

BLAIR FOX PTY LTD

Application for an Exemption from the requirement for a Distribution License for the Indian Ocean Farms Private Distribution Network

Blair Fox Pty Ltd as Trustee for the Blair Fox Trust
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Introduction

Blair Fox operates the Beros Rd Wind Farm and associated power distribution network in Beros Road, Warradarge on behalf of Indian Ocean Farms Pty Ltd. The primary purpose of the wind farm is to supply electricity to its almond growing operations.

The almond growing operation is located across two properties: Beros Rd, Warradarge and Chatfield Clarke Rd, Eneabba. Electricity is supplied to the Chatfield Clarke site by an overhead 33kV interconnector.

Secondary purposes of the wind farm and distribution network are the supply of electricity to a tenant on the Beros Rd property (a large use customer >160MWh) and export of remaining electricity from the wind farm to the SWIS (South-West Interconnected System).

A class based licence exemption applies for the generation works under the Electricity Industry Exemption Order 2005 for generation works below 100MW.

Rationale and Request for Exemption

Blair Fox are seeking a permanent exemption under Section 8 of the Electricity Industry Act 2004 ("The Act") from the requirement to hold a Distribution Licence as defined in Section 4 (1) (c) and required under Section 7 (3) of The Act.

This exemption application is requested because of the supply of electricity generated on the Beros Road site to an unrelated Large Use Customer who is located on the generation site. This falls outside of the provisions of the general exemption granted under section 7 (5) of The Act, in that the tenant has no legal relationship with the operator of the generator beyond the property lease and power supply agreement.

Further, Blair Fox has received general advice from EPWA that indicates that the class exemption under Section 4 A (1) of the Electricity Industry Exemption Order 2005 is not available to us as power generated at the Beros Road site has both:

- i. a connection that traverses third party properties to a remote site, and,
- ii. is being supplied to an unrelated large use customer on the site.

Purpose of the Application

Power Supply and Distribution

The Beros Rd Wind Farm consists of 19 Enercon E40 wind turbine generators generating at 415V which is stepped up to 33kV to enter the local distribution network. The site is connected to the ENB602 feeder from Eneabba zone substation which is adjacent to the Beros Rd property. The site has a DSOC (Declared Sent Out Capacity) of 9.252MW, a CMD (Contract Maximum Demand) of 5MW and is a participant in the Western Power Generator Interim Access (GIA) program. The wind farm will receive a setpoint from Western Power / AEMO when the transmission network is constrained, and the power park controller will adjust the wind farm output to supply the embedded loads and comply with the setpoint for export.

The majority of the distribution network on Beros Rd was existing when Indian Ocean Farms acquired the property in late 2015. Augmentations to the distribution network to accommodate the wind farm and additional loads were constructed between 2016 and 2020.

In 2016 the interconnector between the Beros Rd and Chatfield Clarke properties, as well as the internal distribution network on the Chatfield Clarke property was constructed. Approvals for access to Shire Road reserve, easements across third-party properties, clearing and authority to cross the Dampier-Bunbury Natural Gas Pipeline and the Western Power transmission network has been obtained.

The distribution network is 33kV, with transformers at the load centres to step down to 440V.

Refer to Appendix 1 for the Single Line Diagram

Power Consumption on Beros Rd

Indian Ocean Farms consume power on Beros Rd to supply irrigation (bore and dam pumps), sheds and site offices. There is a tenant leasing part of the Beros Rd property who is consuming electricity from the distribution network. This customer is consuming more than 160,000kWh per year and billing and account management is provided by the Blair Fox group through Electricity Retail Licence ERL17.

Power Consumption on Chatfield Clark

Indian Ocean Farms consume power on the Chatfield Clarke property to supply irrigation (bore and dam pumps), sheds, accommodation, and offices.

Small Use Customers and Third-Party Access

There are no small use customers connected to the distribution network and there is no intention to supply small use customers in the future.

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Western Power Technical Compliance

The Beros Rd Wind Farm and distribution network is connected to the SWIS at the Customer Main Switch (CMS) located at the South-Western boundary of the property. The wind farm is embedded with the loads and connected “behind the meter”.

An Electricity Transfer Access Contract (ETAC) and Network Control Services (NCS) agreement have been obtained. The site is a participant in the GIA. Technical Schedules have been approved and Technical Rules exemptions granted or under review for any non-compliances. The wind farm is currently under a temporary approval to operate, with permanent approval expected in the first quarter of this year.

HV submissions have been lodged and approved by Western Power for the construction of the distribution network. AEMO Technical Compliance

Beros Road Wind Farm is registered generator in the Wholesale Electricity Market (WEM) and a participant in the Capacity Market.

Public Interest Assessment

This submission addresses the public interest criteria defined in section 8(5) of The Act to be considered when determining if the exemption would not be contrary to the public interest, as follows.

Environmental Considerations

Blair Fox does not view this application as having any additional environmental considerations.

All environmental considerations were addressed on construction and development of the Wind Farm during the period 2016 to 2020. No additional development is required for the purposes that require this application for exemption.

Social Welfare and Equity Considerations

Blair Fox does not view this application as having any social welfare or equity considerations.

It is not proposed that Blair Fox will sell electricity to small use customers as defined in The Act

Economic, Regional Development, Employment and Investment Factors

Blair Fox considers that the provision of potentially lower cost wind energy has had the following benefits;

- i. The Wind Farm and power distribution operations has provided for the viable economic parameters that facilitate the horticultural operations to be successfully re-established.

- ii. It has been instrumental in attracting a new large use customer to establish its facilities at this site and has attracted an industry to the region that would not have considered the area viable otherwise.

Interest of Customers

Blair Fox does not view this exemption as having any negative impact on customers.

It is not proposed that Blair Fox would sell electricity to small use customers.

Interests of Other Licensees or Applicants

Beros Rd Wind Farm is located within the South West Interconnected System (SWIS), which is covered by Electricity Networks Corporation (t/a Western Power)'s Electricity Distribution Licence EDL1.

Blair Fox does not view this application as being counter to the interests of any other licensee or applicant for a licence. The Chatfield Clark orchard is not served by Western Power's distribution network and the Beros Rd tenant would not draw power from the SWIS if not for the existing distribution network on the farm. As the main connection point for Beros Rd is connected to the SWIS, the site is complying with the Western Power Technical Rules.

It is not proposed that Blair Fox would sell electricity to small use customers.

Competition in Electricity Industry Market

Blair Fox does not view this application as being counter to competition in the electricity industry market.

It is not proposed that Blair Fox would sell electricity to small use customers.

