

Shire of Moora
Special Meeting of Council
21st March 2017

NOTICE OF MEETING

Dear Elected Member

A Special Council Meeting of the Shire of Moora
will be held on **Tuesday 21st March 2017**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **7.30 pm**

The purpose of the meeting is to consider approval of a submission to the Shire of Dandaragan concerning a Proposed Piggery development by Westpork Pty Ltd on Lot 3616 Agaton Road, Dandaragan located in the Shire of Dandaragan.



AJ Leeson
Chief Executive Officer

20th March 2017

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
 declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
SPECIAL COUNCIL MEETING AGENDA
21 MARCH 2017
COMMENCING AT 7.30PM

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* Separate Attachments

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**3. PUBLIC QUESTION TIME****4. PETITIONS AND PRESENTATIONS****5. PROPOSED PIGGERY DEVELOPMENT – WESTPORK PTY LTD**

FILE REFERENCE: ED/WPP1

REPORT DATE: 20 March 2017

APPLICANT/PROPONENT: Westpork Pty Ltd

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Proposed Piggery Report as circulated, Shire of Dandaragan Agenda Item 9.4.2 for their Council meeting to be held on 23 March 2017

PURPOSE OF REPORT:

To consider approval of a Shire of Moora submission to the Shire of Dandaragan concerning a Proposed Piggery development by Westpork Pty Ltd on Lot 3616 Agaton Road, Dandaragan located in the Shire of Dandaragan.

BACKGROUND:

The Shire President, CEO and Deputy CEO were briefed by Westpork Chief Executive Officer Neil Ferguson in February 2016 about a planned piggery north-west of Moora situated in the Dandaragan Shire on Agaton Road.

The Shire of Dandaragan is in receipt of an application for planning approval to develop a piggery at Lot 3616 Agaton Road, Dandaragan. The application will be determined by the Midwest/Wheatbelt Joint Development Assessment Panel. It is proposed to construct two piggery modules with capacity to house 68,000 pigs for this application.

The proposed Moora Piggery Report has been circulated/ uploaded for perusal by Councillors.

COMMENT:

The report prepared by Larry Smith Planning, Urban and Strategic Planning and Design (December 2016) sets out the broader parameters of the proposal broken down into 7 key areas;

1. Introduction;
2. Proponent and site;
3. Regional and Local Planning context;
4. Site and Environment;
5. Proposed Piggery;
6. Environmental impacts;
7. Community and Social Impacts

POLICY REQUIREMENTS:

There are no policy implications for Council in consideration of this matter.

LEGISLATIVE REQUIREMENTS:

There are no known legislative requirements related to this item for Council as the development falls within the jurisdiction of the Shire of Dandaragan.

STRATEGIC IMPLICATIONS:

There are potentially significant positive strategic and economic implications for the Shire of Moora, given the proximity of the development to the townsite of Moora.

Outcome 4.1: A strong and diversified economic base.

Strategy 4.1.1: Facilitate the development and implementation of a regional economic development strategy, thus ensuring Moora is positioned strongly to service the region.

Strategy 4.1.2: Promote and support local industry development initiatives.

Strategy 4.1.3: Facilitate affordable housing and accommodation initiatives.

Strategy 4.1.4: Ensure the provision of serviced commercial, industrial and residential land.

Strategy 4.1.5: Promote and market the benefits of working and living in the Shire.

Outcome 4.2: A dynamic and resilient business sector.

Strategy 4.2.1: Advocate for increased resources for business development.

Strategy 4.2.2: Identify and attract value adding businesses for agricultural products through monitoring of regional business trends.

Strategy 4.2.3: Advocate for training opportunities and apprenticeship programs to employ local youth.

Strategy 4.2.4: Investigate and attract investors to capitalise on local business opportunities.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

Please refer to sections 4 & 6 of the Proposed Moora Piggery Report December 2016.

➤ **Economic**

Please refer to section 7.4 of the Proposed Moora Piggery Report December 2016.

➤ **Social**

Please refer to section 7.4 of the Proposed Moora Piggery Report December 2016.

FINANCIAL IMPLICATIONS:

There are no known direct financial implications for Council in consideration of this matter, as the project is located within the Shire of Dandaragan.

VOTING REQUIREMENTS:

Simple Majority Required

OFFICER RECOMMENDATION

That Council make a submission to the Shire of Dandaragan in support of the proposed development of a piggery by Westpork Pty Ltd on Lot 3616 Agaton Road, Dandaragan as detailed in the Proposed Moora Piggery Report dated December 2016, further noting and supporting compliant mitigation strategies and practices in relation to, but not necessarily limited to;

- *Waste Water Effluent management;*
- *Solid Waste management;*
- *Odour management;*
- *Noise management;*
- *Fire management;*
- *Road and Traffic Management.*

6. **CLOSURE OF MEETING**

9.4.2 JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED INTENSIVE PIGGERY – LOT 3616 AGATON ROAD DANDARAGAN

Location:	Lot 3616 Agaton Road, Dandaragan
Applicant:	Westpork Pty Ltd
File Ref:	Development Services Apps / Development Applications / 2017/01
Disclosure of Interest:	None
Date:	8 March 2017
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The applicant is seeking planning approval for an intensive piggery located on Lot 3616 Agaton Road, Dandaragan. This application is required to be determined by the Regional Development Assessments Panel (Midwest/Wheatbelt JDAP).

