



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

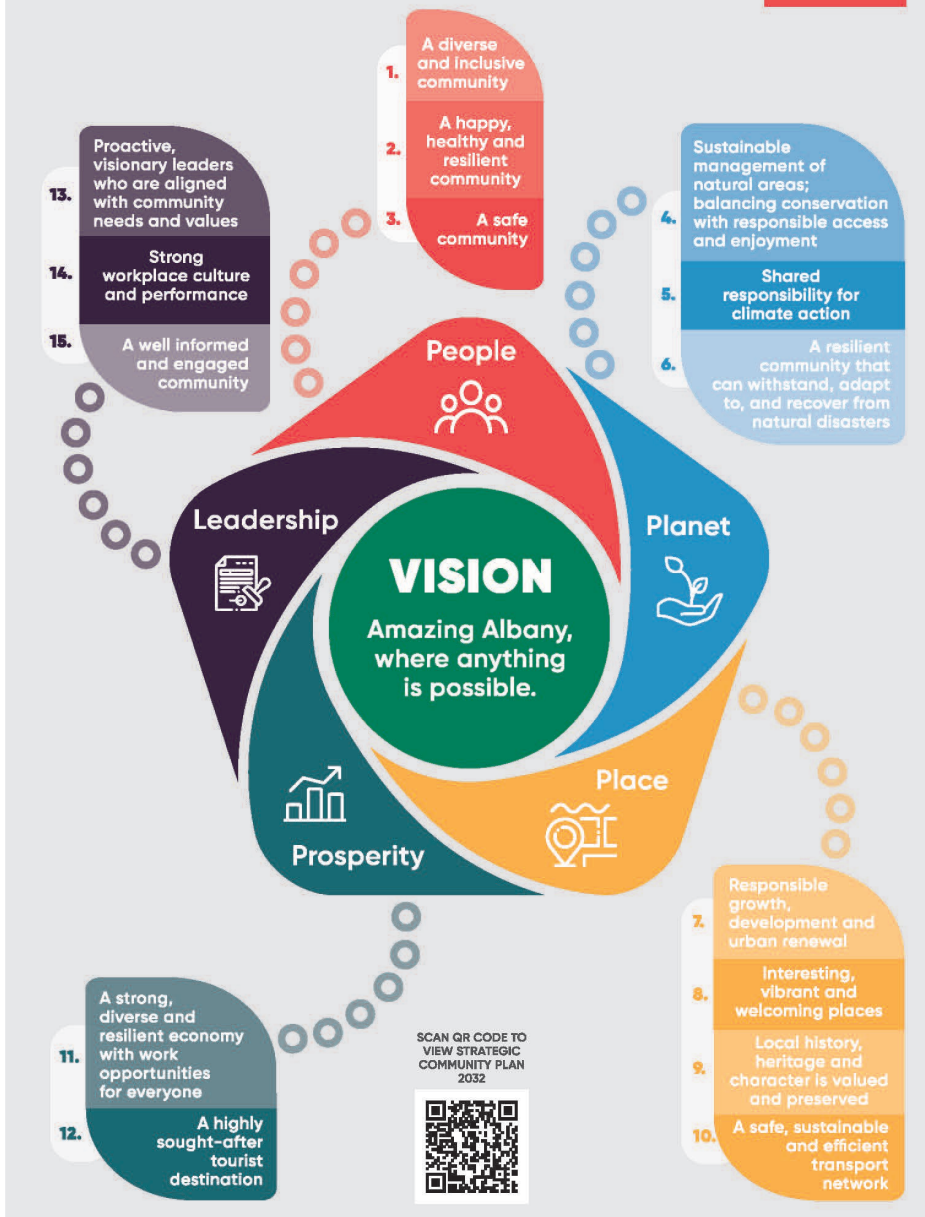
Wednesday 15 March 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
6.	PUBLIC QUESTION TIME	5
7.	PETITIONS AND DEPUTATIONS	5
8.	CONFIRMATION OF MINUTES	5
9.	PRESENTATIONS	5
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	REPORTS	
DIS338	ANIMAL HUSBANDRY – INTENSIVE (PIGGERY)	6
DIS339	ROAD RATIONALISATION – MULTIPLE ROADS, TORNDIRRP	18
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	22
12.	MEETING CLOSED TO PUBLIC	22
13.	CLOSURE	22

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 15/03/2023

1. **DECLARATION OF OPENING** – The Chair declared the meeting open at 6.00pm
2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders past, present and emerging”.