Policy Objective of Government

Blair Fox is cognisant of the Western Australian government policy objectives in relation to the supply of electricity being:

'To promote efficient investment in, and efficient operation and use of, services for the long long-term interests of consumers of electricity in regions relating to –

- (a) Price, quality, safety, reliability, and security of supply; and
- (b) The reliability, safety, and security of the interconnected system.'

Blair Fox fully supports these policy objectives and provides a platform that facilitates a growing role for renewable energy to reduce the environmental impacts of electricity supply.

Blair Fox does not view this application as being contrary to the public interest with respect to the policy objectives of Government.

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General Information

Proponents

Indian Ocean Farms Pty Ltd is a producer of almonds operating on the properties in Eneabba and Warradarge, Western Australia.

Blair Fox Pty Ltd operates the wind farm and power distribution assets on behalf of Indian Ocean Farms under an Operations and Maintenance agreement. Blair Fox managed the procurement and construction of the wind farm and expansion of the power distribution network. Blair Fox is a licenced electrical contractor.

Site Location

The Beros Rd Wind Farm and almond orchard is located at 570 (Lot 501) Beros Rd, Warradarge in the Shire of Coorow LGA. The Chatfield Clarke almond orchard is located approximately 30km away at Lot 10883 Chatfield Clarke Road Eneabba within the Shire of Carnamah LGA.

To reach the Chatfield Clarke orchard, the distribution network passes through the following properties and public land:

- Lot 501 on Deposited Plan 400357 (Indian Ocean Farms almond orchard and Beros Rd Wind Farm).
- Lot 10831 on Deposited Plan 210805 (adjacent property, owned by Indian Ocean Farms).
- Road Reserve adjacent to Rose Thomson Rd, Warradarge
- Lot 31 on Deposited Plan 65745.
- Lot 6661 on Deposited Plan 90156.
- Lot 10842 on Deposited Plan 210815
- Lot 10843 on Deposited Plan 210815
- Road Reserve adjacent to Garribaldi-Willis Rd, Warradarge
- Lot 10885 on Deposited Plan 210791
- Lot 10886 on Deposited Plan 210791
- Lot 10883 on Deposited Plan 210796 (Chatfield Clarke almond orchard).

Development Approvals

The following development approvals have been obtained:

- Development approval from the Shire of Carnamah for access to the road reserves adjacent to and across Rose Thompson Rd and Garibaldi-Willis Road, Warradarge (Appendix 2).
- Clearing permit CPS 7442/1 from Department of Water and Environmental Regulation for clearing the power line safety buffer within the road reserves adjacent to Rose Thomson and Garibaldi-Willis Roads (Appendix 3).
- Development approval from the Shire of Coorow for the Beros Rd Wind Farm (Appendix 4).
- Approval from Department of Lands to access land within the Dampier to Bunbury Natural Gas Pipeline (Appendix 5)

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- Consent from Western Power to access land within the easement for the double circuit 330kV / 132kV overhead line NBT-TST 91 / ENB-TS 81 (Appendix 6)
- Approval from Western Power of HV submission NP028183 (Appendix 7).
- Easement agreements registered with Landgate for access to Lots 31, 6661, 10842, 10843, 10885 and 10886.

Wind Farm

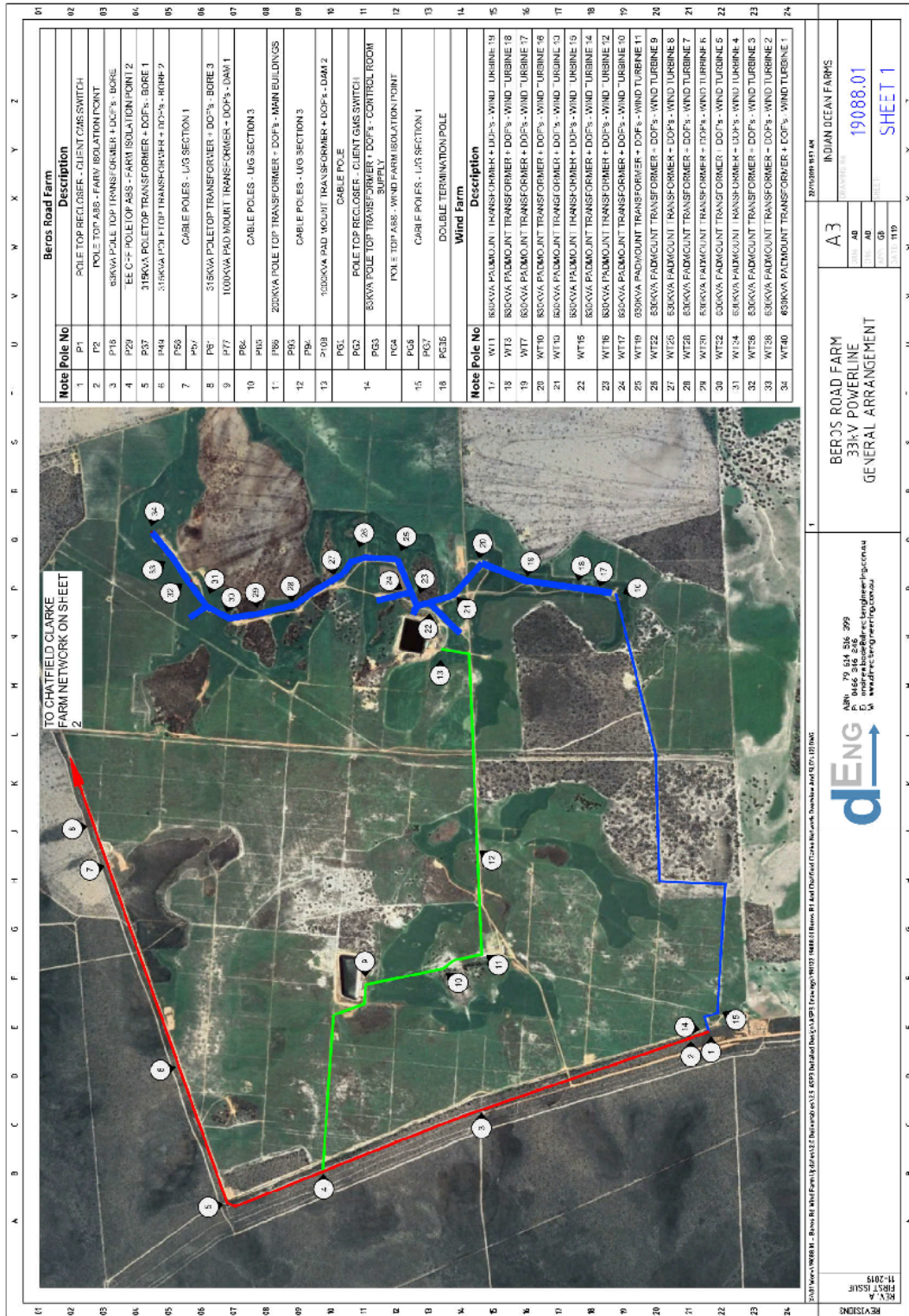
The wind farm consists of 19 Enercon E40 500kW wind turbines. The wind turbines were manufactured in 1998. They were originally installed at the San Giorgio La Molara Wind Farm in Portugal. In 2016 the wind turbines were dismantled and shipped to Beros Rd, where they were refurbished and installed in 2019. The wind turbines stand at 44m hub height and have 18.5m blades.