BACKGROUND

Lot 3616 Agaton Road is located in the Shire of Dandaragan and borders the Shire of Moora. It is located on the east side of Agaton Road approximately 8km north of its junction with North West Road (Badgingarra / Moora Road). The site is located 16 km northwest of the Moora townsite and 22 km northeast of the Dandaragan townsite, north of Perth. The lot comprises 1481 ha and is currently used for low intensity cattle farming with around 250 head of cattle and seasonal cropping, wheat and lupins. These uses will continue alongside the piggery. Westpork has entered into an agreement with the previous owners of the property - Aumin Pty Ltd – to lease back the land not used by the piggery.

Westpork is seeking Planning Approval for Module 1 (Moora 1) and Module 2 (Moora 2) under the Shire of Dandaragan Local Planning Scheme No 7. Moora 1 and Moora 2 will have the capacity to house approximately 68,000 pigs.

Longer term site planning provides for a third Module with the capacity for a further 34,000 pigs. Approval for Module 3 (Moora 3) will be subject of a future Application.

Lot 3616 is zoned "Rural" under the Shire of Dandaragan Local Planning Scheme No 7 – District Zoning Scheme.

The proposed use of a Piggery falls under the Use Class of "Animal Husbandry – Intensive" which is identified in the Zoning Table as a "D" (discretionary) Use. Whilst the application does not require advertising under the Scheme, shire staff were of the view that the proposed scale of the development would potentially have

a significant impact on surrounding landowners and therefore warranted advertising seeking community comment. Section 5.3.4 "Avoiding land use conflict" of the December 2016 draft local planning strategy states that

Registering of notifications on land titles alerting surrounding landowners to amenity impacts may also be needed to limit potential future land use conflicts. Those purchasing land will be made aware that living in or close to an agricultural area may impinge on their quality of lifestyle.

The proposed piggery is consistent with the Shire's current Local Planning Strategy – "Rural Land Use and Rural Settlement December 2012 as well as the advertised draft Local Planning Strategy – December 2016 being within an area identified for Rural purposes to accommodate a range of rural pursuits including intensive agricultural production. The proposed piggery is also consistent with State and Regional Strategies.

Most properties in the locality are cleared and used for grazing and cropping including those to the immediate south, west and north. The land to the immediate east and south-east comprises a large area of bushland.

The locality of the site is also experiencing intensification of agricultural pursuits with two citrus farms on Agaton Road and Prices Road.

There are three residences within 2km of the site.

The proposed piggery is a "Farrow to Finish" (breeding to finish) operation and comprises two "modules", one situated adjacent to the central northern boundary (Moora 1) and the second situated adjacent to the central southern boundary (Moora 2). Each module will comprise a series of prefabricated modular sheds to accommodate the animals through their various stages of growth. The piggery will be operated as a high animal health facility with restricted access to other than piggery staff.

A small Office building including kitchen, toilet and shower facilities will be constructed. The construction of Moora 1 and Moora 2 will be staged with Moora 1 commencing as soon as practical after approvals with Moora 2 following on completion of Moora 1. The wastewater systems to each module will be similarly staged.

Each piggery module will have its own solid waste separation and wastewater pond system with no wastewater discharge to the environment. Pre-treatment of the effluent will be by Fan Separator to separate the solids from the liquids. Wastewater from each piggery module will flow into settlement traps before entering

an anaerobic pond. The effluent discharged from the anaerobic pond then enters a facultative pond with the treated effluent finally being discharged to an evaporation pond.

All traps, ponds and channels will be fully lined and the ponds have been sized using real daily Bureau of Meteorology data to ensure adequate freeboard in extreme rainfall events.

Solid manure wastes from the Fan Separator will be applied to the site in the 'reuse area' in accordance with a Nutrient Management Plan (NMP). Solid waste from the trenches and pond systems will be exported off site to an approved disposal location.

Animal carcasses and inert waste generated will be disposed of on-site in an appropriate manner (Burial).

Westpork has been granted a water allocation of 889,140 kL per annum for the site by the Department of Water subject to the completion of a H2 assessment.

Under the Shire of Dandaragan Local Planning Scheme No.7 Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive which are located in a Public Drinking Water Supply Area, the local government will have due regard to the potential impact on groundwater quality.

Scheme Clause 4.21 PROTECTION OF WATER SOURCES

4.21.1 Public Drinking Water Source Reserves

Public Drinking Water Reserves are located close to existing townsites and are covered by Water Source Protection Plans prepared by the Water and Rivers Commission (now Department of Environment and Conservation - DEC). Guidelines are available from DEC which establish whether a proposed use is compatible, incompatible or could be approved with conditions to protect water quality and supply.

