

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

Mr Alexander Tancock
Managing Director
NW Interconnected Power Pty Ltd
139 Frome Street
ADELAIDE SA 5000

PROPOSAL TO WHICH THIS NOTICE RELATES: Asian Renewable Energy Hub –
Assessment no. 2140

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred:

- an increase in the projects power generation;
- an increase in the extent of native vegetation clearing from 7,370 ha (at referral) to 11,962 ha;
- an increase in the number of cables exporting power from two to four (with a corresponding temporary disturbance to the sea bed from 3 ha to 15.3 ha);
- an increase in the number of wind turbines and their capacity; and
- an increase in the number of solar panel arrays and associated electrical infrastructure.

EFFECT OF THIS NOTICE:

1. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.

Yours sincerely

A handwritten signature in black ink, appearing to be 'T. Hatton', written in a cursive style.

Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

14 February 2019

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Asian Renewable Energy Hub

Proponent: NW Interconnected Power Pty Ltd

Decision

For the reasons outlined below, the EPA has determined to consent to the Proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

The EPA has also determined that no public review is necessary in regard to considering the request to consent to the change due to the development envelope remaining unchanged and that the Environmental Review Document (ERD) has not yet been reviewed nor advertised for public review.

Background

On 17 November 2017, NW Interconnected Power Pty Ltd referred the Proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal is for a large-scale wind and solar hybrid renewable energy project, approximately 220 km east of Port Hedland, WA. Onshore components of the proposal comprise a series of linear arrays of wind turbines and solar panels distributed across a 662,400-ha development envelope, with a transmission cable corridor to the coast. The offshore component comprises inert subsea power cables extending to the limit of State Waters.

The EPA determined to assess the Proposal at the level of Public Environmental Review, on 13 December 2017. The proponent prepared Environmental Scoping Document (ESD) was approved on 27 August 2018. The proponent is yet to submit its draft ERD to the EPA.

In advance of the EPA preparing a report on the outcome of its assessment of the Proposal, the Proponent has sought the EPA's consent to the proponent changing the Proposal.

Relevant Statutory and Administrative Provisions

Section 3.8 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change;
- statement of the significance of the change; and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. the proponent's referral documentation (17 November 2017);
2. public submissions from the 7-day advertising period for the referral and the second 7-day advertising period for the proposed s43A application;
3. consultation with relevant decision-making authorities;
4. the Environmental Scoping Document (approved by the EPA in August 2018); and
5. relevant EPA policy and procedures.

Consideration

1. Nature of the proposed change

a) Additional vegetation clearing within the revised development envelope

The change to the proposal involves an increase in proposed native vegetation clearing from 7,370 hectares (ha) at referral to 11,962 ha (i.e. an increase in native vegetation clearing of 4,592 ha or 62% increase). This equates to an increase of 0.7% within the entire development envelope of 644,600 ha. The changes to the proposal conceptual design have been driven by the planned increase in the project's power generation, which is a function of the recent shift in focus of the project to also supply renewable power to the Pilbara Region and the potential for other downstream developments. The proposed changes from the referral document to the approved ESD to now are outlined below in Schedule 1.

These changes are not considered to be significant as:

- No new or different vegetation types will be affected by the change;
- The vegetation types that will be impacted by the changed clearing extent are very widespread and well represented in the development envelope and the wider locality;
- The revised conceptual design still includes provision for the modification of individual turbine locations to avoid any conservation significant flora populations;
- The management measures for the proposal will be equally effective in mitigating impacts on flora and vegetation during construction, and the proposed fire management strategy will benefit flora and vegetation values

across the broader landscape relative to the current unmanaged and too frequent fire regime; and

- Biological surveys undertaken for the proposal will cover the extent of the change.

b) Increase number of cables exporting power

The number of export cables will be increased from two to four. This increases the direct impact on the sea bed from 3 ha to 15.3 ha. This change is not considered significant as:

- The location of the cable corridor remains unchanged;
- The nature of the cables and installation methods remains the same;
- The primary management and mitigation of impacts, particularly the timing of the works to avoid peak marine turtle and migratory shorebird activity periods, remains the same and will be equally effective; and
- Benthic habitat surveys undertaken for the proposal cover the extent of the change.

2. Stage of the assessment process

The proponent prepared ESD was approved on 27 August 2018 by the EPA. The proponent submitted a draft ERD to the EPA on 14 December 2018, the draft ERD includes the changes requested through the s43A application.