The nameplate capacity of the wind farm is 9.5MW.

Interconnecting Cables

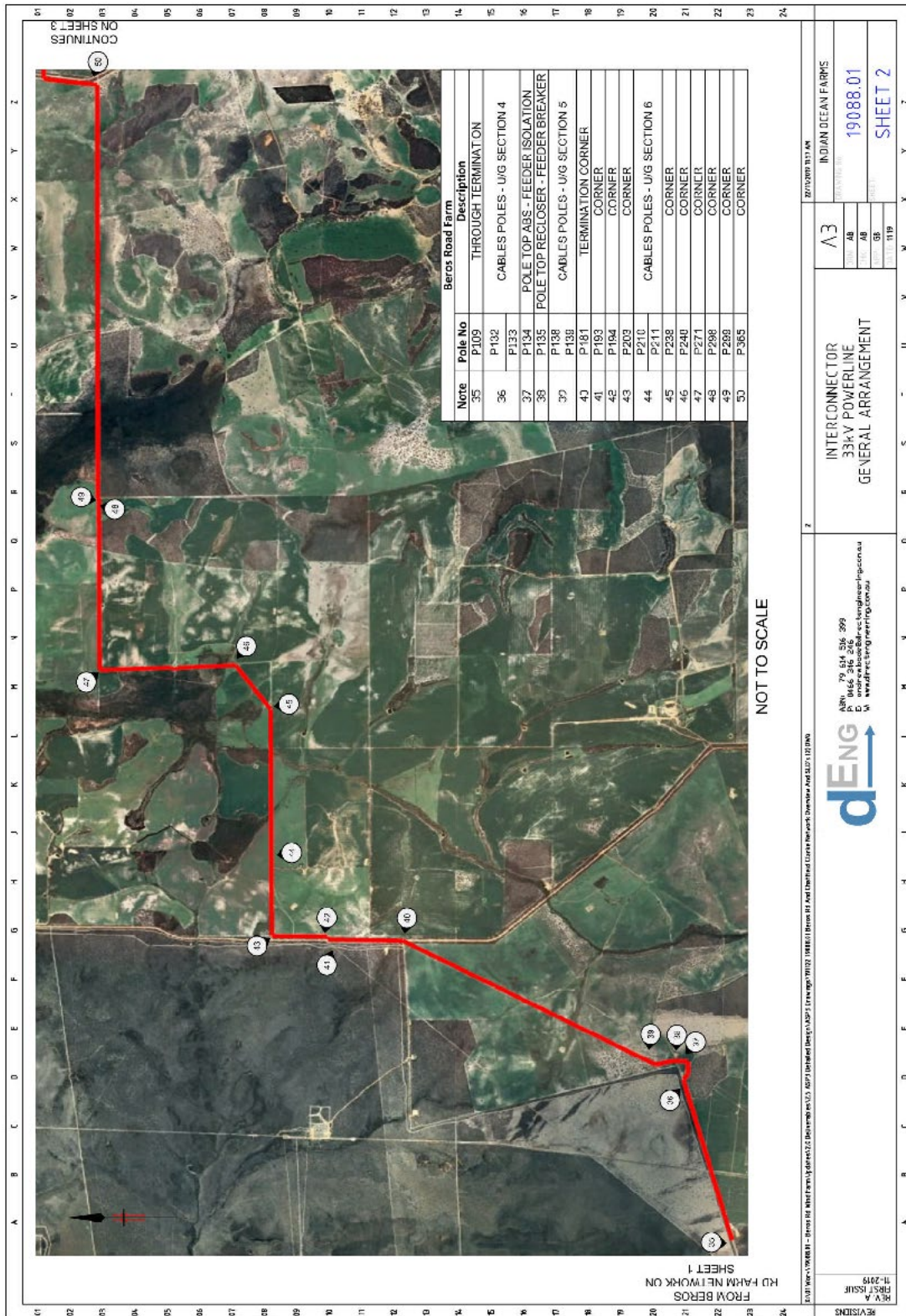
The distribution network primarily consists of 33kV overhead conductor between the load centres on the farms and the wind farm assets. There are a number of underground crossings where the overhead line intersects with the transmission network and at other locations to allow for movement of over height farm equipment such as harvesters.

