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Block Island Wind Farm. DENNIS SCHROEDER/NREL/FLICKR

SUBMISSION TO

Southern Ocean Region Offshore Renewable Energy Zone

Victorian National Parks Association

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Southern Ocean Region Offshore Renewable Energy Zone

Submission by the Victorian National Parks Association

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The Victorian National Parks Association (VNPA) is an independent member-based organisation, working to improve protection of Victoria's biodiversity and natural areas, across land and sea. VNPA has been actively working to protect Victoria's national parks and biodiversity for 70 years.

VNPA welcomes the chance to make a submission to the *Southern Ocean Renewable Energy Infrastructure area proposal*. A summary of our points are as follows:

Summary

- It is disappointing to see this renewable energy zone proposed in such an ecologically rich and important area like the Bonney Upwelling. There are critical marine life hotspots within the Southern Ocean Zone that should be avoided.
- Threatened species such as the Pygmy blue and Souther-right whales rely on this area for their survival being one of the most important areas in Australia. The area overlaps with important foraging areas for the Pygmy Blue Whale and significant area for Southern Right Whales.
- Development in this area goes against policy and law in place to protect threatened species like the EPBC Act and other policies to protect whales.
- Marine biodiversity values should indicate where to locate and avoid developments.
- If impacts on marine life and habitats are to be avoided and minimised, early planning is required.
- There has been no communication of the rationale or the decision-making process that resulted in the proposed area, nor was there any identification of marine biodiversity values, apart from marine parks.
- Before declaration there should be an attempt to undertake preliminary marine planning for this zone to identify environmentally and culturally sensitive areas where developers should avoid, and less sensitive areas prioritised to protect high value conservation areas.
- Preliminary marine planning could feed into a more thorough marine spatial planning process.
- Marine spatial planning is a tool that can be used to avoid important environmental, cultural and social values while giving the industry direction and security.

- Current lack of planning of the marine environment is not setting Australia's renewable energy transition up as a responsible one.

Recommendations: Southern Ocean Region Offshore Renewable Energy Zone

That the Federal Government works with the states to:

- Undertake preliminary marine planning in the first instance to identify no-go areas off limits to infrastructure and develop a set of criteria to protect high value conservation areas.
 - **Identify** no-go areas. As a foundation to be built on, identify no-go areas off limits to infrastructure across Federal and State waters, to protect high value marine biodiversity areas.
 - **Develop** a set of criteria applicable to all renewable energy zones that excludes development within high value areas including marine national parks and sanctuaries, national parks, important wildlife aggregation areas and cultural values.
- This preliminary planning to be built on by undertaking Victoria's first marine spatial planning (MSP) process following the guidelines under Victoria's Marine and Coastal Policy. The plan would outline how the impacts on biodiversity, cultural and social values will be minimised or avoided and how marine space will be organised with other ocean values and uses
- Provides a report outlining the decision-making process for declaring the zones.

We provide more detail on the summary points above to back up our recommendations below.

No thorough identification of marine values to inform proposed offshore wind area

The supporting documents included as part of this submission process had very little detail on the important marine values in the area proposed, apart from marine parks. It is important that other aggregation areas for marine life also be identified.

Bonney Upwelling: important areas for marine wildlife

The proposed area directly overlaps the Bonney Upwelling. Many threatened marine life depend on this significant stretch of coastline for their survival. It is important to identify these values early in the process to avoid any infrastructure going in these areas. The Bonney upwelling listed as a Key Ecological Feature and nationally as critical habitat where the abundance of krill provide a food source to many mammals, seabirds and fish.

Some of marine wildlife include:

- Important aggregation sites for the Blue, Pygmy Blue and Southern Right Whales (listed threatened species under the EPBC Act and Victorian FFG (Fauna and Flora Guarantee) Act
- Rich assemblages of sessile filter feeders such as sponges, bryozoans and corals
- Listed seabird species such as many species of albatross and petrels
- Important fish species such as trevally, rock lobster and Blue Grenadier

It is a bazaar for a renewable energy zone to be proposed to directly overlap the Bonney Upwelling, such an important area for marine wildlife.

