

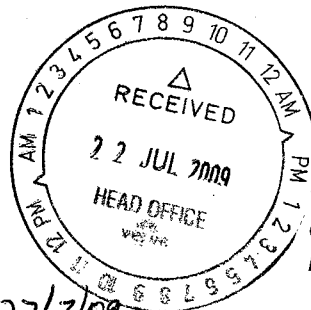


Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6364 6500.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au

Chief Executive Officer
Verve Energy
GPO Box F366
PERTH WA 6841



Your Ref DMS#3159303
Our Ref CRN222122 DEC11442
Enquiries Amy Sgherza 6467 5424

M-S. 27/7/09
Attention: Mr Daniel Thompson
Manager Sustainable Development

Dear Sir

NOTICE UNDER SECTION 39A(3)(a) *Environmental Protection Act 1986*

PROPOSAL: Milyeannup Wind Farm
LOCATION: approximately 20 km east of Augusta
LOCALITY: Shire of Nannup
PROPONENT: Verve Energy
DECISION: Not Assessed - Managed under Part V of the EP Act (Clearing)

Thank you for your letter of 20 May 2009 referring the above proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act) for consideration of its likely environmental impacts.

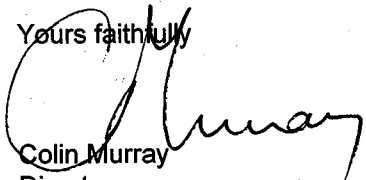
This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so severe as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for the Environment.

Nevertheless, in making its decision, the EPA recognises that the proposal involves the clearing of native vegetation. Please note the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and the procedures in relation to applying for a Clearing Permit. Application forms and guidelines on how to apply for a Clearing Permit are available on the Department of Environment and Conservation's website at the following web address <http://nvp.environment.wa.gov.au>. The Department of Environment and Conservation will make a decision to grant or refuse a permit. The decision of the EPA to not assess your proposal carries no presumption about the outcome of an application for a Clearing Permit.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 3 August 2009, during which, on payment of the \$10 appeal fee, an appellant may ask the Minister to consider directing the EPA to conduct a formal assessment. Information on the outcome of the appeals process is available through the Appeals Convenor's website, www.appeals.dpc.wa.gov.au, or by telephoning 6467 5190 after the closing date of appeals.

The information received regarding your proposal will be made publicly available on request. At the referral stage of the environmental impact assessment process, your attention was drawn to section 39(2) of the EP Act, which provides for a proponent to request that matters of a confidential nature not be kept on the public record. If you believe any part of the proposal information relates to a manufacturing process or trade secret which is commercially confidential and should not be publicly available, please contact the Assessment Officer cited above no later than 3 working days after the date of this letter. Any such request should be confirmed in writing.

Yours faithfully



Colin Murray
Director
Environmental Impact Assessment Division

20 July 2009