



Meeting Minutes Template (Regulation 44)

Minutes of the Great Southern Joint Development Assessment Panel

Held in the Shire of Denmark Council Chambers on Thursday 12 January 2012

Minute taker :Kevina Richardson, Shire of Denmark

DAP Member Attendees

Mr Robert Paull (Presiding Member)
Mr Ian Hocking (Deputy Presiding Member)
Mr Terry Tyzack (Specialist Member)
Cr Alexander Syme (Shire of Denmark Local Government Member)
Cr John Sampson (Shire of Denmark Alternate Local Government Member)

Local Government Elected Members and Officers

Cr Ross Thornton (Shire of Denmark Local Government Member – observer only at this meeting)
Mr Dale Stewart – Chief Executive Officer
Mrs Annette Harbron – Director of Planning & Sustainability
Mr Duncan Ross – Senior Town Planner

Applicant(s), Submitters and Members of the Public

Messrs Craig Chappelle & Paul Llewellyn (Applicant's representatives)
Shire of Denmark Councillor Ian Osborne
Shire of Denmark Councillor Kelli Gillies (arrived at 12.19pm)
Ms Sue Burrows (Department of Planning)
One (1) member of the public
Four (4) members of the public (arrived 12.23pm)
Mrs Pat Gill – Denmark Bulletin

1. Declaration of Opening

The Presiding Member, Mr Robert Paull, declared the meeting open at 12.02 pm and welcomed the DAP Members, the Council's staff, Councillors of the Shire of Denmark and the applicants (Mr Craig Chappelle and Mr Paul Llewellyn).

The Presiding Member announced, in accordance with Section 5.14 of the Standing Orders 2011: No Recording of Meeting, which states: '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a DAP meeting unless the Presiding Member has given permission to do so*', and he had granted permission for the electronic recording for the purposes of recording the minutes only.

The Presiding Member announced the meeting is run in accordance with the Development Assessment Panel (DAP) Standing Orders 2011 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member acknowledged the past and present traditional owners and custodians of the land on which the meeting is being held.

2. Apologies

Nil

Insert Presiding members Signature

Mr Robert Paull
Presiding Member, Great Southern JDAP

3. Leave of absence

Nil

4. Noting of minutes

The minutes of the Great Southern Joint Development Assessment Panel Meeting No. 1 held on 17 October 2011 be noted by DAP members.

5. Disclosure of interests

- a. Cr Alexander Syme (Shire of Denmark Local Government Member) declared an indirect impartiality interest in Item 7.
- b. Cr John Sampson (Shire of Denmark Alternate Local Government Member) declared an indirect impartiality interest in Item 7.

The Presiding Member, Mr Robert Paull, provided Cr Alexander Syme and Cr John Sampson the opportunity to discuss their declarations. Both Local Government Members spoke in relation to their declarations and wished for it to be recorded in the minutes that they rejected the assertions made in one of the submission received on the planning application the subject of the meeting and that they would consider this planning application on its merits.

In accordance with Section 4.5.1 and 4.5.2 of the *Standing Orders 2011*, the Presiding Member of the Great Southern JDAP agreed that the members listed above, who have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.

6. Deputations and presentations

Messrs Craig Chappelle and Paul Llewellyn addressed the DAP in support of the proposed development (that is for the report recommendation) for Item 7.

7. Responsible Authority reports

1. **Property location and subject:** Portion of Location 7625 (Reserve 24913) Monkey Rock Road, Denmark – Proposed Wind Energy Facility
2. **Applicant's name:** Denmark Community Windfarm Ltd
3. **Responsible authority:** Shire of Denmark
4. **Report date:** 3 January 2012

REPORT RECOMMENDATION:

That the Great Southern Joint Development Assessment Panel resolves to:

1. **Approve** Planning Application 2011/163 (DAP Application Reference DP 11/02256) for the Proposed Wind Energy Facility on Portion of Location 7625 (Reserve 24913) Monkey Rock Road, Denmark (accompanying plans as provided for in Attachment A of the Responsible Authority Report) in accordance with Clause 6.5.3 of the Shire of Denmark's Town Planning Scheme No. 3 subject to the following:



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Presiding Member, Great Southern JDAP

Conditions

- a) Development shall be carried out and fully implemented in accordance with the stamped approved plans unless otherwise requirement or agreed in writing by the Shire of Denmark, including the following modifications:
 - i. The hard point layout and required clearing associated with Wind Turbine 1 being modified such that it is no closer than 5 metres to the WEF lease boundary; and
 - ii. The 'temporary access road' to the Wind Energy Facility site does not form part of this planning approval - noting that such access road arrangements are to be the subject of separate approval process with the State of Western Australia, in consultation with the Shire of Denmark.
- b) The non-reciprocal portion of the access road to the Wind Energy Facility lease boundary is to be located, designed, constructed, drained and positioned wholly within an approved access easement to the satisfaction of the Shire of Denmark (Planning/Infrastructure Services), with such plans of the access road and associated works being submitted and approved by the Shire of Denmark (Infrastructure Services) prior to construction commencing (refer Advice Note a) in relation to matters that such plans need to at least address).
- c) The internal access roads are to be located, designed, constructed, and drained to the satisfaction of the Shire of Denmark (Infrastructure Services) with such plans of the access road and associated works being submitted and approved by the Shire of Denmark (Infrastructure Services) prior to construction commencing (refer Advice Note a) in relation to matters that such plans need to at least address).
- d) During construction, the reciprocal portion of the access road is to be maintained at all times, at the proponent's expense, to the satisfaction of the Shire of Denmark (Infrastructure Services).
- e) During construction, all associated delivery vehicles must be located entirely on-site.
- f) Prior to the commencement of any construction works on-site, a landscaping plan which addresses priority species protection, dieback control, weed eradication and revegetation following construction and any conditions on the associated native vegetation clearing permit required for this proposal being submitted to and approved by the Shire of Denmark (Planning & Sustainability Services).
- g) Prior to the issuance of a building licence for the switchroom and site facility buildings, a colour schedule being submitted to and approved by the Shire of Denmark (Planning Services), with such colours needing to complement the surroundings in which they are to be located.
- h) Operations shall not exceed 5 dB(A) above the background noise level or 35dB(A) using a 10 minute Laeq, whichever is the greater, at surrounding noise sensitive premises.

In this regard the applicant shall provide an Acoustic Compliance Report based on field noise readings, prepared by a suitably qualified acoustic consultant, to the Shire of Denmark (Planning Services) to demonstrate such compliance within six (6) months of full operations commencing and/or at any other time when valid noise complaints are received and the Shire of Denmark considers a compliance report is required to further investigate such noise complaint.
- i) Upon commencement of the erection of the turbine towers on-site, signage being erected, at the applicant's expense, in the general vicinity of the lime quarry entrance advising that there is currently no public access to the Wind Energy Facility site and that public viewing of the Wind Energy Facility is only available from the lookouts in the area. Details of the sign and location should be submitted and approved by the Shire of Denmark (Planning Services) prior to erection of such signage.
- j) Upon commencement of the erection of the turbine towers on-site, 'No Standing' signage being erected, at the applicant's expense, along the gravel sealed portion of Ocean Beach Road within Reserve 24913. Details of the proposed locations should be submitted and approved by the Shire of Denmark (Infrastructure Services) prior to erection of such signage.



