Patti Algie 381 Mill Point Road, South Perth WA 6151

The Hon. Reece Whitby, MP Minister for Environment and Climate Action 7th Floor, Dumas House, 2 Havelock Street, WEST PERTH WA 6005 By Email: Minister.Whitby@dpc.wa.gov.au

23rd February 2023

Re: Flat Rocks Wind Farm Project

Dear Minister,

On 16 January 2023 I received a letter from your Chief of Staff, that purported to respond to my letter sent to your office on 21 November 2022 (the Letter) written on behalf of 50 stakeholders (the Stakeholders) who are concerned about the Flat Rocks Wind Farm Project (the Project). With respect, the reply is unfortunately dismissive and does not address the facts presented in the Letter.

On behalf of the Stakeholders, I would like to request a further response that addresses the matters raised in the Letter as well as further matters that have arisen since 21 November as a result of another significant amendment to the Project as explained below.

The Environmental Protection Authority's (EPA's) 2011 decision 'Not Assessed – No advice given' is not refuted; however, the Letter provides details of how the 2011 Flat Rocks Wind Farm referral information did not provide sufficient accurate information to allow a properly informed decision as to whether to formally assess the Project or not.

Do you consider that the 2011 Project referral to the EPA met referral requirements either at that time or in respect of the current project which has undergone substantial iterations?

In your reply you note actions that have been undertaken by the Stakeholders to ensure impacts are properly assessed. These include;

- referring the substantially different (from the 2011 referral of the development proposal) project to the EPA for assessment (which the EPA declined to do); and
- making a public submission against the clearing permit application to the Department of Water and Environmental Regulation.

However, your letter does not state your office's intentions and specifically, it does not answer the question as to whether or not you will evoke your authority under the *Environmental Protection Act*

1986 (WA) pt iv div 1 s43 to direct the EPA to assess this Project proposal fully and publicly as requested in the Letter.

A number of Stakeholders have plans to build residential dwellings within 1km of planned wind turbines, on their individual properties. In order to comply with the *Environmental Protection (Noise) Regulations 1997* (WA) and the Development Approval Conditions (DA Conditions) this will necessarily require the windfarm operator to shut down or modify the nearby turbines.

Given the recent significant Development Approval Condition amendments upheld by the Kojonup Shire (1 November 2022) and the Joint Development Approval Panel (28 October 2022) that scrapped the 1km buffer between turbines and neighbouring boundaries, the Stakeholders are again intending to refer the amended Project to the EPA under the *Environmental Protection Act 1986* (WA) pt iv div 1 s38, wherein a significantly amended project may be referred to the EPA for assessment. This will require the EPA to assess the approved proposal, having regard to the significant Condition amendment, and to take into account the combined effect that the implementation of the approved proposal and the significant Condition amendment will have on the environment.

It is the Stakeholders' contention that the Project will breach the *Environmental Protection (Noise) Regulations 1997* (WA) at future residential dwellings which, under the Town Planning Scheme can be as close as 20m from neighbouring boundaries. Now, under the recently amended DA Conditions, turbines may be constructed as close as 60m from neighbouring boundaries, so that conceivably, a dwelling may be as close as 80m from a 200m high turbine (Figure 1). It is understood that wind turbines are planned to be constructed as close as 100m from Stakeholder boundaries.



Figure 1: Allowable wind turbine proximity to future dwellings under DA Conditions approved in Q4 2022.

I am not aware of anywhere in the world where turbines can conceivably be located as close to neighbouring dwellings as is the case here.

Indeed, the wind turbine manufacturer, Vestas' own Safety Manuals stipulate safe working distances of 400m to 500m, and in the event of fire, evacuation radii of 500m (see Attachment 1).

It is clear to the Stakeholders that the Project should be assessed by the EPA so that conditions can be applied that will protect the environment and facilitate the windfarm's construction in a way that avoids future shutdowns, modifications, and litigation.

I look forward to receiving your considered reply.

On behalf of the Stakeholders,

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Patti Algie Environmental Consultant

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The convenor of the Flat Rocks Wind Farm Stakeholder Website (www.flatrockswindfarmstakeholdergroup.com) By email: flatrockswindfarmgroup@gmail.com

ATTACHMENT 1

WIND TURBINE SAFETY CONSIDERATIONS

Vestas is one of the leading wind turbine manufacturers, with approximately 70% market share worldwide. Based on its prominence in the world market, the Vestas Safety Manual (32 pages) is a credible source of safety information. Nordex is another well know manufacturer of wind turbines. Its Safety Manual (130 pages) likewise is considered a credible source of information on the subject of safety.