In considering any development within a Public Drinking Water Source Area (PDWSA) Council will have due regard for the potential impact on water supplies and the compatibility of the proposed use. Any development in conflict with the DEC guidelines must be referred to DEC for comment to ensure water quality protection of the public drinking water reserves.

The Moora townsite draws its water from bores located in the Shire of Dandaragan approximately 10 km south of the proposed piggery. It is noted that PDWSA for the Moora bores is a relatively small area covering the bores only. The proposed piggery is 10km distance from the PDWSA.

4.2.1.2 Groundwater Areas

Groundwater protection areas have been established by the Water and Rivers Commission (now DEC) known as the Jurien Groundwater Area and Gingin Groundwater Area.

Landowners and developers are required to obtain a licence prior to the construction of a bore or well on any property for groundwater extraction except for stock or domestic purposes.

The Department of Environment Regulation, Department of Parks and Wildlife (both the previous DEC) and Department of Water have been consulted on this application.

COMMENT

The Shire and WAPC have adopted the Local Planning Strategy – Rural Land Use and Settlement 2012 (the Rural Strategy) which provides guidance to Council in assessing this type of application.

The following considerations are taken directly from the Rural Strategy and comments provided on each consideration.

Note - Council is presently advertising a new Local Planning Strategy that will replace the current abovementioned Strategy. The draft new Strategy contains the same matters in both versions of the Strategy to be taken into account when considering this application.

Local Planning Strategy – Rural Land Use and Settlement
APPENDIX 2 INTENSIVE AGRICULTURE PLANNING
CONSIDERATIONS WHEN ASSESSING A PLANNING
APPLICATION FOR INTENSIVE AGRICULTURE

When Council is considering an application for either Agriculture – Intensive, Agroforestry, Animal Husbandry Intensive and Aquaculture it will take into account the following matters;

Strategic Considerations

Council will assess the potential impact of the Application and subsequent development to ensure:

Services and infrastructure are adequate, including the road to be used to transport produce and to access the property, power, water and other requirements or can be adequately upgraded which would be the responsibility of the applicant.

The applicant has advised that;

A Traffic Impact Assessment of the proposed piggery has been undertaken by Shawmac Traffic Engineers [Appendix 2]. The

Assessment, which was based on construction and operation of all three modules, concluded that:

The predicted traffic generation from the site for all three modules is 86 vehicles per day. Delivery trucks will travel south via Agaton Road, North West Road, Dandaragan Road and across to Moora Townsite

Expected average increase in traffic using these roads will not adversely impact the operation of the existing road network.

Sight distances at the Agaton Road / North West Road intersection are considered to be satisfactory, except the truck Entering Sight Distance from Agaton Road. This will require some clearing of roadside vegetation or the installation of an intersection warning sign

No modifications are considered necessary to the intersection of Agaton Road and North West Road

Crash history for five years to December 2015 for the Agaton Road / North West Road intersection indicated a total of five crashes; two involved animals and three involved trees

The overall development will be serviced by two access points on Agaton Road and there is clear sight distance in both directions from the proposed access locations to vehicles travelling along Agaton Road and there are no anticipated safety issues; and

The required car parking provision will be in accordance with Shire of Dandaragan Car Parking Policy and Australian Standards AS2890.1.

Preliminary discussions between Westpork and representatives of the Shire of Dandaragan and the Shire of Moora indicated a willingness on the part of both Shires to seek government funding for the upgrade of Agaton Road to a 9m sealed surface.

The Shires view the sealing of Agaton Road as beneficial not only to the piggery but also Agrifresh as well as being a means of attracting further development and particularly intensive agricultural projects to the area.

Shire staff comment:

The last traffic count data collected along Agaton Road was in June 2015 for a period of 67 days including an average daily traffic of 27 vehicles per day. The proposed piggery application indicates an increase from 27 vehicles per day to 113 vehicles per days along Agaton Road.

Under Main Roads WA's Heavy Vehicle Operations Agaton Road is a local access rate that is Conditionally Rated as Restricted Access Vehicle (RAV) Networks 3 – 6, with the following conditions *"no operation on unsealed road segment when visibly wet, without road owner's approval. Not to be used as a through route. For local delivery and pickup only. Driver must carry documentation as proof of local delivery or pickup"*.

Agaton Road is also subjected to traffic commuting to and from the Agrifresh operations at various locations along this road. Ongoing maintenance and renewal issues have been prevalent along this road, especially during wet weather as well as heavy haulage during the drier summer months. Renewal activities in the past few years have included gravel re-sheeting with 150mm of gravel along at least 12 kilometres of road in a northerly direction from the North West Road intersection in an effort to improve the road condition.

Agaton Road, like any gravel road, remains susceptible to deterioration associated with increased travel movements, especially increased heavy haulage. Shire staff have concerns regarding the ongoing conditions of this road with the proposed increased traffic movements. The condition of the road will need to be monitored and potential methods for funding of expected increased maintenance and renewal costs will need to be investigated.