3. Currency, relevance and reliability of the information, including submissions

The EPA considers that the currency, relevance and reliability of the information provided is satisfactory.

4. Community engagement

The draft ESD was subject to review from the following decision-making authorities:

- Commonwealth Department of the Environment and Energy;
- Department of Water and Environmental Regulation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Planning, Lands and Heritage; and
- Economic Regulation Authority.

The draft ERD will include the changes to the proposal since referral. The ERD will be released for a 6-week public review period once deemed adequate by the EPA. EPA Services considers that this constitutes an adequate level of community engagement.

5. Level of public concern

The EPA received 6 public comments during the 7-day public comment period at referral, and 2 public comments when the s43A application was advertised. The EPA does not consider that the proposed changes to the proposal would result in an increased level of public interest in the proposal at this stage. The EPA will determine the level of public concern regarding the proposal once the public review period for the ERD has been completed.

Consideration of whether the change is unlikely to significantly increase any impact that the proposal may have on the environment

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

The EPA's determination on the level of assessment for the original proposal dated on 13 December 2017 identified the following preliminary key environmental factors:

- Benthic Communities and Habitat;
- Marine Environmental Quality;
- Marine Fauna;
- Flora and Vegetation;
- Terrestrial Fauna; and
- Social Surroundings.

Other environmental factors of Coastal Processes and Inland Waters were identified and are required to be discussed in the ERD.

The change to the proposal from referral does not require any additional factors to be considered as preliminary key environmental factors.

The vegetation types that will be impacted by the changed clearing extent are very widespread and well represented in the development envelope and the wider locality. No new or different vegetation types will be affected by the change. As such the values, sensitivity and quality of the environment being impacted remain largely unchanged when compared to the proposal referred.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The area of native vegetation that will be cleared will increase from 7,370 ha proposed at referral to 11,962 ha. (i.e. an increase in native vegetation clearing of 4,592 ha or 62%). This equates to an increase of 0.7% within the entire development envelope of 644,600 ha.

None of the vegetation units that will be subject to additional clearing are considered to be of high local or regional significance, no Threatened Ecological Communities, Priority Ecological Communities or threatened flora or fauna species will be impacted.

The EPA considers that the proposed change to the proposal is unlikely to affect the significance and duration of the potential impacts on the environment in the context of the entire proposal.

c) Consequence of the likely impacts (or change)

The consequences of the likely impacts of implementing the change to the proposal will be larger given the total area of vegetation to be cleared has increased. The total area of vegetation to be cleared will be included in the ERD and will be assessed by the EPA.

d) Resilience of the environment to cope with the impacts or change

The EPA considers that the resilience of the environment to cope with the impacts from the change to proposal from referral remains unchanged from that of the original proposal, should it be implemented.

e) Cumulative impacts with other projects

Cumulative impacts will be considered in the EPA's assessment.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The impact to the environmental functions and values of the proposal area is likely to increase as a result of the changed proposal being implemented given that the area of native vegetation that will be cleared will increase. A holistic assessment of the proposal's impacts to the whole environment will be undertaken during the EPA's assessment of the proposal.

g) Level of confidence in the prediction of impacts and the success of proposed mitigation

There is no change to the confidence in the prediction of impacts and the success of the proposed mitigation.

h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

The EPA is of the opinion that public interest in the proposal will likely remain the same.

In addition to the above, the EPA notes that the proposal is being assessed at the level of Public Environmental Review, which is the appropriate level to assess the change to the proposal. The EPA also notes the following:

1. While the proponent has submitted the first draft ERD, the changes to the proposal are outlined in the ERD for transparency. The ERD has not yet been subject to internal review. The ERD will be advertised for a 6-week public review period.
2. The EPA is yet to commence the assessment stage for this proposal and as such the EPA may fully consider the change to the proposal in preparing its report and recommendations to the Minister.
3. To date the EPA has not made any appealable decision in regard to the current assessment and as such, the public will not be at a disadvantage in regard to the rights of appeal as a result of consenting to the change.
4. In accordance with the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2018*, the EPA will publish its decision to consent to the change – this will allow the EPA to maintain an appropriate level of decision-making transparency.