Appendix 1 – Single Line Diagram and Power Line Route



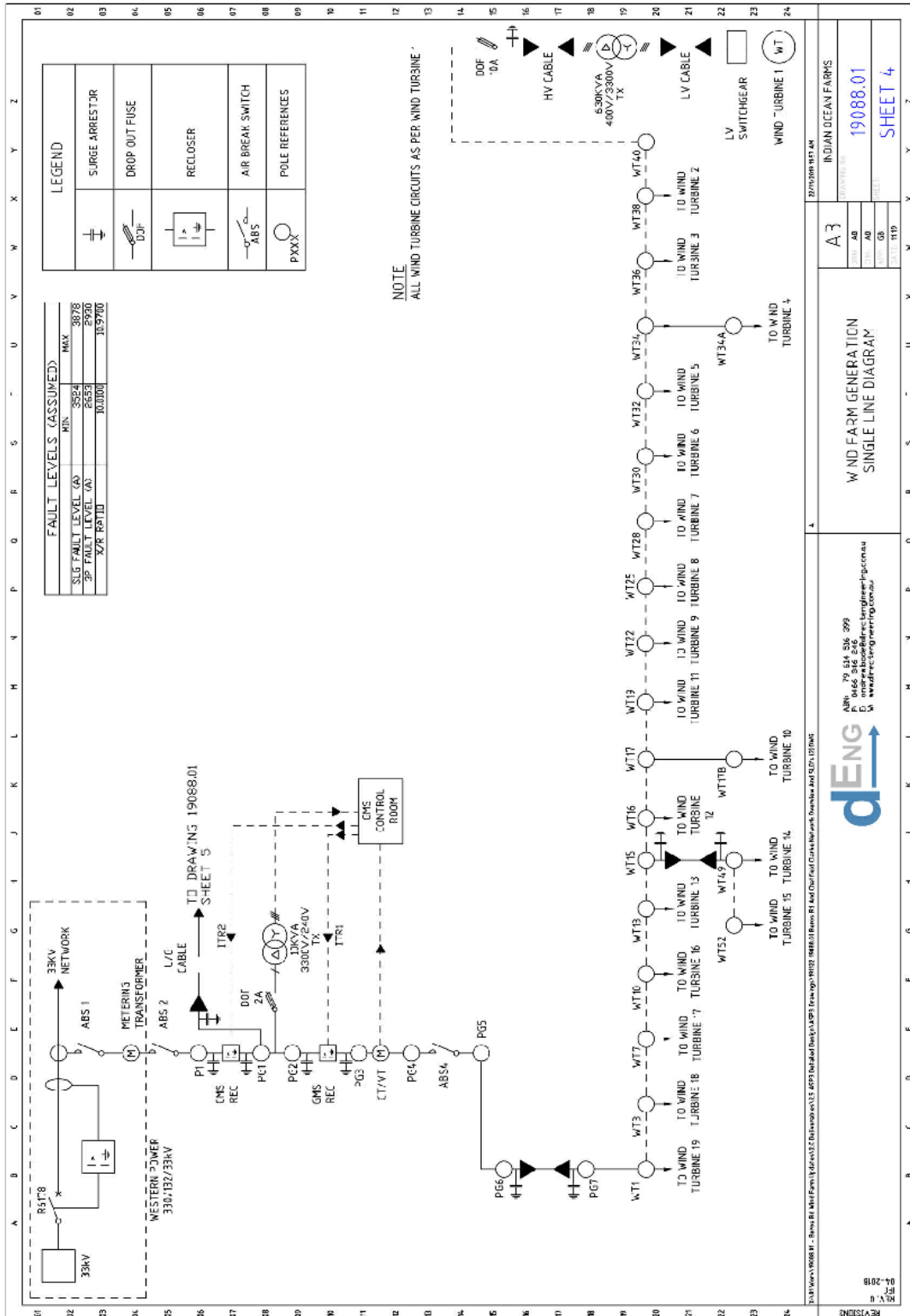
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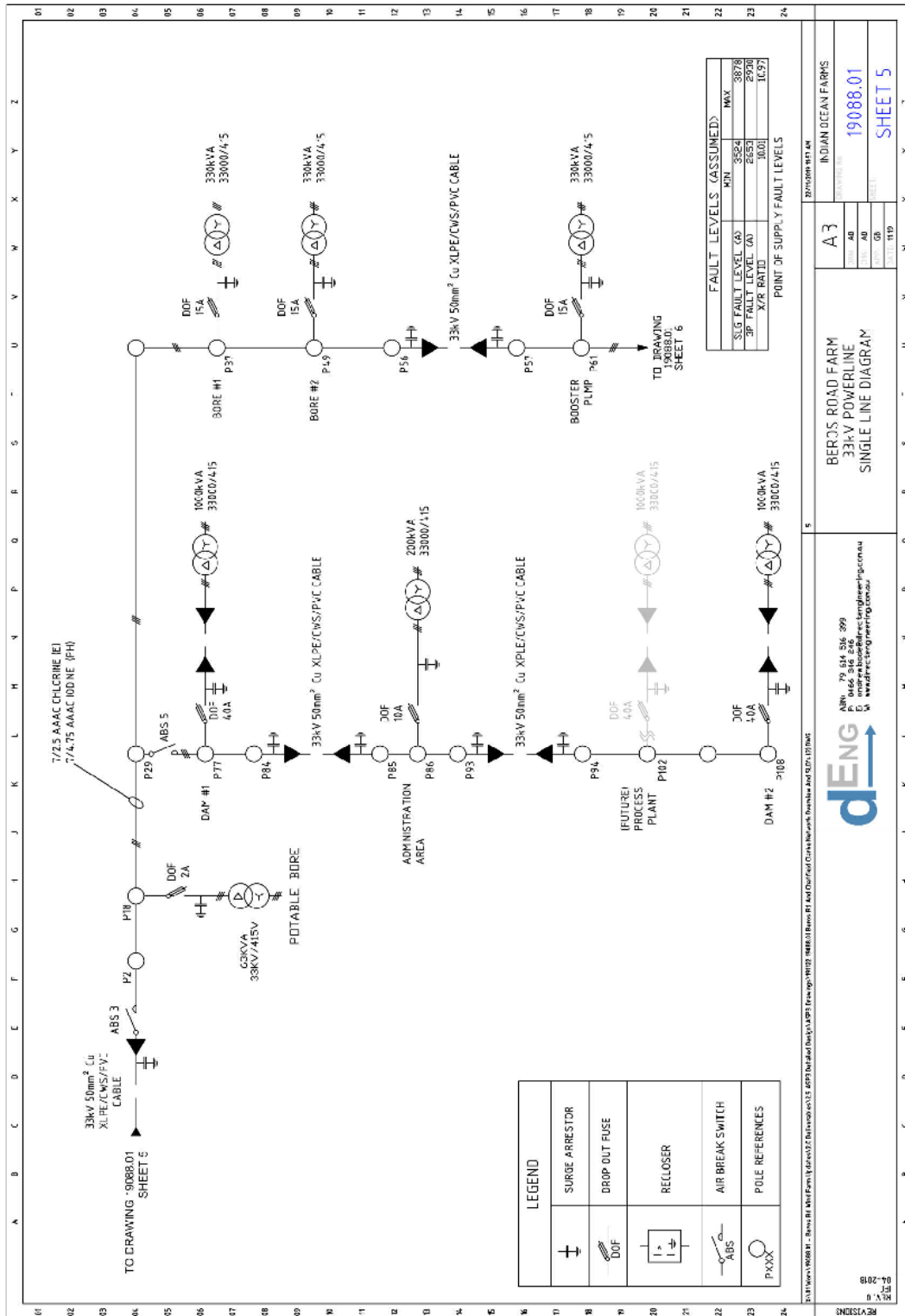
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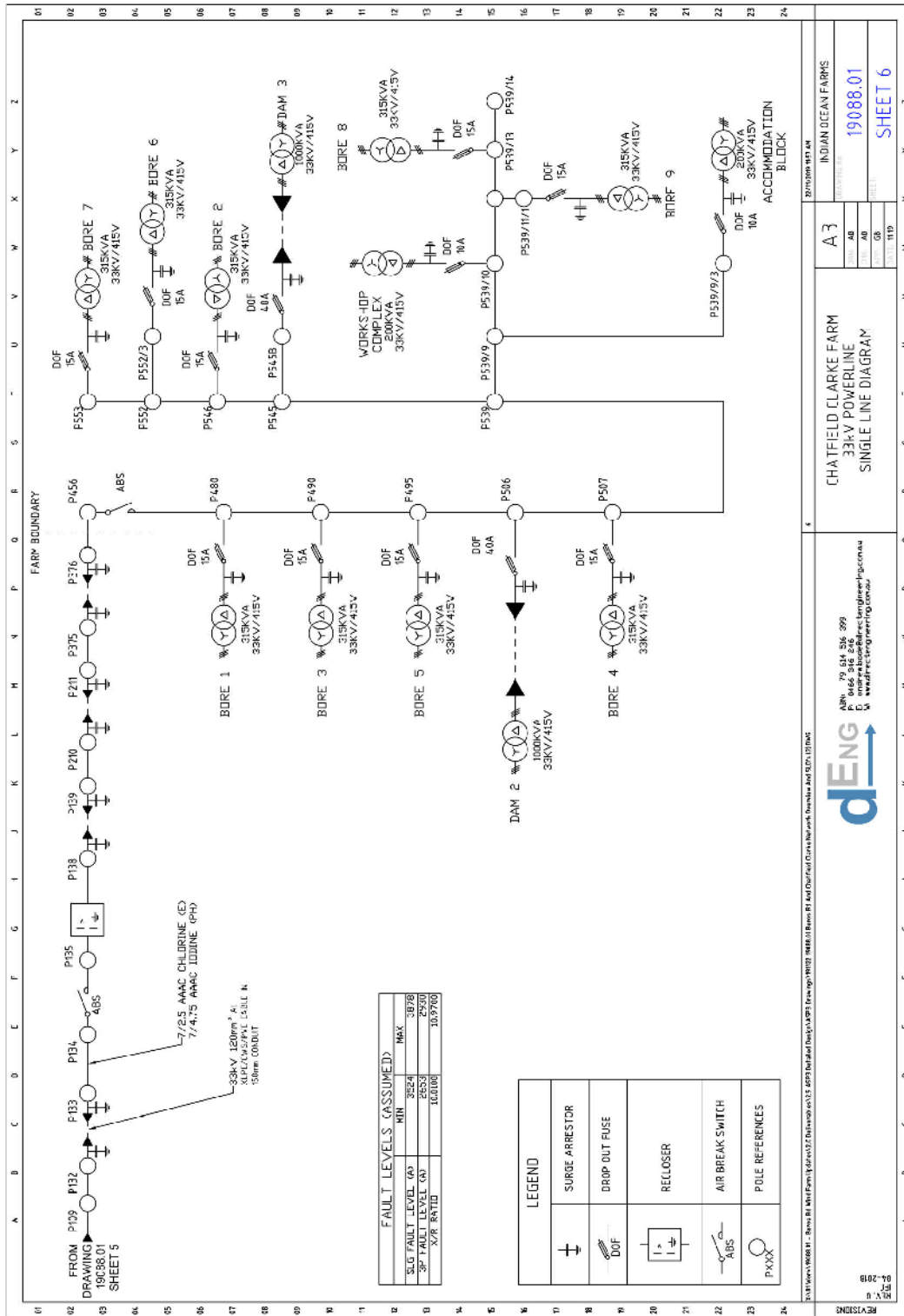
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Beros Rd Distribution Licence Exemption - For Public Distribution v1.0