There is no wider potential for land use conflict from things such as spray drift or smoke between existing and proposed use.

There is not expected to be any significant land use conflict between existing and proposed use from things such as spray drift or smoke.

It will have no adverse impact on catchment management and ground and surface water.

The applicant has advised that;

Four bores have been installed around the Stage 1 (Moora 1) wastewater treatment system and will be monitored. The parameters proposed to be monitored are sufficient to detect impacts from any potential leaks from the anaerobic and evaporative ponds.

Water samples will be collected in accordance with AS/NZS 5667.1–1998. Samples will be analysed at a National Association of Testing Authorities (NATA) accredited laboratory for the analysis undertaken.

An additional four bores will be installed around the Stage 2 (Moora 2) wastewater treatment system during construction of this system.

Daily visual inspections of the drainage lines will be undertaken to check for spills and leaks. Any spill or leak will be cleaned up immediately, and the cause of the spill or leak investigated and rectified.

The wastewater treatment system will be regularly monitored, at least every second day to ensure any pipe blockages are detected and cleared. Any preventative measures or corrective actions will be documented and included in the Annual Environmental Report submitted to DER.

Regular visual inspection of the burial pit will be undertaken to check for exposed carcasses. Contingency measures will be undertaken if required.

The Department of Water are providing additional information on this issue, initial comments are that the proposal can be managed so as not to impact on ground and surface water.

It will not sterilise land with potential for urban expansion or other long term land needs.

There is unlikely to be any urban expansion in the vicinity.

Local Considerations

Council will assess proposals for intensive agriculture on the ability of the subject land to accommodate the proposed use, and with due consideration of the risk of off-site environmental impacts and conflict with neighbouring land uses. Factors to be addressed by the proponent and subsequently considered by Council include:

the nature and capability of the land;

The applicant has advised that;

The Nutrient Management Plan (NMP) documents site conditions and investigations regarding the volumes and quality of effluent that can be sustainably applied to the site [Attachment 2]. Consideration of site conditions and incorporation of policy and guideline recommendations for spreading of manure indicate that with suitable management, the site is suitable for the spreading and assimilation of manure.

It is proposed to spread manure from the operation which has been pre-treated via a screw press to remove liquids. Sludge from the sedimentation trenches and basins will not be applied on site,

but will be exported for use by a third party. Material treated via the screw press will be applied to a 1,236 ha reuse area being 83% of the site.

Volumes to be applied have been calculated conservatively to ensure sustainability of the operation based on soil conditions, depth to groundwater and proposed use. The reuse area will be split into two 618 ha areas with these areas used alternately on an annual basis for application of the screw press solids.

The nutrient loading of the proposed reuse areas have been designed to benefit the grazing and cropping operation on the farm, without negatively impacting on neighbours and the environment.

availability and adequacy of water supply;

The applicant has advised that;

Westpork has been granted a water allocation for the site by the Department of Water (Geraldton branch) subject to the completion of a H2 assessment. In accordance with the requirements of the H2 assessment drilling on the property has commenced and due for completion mid-December, with the final report and water allocation being confirmed in early 2017. Westpork expect to have access to 889,140 kL per annum. Westpork will be granted a Licence to Take Water from Department of Water under the Rights in Water and Irrigation Act 1914.

sensitivity of adjacent land uses;

There are two significant issues that may impact neighbouring residents, these being odour and noise. Each is addressed separately by the applicant below;

The generation of odour impacts is directly related to the strength or odour concentration associated with the source, its characteristics (if it is offensive or pleasant), frequency of occurrence, and duration of exposure and also the size of the odour source. The extent to which odour becomes a nuisance to a neighbour is also related to the separation distance between the source and the neighbour.

The main odour sources from the proposed piggeries are:

- *Pig sheds – Dirty pigs smell as their body warmth encourages anaerobic breakdown of the manure on their skins*
- *Solids separated from the fan separator – wet manure generates odour; and*

- *Treatment ponds and mainly the anaerobic ponds, although the aerobic/evaporation ponds can become odourous if they are overloaded.*

A Level 1 odour impact assessment in accordance with DER's Draft Separation Distances Guidance Statement has been undertaken to determine the appropriate buffer distances to each module of the proposed piggery.

The assessment is based on the number of Standard Pig Units, the odour potential having regard for waste treatment and management systems, the potential dispersion and the terrain and has been calculated at 2.5km from each piggery unit.

Based on calculated buffer distance of 2.5km, Moora 2 is compliant with this recommended buffer distance whereas Moora 1 intersects a residence located at 831 Agaton Road (Lot 3615), approximately 1.7 km west from the activity boundary and a residence located at 1126 Agaton Road (Lot 3611), approximately 1.9 km north from the activity boundary. The site is well buffered from the rural township of Moora, and from other surrounding rural residential receptors.

Consultation with the owners of the two rural residential properties located to the west and north of Moora 1 has confirmed that these properties are vacant and may be used occasionally, but are not the primary residences of the owners.