If the zone is formalised, it would be critical to undertake a marine planning exercise to help prioritise infrastructure according to areas of lower environmental sensitivity to help guide offshore wind developers to avoid significant natural values such as marine national parks, and key areas for marine life breeding or feeding. We would like to see a more thorough process of identification and assessment of these values early in the process, including criteria for no-go zones to protect environmental values. See the recommendations section for more info.

Areas to avoid: important whales aggregation sites

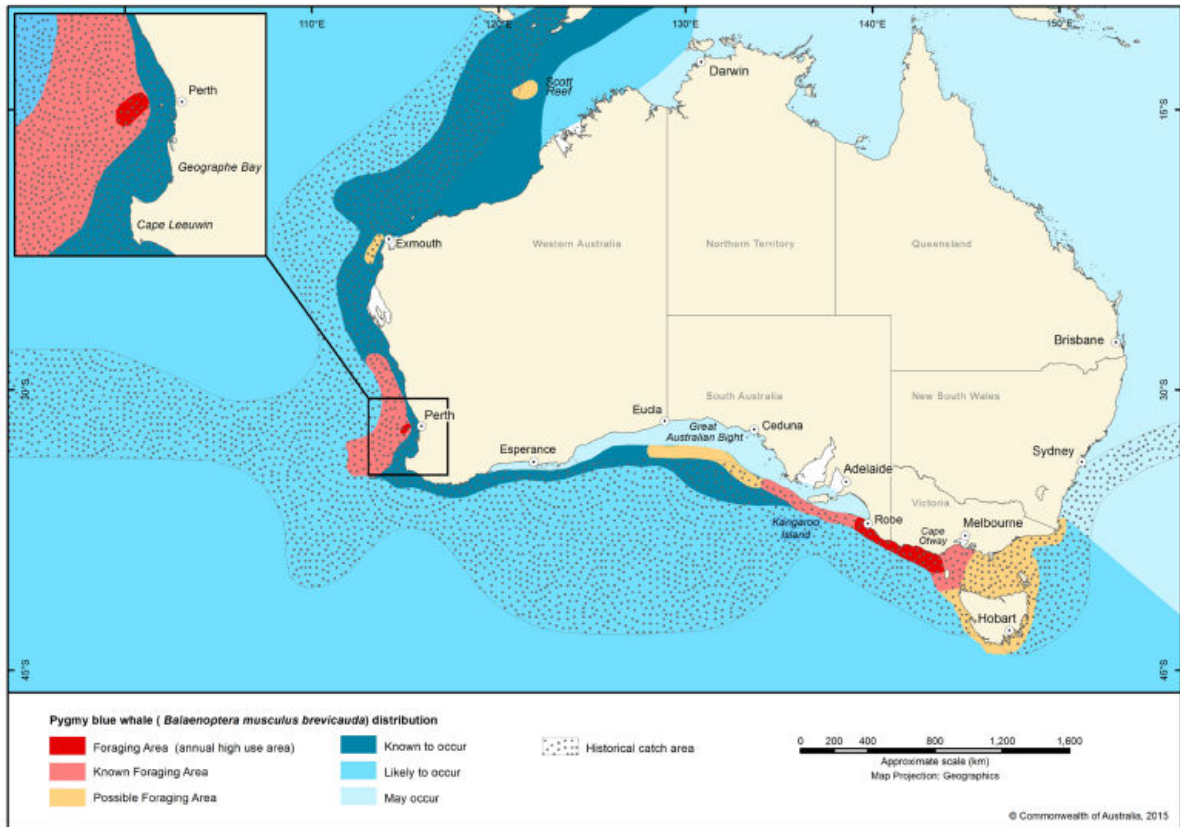
Pygmy blue whale - important foraging area

The Southern Ocean wind farm zone directly overlaps one of the most important foraging areas (Annual high use area) for Pygmy blue whales.

This foraging area (known as a biologically important area) in the Eastern Great Australian Bight/Kangaroo Island canyons, SA and the area between Robe, SA and Cape Otway, VIC are part of the Bonney Upwelling system and one of only two known feeding aggregations for pygmy blue whales in Australia.