Appendix 2 – Development Approval for Access to Shire Road Reserves

Planning and Development Act 2005

Shire of Carnamah



Notice of determination on application for development approval

Location: Rose Thompson and Garibaldi- Willis Roads Fneabba

Lot: Plan/Diagram:

Vol. No: Folio No:

Application date: 27/1/2017 Received on: 27/1/2017

Description of proposed development: Installation of 33kV overhead power line and associated fire breaks through road reserves.

The application for development approval is:

Approved

Council resolution 15th February 2017:

That planning approval be granted to Indian Ocean Farms Pty Ltd for the installation of power poles, 33kV overhead power lines and associated firebreaks through the Rose Thompson Road and Garibaldi – Willis Road reserves.

Date of determination: 15th February 2017

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Signed:

.....

For and on behalf of the Shire of Carnamah

Dated:

.....

.....
Date

Appendix 3 – Clearing Permit



CLEARING PERMIT

Granted under section 51B of the Environmental Protection Act 1956

Purpose Permit number:	CPS 7442/1
Permit Holder:	Indian Ocean Farms Pty Ltd
Duration of Permit:	13 May 2017 – 13 May 2022

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

- 1. Purpose for which clearing may be done**
Clearing for the purpose of installing and maintaining power lines and associated fire breaks
- 2. Land on which clearing is to be done**
Lot 12479 on Plan 26727, Eneabba
Rose Thomson Road reserve (PIN 11674865), Eneabba
Guribaldi Willis Road reserve (PIN 11597955), Warradarge
- 3. Area of Clearing**
The Permit Holder must not clear more than 0.6 hectares of native vegetation within the combined areas cross-hatched yellow on attached Plan 7442/1-A and Plan 7442/1-B.
- 4. Application**
This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – MANAGEMENT CONDITIONS

- 5. Avoid, minimise etc clearing**
In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:
 - (a) avoid the clearing of native vegetation;
 - (b) minimise the amount of native vegetation to be cleared; and
 - (c) reduce the impact of clearing on any environmental value.