The residence to the north of the property is occasionally used by the owners when they tend to their general farming duties at the property. The owners' principle address is in Middle Swan.

The residence to the west is currently vacant. The owners reside on the eastern side of Moora. Westpork intends approaching the owners with the object of leasing the residence for personnel working at the piggery.

Regardless of the occupancy status of these properties, best practice odour control measures as outlined in the planning report will be implemented:

Noise sources from an operational piggery are:

Operation of pig sheds, specifically ventilation fans (small, medium or large). The sound power levels of the different fans were measured at Westpork's Mindarra piggery (Gingin) and were 84 dB (A) (small and medium fans) and 89 dB (A) (large fans).

Pigs – Moving of the pigs within the finishing shed by operators causes them to squeal or grunt at a sound power level of 80 dB (A).

Noise modelling of these sources was undertaken by Herring Storer Acoustics. A night time operating scenario was modelled, as this represents periods of worst case noise emissions for Westpork. This scenario was highly conservative as it:

1. assumed all fans on all sheds were operating at all times, where in reality during the night most fans would not be operational, as the ventilation system is designed for peak heat periods during hot summer days, with fans progressively shutting down during the evening or not be operational at all during winter.
2. assumed for each shed, pig squeal noise was emitted, where in practice workers rarely move pigs at night, and therefore pigs would be undisturbed and unlikely to squeal/grunt.

The modelling report indicates noise levels received at the nearest neighboring premises would comply with the Environmental Protection (Noise) Regulations 1997 under a night time (worst case) scenario. The noise level experienced at these noise sensitive receptors would range from 11 to 26 dB (A) which complies with the applicable LA10 assigned noise level of 35 dB (A).

The piggeries will be operated to comply with the Environmental Protection (Noise) Regulations 1997. Routine observations and inspections will be undertaken in regard to noise. Onsite management will be informed of the results of inspections and observations and will implement contingency actions to ensure compliance with Environmental Protection (Noise) Regulations 1997.

If complaints suggest that noise impacts are occurring a site inspection will immediately be conducted to determine the source. If the source can be readily addressed this will be rectified and action taken to prevent a recurrence. If the source requires changes in the design or management of the piggeries to be addressed the facility production rate will be reduced to the extent necessary to prevent noise impacts while the design change is implemented. Westpork will advise the complainant of the corrective action taken and the preventative measures proposed to prevent future disturbance to the complainant.

Due to non-constant nature of the noise sources, and the distance to the nearest residence (1.7 km away from the activity boundary), it is unlikely the amenity of residences will be significantly impacted. The risk is considered to be low.

remnant vegetation and wetland protection requirements;

The applicant has advised that;

The site is located in the Swan Coastal Plain biogeographical region and within the Dandaragan Plateau sub-region which is characterised by Banksia low woodland, Jarrah-Marri woodland, and by scrub-heaths.

Most of the lot has been cleared for grazing save for a small area of remnant vegetation along the eastern boundary and isolated paddock trees.

No Threatened Ecological Fauna Communities or Priority Ecological Fauna Communities occur on the site.

There are no identified wetlands and watercourses on the property other than the single circular lake feature in the vicinity of the eastern boundary of the site which appears to be surface expression of the groundwater located in a topographic depression

crop rotation and/or specific land management requirements;

Not applicable to this application.

any particular infrastructure layout or transport access requirements;

Previously discussed under Services and infrastructure above

the requirement for permission to use ground and surface water;

The applicant is liaising with the Department of Water to satisfy this requirement.

demonstrate the existing pre-development hydrological regime will be maintained or enhanced where possible;

The applicant has advised that;

The site is located within the Nambung River catchment and the Nambung/Cataby Coastal Tributaries subarea.

The site is located within the Department of Water proclaimed Jurien Groundwater Area, bounded by Moora to the south, the Indian Ocean to the west, Watheroo in the east and the Arrowsmith Groundwater Area in the north. Within the Jurien Groundwater Area, the site is situated in the Dinner Hill subarea. Several aquifers underlie the Dinner Hill subarea. The site is not within a Public Drinking Water Supply Area.

Four groundwater bores were installed in April 2016 and show a depth to groundwater varying between 14m to 15m across the

site. The lake located on the eastern portion of the site is sitting at approximately 235 mAHD, and therefore is likely to be an expression of groundwater. Groundwater flow is generally from east to west.

the separation distances and/or buffers with the adjacent uses which are potentially incompatible can be contained on the subject land rather than being a constraint on adjacent land;

The applicant has advised that;

A Level 1 odour impact assessment in accordance with DER's Draft Separation Distances Guidance Statement has identified a calculated buffer distance of 2.5km.

Moora 2 is compliant with this recommended buffer distance.

Moora 1 intersects a residence located at 831 Agaton Road (Lot 3615), approximately 1.7 km west from the activity boundary and a residence located at 1126 Agaton Road (Lot 3611), approximately 1.9 km north from the activity boundary. Based on consultation with the owners of these two rural residential properties the properties are vacant, and may be used occasionally, but are not the primary residences of the owners.