3. **RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor	D Wellington
Councillors:	
Member	C Thomson (Chair)
Member	R Sutton (Deputy Chair)
Member	P Terry
Member	M Traill
Member	G Stocks
Member	T Brough
Member	J Shanhun
Member	A Cruse
Member	S Grimmer
Member	M Benson-Lidholm JP
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Acting Manager Planning and Building	J Wardell-Johnson
Meeting Secretary	P Ruggera
Meeting Secretary	N Banyard
Apologies:	
Member	S Smith (Apology)
Member	D Baesjou (Apology)
Manager Planning and Building	J van der Mescht (Apology)

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE – Nil

6. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

6:02pm Ms Rebecca Wicks – 398 Smith Road, Bullsbrook

Ms Wicks spoke in support of the Authorising Officer Recommendation for Report DIS338: Animal Husbandry – Intensive (Rotational Outdoor Piggery)

6:07pm Mathew Micke – 27 Roberts Road, Robinson

Mr Micke spoke in support of the Authorising Officer Recommendation for Report DIS338: Animal Husbandry – Intensive (Rotational Outdoor Piggery)

There being no further speakers the Chair declared the Public Question Time closed at **6.11pm**.

7. PETITIONS AND DEPUTATIONS – Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR STOCKS**

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 15 February 2023 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

9. PRESENTATIONS - Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

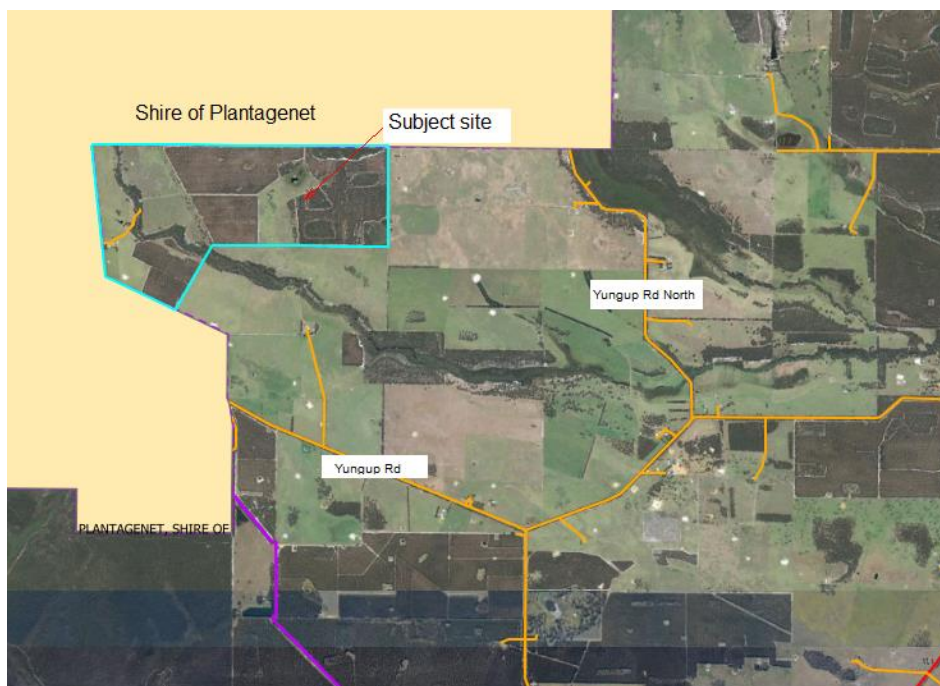
DIS338: ANIMAL HUSBANDRY – INTENSIVE (ROTATIONAL OUTDOOR PIGGERY)

Land Description	: Lot 5856, 1028 Yungup Road, Napier 6330
Proponent / Owner	: Sangarra Southern Pty Ltd
Business Entity Name	: Sangarra Southern Pty Ltd, (MJ Micke)
Attachments	: 1. Environmental Assessment & Management Plan 2. Schedule of submissions
Supplementary Information & Councillor Workstation	: 1. Copies of submissions & agency comments
Report Prepared By	: Senior Planning Officer (J Anderson)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcome:** Plan a compact city with diverse land, housing and development opportunities.
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
 - **Pillar:** Leadership.
 - **Outcome:** A well-informed and engaged community.