6. Dicback and weed control

When undertaking any clearing authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds and dicback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *dicback* or *weed-affected soil, mulch, fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

Definitions

The following meanings are given to terms used in this Permit:

dicback means the effect of *Phytophthora* species on native vegetation;

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

weeds means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

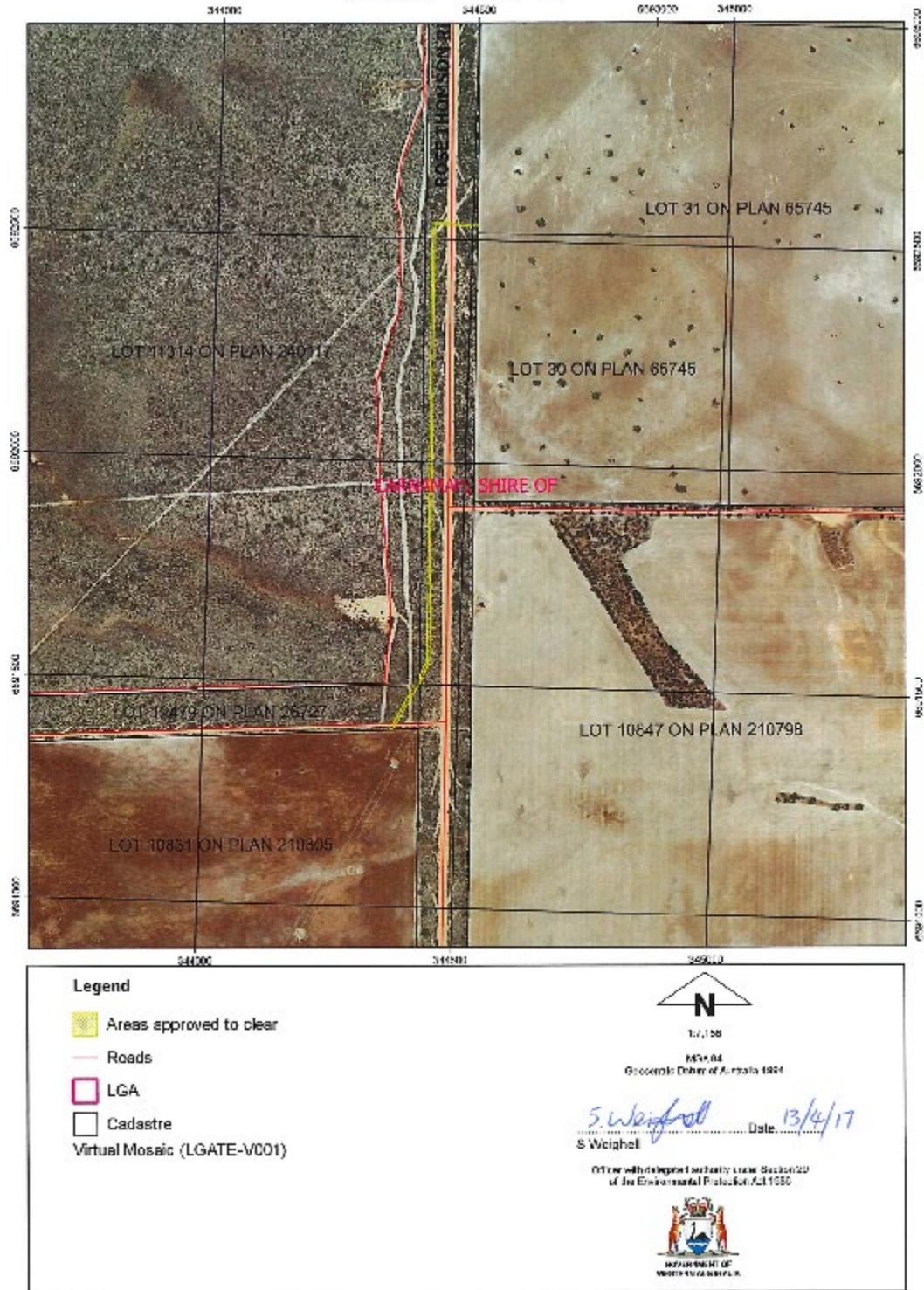



Simon Weighel
A/MANAGER
CLEARING REGULATION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

13 April 2017

Plan 7442/1-A



 Government of Western Australia Department of Environment Regulation		Clearing Permit Decision Report	
1. Application details			
1.1. Permit application details			
Permit application No.:	7442/1		
Permit type:	Purpose Permit		
1.2. Applicant details			
Applicant's name:	Indian Ocean Farms Pty Ltd		
1.3. Property details			
Property:	ROAD RESERVE - 11674866, ENEABBA ROAD RESERVE - 11597955, WARRADARGE LOT 12479 ON PLAN 26727, ENEABBA		
Local Government Authority:	CARNAMAH SHIRE OF		
DER Region:	Midwest		
DPaW District:	MOORA		
LCDC:	Carnamah		
Localities:	ENEABBA		
1.4. Application			
Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.6		Mechanical Removal	Water/gas/cable/pipeline/power installation
1.5. Decision on application			
Decision on Permit Application:	Granted		
Decision Date:	13 April 2017		
Reasons for Decision:	<p>The clearing permit application was received on 11 January 2017 and has been assessed against the clearing principles, planning instruments and other matters in accordance with s51C of the <i>Environmental Protection Act 1986</i>, and it has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.</p> <p>The Delegated Officer has determined that the proposed clearing is not likely to result in any significant environmental impacts.</p> <p>The Delegated Officer determined that the proposed clearing may impact the environmental values of adjacent vegetation through the possible introduction or spread of weeds and dieback, however, weed and dieback management measures will minimise impacts.</p>		
2. Site Information			
2.1. Existing environment and information			
<i>2.1.1. Description of the native vegetation under application</i>			
Vegetation Description	Clearing Description	Vegetation Condition	Comment
The application area is mapped as Beard vegetation association 379 described as "Shrublands: scrub-heath on lateritic sandplain in the central Geraldton Sandplain Region" and Beard vegetation association 49 described as "Shrublands: mixed heath" (Shepherd et al., 2001)	The application is to clear 0.6 hectares of native vegetation within Lot 12479 on Plan 26727 and Rose Thomson Road reserve (PIN 11674865), Eneabba, and Garibaldi Willis Road reserve (PIN 11597955), Warradarge, for the purpose of installing and maintaining power lines and associated fire breaks.	<p>Pristine: Pristine or nearly so, no obvious signs of disturbance.</p> <p>Excellent: Vegetation structure intact; disturbance affecting individual species; woods are non-aggressive species.</p> <p>Very Good: Vegetation structure altered; obvious signs of disturbance (Keghary, 1994).</p>	The condition of the vegetation within the application area was determined via a review of aerial imagery, photographs and flora surveys (Williams & Son 2017a; Williams & Son 2017b). The portion of the application area along Rose Thomson Road is considered to be in pristine to excellent condition and the portion of the application area along Garibaldi-Willis Road is considered to be in excellent to very good condition.
GPS 7442/1 Page 1 of 3			

3. Assessment of application against clearing principles

Comments The application is to clear 0.6 hectares of native vegetation within Lot 12479 on Plan 26727 and Rose Thomson Road reserve (PIN 11374865), Encaaba, and Garibaldi Willis Road reserve (PIN 11597955), Warradarge, for the purpose of installing and maintaining power lines and associated fire breaks.

