

Environmental Protection Act 1986

Section 39A(7)

PUBLIC ADVICE

Proposal: Kondinin Wind and Solar Farm

Proponent: Kondinin Energy Pty Ltd

Decision: **Not Assessed – Public Advice Given**

The EPA considers that the proposal is unlikely to have a significant impact on the environment and does not warrant formal assessment.

Background

On 31 July 2018, Kondinin Energy Pty Ltd referred the Kondinin Wind and Solar Farm proposal to the EPA. The proposal is for the construction and operation of up to 46 wind turbines, an accompanying 125 ha of solar farm, energy storage and all associated infrastructure. The project site is located approximately 5 km north east of Kondinin, within the Shire of Kondinin, Western Australia (Figure 1).

The proposal will be established encompassing parts all or part of 19 freehold rural lots.

The proposal is predominantly in previously cleared, agricultural land with 0.15 ha of highly disturbed, degraded vegetation proposed to be cleared.

The proposal was advertised for public comment and the EPA notes that one public comment was received. The key issue raised was concern about the clearing of habitat trees with hollows.

At the time of referral, the EPA considered that it did not have enough information regarding the potential impacts of the proposal to make a decision as to whether or not to assess the proposal, and if so the level of assessment. The EPA further consulted with the proponent to address issues raised by the EPA Services, the Department of Water and Environmental Regulation (DWER) and the Department of Biodiversity, Conservation and Attractions (DBCA).

Relevant Statutory and Administrative Provisions

The EPA has considered the proposal in accordance with the requirements of the EP Act and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and *Procedures Manual*.

Materials considered in making this decision

The EPA has considered and had regard to the referral information, which is available on the EPA's consultation hub, any comments received during the 7 day public comment period, information conducted through its own inquiries and any further information requested from the proponent and government agencies.

Consideration

In making its decision on whether to assess the proposal, the EPA had regard to various matters, including the following (as outlined in the EPA's *Statement of Environmental Principles, Factors and Objectives*):

- a) values, sensitivity and quality of the environment which is likely to be impacted
- b) extent (intensity, duration, magnitude and geographic footprint) of the likely impacts
- c) consequence of the likely impacts (or change)
- d) resilience of the environment to cope with the impacts or change
- e) cumulative impact with other projects
- f) connections and interactions between parts of the environment to inform a holistic view of impacts to the whole environment
- g) level of confidence in the prediction of impacts and the success of proposed mitigation
- h) public information that informs the EPA's consideration of the likely effect of the proposal, if implemented, on the environment

In considering the potential direct and indirect impacts of the proposal on Flora and Vegetation; Terrestrial Fauna; and Social Surroundings, the EPA has had particular regard to:

- The small scale of proposed native vegetation clearing and the degraded nature of the vegetation to be cleared;
- All mapped populations of Priority flora will be avoided;
- No clearing of the federally-listed Threatened Ecological Community (TEC) "Eucalypt Woodlands of the Western Australian Wheatbelt" is proposed;
- No habitat trees (bearing hollows) are proposed to be cleared;
- The likelihood of bird and bat collision risk has been assessed to be low;

- The noise modelling undertaken was adequate and appropriate.
- It is highly likely that the proposal (including the substation and transformers) can be constructed to operate within the appropriate limits as defined by the *Environmental Protection (Noise) Regulations 1997*. The proponent noise assessment information that has been presented also shows consistency with the *South Australia Environment Protection Authority's Wind farms - Environmental Noise Guidelines, July 2009*.
- Most of the visual impacts from each identified vantage point (where the structures could be seen) were considered to be low based on the scenic quality of the landscape within which the structures will reside.
- The advice received from government agencies including the DWER and the DBCA.
- The consultation undertaken by the proponent with relevant decision-making authorities and stakeholders, including the Shire of Kondinin, host landowners, nearby landowners and the community; and
- The presence of other statutory processes that can manage the potential impacts, including the requirement to seek a clearing permit under Part V of the *Environmental Protection Act 1986* and relevant water licensing under the *Rights in Water and Irrigation Act 1914*. A Development Application has also been submitted to the Shire of Kondinin for assessment.

In summary, although the proposal raises a number of environmental issues, the EPA considers that its objectives for Flora and Vegetation; Terrestrial Fauna; and Social Surroundings can be met. There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

This is primarily on the basis that the predicted extent and consequences of the proposal impacts are minor, as the proposal environmental impacts are small in scale. As a result, the EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The EPA is of the view that the potential impacts can be adequately managed through the implementation of the proposal in accordance with the referral documentation, which includes the proponent's management and mitigation measures.