Maps and Diagrams: Lot 5856, 1028 Yungup Road, Napier 6330



In Brief:

- Council is asked to consider an application for development approval for an Animal Husbandry – Intensive (Rotational Outdoor Piggery) at Lot 5856, 1028 Yungup Road, Napier. The land use designated as a 'D' use within the Priority Agricultural zone.
- The application was advertised for public comment via direct mail out to surrounding landowners within a 1500 metre radius. Five submissions were received during advertising, all of which raised concerns in relation to the proposal.
- The application in its current form, including an updated Environmental Management Plan (EMP), has been assessed on its merit. Advice from state agencies and relevant matters raised during the advertising period, have been considered as part of the City's assessment.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area, as the use is consistent with the relevant objectives of the Priority Agricultural zone.
- Operational and environmental matters have been addressed, with the proposal required to operate in accordance with recommended conditions of development approval, including the approved Management Plan, and national guidelines and state government requirements.
- Staff therefore recommended that Council approve the proposed development, subject to conditions.

RECOMMENDATION

DIS338: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR TERRY)

**MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON**

THAT the Authorising Officer Recommendation be ADOPTED with the following amendment to Point 3e:

- 3) e) Suitable screening native vegetation shall be provided as shown on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan, to the satisfaction of the City of Albany. All screening vegetation shall be retained in perpetuity, unless otherwise agreed to in writing with the City.**

CARRIED 11-0

The Chair Councillor Thomson called for a Mover and Seconder of the Amended Officer Recommendation.

DIS338: AMENDMENT BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT condition 3 of the Authorising Officer Recommendation be AMENDED to read as follows:

3. Prior to commencement, all measures and actions identified in the stamped and approved Environmental Assessment and Management Plan dated XXXXXX, referenced P2210668, being implemented and maintained to the satisfaction of the City of Albany, including but not limited to the following:
 - e) ~~Areas of screening vegetation (bluegums) indicated on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan shall be retained in perpetuity, unless otherwise agreed to in writing with the City.~~ Suitable screening vegetation shall be provided as shown on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan, to the satisfaction of the City of Albany. All screening vegetation shall be retained in perpetuity, unless otherwise agreed to in writing with the City.

CARRIED 6-5

Record of the Vote:

Against the Motion: Councillors Thomson, Grimmer, Brough, Benson-Lidholm, Stocks.

Councillor Reason:

During the site visit the proponent indicated he would plant native vegetation rather than replant Blue gums along the lines indicated in Appendix I.

I would argue that it would be more beneficial to have native vegetation planted as screening vegetation compared to Blue gums to provide native fauna a corridor to habitate in compared to an introduced flora species such as Blue gums.

Officer Comment:

The proponent had initially indicated they would leave 2 rows of blue gums which officers supported.

Noting comments on site that native vegetation would be planted, it would not be the officer's intention that blue gums were removed (if the proponent wanted them to stay) to be replaced with natives, especially given the time frame required to establish new native screening vegetation.

This is perhaps the unintended consequence that specifying the word "native" would create. Besides use of the word native, officers agree with the intent of the amendment.

Councillor Terry then proposed an amendment to the Authorising Officer Recommendation.

DIS338: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SHANHUN

THAT Council ISSUE a notice of determination granting development approval with conditions for Animal Husbandry - Intensive (Rotational Outdoor Piggery) at 1028 (Lot 5856) Yungup Road, Napier.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2210668, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. Prior to commencement, all measures and actions identified in the stamped and approved Environmental Assessment and Management Plan dated XXXXXX, referenced P2210668, being implemented and maintained to the satisfaction of the City of Albany, including but not limited to the following:
 - a) The operations of the approved Animal Husbandry – Intensive (Rotational Outdoor Piggery) shall be contained within the nominated areas, unless otherwise agreed in writing by the City of Albany.
 - b) The maximum capacity of the piggery shall be 700 sows.
 - c) The piggery shall be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
 - d) The piggery shall comply with, and be managed in accordance with the National Environmental Guidelines for outdoor rotational piggeries including waste management, rotation, all setbacks to watercourses, lot boundaries and and dwellings on adjoining properties.
 - e) Areas of screening vegetation (bluegums) indicated on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan shall be retained in perpetuity, unless otherwise agreed to in writing with the City.
 - f) Appropriate mortalities management practices shall be implemented to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding, in accordance with the *National Environmental Guidelines for Rotational Outdoor Piggeries*.
4. Remnant vegetation areas abutting rotation areas shall be fenced to the satisfaction of the City of Albany.
5. No remnant vegetation shall be removed in association with the approved Animal Husbandry - Intensive (Rotational Outdoor Piggery), without the prior approval of the Department of Water and Environment Regulation. (DWER)
6. All rotational areas shall be adequately fenced to contain all pigs to the satisfaction of the City of Albany.
7. All runoff from impervious surfaces shall be contained within the property and disposed of to the satisfaction of the City of Albany.
8. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
9. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice Note: Please refer to the *City of Albany Local Planning Policy – Signs* for further information.