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- k) Within six (6) months of the Wind Energy Facility operations commencing, the applicant's providing vehicular and pedestrian access to the Wind Energy Facility Site with all associated car parking to be located within the Wind Energy Facility lease boundaries to the satisfaction of the Shire of Denmark (Planning Services).
- l) All associated cabling and electrical connections shall be placed underground.
- m) The provision of all services, including augmentation of existing services, necessary as a consequence of the proposed development shall be at the cost to the applicant and at no cost to the Shire of Denmark.
- n) The applicants to advise, in writing, the Civil Aviation Safety Authority, Airservices Australia, the Royal Flying Doctor Services, Royal Australian Air Force, the Denmark Airfield Association and the Aerial Agriculture Association of Australia of the Wind Energy Facility details, including construction schedules, such that their operations/activities have regard to the Wind Energy Facility development. Copies of such correspondence should be provided to the Shire of Denmark for its records.
- o) The applicants to liaise with the Civil Aviation Safety Authority and any other relevant bodies to ensure that the Wind Energy Facility is highlighted on all navigational maps.
- p) The turbines to be unlit unless required to comply with Civil Aviation Safety Authority requirements.
- q) The preparation and subsequent implementation of a Fire Management Plan, at the applicant's expense, covering all stages of the development including construction, commissioning, operational and decommissioning phases. Such Fire Management Plan is to be submitted and approved by the Shire of Denmark (Community Emergency Services) prior to any works commencing on-site.
- r) The applicant's to acknowledge, in writing to the satisfaction of the Shire of Denmark, that they will be responsible for the remedying of any electromagnetic interference to any telecommunications and or television transmitter/receiver infrastructure (including but not limited to the Shire of Denmark's 'self-help' TV retransmission tower at Weedon Hill, the Denmark Sea Rescue communications, Denmark Surf Lifesaving Club communications, Ocean Beach and William Bay Fire Brigade communications etc) that are proven to be directly attributable to the operations of the Wind Energy Facility.
- s) At least six (6) months prior to the Wind Energy Facility operations being proposed to be decommissioned, a decommissioning and rehabilitation plan being submitted to and approved by the Shire of Denmark (Planning Services).

Advice Notes:

- a) In relation to Conditions b) and c) the required documentation should address, including but not limited to, the following:
 - Road construction materials – noting that crushed limestone is the preferred construction material;
 - Drainage management plan;
 - Erosion control plan;
 - Extent of cut, fill and vegetation clearing proposed – noting that should be kept to a minimum;
 - Temporary (allowing for construction movements) and permanent road widths – noting a Council resolution that the maximum cleared width should be limited to 5.5 metres;
 - A traffic management plan; and
 - Compliance with Town Planning Scheme Policy No. 1: Dieback Disease Management
- b) This is not a Building Licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to any building works commencing on-site.
- c) The development is to comply with the *Building Code of Australia 1996*, *Building Regulations 1989*, *Health Act 1911* and the *Local Government Act 1995*.



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- d) In accordance with the provisions of the *Environmental Protection Act 1986*, the clearing of native vegetation on-site will require a permit to be issued by the Department of Environment and Conservation. It is the applicant's responsibility to ensure that such clearing permit has been obtained prior to any clearing works being undertaken on-site.
- e) The applicant/owner is reminded of their legal obligations with respect to the *Aboriginal Heritage Act WA 1972*.

2. Advises the applicant, all submitters and the Shire of Denmark of its decision accordingly.

The Presiding Member, Mr Rob Paull, acknowledged the report recommendation however provided the following as an alternative recommendation for the Panel's consideration – noting that the reason for the alternative recommendation was to separate the conditions into 'prior to commencement of operations' conditions, 'operational' conditions and 'decommissioning' conditions and 'triggers' associated with conditions where necessary.