Regardless of the occupancy status of these properties, best practice odour control measures will be implemented which Westpork believes minimise the risk of adverse impacts on amenity of residents.

The Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement 2012 provides the following minimum buffer between piggeries and residential use.

Piggery 300m – 500m depending on size of operation and neighbouring land use - refer Dept. of Agriculture guidelines (Latto et al 2000)

the development impacts can be managed on site;

The applicant has advised that;

Given the site is within a rural area, there are few residences, substantial buffer distances to sensitive uses, construction activities at the site will be of limited duration and the proposed management measures including dust suppression and construction activities being limited to 7am and 5pm on weekdays, and between 7am and 2:30pm on Saturdays (no construction on

Sundays); the risk of affecting the nearby premises is considered low.

The proposed treatment system is a closed system, with no wastewater discharge to the environment as all traps, channels and ponds will be fully lined. Based on detailed modelling, the proposed wastewater treatment system will have sufficient capacity to treat and hold wastewater generated from the piggeries including under extreme rainfall events. Westpork is an experienced operator with a good environmental management record as evidenced by their existing operations. Therefore the risk to groundwater and surface water quality is low.

The following solid waste management measures and depth to groundwater, will ensure the risk to groundwater is low:

- Manure will be applied to the reuse area in accordance with the Nutrient Management Plan for takeup by seasonal crops
- The burial pits at least 2 m above the groundwater table will be used to dispose of pig carcasses. Carcasses buried onsite will be covered with at least 500mm of soil; and
- No hazardous materials (e.g. batteries) will be placed in the rubbish pit.

Four bores have been installed around the Stage 1 (Moora 1) wastewater treatment system and will be monitored. An additional four bores will be installed around the Stage 2 (Moora 2) wastewater treatment system during construction of this system.

A Level 1 odour impact assessment in accordance with DER's Draft Separation Distances Guidance Statement has identified a calculated buffer distance of 2.5km.

Moora 2 is compliant with this recommended buffer distance.

Moora 1 intersects a residence located at 831 Agaton Road (Lot 3615), approximately 1.7 km west from the activity boundary and a residence located at 1126 Agaton Road (Lot 3611), approximately 1.9 km north from the activity boundary. Based on consultation with the owners of these two rural residential properties the properties are vacant, and may be used occasionally, but are not the primary residences of the owners.

Regardless of the occupancy status of these properties, best practice odour control measures will be implemented which Westpork believes minimise the risk of adverse impacts on amenity of residents.

Noise modelling indicates that noise levels received at the nearest neighbouring premises from the piggery would comply with the Environmental Protection (Noise) Regulations 1997 under a night time (worst case) scenario. Due to the non-constant nature of the

noise sources within the piggery, and the distance to the nearest residence (1.7 km), it is unlikely the amenity of residences will be significantly impacted.

A BAL Assessment of the proposed piggery considered all three modules and concluded that the determined Bushfire Attack Level (highest BAL) is BAL-12.5.

The Assessment concluded that the siting and design of each of the three modules is appropriate to the level of bushfire threat that applies to the site.

Fire prevention measures to be implemented at the piggery include firebreaks around the property, on-site firefighting equipment, large above ground storage of firefighting water and firefighting training for onsite personnel.

Any fires that start on the premises should be managed within minutes of starting. The site is currently not staffed on a routine basis so the presence of the piggeries will provide a permanent on-site presence to allow a more rapid fire response. The risk is considered very low.

The development should not significantly detract from any scenic landscape and/or conservation attributes identified in the locality;

The applicant has advised that;

The site of the proposed piggery is located within an area that is open rural and, for the most part, cleared for cropping and grazing. The landform is generally mildly to moderately undulating and as a consequence sections of the buildings forming part of Moora 1 and Moora 2 will be occasionally visible from locations along Agaton Road.

The buildings forming each module are typically rural in design and scale and consistent with other buildings in the locality including those of the two citrus operations.

Agaton Road is a rural access road and primarily utilised by owners and residents and farm workers of local properties. The eastern road verge to Agaton road for the most part is well vegetated and generally offers good screening into adjacent properties.

Further, the proposed piggery is consistent with Council's longer term planning objectives for the locality and specifically the continuing encouragement of commercial agricultural production including intensive agricultural production.

Given the rural location, undulating landform, rural scaled buildings, limited and local traffic, verge screening and long term planning objectives for the locality; it is considered that the proposed piggery is consistent with the visual and landscape qualities of the locality.

the land use will have no adverse impact on the safety, health and amenity of residents in existing dwellings and it will not sterilize land with potential for urban expansion or other long term land needs such as mining;

This has been discussed in separation buffers and distances above.

It is noted that it is unlikely that urban expansion would occur in proximity to this proposal. There is an exploration mining licence 70/3988 over the land (and surrounding land areas). However this is unlikely to conflict with the land use.

other matters which may be required to be addressed if requested by Council.