Advice Note: The level of noise emanating from the development shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.

Advice Note: Development is required to comply with all relevant Health regulations; particular regard should be paid to those matters outlined on the attached ‘Environmental and Health Conditions’.

Advice Note: Elliott Road is under the care, control, and management of the Shire of Plantagenet, who has advised that Elliot Road will require the applicants to contribute to the upgrade of this road to a standard suitable for increased light and heavy vehicles access.

Advice Note:The Piggery shall be Registered with the City of Albany Environmental Health Section as an offensive trade.

BACKGROUND

4. The subject site lies to the eastern side of Yungup Road, approximately 21km north of the Albany city centre, 6.8km west of Napier Hall and 16km east of Redmond and Narrikup townships. The site is also adjoins the Shire of Plantagenet border to the north and west.
5. Site details:

Local Planning Scheme	City of Albany Local Planning Scheme No. 1 (LPS1)
Zone	Priority Agriculture
LPS1 Use Class & Permissibility (Table 2)	Animal Husbandry – Intensive (Rotational Outdoor Piggery) - D
Existing Land Uses:	Agriculture-Extensive Tree Plantation
Bushfire Prone Area:	Yes

Site context

6. The topography of the site is described as gently undulating which slopes from the northern eastern corner, down to the southwestern portion of the site. Napier Creek is located to the west of the site and flows from north to the south of the site.

DISCUSSION

Proposal

7. The proposed Animal Husbandry – Intensive (Rotational Outdoor Piggery) involves the following:

Area of use:	Approx total area 126.97 ha to allow for maximum of 3 rotation areas
Summary	<ul style="list-style-type: none"> • Maximum capacity 700 sows • Breeder site - pigs are bred, and piglets removed at weaning (approx. 4 weeks) to an external grow-out facility <p><u>Rotational areas</u></p> <ul style="list-style-type: none"> • Approx. 43ha each • Setback 20m from the property boundaries, and 100m from any dams and soaks. • Used for 2 years, then used for cropping for 4 seasons to utilise nutrients - harvestable crops such as oaten hay, sorghum, millet • Pigs will be free range within the designated rotational area, in accordance with an accredited free-range system • Pigs housed within removable communal shelters and farrowing huts, designed to accommodate a sow and litter of piglets. <p><u>Traffic</u></p> <ul style="list-style-type: none"> • Estimated 14 truck movements (arriving and departing) per week, including: <ul style="list-style-type: none"> ○ Delivering breeder pigs – initially brought in every week until operation is at capacity, then replacement animals brought in every month ○ Transporting weanlings from site to grow-out facility, on a weekly basis ○ Delivering feed approx. 4 times per week ○ Straw bedding: <ul style="list-style-type: none"> ▪ Sourced from offsite when required ▪ Spent bedding removed weekly via maximum two truck visits • The main vehicle access point to the operation will be via Settlement and Elliott Roads, that are under the jurisdiction of Shire of Plantagenet. <p><u>General operations</u></p> <ul style="list-style-type: none"> • Deceased pigs will be placed in a designated burial trench and immediately covered with soil • Remnant vegetation to be retained • Screening vegetation (two rows of bluegums) to be retained adjacent for drainage management and visual amenity. • Installation of incidental infrastructure including water pipes and pumps to transport water from dams or bores • Two silos for feed storage, 6m in height, approx. 60 tonnes in size • Straw used for bedding to be partially sourced from subject land or imported periodically, to be stored in two open areas on the site • Fuel storage for approximately 3000L of diesel. • Biosecurity measures to comply with the Australian Pork Industry Biosecurity Program and AUSVETPLAN • Clearing of remnant native vegetation is not proposed

