence.</p> <p>Monitoring activities and inspections in Table 9 of the SBMP clarify the responsibilities for all</p>
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<p>by a suitably qualified and experienced person as per the relevant guidelines and license conditions.” Who will person be and what does suitable mean?</p>	<p>identified activities.</p>
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For a comprehensive set of comments provided by each submitter, please refer to **Attachment 14.2.3**.

Internal Consultation

The application was circulated internally to the following relevant departments for review and comments:

- Environmental Health;
- Building Services;
- Finance;
- Projects, Engineering and Assets;
- Emergency Management;
- Natural Resource Management; and
- Operations.

A summary of the feedback received can be found in **Table 3** below.

<p>Table 3: Internal Referral Comments</p>	
<p>Departmental Comments</p>	<p>Officer Response</p>
<p><u>Environmental Health</u></p> <p>Nil.</p>	<p>Noted.</p>
<p><u>Building Services</u></p> <p>An application for building permit will be required for the proposed buildings, the structures must comply with the Building Act 2011, Building Regulations 2012, National Construction Code, Building Code of Australia, and associated reference documents.</p> <p>Advice should be sought from a registered building surveyor contractor in order to obtain the appropriate certificates for building permit.</p>	<p>Noted.</p> <p>Advice notes to be included.</p>
<p><u>Finance</u></p> <p>No impact on rates levies.</p>	<p>Noted.</p>
<p><u>Projects, Engineering and Assets</u></p> <p>The wastewater design will need to be third party reviewed to ensure compliance is achieved for the nature of works and waste management on this site.</p>	<p>Noted.</p> <p>Advice notes to be included.</p>
<p><u>Emergency Management</u></p> <p>Nil.</p>	<p>Noted.</p>
<p><u>Natural Resource Management</u></p> <p>Nil.</p>	<p>Noted.</p>



<u>Operations</u>	
Nil.	Noted.

Officer Comment

The proposal is seeking to install a 300,000L rainwater buffer tank, install a new bore, and associated pipework and concrete bunding to dispose of wastewater and runoff from the soon-to-be covered saleyard pens.

The proposed development will allow the wastewater generated at the Saleyards to be directed to a specially designed filtration and separation system. The catchment areas encompass the existing saleyards and the sedimentation system ('SST'). Each catchment is enclosed by bunding to mitigate inflow from the surrounding overland flow path, adhering to the requirements outlined in the Licence conditions for a Controlled Drainage Area.

The wastewater will be collected in the existing eastward sumps and will be transported via gravity to the storage system through piping calibrated for a 1 in 5-year (5-minute duration) storm event.

The stormwater collection system diverts dirty water during saleyard washdowns, directing the runoff to the existing SST basin, functioning as an effluent collection system. At other times, following the decontamination of the saleyard floor through appropriate wash-down practices, stormwater is manually diverted to the buffer tank. After confirmation that the water is an acceptable quality, the stormwater is released in a controlled manner into the existing swale drain to the northeast of the site.

Refer to **Figure 1** below for a demonstration on the various locations that the infrastructure is located in, and the partial location of piping in Lot 146 Salter Road (Residential Zone).

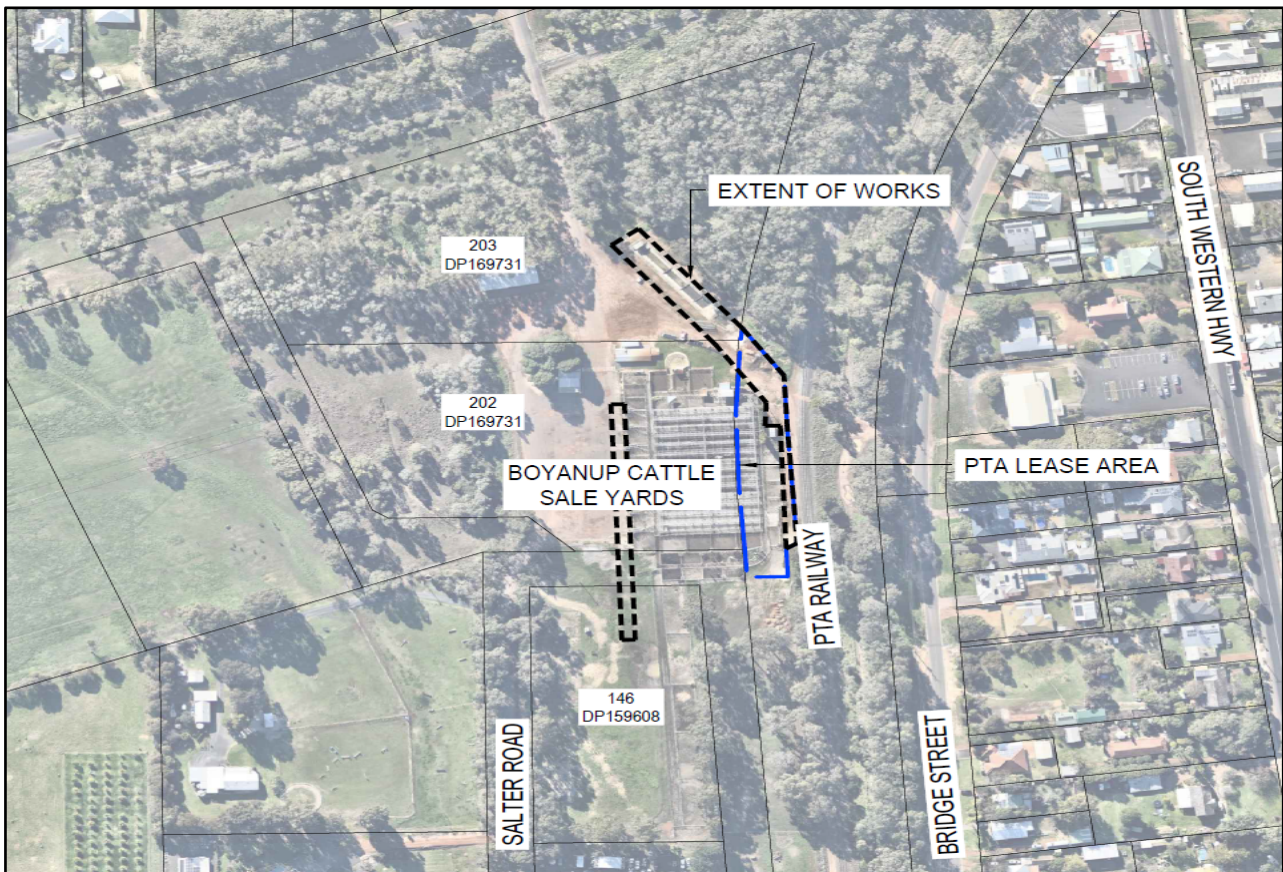


Figure 1: Location of Associated Works.

Further to the figure above, the application's documentation was revised for the benefit of the reader to include appendices that demonstrated above-ground infrastructure, and below-ground infrastructure (refer to **Attachment 14.2.1**).

Local Planning Scheme No. 8 (LPS8)

Land Use Permissibility

The Shire's LPS8 contains provisions relating to the appropriateness of uses within certain Zones and reserves. There can be considerations for development to be classified as a sole use, or considered subsidiary to the main use of the site if there are multiple elements involved.

In this case, the infrastructure being installed when viewed in isolation would typically be considered a Waste Disposal Facility which is classified as an 'X' use (non-conforming) in Lot 146 Salter Road. However, it is acknowledged that the intent of the development is to facilitate a suitable wastewater disposal solution to the existing use of the site at Lot 202 and 203 Salter Road, being the Boyanup Saleyard.

Due to the nature of the infrastructure upgrade, and the semi-temporary lifespan of the shelter, Shire Officers will consider the wastewater disposal infrastructure as subsidiary to the main use of the sites, which is the 'Animal Establishment' use under LPS8.

Objectives of the Residential Zone

As stated above, Lot 146 is zoned 'Residential' under LPS8. Notwithstanding the Residential zoning of Lot 146, the proposed works are minor in nature and ancillary to the existing Saleyards



development and will not result in any change of land use. In any event, it is intended that the proposed works will improve the operation and management of the existing Saleyards.