1. Advice and Recommendations regarding Environmental Issues

a) Flora and Vegetation

The EPA notes that the proposal involves the clearing of approximately 0.15 ha of native vegetation within predominately previously cleared, agricultural land. The vegetation proposed to be cleared is highly disturbed and degraded.

The proponent has committed to avoiding clearing of the Commonwealth-listed TEC "*Eucalypt Woodlands of the Western Australian Wheatbelt*" and mapped Priority flora.

The proponent has minimised any pruning impacts to the TEC that may be required for trees over 5 metres by realigning the transmission line to avoid most of the large trees north of the substation and by relocating the easement north of the substation by approximately 30 metres away from the TEC.

Environmental management during the construction phase should also focus on preventing any indirect impacts to remaining remnant vegetation.

Given the small scale of the proposed clearing, degraded nature of the vegetation and the extent to which the proponent has sought to avoid, and then minimise the level of impact to the surrounding environment, the EPA considers that the proposal, as implemented consistent with the referral information is not likely to have a significant impact on the environmental factor of Flora and Vegetation.

A Clearing Permit will be required by the proponent under Part V of the *Environmental Protection Act 1986*. The DWER will make a decision to grant or refuse a permit. The decision of the EPA to not formally assess the proposal carries no presumption about the outcome of an application for a clearing permit.

b) Terrestrial Fauna

The EPA notes that the proponent has undertaken a risk assessment on operational impacts of the wind farm on birds and bats. The Carnaby's Black Cockatoo and the Rainbow Bee-eater were identified as being 'at risk' conservation significant species. A qualitative risk assessment found Carnaby's Black Cockatoo to be a moderate risk species for collision, mainly due to the endangered status of the population rather than the likelihood of collision. The likelihood of collision was considered rare as individuals would fly below the rotor swept area height.

The DBCA has advised that there is unlikely to be a significant impact from the proposal to terrestrial fauna. Information arising from similar projects concerning the potential impacts to the Carnaby's Black Cockatoo suggests that they are slow flying and capable of avoiding wind turbines including in poor light situations (dawn, dusk and twilight). The proposal is also located at the extremity of the range for this species.

The proponent has advised that no potential habitat hollow bearing paddock trees are proposed to be cleared. The EPA supports the recommendations in the Flora and Fauna Assessment (SW environment, 2017) that any paddock trees >30cm diameter at breast height that may support hollows should be avoided. If during detailed design, any paddock trees greater than 30 cm diameter are identified to be cleared, the tree should be surveyed by an experienced fauna consultant to confirm the absence of any hollows. If any hollow bearing tree did require clearing, it should be scheduled outside of Black Cockatoo key breeding periods (August to February) and an experienced and licensed fauna specialist should be present during clearing to manage any displaced/injured wildlife.

Given the small scale of the proposed clearing and the extent to which the proponent has sought to avoid, and then minimise the level of impact to the surrounding environment, the EPA considers that the proposal, as implemented consistent with the referral information is not likely to have a significant impact on the environmental factor of Terrestrial Fauna.

c) Social Surroundings

Planning Bulletin 67 *Guidelines for Wind Farm Development* (Western Australian Planning Commission) endorses the use of the *South Australia Environment Protection Authority's Wind farms - Environmental Noise Guidelines, July 2009* produced by the South Australian Environmental Protection Authority to be utilised as criteria for noise emissions produced by wind farms. The EPA endorses the approach of assessing noise impacts from wind farms based on background noise levels, as described in this document.

DWER has advised that the proposal is consistent with the *Environmental Protection (Noise) Regulations 1997*, as well as the criteria specified by the *South Australia Environment Protection Authority's Wind farms - Environmental Noise Guidelines, July 2009*.

All of the neighbouring residences are at least 2 kilometres away from any of the proposed wind turbines. The six noise sensitive premises associated with the participating landowners are also at least 1.5 kilometres from the nearest wind turbine. With such buffer distances DWER advised that the wind farm noise should substantially meet the assigned noise level, or at least be below 40 dB(A) in the worst-case scenario.

It is recommended that the Shire of Kondinin implement a condition as part of the Development Application approval which requires that ongoing noise modelling is undertaken in accordance with the procedure outlined in the *South Australia Environment Protection Authority's Wind farms - Environmental Noise Guidelines, July 2009* to demonstrate that predicted noise levels are being achieved and to ensure that the development is not impacting on nearby residents.

Given the noise modelling undertaken for the proposal is adequate and appropriate and the further proposed monitoring and management of social surroundings, the EPA considers that the proposal, as implemented consistent with the referral information, is not likely to have a significant impact on the environmental factor of Social Surroundings.