Public consultation

8. As outlined elsewhere in the report, the proposal was advertised to adjoining landowners within a 1,500m radius of the subject site, and published on the City of Albany website.
9. A total of five submissions from nearby landowners were received, all raising concerns in relation to the proposal.
10. The following key concerns were raised:
 - Amenity
 - Noise and odour & environmental impact – waterways, dust and air pollution
 - Impact on future development on adjoining sites, including future dwellings and bore location
 - Visual impact
 - Access – not sufficient for additional traffic
 - Aboriginal place
 - Anaerobic pond
 - Animal welfare concerns
 - Value of property
11. A summary of concerns raised during advertising are outlined under the Schedule of Submissions (refer Attachment 2).
12. The proposal was also referred to the Department of Water and Environmental Regulation (DWER), Department of Primary Industries & Regional Development (DPIRD), Shire of Plantagenet and Department of Planning Lands and Heritage (DPLH) Aboriginal Heritage Operations branch.

Assessment

13. The City has considered the proposal against the relevant provisions contained under LPS1 including the objectives of the Priority Agricultural zone, as well as matters outlined under cl. 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), advice from state agencies and relevant submissions received during advertising.
14. To assist the City in determining the appropriateness of a proposal under the local planning framework, DWER were referred the proposal for comment, as the responsible authority on considering environmental matters, including determining compliance with designated buffer distances and the environmental acceptability of a proposal, in accordance with relevant legislation, guidelines and standards.
15. As an Environmental Assessment and Management Plan (EAMP) was prepared for the site, the *National Environmental Guidelines for Rotational Outdoor Piggeries* (ROP Guidelines) are the applicable standards when considering the proposal regarding buffer distances to sensitive land uses and waterbodies. The EAMP submitted with the development application incorporates site specific studies that consider the potential impacts of the proposal on sensitive land uses and outlines methodology and approaches to mitigate potential environmental impacts.

16. The ROP Guidelines outlines the following buffer distances:

Minimum required buffer distances (ROP Guidelines 2013)	Proposed
<ul style="list-style-type: none"> • Rural Residential area – 500m • Rural Dwelling – 250m • Property boundary – 20m • Bore – 20m 	<ul style="list-style-type: none"> • Closest dwelling (not on the site) measured from the boundary of rotational Area 1 - 629m (north) • Other dwellings within 1km of the boundary: <ul style="list-style-type: none"> ○ 742m (northwest) ○ 805m (south)

17. Detailed discussion of the proposal, including advice from state agencies and concerns raised during submissions is provided below.

Impacts on amenity & the environment

18. Concerns consistently raised in the submissions in relation potential negative impacts of the proposal on amenity and the environment:

- Due to the proposed operation’s proximity to existing dwellings and potential impacts on Napier Creek and groundwater.
- Future development of adjoining land, including a future retirement home and bore to provide water for animals.
- Visual impacts on adjoining properties once the existing tree farm was harvested.

19. In accordance with LPS1, Animal Husbandry – Intensive is a use that can be considered in the Priority and General Agriculture zones.

20. In their advice to the City, DWER confirmed that the management techniques to be engaged as outlined under the EAMP, indicate that the proposal would not have an unacceptable risk on public health or the environment.

21. A condition of approval is also recommended to be applied requiring that the use be implemented and operated in accordance with the requirements outlined under the updated EAMP, including the revised maximum capacity of 700 sows.

22. In relation to concerns regarding impacts on future development, staff contacted the adjoining landowner who raised these concerns, seeking clarification on the proposed location of the future dwelling and bore. In their response, the landowner indicated that they had not exactly decided where the future dwelling would be located and would not be known for at least 5 years.

23. In terms of the future bore, the concerned landowner is located upstream of the proposal, and therefore the proposal will not affect groundwater or bore water at their property.

24. In response to concerns raised during submissions, the applicant has also indicated they are prepared to retain blue gums on the periphery of the property to prevent visual impacts. This is recommended to be addressed via a condition of planning approval.

25. When assessing the potential negative impact of a proposal on surrounding amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within the wider locality. The existing amenity within the immediate and wider area can be classified as having a rural landscape, defined by large open paddocks with clusters of remnant vegetation. Surrounding land uses are largely used for grazing, cropping, mixed horticulture and blue gum plantations.

26. Noting the concerns raised during advertising, staff consider that proposal has satisfactorily demonstrated that any impacts on adjoining landowners from the proposal will be adequately addressed and mitigated. Furthermore, DWER have advised that the proposal will not have an unacceptable risk on public health or the environment, with management measures contained under the EAMP satisfactorily mitigating potential impacts on the environment and adjoining sensitive land uses.