This area is therefore highly important to the survival of blue whales and the boundaries of the Southern Ocean wind farm zone should absolutely take this into account.ⁱ

Figure 1. Pygmy blue whale distribution around Australia



Foraging Area (Annual high use area)	Blue whales are regularly observed feeding on a seasonal basis	Known to occur	Blue whales are known to occur based on direct observations, satellite tagged whales or based on acoustic detections
Known Foraging Area	Known foraging occurs in these areas but is highly variable both between and within seasons	Likely to occur	Blue whales are likely to occur based on occasional observations in the area and nearby areas
Possible Foraging Area	Evidence for feeding is based on limited direct observations or through indirect evidence, such as occurrence of krill in close proximity of whales, or satellite tagged whales showing circling tracks. Blue whales travel through on a seasonal basis, possibly as part of their migratory route	May occur	Evidence for the presence of blue whales through strandings or rare observations
		Historical catch area	Blue whales were caught during the whaling period based on whaling data

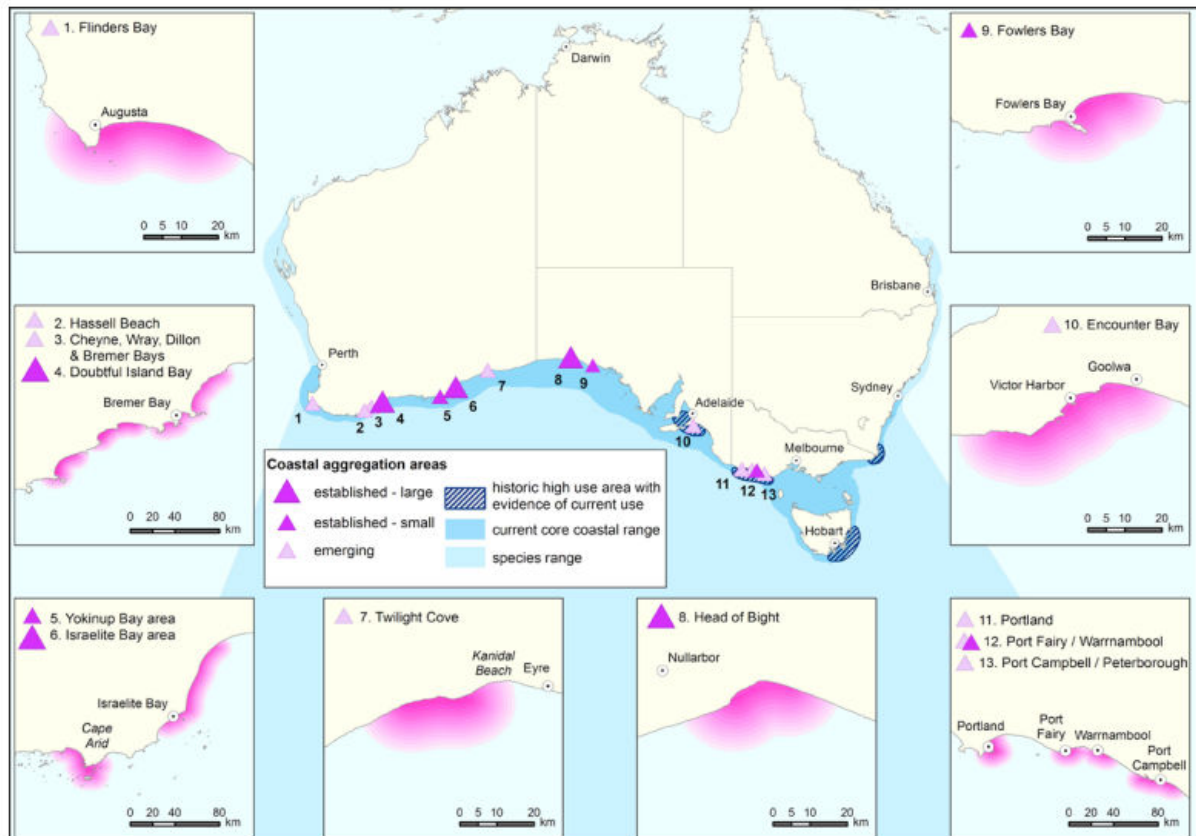
Source: Conservation Management Plan for the Blue Whale: A Recovery Plan under the Environment Protection and Biodiversity Conservation Act 1999

Southern Right Whale – important aggregation area

The Portland – Warrnambool area is also a well-known and important aggregation area for Southern Right Whales (refer map below) with emerging biologically important areas becoming recognised.¹

The Southern Right Whale Conservation Management Plan states that assessing and addressing atherogenic noise and vessel strikes is of high priority. It would make sense to not overlap these areas with an area of wind farm zone.