The only 'above-ground' infrastructure looking to be proposed on Lot 146 is the concrete slab and bore, which is minimal in terms of area occupied for the overall site. The piping is contained all beneath the ground and cannot be seen.

For this reason, it would be considered that the development would not require an assessment against the Objectives of the Residential Zone.

Objectives of the Public Purposes Reserve

The objectives of the Public Purposes Reserve under LPS8 are as follows:

- To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s.152; and
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.

While the development occurring on the site through this potential development may be perceived as consolidating the overall use, the infrastructure is only being proposed to support the temporary shelter until a point in time where the alternative location to the saleyards is facilitated.

The development is considered questionable when being assessed against the objectives, however the proposal should be supported on the basis that the works are temporary and will eventually result in the existing use of the land being relocated and reverted to a state that can better facilitate activity in alignment to a Public Purposes Reserve.

Given the use of the land will remain consistent, and the temporary nature of the development will not jeopardise future use of the land for Public Purposes activity, the proposal should be broadly supported against the above objectives.

Local Planning Policy 6.5 - Heritage Protected Places (LPP6.5)

Heritage Survey

The site is classified as a Category C site on the Shire's Heritage Survey 2018. As per LPP6.5, Category C are places of moderate significance that contribute to the heritage of the locality, but do not form part of the Shire's Heritage List.

The Shire's Heritage Survey encourages conservation of a Category C heritage place, and states its significance as originally being the largest sales site of stock outside of Midland. The excerpt from the Heritage Survey goes on to state:

'By 1961, Boyanup had emerged as the main sales centre and the Turner Street yards were no longer suitable. A meeting between Elders Smith Co, Goldsborough Mort & Co, Dalgety & Co, and Capel Shire. It was agreed that the agents would construct steel and concrete yards subject to a suitable location close to the railways (the transport to markets) being provided.

The former recreation ground was no longer in use, so the Council made these available. The new yards were opened in 1964. These yards have continued to operate on this site.'

Given the proposed development will contribute further infrastructure to the site and will result in an enhancement of the existing cattle sales use, the development would be considered an appropriate response to the heritage significance of the site.



State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

The site is partially located within a bushfire prone area, as designated by the Department of Fire and Emergency Services (DFES). In accordance with the provisions of SPP 3.7 (Clause 6.5) and accompanying Guidelines for Planning in Bushfire Prone Areas (Clause 2.6), the proposed wastewater disposal infrastructure would be an ancillary development which will not intensify the existing land use.

Furthermore, the development is not likely to result in greater patronage on the site, thus meaning that the current threat of bushfire and risk of people being onsite remains consistent.

Based upon the above, an assessment against the provisions of SPP3.7 is not required.

Greater Bunbury Region Scheme (GBRS)

In accordance with the Resolution Under Clause 27 of the GBRS RES2014/03, as the proposed patio is proposed to be located on land that abuts a railway reserve, approval under the Greater Bunbury Region Scheme is required, in addition to approval under the Shire of Capel Local Planning Scheme No.8.

The proposal was referred to DPLH for assessment and consideration. Appropriate comments regarding the GBRS elements to the land tenure and ownership have been outlined in **Table 1** above.

Planning & Development Regulations 2015 – Clause 67 Matters to be Considered

The development will need to have due regard to the matters to be considered as part of any assessment. Given portions of the subject site (Lot 202 and 203) and the Public Purposes reserve does not have any primary controls (maximum building heights, minimum lot boundary setbacks), it would be for the Shire Officers to determine the appropriateness of what is proposed and the scale of which it is proposed at.

Clause 67 of the *Planning & Development Regulations 2015* requires an assessment from Shire Officers to consider the bulk and scale of the proposal, as well as various other factors around environmental impacts, local residential amenity, and feedback from state government agencies.



Table 4 below contains a comprehensive assessment against the Matters to be Considered.

Table 4: Clause 67(2) - Matters to be Considered		
Clause	Matter to be Considered	Officer Comment
(c)	any approved State planning policy	The applicable State Planning Policy (SPP3.7) has been considered as part of the proposal and is considered exempt from assessment due to the non-residential nature of the development.
(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	As demonstrated above, the development is considered to enhance the current operations and does not materially impact the overall use of the site, nor its compatibility with the objectives of the Public Purposes reserve.
(k)	the built heritage conservation of any place that is of cultural significance	As demonstrated above, Category C on the Shire’s Heritage Survey are considered of limited significance. The proposal is not considered to compromise the overall value of the site, which is largely linked to its historical use rather than built environment.
(m)	<p>the compatibility of the development with its setting, including –</p> <ul style="list-style-type: none"> (i) the compatibility of the development with the desired future character of its setting; and (ii) 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 	<p>The proposal would result in development located within land Zoned Residential and a Public Purposes Reserve.</p> <p>Given the development is considered temporary up until the point in which the WALSA lease ceases, the proposals for both applications presented to the February 2024 OCM are considered compatible with the existing use of the land, albeit it being contrary to the desired future character of the location.</p> <p>Should the intentions of WALSA been to have the Saleyards permanently consolidated at the site, the response to the appropriateness of the development within the setting would likely be different.</p>
(n)	<p>the amenity of the locality including the following –</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; 	<p>The amenity of the locality is considered enhanced by virtue of the wastewater treatment being installed. The implementation of a proper treatment will assist in the removal of odorous wastes on site and alleviate the current shortcomings of the existing saleyard site.</p> <p>Implementation of such a system will aim to reduce the environmental impacts on the groundwater and possible contaminations that could arise from current practices onsite.</p> <p>Lastly, the development supports the current</p>



		agricultural function of the site and is not considered out-of-character when comparing to other saleyards.
(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	The proposal seeks to assist with the potential contamination issues that could arise from a shelter above the saleyard and the additional run off that could cause cattle manure to mix in with the ground water. The development is not considered to be detrimental to the natural resource of groundwater but will instead protect it.
(q)	the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	<p>The site is consistent with a series of lots in and around the Boyanup/Elgin area that was low lying and contain surface levels close to the water table. With the reduced separation to the water tables occurring for agricultural uses, it can often result in inundation and potential cattle faeces to contaminate the water source.</p> <p>The suitability of the land for the existing use of an Animal Establishment would be considered far more enhanced by the suitable methodology in which is being proposed to dispose of wastewater.</p> <p>Furthermore, the suitability of the wastewater disposal system would not be detrimentally impacted by the location within a bushfire prone area, as discussed above in the SPP3.7 assessment.</p>
(y)	any submissions received on the application	Responses to the submissions received can be found in Table 2 of this report.
(za)	the comments or submissions received from any authority consulted under clause 66	Responses to the submissions by external authorities can be found in Table 1 of this report.

Summary

Council are asked to consider a roof shelter at the Boyanup Saleyard pens, and the associated wastewater disposal infrastructure that this application entails. This is considered a Development Application that has been forthcoming for some time but has been lodged as part of responding to community and Council concerns around animal welfare.

As such, it is encouraged that the Council endorses the Officer’s Recommendation for conditional approval.

Voting Requirements

Simple Majority



Officer's Recommendation – {item-no}

That Council in accordance with Clause 68(2)(c) in Schedule 2 Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves development application for an Interim Wastewater Disposal Infrastructure installation to the existing Boyanup Saleyard at Lots 202 and 203 (No.31), and Lot 146 (No. 22) Salter Road, Boyanup, subject to compliance with the following condition(s):

- 1. The development is to be carried out in accordance with the plans, drawings and documentation included with the application for development approval. The development shall be completed within twelve months from the date of this decision and the receipt of the subsequent Approval Notice (in accordance with c12.2 and c12.4 of the Lease).**
- 2. Stormwater and roof run-off disposal including driveway drainage shall be contained on site (Lot 146, 202 and 203 Salter Road, Boyanup).**
- 3. Prior to the lodgement of the Building Permit Application, a detailed Engineering design plan of the stormwater disposal system shall be submitted for approval of the Shire of Capel, and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.**
- 4. Drainage from the new roof shall be contained on site and not flow into the Corridor.**
- 5. All construction works must be contained within the lot boundary and as such management protocols must be in place for all construction methods to ensure no material is placed within the rail corridor boundary.**
- 6. No services including water, electricity, fibre optic, gas and any other services running to and from the site can run across the rail corridor, either above or below ground.**
- 7. No parking of construction equipment, such as front-end loaders, excavators, dozers, dump trucks, bobcats, utility vehicles and any other equipment are permitted on rail corridor land at any time during the performance of the construction works.**
- 8. Dust suppression methods must be used during the performance of any construction works.**
- 9. No drainage, water runoff or erosion from construction works is permitted to run onto rail corridor land and as such all-water runoff must be contained on the site.**
- 10. No clearing of native vegetation is permitted in the rail corridor.**
- 11. Effective hygiene and biosecurity management must be in place to ensure there is no spread of weeds or diseases into rail corridor land.**
- 12. Once all works are completed, the tenant is to provide written compliance and certificate of completion of works from their nominated contractor to the satisfaction of the local shire.**
- 13. To ensure current insurance is updated to reflect addition to improvements (if applicable).**



14. To ensure all requirements issued by Arc Infrastructure are acknowledged and adhered to in full.
15. No infrastructure, including the boundary wall, should be allowed to come closer to 10 m from the nearest rail.
16. The height of the highest structure must not exceed 9m.
17. If the land is required for the operation of the trains to Greenbushes, the land should be vacated at the cost of the lessee.