27. In summary, the proposal is not considered to be out of character with the surrounding predominant agricultural setting and functions, with appropriate methods identified to manage and mitigate potential impacts on the environment and surrounding properties. Staff consider the proposal it is consistent with the objectives of the Priority Agricultural zone in this instance and is unlikely to have a detrimental impact the amenity of the area.

Access not suitable for additional traffic

28. Concerns were raised that the access is not suitable for additional traffic.
29. Piggeries have little traffic generated. It is anticipated that there would be 14 truck movements per week, including 2 road trains per week to deliver feed, along with one truck per month transporting pigs.
30. The proposed access is via Settlement Rd and Elliott Rd which falls within the Shire of Plantagenet. The proposal was referred to the Shire of Plantagenet, who advised in their response that they had no objections to the proposal, however requested advice be applied should the proposal granted approval, notifying the proponent of contribution arrangements to be made with the Shire relating to the upgrade of Elliott Road to a suitable standard. The requested advice is recommended to be applied to the approval.

Aboriginal Place

31. Concerns were raised that the development would impact surrounding Aboriginal heritage.
32. In response to the concern raised, the proposal was referred to DPLH Aboriginal Heritage Operations for assessment. DPLH advised they were satisfied that there were not any registered Aboriginal Heritage Sites on or near the site, and therefore had no objections to the proposal.

Other matters

33. The following concerns were raised during advertising, that are not considered relevant planning matters:
- Anaerobic Pond - ponds would not be leakproof and odour free
 - Animal Welfare Concerns
 - Value of property
34. The concerns raised regarding odour and leakage from anaerobic ponds as part of piggery operations are noted. However, there are no effluent treatment ponds proposed as part of the subject use. Consideration of odour and other emissions from the use and potential impact on amenity are discussed in detail above.
35. Animal welfare not within the matters to be considered under clause 67 of the Planning Regulations; and therefore are not a valid planning consideration. However the applicant has provided response to the concerns raised, outlining that the proposed ROP intends to operate in compliance with Model Code of Practice for the Welfare of Animals – Pigs (Revised).
36. Property values are not within the matters to be considered under clause 67 of the Planning Regulations; and therefore are not a valid planning consideration.

GOVERNMENT & PUBLIC CONSULTATION

37. Agency responses, concerns raised during advertising, staff comment and the proponent’s justification for the proposal are summarised and discussed above.
38. Public advertising

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to nearby landowners within a 1500m radius, including individual landowners in Shire of Plantagenet City website Public Comment page – copy of application made available and online submission form	24 days between 30/11/2021 – 23/12/2021 With further extensions granted	5 submissions received, all raising concerns in relation to the proposal	As outlined above – advertising of the proposal was not mandatory, however the standard process was followed as per the Planning Regulations

39. As outlined above, the proposal was also referred to the DWER, DPIRD, Shire of Plantagenet and DPLH Aboriginal Heritage Operations.

DWER & DPIRD

40. DWER also undertook a thorough assessment of the proposal, in consultation with DPIRD, via a separate Works Approval application submitted to DWER by the proponent.
41. Following their consideration of the Works Approval application, DWER indicated that they were intending to issue a Works Approval for the proposal, subject to restricting the maximum capacity to 700 sows, and following development approval being granted by the City.
42. The proponent subsequently submitted an updated EAMP reflecting the reduced the maximum capacity to 700 sows, which is the subject of the recommendation for development approval.
43. The revised EAMP was subsequently referred to DPIRD for further comment, who indicated they had no further comments to provide as all aspects were addressed in the EMP and monitoring included as part of the Work Approval from DWER.

Shire of Plantagenet

44. The Shire of Plantagenet have no objections to the proposal however have requested the following advice be applied:

Advice: Elliott Road is under the care, control and management of the Shire of Plantagenet, who has advised that Elliott Road will require the applicants to contribute to the upgrade of this road to a standard suitable for increased light and heavy vehicles access.
45. Detailed discussion regarding the advice from DWER, DPIRD, DPLH Aboriginal Heritage Operations and comments from Shire of Plantagenet are addressed above in the Discussion section of the report.

STATUTORY IMPLICATIONS

46. Animal Husbandry – Intensive (Outdoor Rotational Piggery) is considered a “D” use within the “Priority Agricultural” zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval.
47. The National Environmental Guidelines for Rotational Outdoor Piggeries 2013 (revised) encapsulates a national approach to environmental management for rotational outdoor piggeries and include best practice environmental management for rotational outdoor piggeries and complement the industry’s quality assurance program - APIQ® Free Range.