The applicant has advised that;

Disposal of carcasses

It is estimated that approximately 212 t per annum of dead pigs and afterbirth will require to be disposed of from each module (i.e. site total of 424 t per annum), to the associated burial pits [Figure 4 : Site Plan]. Dead pigs will be removed by front end loader and deposited directly into the pits.

The base of the pits will be a minimum of 2m above the maximum water table and the carcasses will be covered with 500mm of sand/clay stockpiled adjacent to the pits.

There may be additional comments/recommendations added by the officer to the JDAP report should additional environmental information as detailed above be provided prior to the JDAP meeting.

CONSULTATION

Note – Under Local Planning Scheme No.7 the use is not an “A” use, and therefore did not require advertising. However given the scale of the project, it was felt that this matter should be put to the community for comment.

Advertising closed on 22 March in order to give sufficient time for comment. The Scheme requires 14 days, however this was extended out to a month due to publication dates of local

newspapers and to give neighbours more time to make a response. The JDAP report is due by 20 April at the latest and the next Council meeting is on 27 April. Therefore the matter is put to this Council meeting with minimal time to consider submissions.

The proposal was advertised on the Shire website and in the following local newspapers circulating within the district

Geraldton Guardian
Northern Valley Times
Shire Matters in Red Gum (Dandaragan townsite)

- Environmental Protection Authority
- Department of Agriculture and Food (Moora and Geraldton)
- Department of Environment Regulation
- Department of Parks and Wildlife (Jurien Bay and Geraldton)
- Department of Regional Development and Lands
- Department of Health
- Department of Water (Perth and Geraldton)
- Water Corporation
- Shire of Moora – Mr Peter Williams
- Surrounding land owners within at least 10km (from 27 February) and
- Shire Officers

In addition to this advertising, the applicant has advised that;

Westpork has consulted with and discussed the proposal with the owner of the vacant residence located at 831 Agaton Road, approximately 1.7 km west from the piggery activity boundary. The owner, who does not reside at this residence, had no comments or issues with the piggery being located at 898 Agaton Road.

The residence to the north is an absentee owner with their principal residence being in Middle Swan. Westpork will refrain from spreading manure close to their boundary when they are staying / working at the farm.

The owners of the property to the north-west were also consulted and are supportive of the proposed piggery as they see the import of solid waste from the piggery as an opportunity to significantly improve their soils and crop productivity.

Agrifresh have been consulted and are supportive of the proposal. The Paulownia farm was consulted but made no comment.

Westpork has also consulted with both the Shire of Dandaragan and Shire of Moora as part of the initial scoping and planning exercise. Both Shires were highly supportive of the proposed development.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

State Planning Policy 2.5 - Rural Planning.

Section 5.8 Intensive agriculture

Intensive agricultural products are important contributors to the State's economy and are sold to domestic and export markets. Several localities in Western Australia produce much of the State's produce, including Carabooda, Gingin Brook, Perth Hills, Nowergup, Myalup, Manjimup, Donnybrook, Margaret River, Carnarvon, and Ord River. In addition, there are other dedicated sites that may produce a high percentage of a particular commodity in the context of State supply.

In order to operate effectively, producers may require areas of high agricultural productivity, water availability, suitable climatic conditions and ready access to markets and freight networks.

WAPC policy in regard to intensive agriculture is:

- (a) intensive agriculture is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed;
- (b) intensive agriculture sites of State significance should be protected from encroachment;
- (c) in considering buffer distances between intensive agriculture and sensitive land uses, the requirements of clause 5.12 should be observed, and the following matters may also affect the buffer –
 - i. types of chemicals used and their method of application;
 - ii. the characteristics of the site/s, including vegetation, topography and prevailing winds;
 - iii. potential mitigation approaches, including fencing, vegetation buffers, open space, road reserves and other compatible uses; and
 - iv. potential staging and/or expansion intention of the intensive agriculture operator; and
- (d) where an intensive agriculture proposal may affect the nutrient load of a river, estuary or associated tributary and the system and/or its receiving water body has no further capacity to assimilate nutrients without an adverse impact on ecosystem health, a reduction in nutrient export is to be demonstrated.

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$39,485 with \$6,557 allocated to the Development Assessment Panel.

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Local Planning Strategy – Rural Land Use and Rural Settlement.
- Draft Local Planning Strategy 2016

2016 – 2026 Strategic Community Plan

<i>GOAL 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services

<i>GOAL 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities

ATTACHMENTS.