Schedule 1

Change to Proposal

Table 1: Location and proposed extent of physical and operational elements

Element	Location	Proposed extent referral	Proposed extent ESD	Proposed extent changed proposal (ERD)
Wind turbines and associated laydown areas	Figure 1, 2, 3	440 ha	882 ha	522 ha
PV solar panels and associated electrical infrastructure	Figure 1, 2, 3	4,800 ha	7,800 ha	6,651 ha
Converter station	Figure 1, 2, 3	18 ha	16 ha	23 ha
Onshore transmission cable pylons and tracks	Figure 1, 2, 3	-	32 ha	157 ha
Onshore distribution cable and tracks	Figure 1, 2, 3	112 ha	320 ha	1,612 ha
Site tracks	Figure 1, 2, 3	1,800 ha	2,550 ha	2,303 ha
Substations	Figure 1, 2, 3	100 ha	104 ha	357 ha
Warehouse and accommodation	Figure 1, 2, 3	100 ha	50 ha	337 ha
Offshore subsea transmission cable	Figure 1, 2, 3	3 ha (sea bed)	3 ha	15.3 ha (sea bed)
TOTAL		7,370 ha	11,754 ha	11, 962 ha

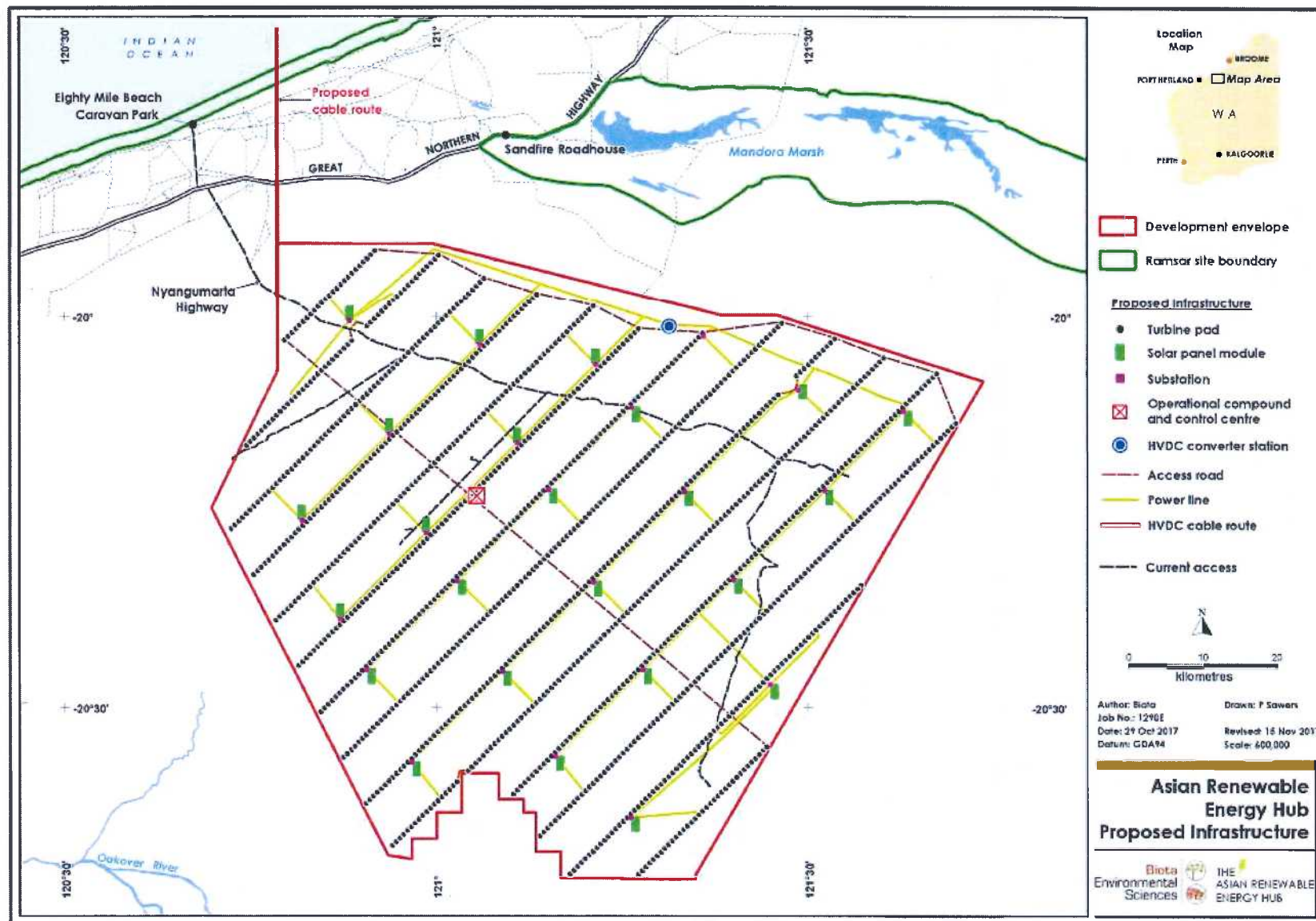


Figure 1 Development envelope and conceptual design at referral

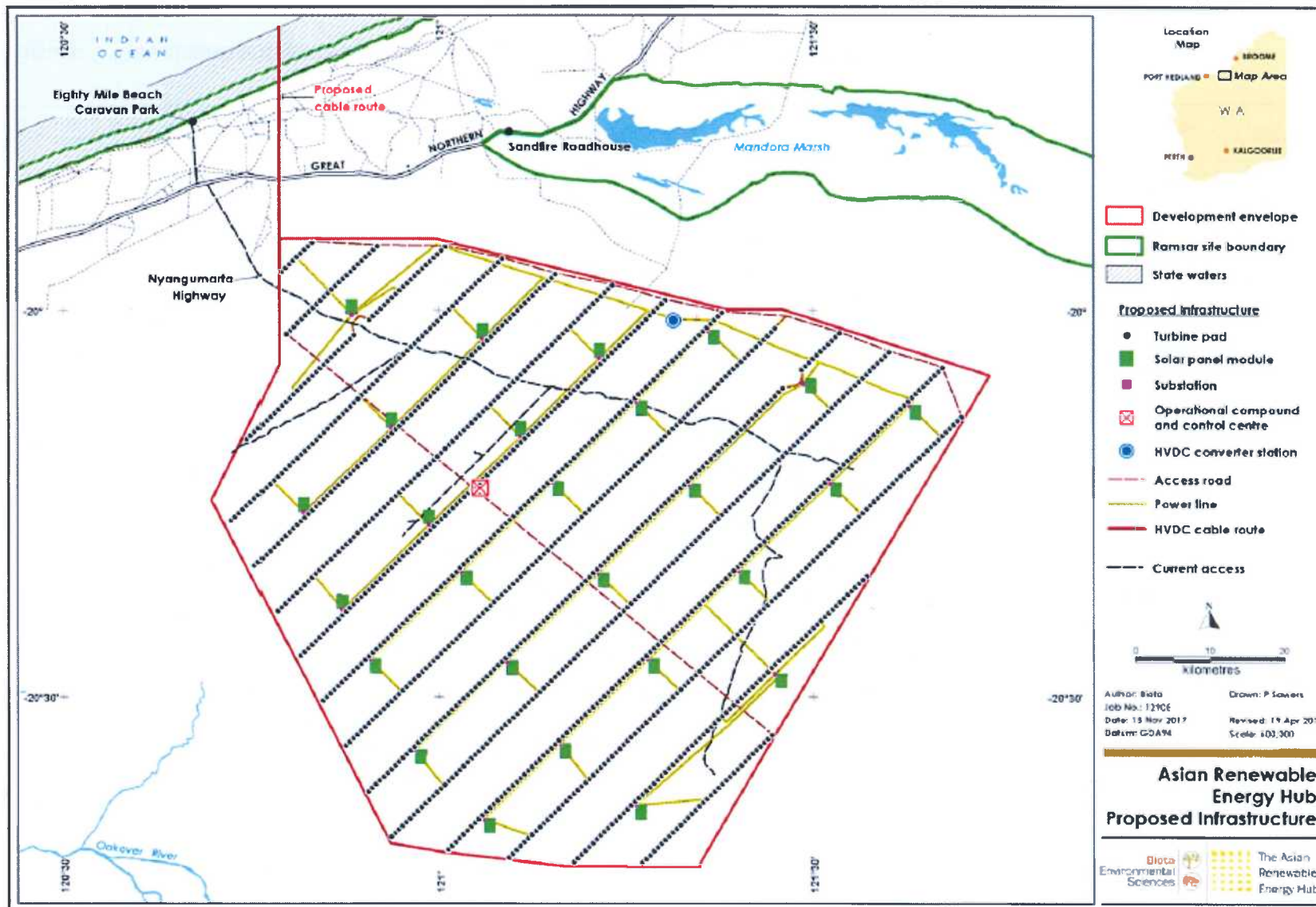


Figure 2 Development envelope and indicative proposal footprint for ESD

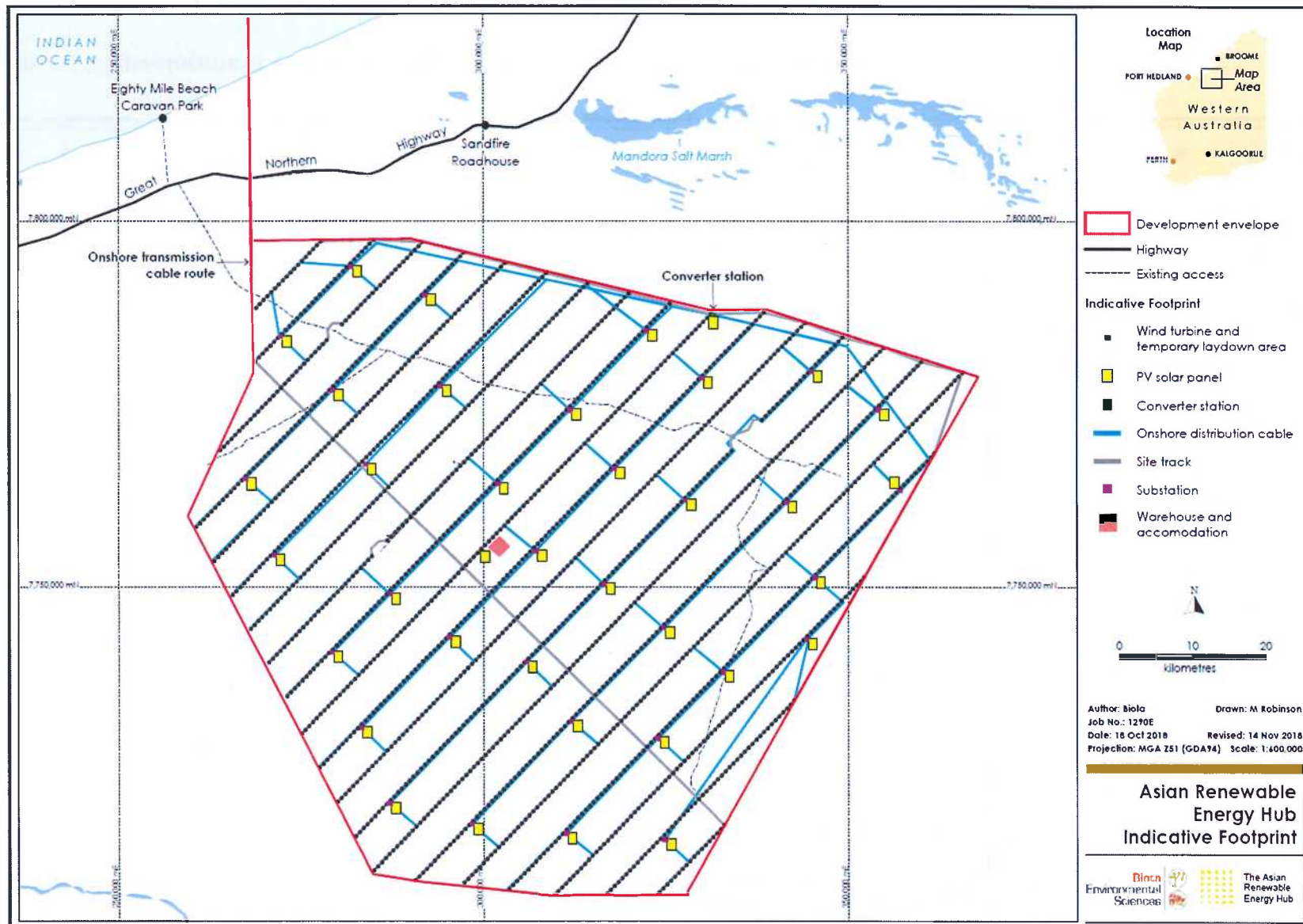


Figure 3 Development envelope and indicative proposal footprint for change (ERD)