48. The 1,000m buffer for outdoor piggery farming outlined under the WA Environmental Protection Authority’s *Separation Distances between Industrial and Sensitive Land Uses* (2005) is intended as a generic separation distance in the absence of site specific studies. The EAMP submitted with the development application incorporates site specific studies that consider the potential impacts of the proposal on sensitive land uses.

49. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

50. Not applicable.

RISK IDENTIFICATION & MITIGATION

51. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation The approval may generate unacceptable impacts on the amenity on the area.</p>	Unlikely	Minor	Low	The application has been assessed against the relevant statutory framework. The proposed use is considered a form of rural activity. Potential amenity impacts from the development can be mitigated through identified measures.
<p>Opportunity: Facilitate the sustainable development of the agricultural sector and maximise opportunities for diversification of agriculture and downstream processing.</p>				

FINANCIAL IMPLICATIONS

52. All costs associated with the development will be borne by the proponent.

53. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

54. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.

55. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

56. The subject lot is under pasture and blue gum plantations.

57. The removal of native vegetation is not proposed as part of this proposal.

58. Napier Creek is located to the west of the site, and travels from north to the south of the site. The closest rotational outdoor piggery area is 100m from Napier Creek.

59. A 100m buffer will be provided around each bore or soak.

60. The WA Environmental Protection Authority’s *Separation Distances between Industrial and Sensitive Land Uses* (2005) also sets out a generic buffer of 1,000m for outdoor piggery farming, however it should be noted that a buffer stipulated under these guidelines is intended as a generic separation distance in the absence of site specific studies, such as the Environmental Assessment and Management Plan submitted as part of the development application.
61. DWER are the responsible body for determining the environmental acceptability and required buffers.

ALTERNATE OPTIONS

62. Council has the following alternate options in relation to this item, which are:
- a) To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - b) To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

63. The proposal is considered to be consistent with the Local Planning Scheme No. 1 and the objectives of the zone. Furthermore, advice from state agencies confirmed that the proposal will not have an unacceptable risk on public health or the environment, with management measures contained under the EAMP satisfactorily mitigating potential impacts on the environment and adjoining sensitive land uses.
64. Noting the concerns raised during advertising, staff consider that proposal has satisfactorily demonstrated that any impacts on adjoining landowners from the proposal will be adequately addressed and mitigated. On this basis, it is considered the proposal can be approved and appropriately managed through conditions.

It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ul style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Environmental Protection (Noise) Regulations 1997</i> 3. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses 2005</i> 4. <i>Environmental Guidelines for Rotational Outdoor Piggeries 2013 (EGROP 2013)</i>
File Number (Name of Ward)	:	A5771 (West Ward)
Previous Reference	:	Nil

**DIS339: ROAD RATIONALISATION – MULTIPLE ROADS AFFECTING
RESERVE 24258 TORNDIRRUPT NATIONAL PARK**

Land Description	: Portions of Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Holes Road, Torndirrup
Proponent	: City of Albany & Department of Biodiversity Conservation & Attractions
Attachments	1. R24258
Report Prepared By	: Lands Officer (A. Veld)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P. Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

- **Pillar:** Place.
- **Outcome:** A safe, sustainable and efficient transport network.

In Brief:

- A number of roads managed by the City of Albany that provide access to Reserve 24258 Torndirrup National Park, have been constructed outside of their designated road reserves.
- The City is now seeking Council support to rectify the historical road alignment anomalies by excising portions of land from Reserve 24258 Torndirrup National Park for dedication as public road as well as closing those portions of road reserve that do not contain any roads, for inclusion into the National Park.

RECOMMENDATION

DIS339: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR SHANHUN

THAT the Authorising Officer Recommendation be ADOPTED:

Carried 11-0

DIS339: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. REQUEST the Minister for Lands to excise 17.6Ha of land from Reserve 24258 for dedication as road reserves for Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Holes Road, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. INDEMNIFY the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*;
3. REQUEST the Minister for Lands to close 9.5Ha of the unused road reserves for Frenchman Bay Road, Quaranup Road, The Gap Road and Blowholes Road, pursuant to section 58 of the *Land Administration Act 1997*, subject to final survey;
4. REQUEST the Minister for Lands to incorporate the closed roads into Reserve 24258, Torndirrup National Park.