On page 3 of the Vestas Safety Regulations for Operators and Technicians Manual, point # 2. – Stay and Traffic by the Turbine, Vestas personnel are instructed to stay away from a turbine by 400 m (1312 ft) unless it is necessary. Taken in context, this distance would apply to normal operating conditions. (See Exhibit 1)

Under abnormal operating conditions, Vestas expands this distance in consideration of the safety of its employees. This is evidenced by the Vestas Confidential Health and Safety Instruction manual for a Falmouth MA wind farm. Page 10 of this manual addresses the situation of a free spinning "runaway turbine". In that manual, instructions are for no one to be allowed within a 1640 feet (500 m) radius. (See Exhibit 2)

The Nordex Safety Manual also addresses safety in the context of a fire. On page 52, under section 9.3 Fire, it states:

DANGER FALLING TURBINE PARTS In case of a fire in the nacelle or on the rotor, parts may fall off the wind turbine. In case of a fire, nobody is permitted within a radius of 500 m from the turbine. (See Exhibit 3)

Given that these standards apply to employees who are familiar with the safety implications of wind turbines and are equipped to deal with abnormal conditions, it is indefensible, from a safety perspective alone, to specify in a wind ordinance designed to protect the public health, safety and welfare a setback that is less than 1640 feet.

Exhibit 1

Item no.: 960314.R5 Date 2006-09-11 Issued by: Technology Class: II Type: MAN Page 3 of 32 Safety Regulations for Operators and Technicians V90 – 3.0MW/V100 – 2.75MW Vestas Wind Systems A/S · Alsvej 21 · 8900 Randers · Denmark · www.vestas.com

1. Introduction

A turbine connected to the grid implies certain elements of danger if it is handled without exercising proper caution.

For safety reasons, at least two persons have to be present during a work procedure. The work must be properly carried out in accordance with this manual and other related manuals. This implies, among other things that personnel must be instructed in and familiar with relevant parts of this manual.

Furthermore, personnel must be familiar with the contents of the "Substances and Materials" regulations.

Caution must especially be exerted in situations where measurement and work is done in junction boxes that can be connected to power.

Consequently the following safety regulations must be observed.

2. Stay and Traffic by the Turbine

Do not stay within a radius of 400m (1300ft) from the turbine unless it is necessary. If you have to inspect an operating turbine from the ground, do not stay under the rotor plane but observe the rotor from the front.

Make sure that children do not stay by or play nearby the turbine. If necessary, fence the foundation. The access door to the turbine must be locked in order to prevent unauthorized persons from stopping or damaging the turbine due to mal-operation of the controller.

3. Address and Phone Number of the Turbine

Note the address and the access road of the turbine in case an emergency situation should arise. The

address of the turbine can often be found in the service reports in the ring binders next to the ground

controller. Find the phone number of the local life-saving service.

Vestas Confidential - Falmouth Health & Safety Instruction

WK 1000711-04 EN Issued by: Technology Type: WorkInstruction Date: 20.08-11-08 Class: II Page 10 of 65

2.6.1 Special vehicles

Important: Protect the environment: stop engines when vehicles are not in use.

- Drivers of special vehicles, such as extra wide or high vehicles, must only drive onto the site with prior
 agreement with the supervisor/site manager who will advise as to the preferred route and possible site
 risks.
- The supervisor/site manager will also arrange for auxiliary vehicles, if necessary.

2.7 In Case of Runaway Operation

A runaway operation is almost impossible, as it would require several circumstances to happen at the same time.

If a runaway operation should occur, the plant must be evacuated immediately by running upwind, and
access to the surrounding area in a radius of at least 500 metres must be restricted.

Vestas advises to "evacuate by running upwind ...access to the surrounding area in a radius of at least 500 meters [1640 ft.] must be restricted."



Revision 04 / 2011-07-18

Safety Manual

Exhibit 3

The WT itself is adequately protected against damage by comprehensive lightning protection measures. However, persons inside or in the proximity of a WT are still at risk. ■ Initially, proceed as in a grid failure ■ Leave and lock the WT ■ Wait at a safe distance from the WT until the thunderstorm has passed Do not re-enter the WT until the thunderstorm has passed.

9.3Fire

DANGER FALLING TURBINE PARTS

In case of a fire in the nacelle or on the rotor, parts may fall off the wind turbine. In case of a fire, nobody is permitted within a radius of 500 m from the turbine.

NOTE The WT is equipped with ABC powder fire extinguishers for fighting incipient fires. At least one fire extinguisher is located in the tower base near the door and another in the nacelle near the Topbox. This makes it possible to extinguish burning solids and liquids, as well as fires in electrical systems of up to 1,000 V. These fire extinguishers are not suitable for extinguishing a fire on the high-voltage elements, see Chapter 9.3.2 "Fire in medium-voltage switchgear or transformer".

9.3.1 Fire in the WT

■ Remove any persons from the danger area ■ If possible, disconnect the burning object from the grid ■ Fight the fire with available means if there is any chance of success ■ If the fire cannot be extinguished or if there is no chance of success, call the fire department ■ Inform the responsible Remote Monitoring

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Fire