Advice Note(s):

- a) An application for building permit will be required for the proposed buildings, the structures must comply with the Building Act 2011, Building Regulations 2012, National Construction Code, Building Code of Australia, and associated reference documents. Advice should be sought from a registered building surveyor contractor in order to obtain the appropriate certificates for building permit.
- b) The separation of clean roof stormwater from the contaminated water from the pen operations is supported on the basis of reduced contaminants in the stormwater entering the proposed soakwells and the existing drain to the northeast of the subject site. Management of stormwater should be in accordance with the Decision process for stormwater management in WA (DWER 2017) and the Stormwater Management Manual for Western Australia (DoW 2004–2007). To ensure effective operation of the proposed soakwells in attenuating clean stormwater (for the 1-hour duration event), the highest groundwater should be determined so the soakwell system can be designed accordingly.
- c) For the shed structures and the inquiries on the proposed changes to the use of the existing sedimentation system ('SST'), the proponent is advised to contact DWER's Environmental Licensing Section (regarding works approvals and licences under Part V of the EP) at info@dwer.wa.gov.au or 6364 7000.
- d) Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals. In the event that the applicant determines that a works approval or licence application is required under Part V of the Environmental Protection Act 1986 (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process. In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.
- e) This proposal will require approval by the Water Corporation Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.
- f) The railway is currently undergoing a feasibility study to determine suitability and requirements to reopen the Picton-Greenbushes railway. This feasibility stage will run for most of 2024 and may require existing lease areas to be altered in the event of the railway reopening. Having said that, provided the existing infrastructure footprint is not growing, it is unlikely (albeit not certain) this area will be impacted.



- g) In the instance where the developer requires access to, or across, the rail corridor to enable construction works, a separate application must be submitted to Arc's Third-Party Projects for review.**
- h) The certificate of completion shall be provided for PTA's records as documentation of compliance of structures within the rail corridor.**
- i) The proposed future rail operations for the Picton-Greenbushes railway, if rail operations recommence, will generate noise which cannot be mitigated to lots affected by this proposed development.**
- j) The clearance is granted for the duration of the corridor land lease.**

SLR Consulting Australia
Level 1, 500 Hay Street, Subiaco WA 6008, Australia



15 January 2024

SLR Ref No.: 675.64443.00000-RFI-v0.1

Gordon MacMile
Chief Executive Officer
Shire of Capel
PO Box 369,
Capel WA

Attn: Scott Price
Manager Development Services

SLR Project No.: 675.64443.00000

Dear Scott,

RE: Boyanup Cattle Saleyard – DA's 1 & 2 RFI Response

In response to your email to David Maiorana (Rowe Group) of 5th January 2024 requesting that plans for both DA's 1 & 2 be amended to clearly show above and below ground infrastructure, updated drawings are attached (refer **Appendix A**).

Proposed Roof over the Saleyards

As a result of preparing the updated drawings in response to Council's RFI request, we note that the Stage 2 Development Application Technical Letter lodged with Council on 18th December 2023 included some errors with regard to areas on the detailed design that we have now rectified as part of this RFI response.

The design detail of the proposed roof and the proposed stormwater management approach includes the following corrected areas. Stormwater catchment boundaries are as follows for the roof over the saleyards (approximately **4,900m²**), the uncovered saleyard catchment (approximately **200m²**), and the existing SST (approximately **250m²**).

The Stage 2 Development Application also ensures that the majority of stormwater, particularly roof water runoff, is managed independently from saleyard washdown water. The roof water is gathered and directed through soak wells sized for up to a 1 in 1-year (1-hour duration) event, featuring a storage volume of **80m³**, as specified by Council.

Closure

We trust this meets your requirements. Should you have any questions or require further information please do not hesitate to contact Andrew O'Brien on (0439) 098 404.

Regards,

SLR Consulting Australia

A handwritten signature in blue ink, appearing to read 'A. O'Brien', is positioned above the printed name and title.

Andrew O'Brien
Technical Director – EMPA
adobrien@slrconsulting.com

Shire of Capel
Boyanup Cattle Saleyard – Stage 2 Development Application -
Proposed Roof Over Saleyard

15 January 2024
SLR Project No.: 675.64443.00000

Appendices

Appendix A: Boyanup Saleyard DA' 1 & 2 Above and Below Ground Infrastructure

Cc

Leon Giglia – Nutrien Ag Solutions;

Dean Hubbard – Elders Rural Services Australia Ltd;

Dan Lowery – Nutrien Ag Solutions.