According to available databases, nine rare flora species and 47 priority flora species have been mapped within the local area (10 kilometre radius). Of the 47 priority flora species, the records of 14 species occur within the same mapped soil and vegetation types as the application area. Of the nine rare flora species, two species occur within the same mapped soil and vegetation types as the application area.

Two flora surveys were commissioned by the applicant; one for the portion of the application area along Rose Thomson Road and one for the portion of the application area along Garibaldi-Willis Road (Williams & Son, 2017a; Williams & Son, 2017b). The survey of the application area along Rose Thomson Road recorded two priority flora species, *Allocasuarina ramossissima* (P3) and *Banksia fraseri* var *crobo* (P3) (Williams & Son, 2017a). The survey of the application area along Garibaldi-Willis Road recorded one priority flora species, *Banksia cypholoba* (P3) (Williams & Son, 2017b).

Priority 3 flora species are species that are known from several locations, and the species do not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat (Smith, 2017). Officer level advice has been received from the Department of Parks and Wildlife (Parks and Wildlife) outlining that the potential impacts to the recorded priority flora species from the proposed clearing are unlikely to be significant with respect to their conservation (Parks and Wildlife, 2017).

No rare flora species were recorded in either flora survey (Williams & Son, 2017a; Williams & Son, 2017b).

The proposed clearing of 0.6 hectares along a narrow linear corridor is not expected to result in the loss of any populations of conservation significant flora.

No threatened or priority ecological communities are mapped within the application area.

One fauna species listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* has been recorded within the local area; Carnaby's cockatoo (*Calyptrorhynchus bairdsli*) (Department of Parks and Wildlife, 2007-). The priority 3 *Hylaeus globuliferus* (bee) has also been recorded within the local area (Department of Parks and Wildlife, 2007-).

Noting the linear and narrow nature of the application area, the local area having approximately 46 per cent native vegetation remaining, and the substantial area of remnant vegetation in similar condition located immediately west of Rose Thomson Road, the application area is not likely to contain significant habitat for fauna indigenous to Western Australia.

The application area is located within the Geraldton Sandplains Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and the Shire of Camamah which retain approximately 45 and 41 per cent of their pre-European vegetation extents respectively (Government of Western Australia, 2016).

The application area is mapped as Beard vegetation associations 49 and 379, of which there is approximately 36 and 24 per cent of the pre-European extents remaining respectively within the Geraldton Sandplains IBRA bioregion (Government of Western Australia, 2016).

The national objectives and targets for biodiversity conservation includes a target to prevent the clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001). Noting the size and narrow, linear nature of the application area, and the extent of vegetation remaining in the local area, the vegetation under application is not likely to be significant as a remnant in an area that has been highly cleared.

According to available databases, no watercourses or wetlands have been mapped within the application area.

The application area does not intersect with any conservation areas.

The proposed clearing is not likely to deteriorate the quality of groundwater or surface water, cause or exacerbate flooding or cause appreciable land degradation.

Noting the above, the proposed clearing is not likely to be at variance to the clearing principles. Implementing hygiene management practices will limit the risk of weeds and dieback spreading within adjacent vegetation.

Methodology

References:
Commonwealth of Australia (2001)
Department of Parks and Wildlife (2007-)
Department of Parks and Wildlife (2017)
Government of Western Australia (2016)
Smith (2017)
Williams & Son (2017a);
Williams & Son (2017b);

GIS datasets:
- Hydrography linear
- Parks and Wildlife Tenure
- SAC Rio datasets accessed March 2017

Planning instruments and other relevant matters.

Comments The application was advertised on the Department of Environment Regulation's website on 28 February 2017 for a 21 day submission period. The application was also advertised in *The West Australian* newspaper. One public submission has been received in relation to this application. The submission objected to the application and raised concerns regarding:

- choice of location of the application area;
- high biodiversity;
- threatened flora species; and
- priority flora species.

The assessment outlined in Section 3 has not identified any significant environmental impacts that would warrant the refusal of the application.

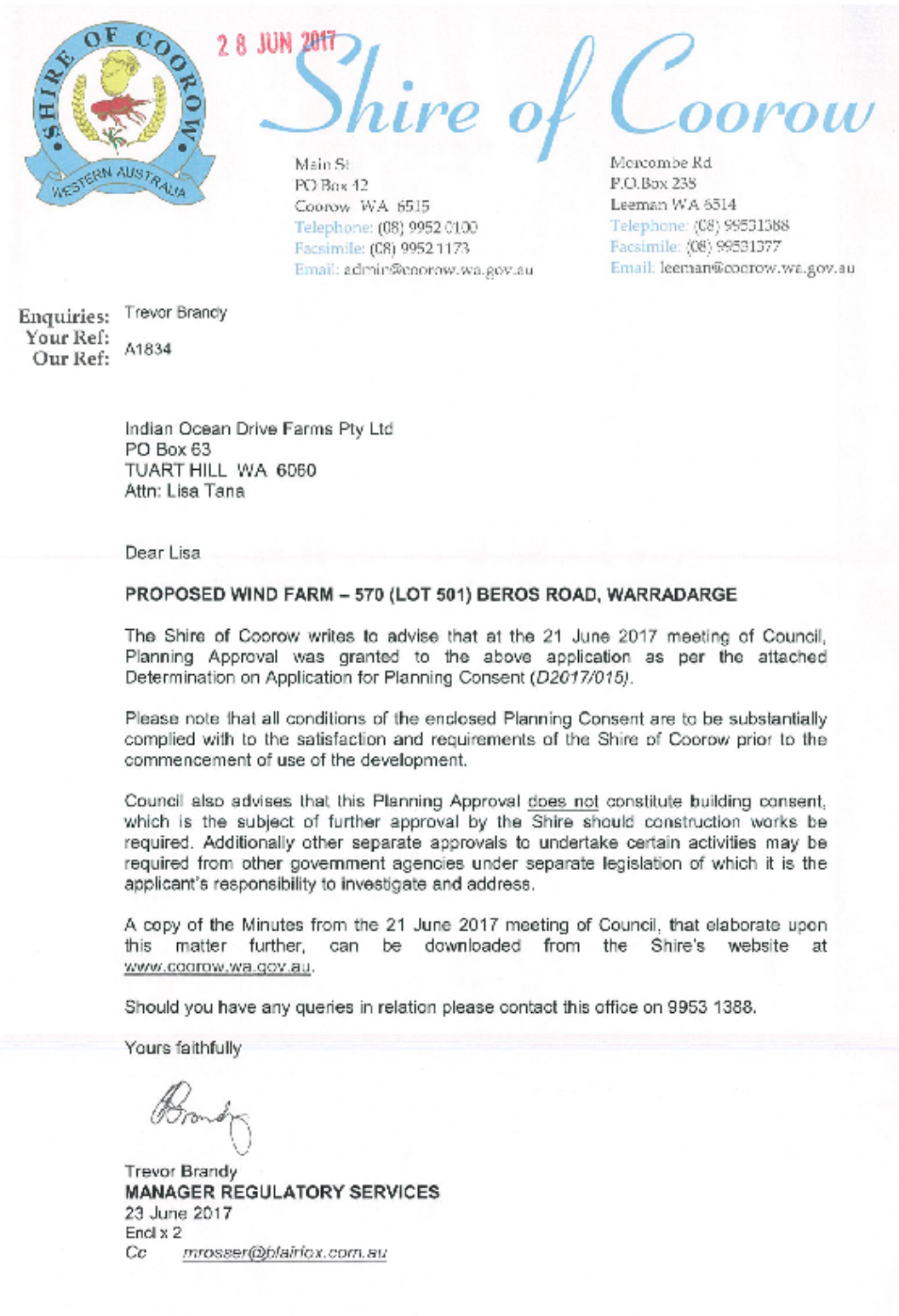
No registered Aboriginal Sites of Significance occur within the application area.