BACKGROUND

2. The Department of Biodiversity Conservation & Attractions (DBCA) have been engaged in discussions with the City since 2019, following a number of historical road alignment anomalies identified within Torndirrup National Park.
3. These anomalies have created management and operational implications for both the City and DBCA, in relation to matters such as road maintenance, responding to overflow parking issues and facilitating the implementation of future upgrades to facilities and infrastructure of various attractions within Torndirrup National Park.
4. In September 2022, the City of Albany received formal support from DBCA to progress a road rationalisation of the affected portions of Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Hole Road that have been constructed through National Park land.

DISCUSSION

5. The proposed road rationalisation aims to resolve historical road alignment anomalies and support the facilitation of a more consistent approach to management of this area. The road rationalisation involves:
 - Portions of land containing currently constructed roads to be excised from Reserve 24258 Torndirrup National Park for dedication as public road; and
 - Portions of undeveloped road reserve to be closed and consolidated into Reserve 24258 Torndirrup National Park.
6. The proposed road rationalisation actions will better reflect the current use of the land, provide improved protections over areas of remnant vegetation and allow for DBCA to progress upgrades to parking and other infrastructure within the National Park.

GOVERNMENT & PUBLIC CONSULTATION

7. Pursuant to section 58 of the *Land Administration Act 1997*, the City of Albany is required to undertake public consultation on the proposed road closures.
8. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Public Notice in locally distributed newspaper	35 days 16 December 2022 - 20 January 2023	0	Yes
Consult	Public Comments page on City of Albany website	35 days 16 December 2022 - 20 January 2023	0	Yes
Consult	Letters and email to public service providers	6 December 2022 – 10 January 2023	4 No objections	Yes

STATUTORY IMPLICATIONS

9. Section 56 of the Land Administration Act allows a local government to request the Minister for Lands to dedicate land acquired for use by the public as a road under the care, control and management of the local government.
10. Section 58 of the Land Administration Act allows for a local government to request the Minister for Lands to close a road permanently.

POLICY IMPLICATIONS

11. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

12. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Legal & Compliance. <i>Risk: There is a risk that by not having a designated road reserve over the constructed roads that the City doesn't have legal jurisdiction over the care, control and management of the road reserves.</i></p>	<i>Almost Certain</i>	<i>Major</i>	<i>Extreme</i>	<i>Council supports the rationalisation of the Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Hole Road reserves by excising land along the current alignments of the constructed roads and closure of the unused road reserves for inclusion into R24258.</i>
<p>Environmental <i>Risk: That by keeping the current alignment of the existing road reserve, creates uncertainty of protection of some sections of road reserve that incorporate high quality, undisturbed vegetation.</i></p>	<i>Low</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Council supports the closure of these sections of road reserve and consolidation of these areas into R24258</i>
<p>Opportunity: <i>To clear up a historical land tenure anomaly to better reflect the current use of the land</i></p> <p>Opportunity: <i>To provide clarification and appropriate protections for these areas of vegetation.</i></p>				

FINANCIAL IMPLICATIONS

13. The costs of advertising the road closures have been allocated out of the Lands budget 1142970. Any associated costs for surveying the new road reserve will be jointly shared between the DBCA and the City of Albany, with the City's apportioned costs being allocated from the Lands budget 1142970.

LEGAL IMPLICATIONS

14. There are no legal considerations relating to this item.

ENVIRONMENTAL CONSIDERATIONS

15. Some sections of road reserve do not contain any roads and include high quality, undisturbed vegetation. Road rationalisation of these sections to consolidate them into Reserve 24258 will ensure protection of these areas.

ALTERNATE OPTIONS

16. Council may choose to:
- Refuse this request; or
 - Support this request with modifications.

CONCLUSION

17. Rationalisation of the Frenchman Bay Road, Quararup Road, The Gap Road, Blowholes Road and Salmon Hole Road reserves will allow for the constructed roads to be contained within their designated road reserves.
18. The proposed road rationalisation actions will better reflect the current use of the land, provide improved protections over areas of remnant vegetation and allow for DBCA to progress upgrades to parking and other infrastructure within the National Park.
19. Officer recommendation is for Council to support the proposed road rationalisation.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	Vancouver
Previous Reference	:	none

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil

12. MEETING CLOSED TO THE PUBLIC - Nil

13. CLOSURE:

There being no further business the Chair declared the meeting closed at **6:36pm.**

(Unconfirmed Minutes)

Councillor Thomson
CHAIR