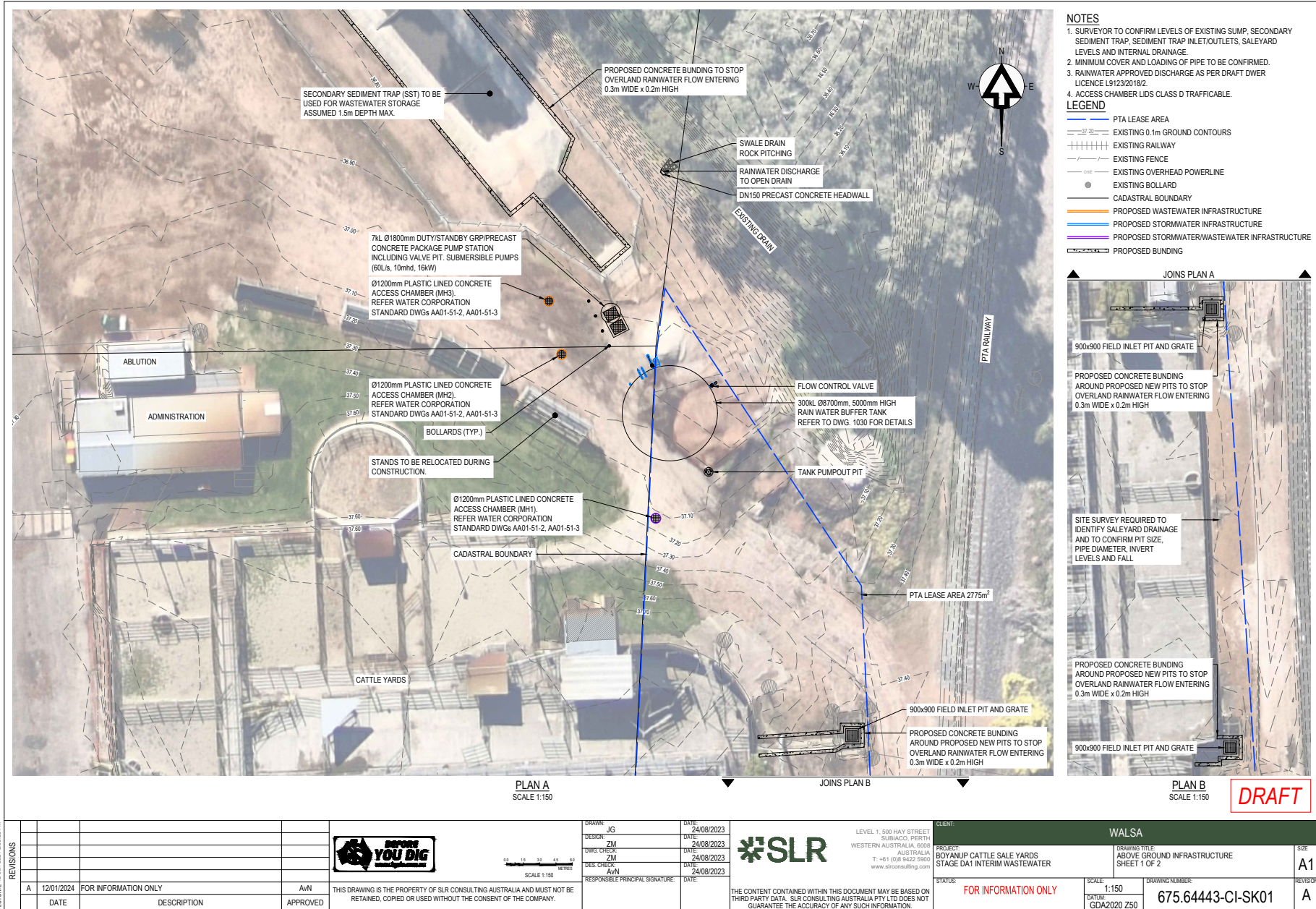


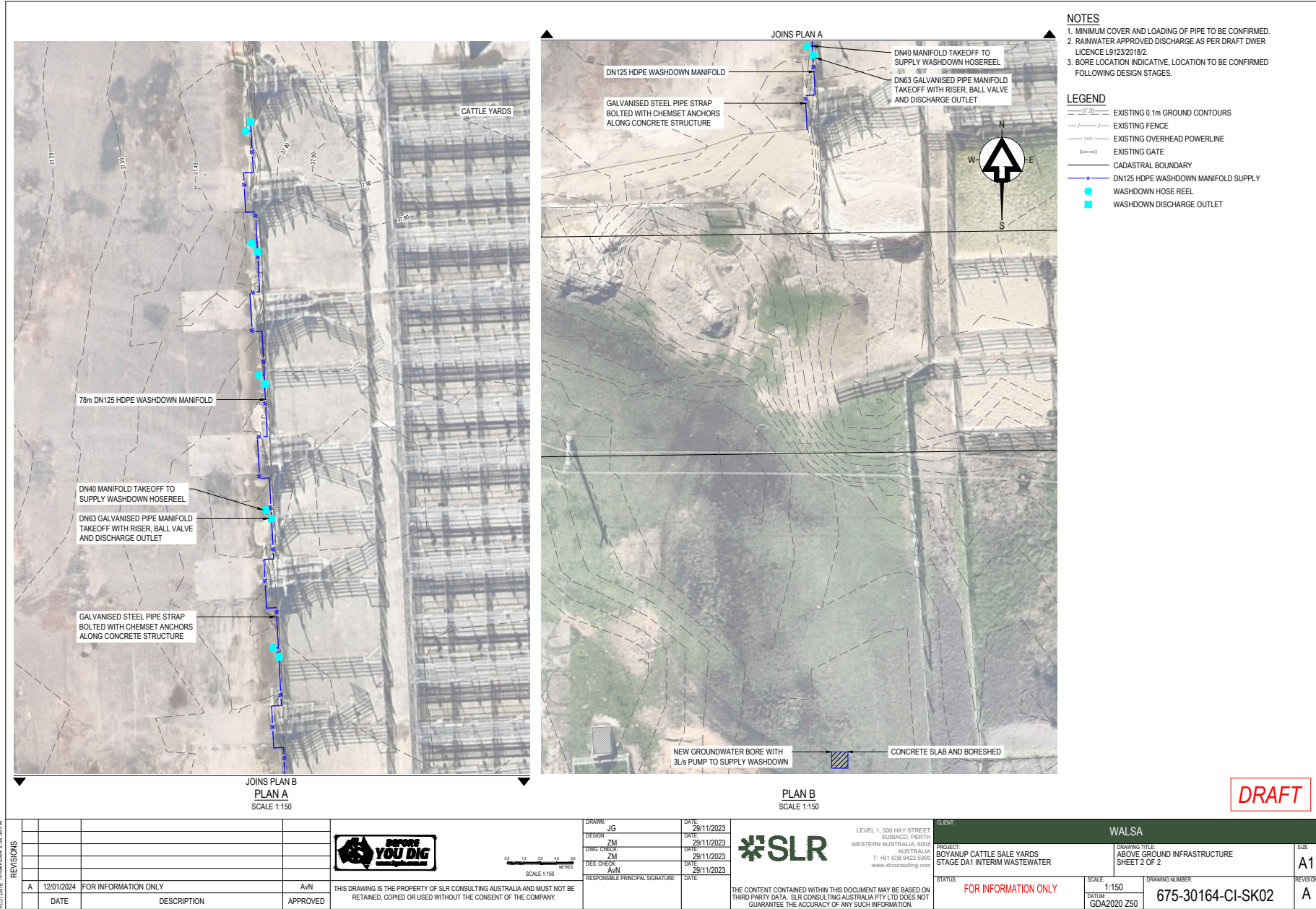
Shire of Capel
Boyanup Cattle Saleyard – Stage 2 Development Application -
Proposed Roof Over Saleyard