That the Great Southern Joint Development Assessment Panel resolves to:

1. **Approve** Planning Application 2011/163 (DAP Application Reference DP 11/02256) for the Proposed Wind Energy Facility (comprising two (2) turbine towers and associated infrastructure including a switch room, site facilities and access roads) on Portion of Location 7625 (Reserve 24913) Monkey Rock Road, Denmark (accompanying plans as provided for in Attachment A of the Responsible Authority Report) in accordance with Clause 6.5.3 of the Shire of Denmark's Town Planning Scheme No. 3 subject to the following:

Conditions - Prior to the Commencement of Operations

- a) Development shall be carried out and fully implemented in accordance with the stamped approved plans unless otherwise requirement or agreed in writing by the Shire of Denmark, including the following modifications:
 - i. The hard point layout and required clearing associated with Wind Turbine 1 being modified such that it is no closer than 5 metres to the WEF lease boundary; and
 - ii. The 'temporary access road' to the Wind Energy Facility site does not form part of this planning approval - noting that such access road arrangements are to be the subject of separate approval process with the State of Western Australia, in consultation with the Shire of Denmark.
- b) The non-reciprocal portion of the access road to the Wind Energy Facility lease boundary is to be located, designed, constructed, drained and positioned wholly within an approved access easement to the satisfaction of the Shire of Denmark (Planning/Infrastructure Services), with such plans of the access road and associated works being submitted and approved by the Shire of Denmark (Infrastructure Services) prior to construction commencing (refer Advice Note a) in relation to matters that such plans need to at least address).
- c) The internal access roads are to be located, designed, constructed, and drained to the satisfaction of the Shire of Denmark (Infrastructure Services) with such plans of the access road and associated works being submitted and approved by the Shire of Denmark (Infrastructure Services) prior to construction commencing (refer Advice Note a) in relation to matters that such plans need to at least address).
- d) During construction, the reciprocal portion of the access road is to be maintained at all times, at the proponent's expense, to the satisfaction of the Shire of Denmark (Infrastructure Services).
- e) During construction, all associated delivery vehicles must be located entirely on-site.
- f) Prior to the commencement of any construction works on-site, a landscaping plan which addresses priority species protection, dieback control, weed eradication and



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revegetation following construction and any conditions on the associated native vegetation clearing permit required for this proposal being submitted to and approved by the Shire of Denmark (Planning & Sustainability Services).

- g) Prior to the issuance of a building licence for the switchroom and site facility buildings, a colour schedule being submitted to and approved by the Shire of Denmark (Planning Services), with such colours needing to complement the surroundings in which they are to be located.
- h) Prior to any works commencing on-site a Fire Management Plan shall be prepared and implemented at the applicant's expense, covering all stages of the development including construction, commissioning, operational and decommissioning phases. Such Fire Management Plan is to be submitted and approved by the Shire of Denmark (Community Emergency Services) prior to any works commencing on-site.
- i) Prior to the commencement of the use, the applicant shall advise, in writing, the Civil Aviation Safety Authority, Airservices Australia, the Royal Flying Doctor Services, Royal Australian Air Force, the Denmark Airfield Association and the Aerial Agriculture Association of Australia of the Wind Energy Facility details, including construction schedules, such that their operations/activities have regard to the Wind Energy Facility development. Copies of such correspondence should be provided to the Shire of Denmark for its records.
- j) The applicants to liaise with the Civil Aviation Safety Authority and any other relevant bodies to ensure that the Wind Energy Facility is highlighted on all navigational maps.
- k) Prior to the commencement of the use, the applicant shall advise the Chief executive Officer of the Shire of Denmark in writing that they will be responsible for the remedying of any electromagnetic interference to any telecommunications and or television transmitter/receiver infrastructure (including but not limited to the Shire of Denmark's 'self-help' TV retransmission tower at Weedon Hill, the Denmark Sea Rescue communications, Denmark Surf Lifesaving Club communications, Ocean Beach and William Bay Fire Brigade communications etc) that are proven to be directly attributable to the operations of the Wind Energy Facility.

