

# Appendix H

**Environmental Protection Authority s.38F  
3<sup>rd</sup> party referral decision (September  
2022)**

Ms Patti Algie  
Environmental Consultant  
381 Mill Point Road  
**SOUTH PERTH WA 6151**

Our Ref: DWERT10881  
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Via email: [pattialgie@gmail.com](mailto:pattialgie@gmail.com)

Dear Ms Algie

## **Flat Rocks Wind Farm – Enel Green Power Australia Pty Ltd and Moonies Hill Energy Pty Ltd**

Thank you for your correspondence dated 19 August 2022 in which you endeavour to refer the above proposal to the Environmental Protection Authority (EPA).

As you are aware, this proposal has previously been referred to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act). In April 2011, the EPA determined to not assess the proposal and no appeals were received on that decision.

The EPA has conducted preliminary inquiries and sought further information from the proponent to determine whether there has been a substantial change to the proposal from that referred in 2011.

While I note that you have identified some differences between the current planning approval for the project and the proposal referred in 2011 (e.g. project timing, wind turbine specifications and generation capacity), I am advised that overall, the proposal approved by the planning authority will still be substantially the same character as the proposal referred in 2011, and furthermore the extents and locations of environmental impacts have not substantially changed.

Based on all the information received, the EPA considers that the referred proposal does not constitute a new or different proposal for the following reasons:

- The proposed clearing extents are consistent with those described in the 2011 referral.
- The total number and location of the wind turbines is consistent with the 2011 referral. Fewer wind turbines than proposed in 2011 will be constructed owing to increased generation capacity.
- The proposed extent and nature of ancillary infrastructure is consistent with the 2011 referral.

- The proponent has advised that a third stage is not proposed.

In accordance with section 38B(2) of the EP Act, a proposal may not be referred to the EPA more than once.

Please be advised that an application to clear native vegetation for the first stage of the proposal has been made to the Department of Water and Environmental Regulation under Part V, Division II of the EP Act. All clearing permit applications will be made available for public comment once accepted for assessment at <https://www.der.wa.gov.au/our-work/clearing-permits/clearing-permit-applications>.

You may wish to subscribe for email updates on new clearing permit applications and decisions that are available for public comment and/or appeal at this [link](#).

Should you have any enquiries please contact the person cited above. Please quote the above 'Our ref' on any further correspondence. A response to this letter is not required.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Matt Tonts', with a long horizontal flourish extending to the right.

**Prof. Matthew Tonts**  
Chair

20 September 2022