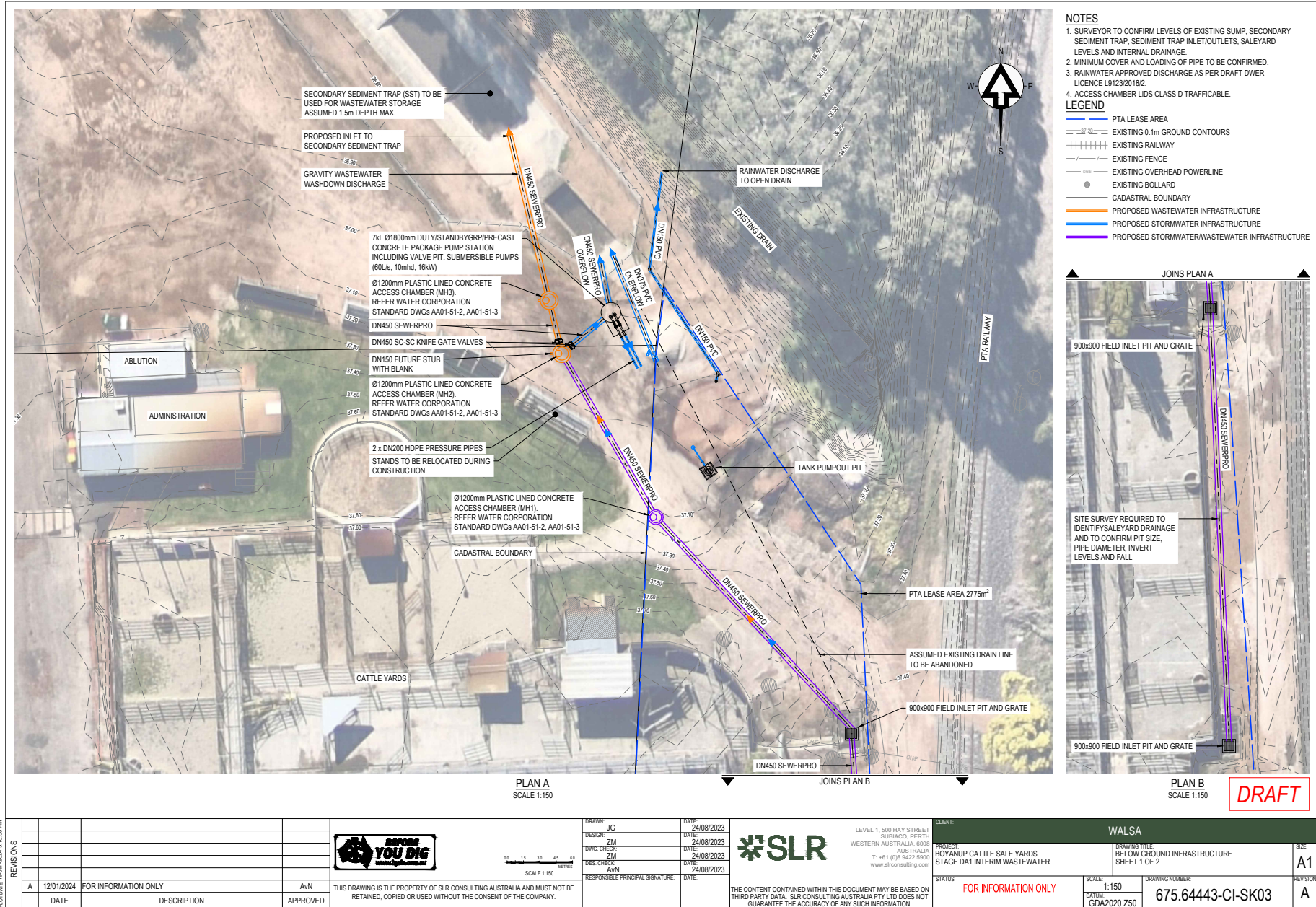
15 January 2024
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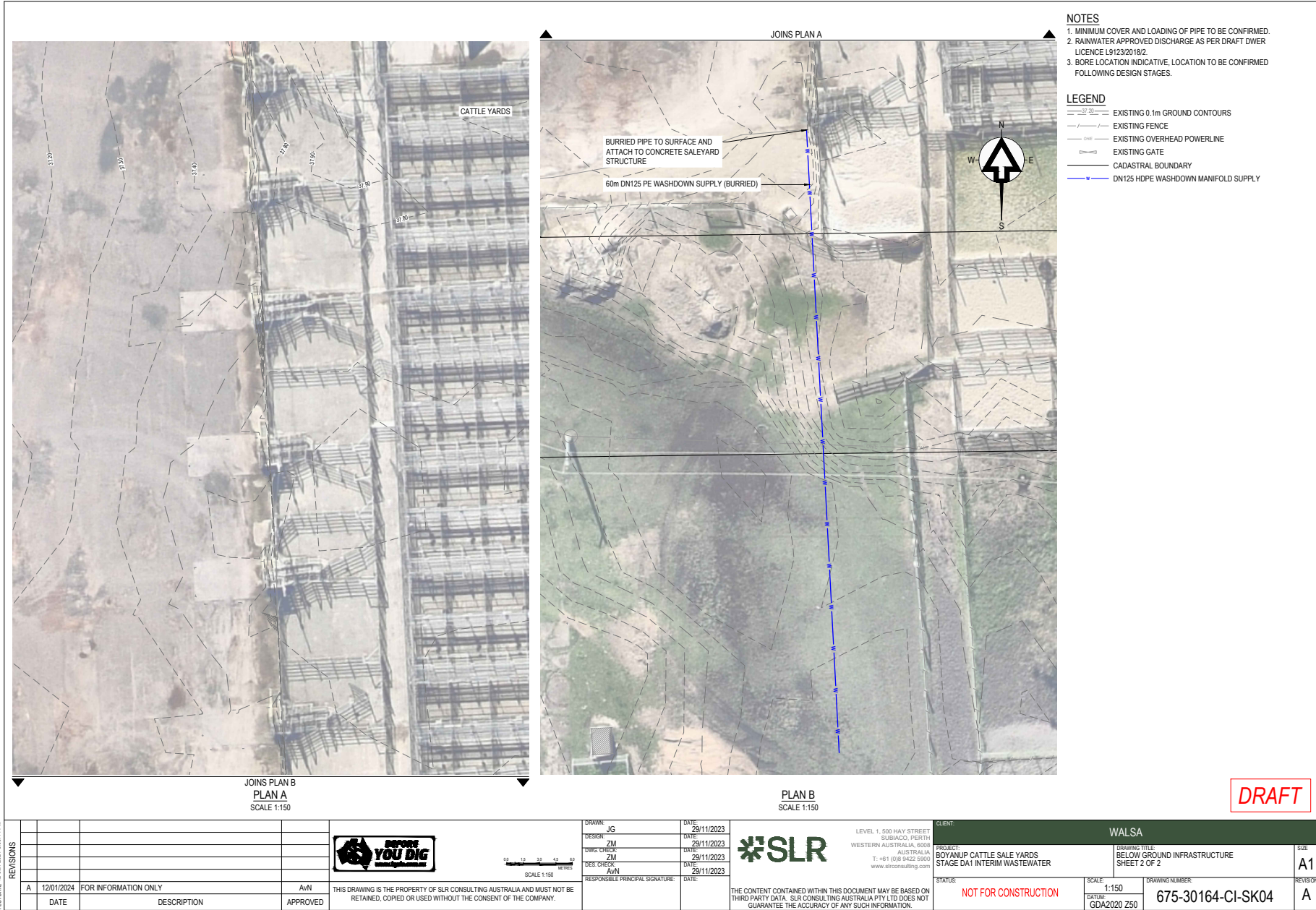
Appendix A
Boyanup Saleyard DA's 1 & 2 Above and Below Ground
Infrastructure