Conditions - Operations

- l) Operations shall not exceed 5 dB(A) above the background noise level or 35dB(A) using a 10 minute Laeq, whichever is the greater, at surrounding noise sensitive premises. In this regard the applicant shall provide an Acoustic Compliance Report based on field noise readings, prepared by a suitably qualified acoustic consultant, to the Shire of Denmark (Planning Services) to demonstrate such compliance within six (6) months of full operations commencing and/or at any other time when valid noise complaints are received and the Shire of Denmark considers a compliance report is required to further investigate such noise complaint.
- m) Upon commencement of the erection of the turbine towers on-site, signage being erected, at the applicant's expense, in the general vicinity of the lime quarry entrance advising that there is currently no public access to the Wind Energy Facility site and that public viewing of the Wind Energy Facility is only available from the lookouts in the area. Details of the sign and location should be submitted and approved by the Shire of Denmark (Planning Services) prior to erection of such signage.
- n) Upon commencement of the erection of the turbine towers on-site, 'No Standing' signage being erected, at the applicant's expense, along the gravel sealed portion of Ocean Beach Road within Reserve 24913. Details of the proposed locations should be submitted and approved by the Shire of Denmark (Infrastructure Services) prior to erection of such signage.
- o) Within six (6) months of the Wind Energy Facility operations commencing, the applicant's providing vehicular and pedestrian access to the Wind Energy Facility Site with all associated car parking to be located within the Wind Energy Facility lease boundaries to the satisfaction of the Shire of Denmark (Planning Services).
- p) All associated cabling and electrical connections shall be placed underground.
- q) The provision of all services, including augmentation of existing services, necessary as a consequence of the proposed development shall be at the cost to the applicant and



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at no cost to the Shire of Denmark.

- r) The turbines to be unlit unless required to comply with Civil Aviation Safety Authority requirements.

Condition - Decommissioning

- s) At least six (6) months prior to the Wind Energy Facility operations being proposed to be decommissioned, a decommissioning and rehabilitation plan being submitted to and approved by the Shire of Denmark (Planning Services).

Advice Notes:

- a) In relation to Conditions b) and c) the required documentation should address, including but not limited to, the following:
- Road construction materials – noting that crushed limestone is the preferred construction material;
 - Drainage management plan;
 - Erosion control plan;
 - Extent of cut, fill and vegetation clearing proposed – noting that should be kept to a minimum;
 - Temporary (allowing for construction movements) and permanent road widths – noting a Council resolution that the maximum cleared width should be limited to 5.5 metres;
 - A traffic management plan; and
 - Compliance with Town Planning Scheme Policy No. 1: Dieback Disease Management.
- b) This is not a Building Licence. In accordance with the provisions of the *Local Government (Miscellaneous Provisions) Act 1960*, an application for a building licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to any building works commencing onsite.
- c) The development is to comply with the *Building Code of Australia 1996, Building Regulations 1989, Health Act 1911* and the *Local Government Act 1995*.
- d) The Shire of Denmark contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the *Aboriginal Heritage Act 1972* at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site: <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- e) This Planning Approval does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the *Environmental Protection Act 1986*. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- f) This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

2. Advises the applicant, all submitters and the Shire of Denmark of its decision accordingly.

Moved by: Terry Tyzack

Seconded by Ian Hocking

For: Robert Paull, Ian Hocking, Terry Tyzack, Cr Alexander Syme and Cr John Sampson
Against: Nil

The alternative recommendation was put as the motion and carried 5/0.



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The reason for the modifying the Staff Recommendation was to better coordinate the conditions.

8. Amending or cancelling DAP development approval

Nil

9. Appeals

The Presiding Member advised that an appeal has been lodged with the State Administrative Tribunal for a review of the Great Southern Joint Development Assessment Panel's refusal of Planning Application 2011/127 (DAP Application Reference DP/11/01607/01) for Proposed 64 Grouped Dwellings on No. 50 (Lot 358) Smith Street, Denmark.

A Directions Hearing was held on 8 December 2011 where SAT adjourned the matter to a further Directions Hearing scheduled for 10 February 2012 at 10am in order to enable the applicant to conduct discussions with the Shire in relation to an alternative proposal.

10. General Business

Nil

11. Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 12.33pm.



Mr Robert Paull
Presiding Member, Great Southern JDAP