Figure 2: Coastal aggregation areas for southern right whales



Impacts on marine biodiversity

There are a range of potential impacts on marine biodiversity values from the construction and operation of offshore wind project development. These marine biodiversity values include migratory and threatened species, reefs and other benthic habitats, important aggregation, breeding and nursery areas of marine life, in addition to protected areas such as marine national parks and Ramsar areas.

Potential impacts include:

- Above and underwater noise from construction and ongoing operation
- Physical infrastructure placement and location impacting on migratory routes on threatened species and other marine life
- Additional shipping and boating activity in the area, as well as in local ports
- Disruption of bird flyways from offshore wind farm design and location
- Disruption to marine life migration, breeding, feeding and calving cycles
- Physical removal of reefs and seabed habitat
- The increased risk of marine pest translocation due to the new infrastructure along the coastline, acting as 'steppingstones' for marine species, which can create havoc on marine ecosystems
- Removal of coastal vegetation or bird nesting areas on the beaches

It is noted that environmental assessment processes, due their highly limited and costly exercise that they are, should be complimented with upfront marine planning to help avoid impact.

Relying on this project-by-project assessment alone will not consider cumulative impacts, and given the scale of this industry, it is important to get the environmental planning done right from the start. Early identification of significant conservation values and the identification of no-go zones or criteria to inform offshore wind development is essential.

Case for marine planning

Environmental assessments are not a substitute for proper marine planning. Environmental assessments are not a marine planning tool to make decisions on multiple offshore wind site locations over a large geographic area. A complimentary tool like marine spatial planning (MSP) to plan for and help guide locations of future wind farms is required, just as statutory planning on land operates to guide and inform assessments. The marine environment should be no exception.

Without strategic planning, there is also a risk in holding up offshore wind development due to conflict with other stakeholders and impact on biodiversity values. Proper planning will create investment security for developers, while ensuring the proper protection of our environment.

Renewable energy should be developed responsibly and not compromise the very environment we are trying to protect.

Lack of marine planning process inconsistent with state, national and international plans, policy and agreements.

Various state, national and international policy and plans back up the need for MSP to be rolled out to help guide industry development. A lack of, would therefore be inconsistent.

At the state level, a lack of planning process for the marine environment is inconsistent with the Victorian Marine and Coastal Policy which states that the: *Marine Spatial Planning Framework is to guide planning, management and decision making across marine sectors in Victoria to enable equitable and ecologically sustainable marine uses and industries, and to coordinate and integrate managing risks, impacts and change in the marine and coastal environment.*

At the national level *The South-east Regional Marine Plan* prepared under the Australian Ocean Policy reflects the Australian Government's commitment to develop ecologically sustainable marine industries and to do it with integrated planning and management.^{xiv}

The Australian Government is also taking a lead role in supporting the Nature-related Financial Disclosure (TNFD), a structured framework for companies to report their interactions with nature. It encourages 'nature positive' operations at its core.^{xv}

At the international level, The High Level Ocean Panel supports the implementation of clear frameworks for addressing environmental impacts and other ocean users.

Preliminary planning

The proposed Southern Ocean Region Offshore Renewable Energy Zone is an opportunity to undertake preliminary marine planning to identify no-go areas off limits to infrastructure across Federal and State waters to protect high value conservation areas.