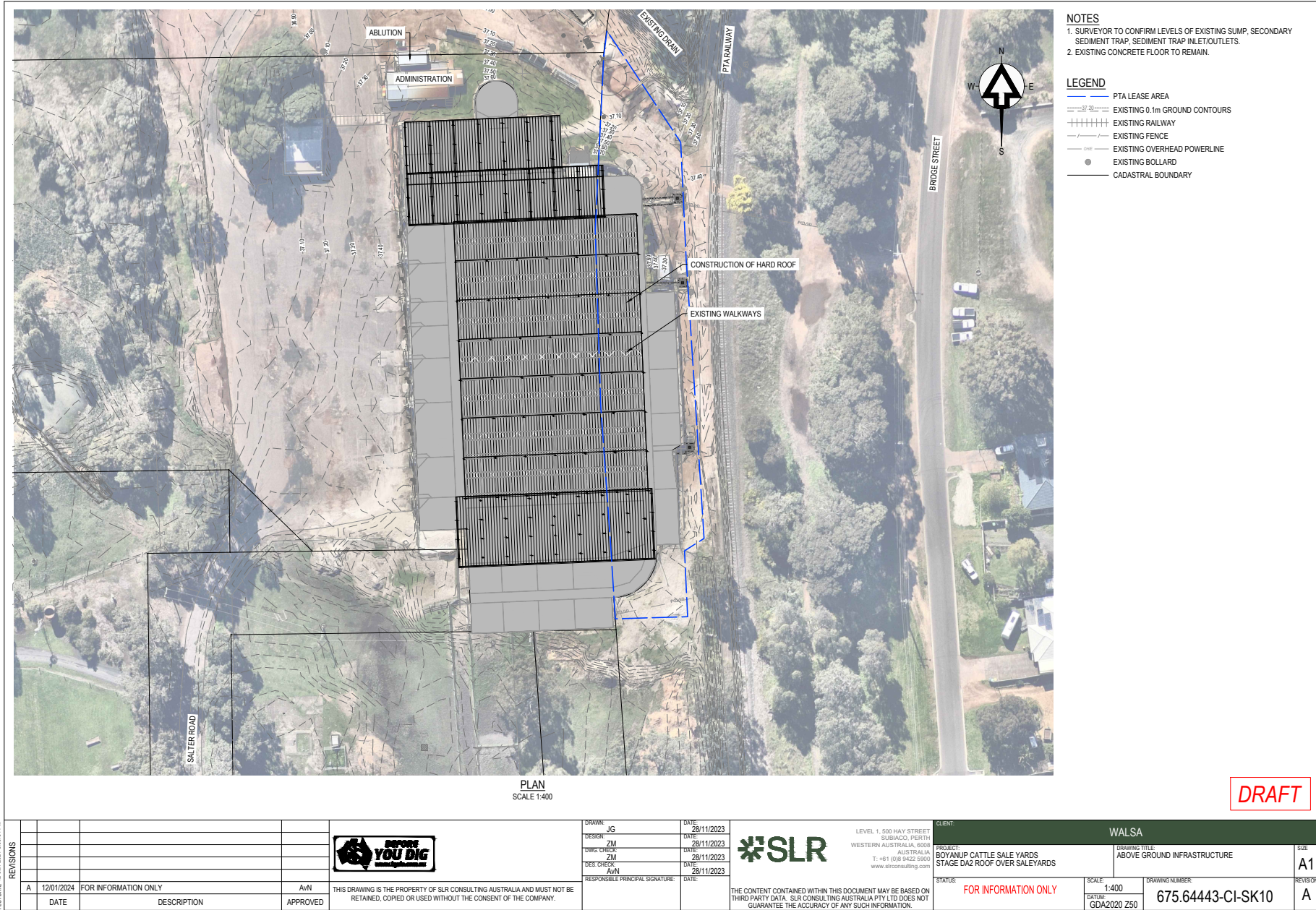


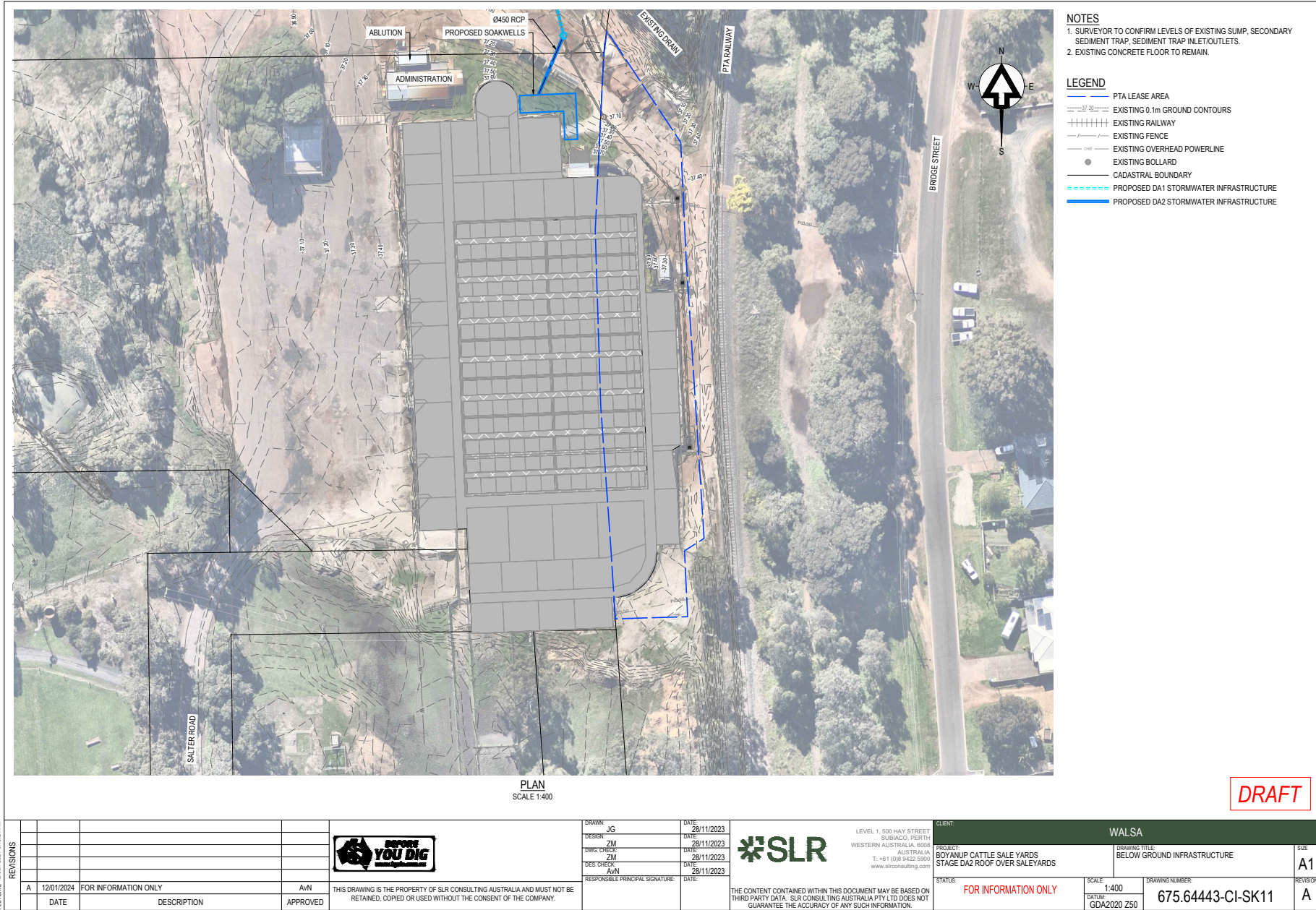












**SCHEDULE OF SUBMISSIONS
WASTEWATER INFRASTRUCTURE (WASTE DISPOSAL FACILITY)**

**PA264/2023 - AGENCIES COMMENTS
LOT 146 (22) SALTER ROAD BOYANUP**


SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
<p>1. ICR152701 DPLH GBRS</p>	<p>Thanks for your email and referral for DA 264/2023. The proposed development is associated with the existing Saleyards operations, for the construction of interim wastewater infrastructure to support the existing use of the subject site.</p> <p>Under the provisions of the Greater Bunbury Region Scheme ('GBRS'), Lots 202 and 203, Lot 146 and the unmade portion of Salter Road are zoned 'Urban'. The railway corridor land L2992 is reserved as 'Railways'. The subject lots also abut the Railways Reservation.</p> <p>The Department's Land Use Planning Team does not have any objection to the proposed development in principle and would like to make the following comments:</p> <ul style="list-style-type: none"> • The application has been assessed in accordance with the provisions of the Greater Bunbury Region Scheme (GBRS) with particular reference to the Notice of Resolution (RES2014/03) made under Clause 27, and the Instrument of Delegation (DEL-2014/01). • On land zoned Urban abutting the Railways reserve, approval is required under the GBRS, pursuant to Schedule 1, point 4 of the WAPC's GBRS Clause 27 Resolution. This decision is delegated to the Shire if it accepts the recommendation of the public authority responsible for the reserved land or chooses to refuse the application, pursuant to Schedule 2, point 4 of the GBRS Delegation Powers of Local Governments. • On land reserved for Railways under the GBRS, approval is required under the GBRS and the decision is delegated to the local government if the criteria is met under Schedule 1, point 3 of the GBRS Delegation Powers of Local Governments. 	<p>APPLICANTS COMMENT:</p> <p>OFFICER COMMENTS:</p> <p>OFFICER RECOMMENDATION:</p>

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p><i>General Advice</i> The Greater Bunbury Region Scheme (GBRS), Resolution 2014/03 and Delegation 2014/01 detail the situations where a GBRS application will be required, and whether that decision is delegated to the local government. If after referral and assessment the local government believes a GBRS application is required to be determined by the Western Australian Planning Commission, or has any other queries relating to the GBRS, please contact the office to discuss on 9791 0577.</p>	
<p>2. IPA18289 WATER CORPORATION</p>	<p>Wastewater Infrastructure (Waste Disposal Facility) - Lot 146, 22 Salter Rd, Boyanup</p> <p>Thank you for your letter dated 20/12/2023. We offer the following comments regarding this proposal.</p> <p><u>Water</u> Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. The developer may be required to fund upgrading of existing works and protection of all works.</p> <p><u>Wastewater</u> Reticulated sewerage is not immediately available to serve the subject area. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p><u>General Comments</u> This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p>	<p>APPLICANTS COMMENT:</p> <p>OFFICER COMMENTS:</p> <p>OFFICER RECOMMENDATION:</p>


SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>For further information about building applications, the developer should follow this link: https://www.watercorporation.com.au/home/builders-and-developers/building/lodging-a-building-application</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p> <p>Please provide the above comments to the landowner, developer and/or their representative.</p> <p>Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.</p>	
<p>3 IPA18338 Department of Primary Industries & Regional development</p>	<p>COMMENT: Wastewater Infrastructure (Waste Disposal Facility) – Lot 146 (22) Salter Road Boyanup</p> <p>Thank you for the opportunity to comment on the proposed wastewater infrastructure (Waste Disposal Facility) at Lot 146 (22) Salter Road Boyanup (Boyanup Sale Yards).</p> <p>The Department of Primary Industries and Regional Development (DPIRD) does not object to the improvement of the wastewater infrastructure at the Boyanup Sale Yards but is not able to provide any comments on the interim wastewater infrastructure as the development application report failed to clearly articulate the management (treatment and disposal) of wastewater produced at the site.</p> <p>If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpird.wa.gov.au.</p>	<p>APPLICANTS COMMENT:</p> <p>OFFICER COMMENTS:</p> <p>OFFICER RECOMMENDATION:</p>