Methodology GIS datasets:
Aboriginal Sites of Significance

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Parks and Wildlife (Parks and Wildlife) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed March 2017.
- Department of Parks and Wildlife (Parks and Wildlife) (2017) Species and Communities and Regional advice for Clearing Permit Application CPS 7442/1, 12 April 2017, Department of Parks and Wildlife. CER Ref: A1412035.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (nc). Nedlands, Western Australia.
- Government of Western Australia. (2016). 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. WA Department of Parks and Wildlife, Perth.
- Shophord, D.P., Boston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Smith W.G. (2017) Threatened and Priority Flora List, 8 March 2017. Department of Parks and Wildlife: Kensington, WA.
- Williams & Son (2017a), Report on Flora and other Environmental factors relating to application to clear native vegetation in the Rose Road area in the Shire of Carnamah, unpublished report prepared for Blair Fox Pty Ltd, 17 February 2017.
- Williams & Son (2017b), Report on Flora and other Environmental factors relating to application to clear native vegetation in the Garibaldi-Willis Road area in the Shire of Carnamah. unpublished report prepared for Blair Fox Pty Ltd, 26 February 2017.

Appendix 4 – Development Approval for Wind Farm



Appendix 5 – Consent for Access to Dampier-Bunbury Natural Gas Pipeline



Government of **Western Australia**
Department of **Lands**

Land Asset Management Services

Our ref: 01651-2002
S41_1250, Job 173032_A6493197
Enquiries: Craig Dinks ph (08) 6552 4009

Timothy Rosser
Blair Fox Pty Ltd
PO Box 9374
PERTH DC WA 6849

Dear Sir

CONDITIONAL APPROVAL UNDER THE DAMPIER TO BUNBURY PIPELINE ACT 1997

I refer to the application dated 22 December 2017 made by you on behalf of Indian Ocean Farms Pty Ltd to the Department of Lands requesting approval to access land within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor on Lot 501 on Deposited Plan 400357, 570 Beros Road, Warradarge WA 6518.

In accordance with section 41(2)(b) of the *Dampier to Bunbury Pipeline Act 1997*, subject to and conditional upon you:

- complying with the conditions provided by DBP – DBNGP (WA) Nominees Pty Limited,
- performing and continuing to perform to the satisfaction of this department all the access conditions set out in Item 3 of the attached Schedule S41_1250,

I approve the undertaking of the Works as defined in the Deed poll of Indemnity and release within the access area as set out in Item 4 of the attached Schedule S41_1250.

This conditional approval is at all times subject to the rights granted to pipeline operators under section 34 of the *Dampier to Bunbury Pipeline Act 1997*. **Should future pipeline operations impact on the approved Works then you may be required to remove, realign or modify any facilities established on the access area at your cost.**

This approval does not remove the obligation of the proponent to obtain permission from landowners and other authorities for access to the land.

Please contact DBP on (08) 9411 5953 or mobile 0447 968 739 to arrange for the inspection services required to satisfy the technical conditions provided by them in the interest of protecting DBP assets.

Yours sincerely

Matt Postell
Manager, Infrastructure Corridors

10 February 2017

Cc: Kell Perry, Manager, Land Management, Dampier Bunbury Pipeline, PO BOX 25287 Perth St Georges Ter WA 6831

Level 11, 140 William Street, Perth, Western Australia 6000. Postal Address: PO Box 1221, West Perth WA 6002
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SCHEDULE S41_1250**1. Responsible Party**

Indian Ocean Farms Pty Ltd
PO Box 63
TUART HILL WA 6060

Blair Fox Pty Ltd
PO Box 8374
PERTH BC WA 6849

2. Description of Works

Establishment of new overhead transmission line and associated required vehicular crossing over the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor within Lot 501 on Deposited Plan 400357, 570 Beros Road, Warradarge WA 6518.

3. Access Conditions

The responsible party's employees, officers, contractors, workers and agents carrying out works on behalf of the responsible party, must be fully aware of and comply with:

- i) The conditions that are provided by DBP – DBNGP (WA) Nominees Pty Limited.
- ii) Safety practices to DBP – DBNGP (WA) Nominees Pty Limited's requirements.

4. Access Area

The land within the DBNGP corridor on Lot 501 on Deposited Plan 400357, 570 Beros Road, Warradarge WA 6518 as described and identified on S41_1250 Approval Diagram.

5. Approval Conditions

The approval under s. 41(2)(b) of the *Dampier to Bunbury Pipeline Act 1997 (DBPA)* does not operate to extinguish or acquire any right, title or interest in the land over which the approval is conferred and the person having any such right, title or interest will be able to continue to exercise it, subject to s. 41 of the DBPA and supporting regulations.

The approval is at all times subject to existing and future rights conferred upon gas pipeline operators under s. 34 of the *DBPA*.

Should future pipeline operations impact on the approved Works then you may be required to remove, realign or modify any facilities established on the access area at your cost.

The approval to complete the Works extends to 24 July 2017. Works that commence after this period will require a new application to be submitted.

6. Attachments

- DBP/other access right conditions
- Approval diagram

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