Circulated with the agenda are the following items relevant to this report:

- Full details and plans were provided to Councillors via CD on 9 March 2017 at the Council Forum
- Hard copy summary of the proposal was provided to Councillors at the Council Meeting on 23 February 2017.
- Submission from Shane Nixon (Doc Id: 87921)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council advise the Midwest/Wheatbelt JDAP that it supports the proposed development of a Piggery on Lot 3616 Agaton Road, Dandaragan and the provides the following draft planning conditions:

1. **The land use and development shall be in accordance with the approved plans and specifications (including any amendments marked in RED) unless otherwise conditioned by this approval;**
2. **The use when established shall at all times comply with the definition of Animal Husbandry – Intensive (Piggery) contained within the Shire of Dandaragan Local Planning Scheme No.7;**
3. **This approval is for Module 1 (Moora 1) and Module 2 (Moora 2) and any ancillary works with a capacity to house approximately 68,000 pigs. Separate future application will be required if a third Module with the capacity for a further 34,000 pigs is proposed.**

4. The endorsed plans shall not be modified or altered without the prior written approval of either the Shire of Dandaragan or Midwest/Wheatbelt JDAP in accordance with Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
5. The use and development must be substantially commenced within 3 years of the date of this approval;
6. The development at all times shall comply with the Nutrient Management Plan prepared by Aurora Environmental that was submitted with the application to the satisfaction of the Shire of Dandaragan;
7. The development at all times shall comply with the Works Approval Application prepared by Aurora Environmental that was submitted with the application to the satisfaction of the Shire of Dandaragan. This is not limited to, but specific mention is made to the management and mitigation strategies and contingency measures applicable to;
 - a) Construction management,
 - b) Wastewater Effluent management,
 - c) solid waste management,
 - d) odour management,
 - e) noise management,
 - f) fire management
 - g) and environmental monitoring and reporting;
8. The development at all times shall comply with the Bushfire Attack Level (BAL) Assessment prepared by Smith Fire Consulting that was submitted with the application to the satisfaction of the Shire of Dandaragan;
9. The development at all times shall comply with the Traffic Impact Assessment prepared by Shawmac Traffic Engineers that was submitted with the application to the satisfaction of the Shire of Dandaragan;
10. The piggeries will be operated to comply with the Environmental Protection (Noise) Regulations 1997. Routine observations and inspections will be undertaken in regard to noise. Onsite management will be informed of the results of inspections and observations and will implement contingency actions to ensure compliance with Environmental Protection (Noise) Regulations 1997.
11. Crossovers, access and egress to the subject site from Agaton Road and any road works shall be located and constructed to the satisfaction of the Shire of Dandaragan and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent;
12. A road condition survey is to be completed by the applicant and submitted to the Shire detailing any maintenance work required to public roads as a result of

transport activity to the satisfaction of the Shire of Dandaragan;

13. Prior to commencement of site works, the Applicant/Landowner is to enter into discussions with the Shire of Dandaragan to assess the impact of the additional (heavy) traffic on Agaton Road and proposed strategies (if appropriate) to deal with the increased traffic. Furthermore, should any road upgrading and/or maintenance be required as a result of the increased traffic, then a contribution towards the cost of undertaking those works to the satisfaction of the Shire of Dandaragan will be at the expense of the Applicant/Landowner;
14. All internal roadway surfaces within the site are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit dust generation, to the satisfaction of the Shire of Dandaragan; and
15. Notices indicating the type of operation, hours of operation and potential impacts of the piggery operation are to be displayed adjacent to the Agaton Road frontage of the site to the satisfaction of the Shire of Dandaragan. The notices must state that development approval for the construction of the Development on the site has been granted.
16. The use and development must be conducted so that it has minimum impact on the amenity of the area by reason of :
 - a) Transportation of materials, goods and commodities to and from the premises;
 - b) Appearance of any buildings, works and materials; and
 - c) The emission of odour, noise, vibration, dust, wastewater, waste products or reflected light;
17. The applicant is to provide landscape screening to the satisfaction of the Shire of Dandaragan.
18. Prior to the commencement of the development, a landscape plan detailing screening vegetation that is to be planted shall be submitted to the Shire and approved by the Shire of Dandaragan;
19. In addition to the disposal of carcasses strategy detailed in the submitted reports, the applicant is required to carry out the following procedures;
 - i. large carcasses should be split to minimise bloating;
 - ii. the pit bases should be at least 2 m above the water table at all times;
 - iii. pits should be situated on low permeability soils and / or low risk sites;
 - iv. carcasses need to be well covered with soil, or other suitable material, each day to

- avoid scavenging by feral animals and to prevent odour;
- v. further clay should be compacted over filled pits;
 - vi. earth should be mounded over filled pits to promote shedding of stormwater;
 - vii. The mounds should be grassed over, but trees should not be planted at the site as the roots allow water to move through the pit.

Advice:

- A. Further to this approval, the Applicant may be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Health Act 1911* which are to be approved by the Shire's Manager Building Services and/or Manager Environmental Health prior to issuing a Building Licence.
- B. The Department of Health advises that any form of pest control using pesticides must comply with the Health (Pesticides) Regulations 2011.
- C. It is advised that the proposal should at all times comply with the Biosecurity & Agriculture (Stable Fly) Management Plan 2013 in order to minimize the effects of stable flies on the community.
- D. It is advised that the proposal should at all times comply with the provisions of the Food Act 2008 and related regulations, codes and guidelines.
- E. The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.