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
<p>4</p> <p>Department of Water & Environmental Regulation</p>	<p>Proposed Wastewater Infrastructure at Waste Disposal Facility on Lot 146 Salter Road Boyanup , and Lot 202 & Lot 203</p> <p>Thank you for providing the above proposal for the Department of Water and Environmental Regulation (DWER) to consider.</p> <p>This proposal (PA264/2023) relates to the proposed wastewater infrastructure/waste disposal facility at the above subject lots, whereas a separate proposal (PA265/2023) relates to 'hard roof structures'.</p> <p>As stated in the referral, this proposal is for "the installation of a 300,000L rainwater buffer tank (primarily within Lease Area L2992), installation of a new bore (on Lot 146), associated pipework and concrete bunding for the purpose of achieving improved wastewater management in accordance with the Department of Water and Environmental Regulation ('DWER') License L9123/2018/2".</p> <p><u>Licensing under the <i>Environmental Protection Act 1986</i></u></p> <p>DWER has reviewed this proposal and supports this DA as it will facilitate the improvements/upgrades recently imposed on their licence L9123/2018/2 specifically to address (short term) effluent/stormwater management issues at the site.</p> <p><u>Licensing under the <i>Rights in Water and Irrigation Act 1914</i></u></p> <p>DWER notes that the cattle saleyard activity occurs on Lot 202 and Lot 203 (see Screenshot 5 & 6 below), and water is to be drawn across a road reserve (Screenshot 7) from a proposed new bore at Lot 146 (Screenshot 8).</p> <p>The current use on Lot 146 Salter Road is for stock water only under groundwater licence GWL175973 (2), where the current Annual Water Entitlement is 4,500kL (DWER ref: DWERDT672625 & DWERDT877694).</p>	


SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>Other than the statement “new groundwater bore with 3L/s pump to supply washdown”, no details have been provided with regards to the required annual water demand from this bore in the referral.</p> <p>It is further noted that DWER water licensing assessment 057753 is currently underway which involves a trade/transfer of 10,000KL to support the proposed activities at Lots 146, 202 & 203 (DWER ref: DWERDT887275).</p> <p>As such, the proponent is advised to quantify their water use requirements for this proposal and amend their license to cover the use at Lot 202 and Lot 203, including completion of DWER water licensing assessment 057753.</p> <p>For further information and progress of the license amendment, the Shire is advised to contact DWER’s Bunbury water licensing branch at 9726 4111.</p> <p><u>General</u> Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p> <p>In the event that the applicant determines that a works approval or licence application is required under Part V of the <i>Environmental Protection Act 1986</i> (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	 <p>Screenshot 1: Proposal area in red polygon</p>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	 <p>Screenshot 4: Catchment areas</p>  <p>Screenshot 5: Lot 203 details</p>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	 <p>Screenshot 6: Lot 202 details</p>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<div style="display: flex;"> <div style="flex: 1;"> <p>Parcel: Road</p> <p>Description</p> <p>Land Tenure</p> <p>Details</p> <p>PIN 1314725</p> <p>Parcel Road</p> <p>Proprietor_Name N/A</p> <p>Formatted_Title_ID N/A</p> <p>Formatted_Address N/A</p> <p>Date_Time_Lodged N/A</p> <p>Organisation_Type_Code_Desc N/A</p> <p>Land_Area 13614.225</p> <p>Land_Type_Desc Dedicated and undedicated, widenings, casement and closed roads</p> <p>Lot_Number N/A</p> <p>ROAD_NAME N/A</p> <p>Road_Type N/A</p> <p>LOCALITY N/A</p> </div> <div style="flex: 1;">  <p>Screenshot 7: Road separating Lot 202 from Lot 146 (which has the proposed bore)</p> </div> </div>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>Parcel: LOT 146 ON PLAN 1596... + - I want to...</p> <p>Description</p> <p>Land Tenure</p> <p>Details</p> <p>PIN 510247</p> <p>Parcel LOT 146 ON PLAN 159608</p> <p>Proprietor_Name ELDERS RURAL SERVICES AUSTRALIA LTD</p> <p>Formatted_Title_ID 1449/442</p> <p>Formatted_Address 22 Salter Road, BOYANUP 6237</p> <p>Date_Time_Lodged Mar 19, 2019 12:00 AM</p> <p>Organisation_Type_Code_Desc Transfer</p> <p>Land_Area 11513.993</p> <p>Land_Type_Desc Crown Allotment</p> <p>Lot_Number 146</p> <p>ROAD_NAME SALTER</p> <p>Road_Type RD</p> <p>LOCALITY BOYANUP</p>  <p>Screenshot 8: Lot 146 ownership details</p>	

**SCHEDULE OF SUBMISSIONS
WASTEWATER INFRASTRUCTURE (WASTE DISPOSAL FACILITY)**

**PA264/2023 - PUBLIC COMMENTS
LOT 146 (22) SALTER ROAD BOYANUP**

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
<p>1. IPA18294</p>	<p>BACKGROUND Before providing our comments specific to the captioned Applications the following outlines our present grasp of what has led to the current situation.</p> <p>We bought and built our home on our land 6 years ago having been advised by Shire Officers and others that the lease on the Sales Yards would expire in 3 years and they would then need to be relocated to a more suitable location. The lease then seems to have been extended for 2 more years presumably to provide the lessees with more time to relocate elsewhere.</p> <p>Clearly a cattle-handling facility with a throughput of 70,000 a year with regular arrivals and departures of dozens of very large stock-transporters along a single residential service road with the associated noise, odour, spillage, dust and groundwater pollution is in no way compatible with adjacent residential and residentially zoned land.</p> <p>By today's standards, any reasonable environmental assessment would call for removal of the facility and relocation to another site.</p> <p>Notwithstanding the above Capel Shire has seen fit to enter into a further 10 plus 10-year lease with the current lessees who have a DWER operating licence with which, in my view, it will be practically and economically impossible to comply. The outcome of this will be impacts to the environment and surrounding residents and an extended devaluation of much of the property in Boyanup.</p>	<p>APPLICANTS COMMENT:</p> <p>OFFICER COMMENTS:</p> <p>OFFICER RECOMMENDATION:</p>

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>COMMENTS ON THE DEVELOPMENT APPLICATION PA264 (DA 1)</p> <ul style="list-style-type: none"> • Installation of a 300,000L rainwater buffer tank • Installation of a production bore • Pipework and bunding to achieve improved wastewater management <p>We note that the Site Based Management Plan (SBMP) attached to the application is still in Draft. Will we be provided with a final version of the document? Table 4 indicates that the current operation involves effluent being irrigated on site. Is this incorrect as this is not permitted according to the environmental licence. Table 7 refers to odour from a sewage treatment plant (STP). Is an STP proposed for the site?</p> <p><u>Installation of a 300,000L rainwater buffer tank</u></p> <p>Question: There is already a very high volume of cattle trucks using Salter Road, has the Shire considered the impact on the road condition, traffic management impacts on residents with the numbers of tankers in and out of the site?</p> <p>Table 4 indicates that the installation of the 300,000L tank will reduce the number of trucks initially, but the reduction is yet to be proven until the 'potentially contaminated' stormwater is tested against the DWER licence criteria. Table 4 shows that the final stage of development (soft floor installation) actually increases the number of trucks from 55 trucks/month to 56 truck/month so the impact of increased traffic will continue to be a problem long term.</p> <p>Question: Is the rainwater buffer tank adequately sized to contain potentially contaminated rain water? If the cattle yards are 7200m², a 40mm rain event will fill the 300,000L tank. Rainfall records show that daily rainfall can exceed 43mm two or three times each year.</p>	

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	<p>Further, the DWER licence requires stormwater in the tank to be tested and comply with limits, prior to discharge, including analysis for Biological Oxygen Demand (BOD), which takes at least 5 days for analysis. This means that the tank would need to be able to contain at least 5 days of rainfall as an absolute minimum.</p> <p>Questions: The drawings indicate that the rainwater buffer tank will overflow to the SST. Is the SST adequately sized to contain contaminated water as well as potentially contaminated water from the rainwater tank overflow? The drawing in the licence (Schedule 1: Maps) states the “assumed” depth of the SST is 2m depth which conflicts with the SLR Plan A which states “assumed” max. depth of the SST is 1.5m. Should the SST be accurately surveyed to confirm the storage volume to ensure it is adequate?</p> <p>The catchment area of the cattle yards and SST are collectively 7540m² so a 25mm rainfall event will generate approximately 188m³ of water. If the max. depth is 1.5m (assume an average depth of 0.75m) then the SST (250m²) may have an approximate storage volume of 187m³. If this SST volume is correct then there would be no freeboard and contaminated wastewater would overflow to the environment every time there is more than 25mm, during sales or before the concrete areas are clean. This also assumes the SST is empty and allows for no washdown water or overflow water from the rainwater buffer tank.</p> <p><u>Installation of a production bore</u></p> <p>Question: Why is the proponent proposing to use groundwater (via a bore) for washdown water when rainwater collected in the 300,000L tank could be used? Even prior to testing this water it could be used for an initial washdown and then, a smaller volume of high-pressure clean water could be used. This could reduce the overall volume of wastewater generated at the site, especially as the Site Based Management Plan (SBMP) describes the</p>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>washdowns as 'high volume flow'. Have the additional volumes of groundwater from washdown been included in the contaminated and potentially contaminated water storage calculations?</p> <p>Question: Will the Shire require installation of groundwater monitoring bores to identify potential groundwater contamination? Given there have been incidents of discharge of untreated wastewater at the site this should be required to determine if there has been any on-site and off-site groundwater contamination. Aging infrastructure such as the SST may also be leaking and contribute to groundwater contamination.</p> <p><u>Pipework and bunding to achieve improved wastewater management</u></p> <p>Question: The proposal description refers to a specially designed filtration and separation system but there are no details provided in the supporting documentation. Will this information be provided to us at some point in the future?</p> <p>Question: Do the proposed changes include design elements or controls to prevent mosquitos, flies and other pests breeding in the SST and effluent sumps/pits? Do the effluent sumps/pits empty completely (become dry after washdown), or do they hold stagnant water that may breed pests?</p> <p>Question: What controls will be put in place to prevent odour from the wastewater management areas (SST and effluent sumps/pits)?</p> <p>COMMENTS ON THE DEVELOPMENT APPLICATIONS PA265 (DA 2)</p> <ul style="list-style-type: none"> • Installation of a roof (7000-7200m²) • Switching the effluent and stormwater management systems 	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p><u>Installation of a roof (7000-7200m²)</u></p> <p>Question: Night-time noise from cattle already necessitates closure of windows some nights. The hard roof structure will result in increased lateral transmission of noise. Will the proponents be required to commission a noise consultant to provide advice on noise attenuation and will the recommendations be included as a condition of approval?</p> <p>Question: The area under the structure will be dry. The existing dust problem will be exacerbated. Table 7 states that dust will be monitored, and action will be taken. What dust monitoring program will be implemented and what are the management actions that will be taken in the event of high levels of dust? Dust and reduced road conditions from the extra traffic associated with liquid waste transport will also occur. Will Salter Road be widened and resealed to mitigate these impacts?</p> <p>Question: Are the soak wells adequate for the roof area? The application states that “the roof water will be gathered and directed through soak wells sized for up to a 1 in 1-year (1-hour duration) event (~18.2mm), featuring a storage volume of 106m³, as specified by the Shire, but the SLR Plan B indicates the storage will be ~80m³. An 18.2mm rain event in 1 hour x 7000m² = 127m³ or 131m³ if the roof area is 7200m².</p> <p><u>Switching the effluent and stormwater management systems</u></p> <p>Question: Will there be any spot samples of the ‘clean’ water in the SST to check there has been no ingress of contaminated water from other areas? (i.e overflow from the re-purposed rainwater tank).</p>	

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>Question: As the 300,000L tank will be re-purposed for wastewater, how will odour and pests be managed in the tank?</p> <p>Question: has there been any assessment of whether the rainwater tank will be adequately sized if it is repurposed as a wastewater tank? DA 1 indicates that washdowns will increase with installation of soft flooring.</p> <p>I hope the above is of some assistance and will be happy to discuss it further with you if required. Incidentally, at no time during all this period of change has any representative of the proponent approached us to discuss their plan.</p>	
<p>2. IPA322</p>	<p>WASTEWATER INFRASTRUCTURE (WASTE DISPOSAL FACILITY)</p> <p>As Ratepayer and resident of Boyanup I wish to make comment in regards to the above Development Application.</p> <p>I have been a resident of Boyanup for over 30 years and historically heard and been advised that the sale yards have outlived their presence within the townsite of Boyanup and the shire is endeavouring to find an alternative site within the Capel shire. This can be confirmed if one looks back on the minutes for council and other meetings. These sale yards are now over 60 years old and since the opening in 1961 the townsite has grown, environmental issues have seen huge improvements in waste water treatments and disposal, and a huge increase in traffic in and through the Boyanup town site. Also, the increase of residential development in around the townsite.</p> <p>I find it amazing and quite extraordinary that the Shire of Capel even contemplate going through the process of providing Development Approval for a massive expenditure to an aging and no longer suitable site location for a Cattle Sale Yard Complex.</p>	<p>APPLICANTS COMMENT:</p> <p>OFFICER COMMENTS:</p> <p>OFFICER RECOMMENDATION:</p>

SUBMITTER	SUMMARY OF SUBMISSION	COMMENTS / RECOMMENDATION
	<p>Obviously, the design documents presented in this application have been targeted at separating the storm water from the effluent water produced during sales and during each clean up, however there are numerous questions as to design, waste water produced and the management plan to operate and to satisfy the amended licence L9123/20182 issued by DWER.</p> <p>The management plan relies on personal switching valves to divert the rain water into a storm water buffer tank 300KI and when that water is of a suitable quality it is released into an expositing swale drain and will eventually end up in the Preston River.</p> <p>QUESTION; What treatment is planned for that water should it not meet the stated quality and what control is in place to guarantee that the sample taken is from that tank?</p> <p>QUESTION: Are there any ground water monitoring bores planned to identify potential ground water contamination?</p> <p>QUESTION: Is the rain water buffer tank adequately sized to contain rainwater collected from a 7200 square metre roof?</p> <p>QUESTION: Is the Secondary sedimentation tank (SST) adequately sized to hold the wash down water and contaminated storm water?</p> <p>QUESTION: Has the cost of removing contaminated water/ effluent (coded K100) as a controlled waste from the complex been estimated?</p> <p>QUESTION: A new groundwater bore is proposed to be located on Lot 146 (Zoned R30) The existing groundwater water bore licence No 175973 with an allocation of 4500KI is located on the same lot. Has the applicant got approval to construct another bore and has the applicant got approval for additional water volume as the ground water sub area (Bunbury East) is fully allocated?</p>	

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	<p>QUESTION: DWER amended licence quotes the “Licence Holder“ as the person responsible however the Site Based Management Plan (SBMP) refers to the sale yard manager as responsible for the day-to-day operations to comply with the conditions set out in the amended licence. This facility is operated by 2 different companies with 2 different management structures so who is the Sale yard manager?</p> <p>QUESTION: Mortalities and manure disposal needs to be inspected for compliance with the DWER licence, at this point of time the manure is bagged and sold on the side of Twigwell Rd. Who is responsible to carry out compliance?</p> <p>QUESTION: The SBMP in section 6 quotes” All monitoring is to be undertaken by a suitably qualified and experienced person as per the relevant guidelines and license conditions.” Who will person be and what does suitable mean?</p> <p>Given the estimated cost of the DA1and DA2 has not been calculated and that the shire has historically requested a relocation of the sale yard complex, I find it difficult understand that such a costly upgrade would be contemplated in the middle of an expanding townsite.</p> <p>It would be a common-sense decision to relocate to a more environmentally suitable site within the Capel Shire and incorporate modern and proven practices and procedures to utilise the waste water onsite rather than the costly practice of what is proposed here.</p>	