As well as value identification, it could also develop a set of criteria for infrastructure to be avoided/provide for:

- Through marine national parks, national parks, high conservation value areas
- Threatened species breeding, nursery or aggregating areas
- In culturally significant areas such as Dean Maa
- No construction to coincide with timing of migrations or aggregations of whales for example
- Buffers around high conservation areas

Marine Spatial Planning

This preliminary mapping could be then built on by undertaking Victoria's first marine spatial planning (MSP) process following the guidelines under Victoria's Marine and Coastal Policy. The plan would outline how the impacts on biodiversity, cultural and social values will be minimised or avoided and how marine space will be organised with other ocean values and uses

Benefits of marine spatial planning

The benefits of pre-defined marine energy areas available for allocation for offshore energy include:

- Streamlined planning can save time and money for industry and other stakeholders
- Information gathered during the marine spatial planning process can be used as baseline data for environment effects statements and to value marine energy resources
- Provides assurance to stakeholders that marine energy projects will be located in pre-defined areas
- Where high-value marine and coastal assets can be geographically defined, these areas can be removed from contention as potential marine renewable energy sites - this provides certainty to all parties and in the process reduces costs.
- For proponents, can help to avoid potentially costly and damaging planning disputes with local communities and other affected parties.¹

Comments relating to the Federal and Victorian Government

There does not appear to be a clear lead from either the state or federal governments on a marine planning process which will protect marine values, which is a huge concern. What this means is it appears that the environmental values are not being considered from either side,

¹ Offshore Renewable Energy Discussion Paper 2014.

which is causing many in the Victorian community to quickly oppose offshore renewable energy.

The highly individualised process of environmental assessments does not allow for the early identification and avoidance of important ecological areas, and we suspect could result in wasted effort for industry, or our environment losing out, if projects are proposed for ecologically sensitive areas. Furthermore, they do no more than to assess one project at a time, and do not account for the cumulative impacts of multiple developments – only upfront planning can do this.

We'd like to see both levels of government working together to plan and communicate a process that will be used to avoid and mitigate the impacts on sensitive marine areas that would initially set the tone and provides guidance to developers, while protecting biodiversity.

Marine planning as mentioned above is a tool that can be used.

Good examples elsewhere

United Kingdom Case Study

The UK in their test case carried out a two staged process to establish their offshore wind energy areas which is a useful process that Australia could consider. This case study highlights that the two staged process helped the UK Government to develop a planning framework while simultaneously permitting occupation of developers to test technology to advance industry knowledge in preparation for larger scale development. Importantly, commercial scale projects are restricted to pre-defined energy zones that have been through a rigorous environmental assessment process.

International Case Study

Offshore renewables in the United Kingdom

In 2004, the UK Government commissioned a study to identify areas of the seabed most suited to renewable energy generation. Following this, guidance on the consents process for wave and tidal demonstration projects in England and Wales was issued. A two stage process in the development of the offshore renewables industry was proposed.

Stage 1: Pre-commercial demonstration

The pre-commercial demonstration phase is primarily concerned with the development of the resources and capabilities of the industry that designs and manufactures wave and tidal stream electricity generation devices (as distinct from the renewable electricity generation supply sector). The aim is to encourage and assist in the evolution to become an industry capable of offering commercially viable electricity generation devices or products to the market. To achieve this aim developers must test and prove their devices.

Stage 2: Commercial generation

The second phase is the commercial generation phase. When industry reaches the point where commercially viable products are available, it will be possible for the electricity generating industry to plan and implement commercial generation projects.

Under the UK model, allocation of tenure for Stage 1 sites is by application with applications considered on their merits. It is not until the second phase, when a sufficient number of companies are proposing viable commercial level projects that a competitive allocation process for pre-defined sites occurs. Such commercial scale projects are restricted to pre-defined zones that have been identified through a rigorous environment assessment process.

The UK Government established test site facilities for wave and tidal renewable energy devices in Orkney (European Marine Energy Centre) and Cornwall (Wave Hub). Developers are encouraged to investigate the facilities offered at these test sites in respect of their requirements for the testing of prototype marine energy devices.

The UK Government has also drawn up protocols for the provision of lease options for test (i.e. prototype trial), demonstration and pre-commercial device deployment at suitable locations where sound reasons prevail for not being able to utilise existing test facilities. Outside of established test facility areas, applications for demonstration projects can be made for an initial period of seven years with an option to extend for a further period of up to seven years providing certain milestones have been met, and for up to 20 devices and not more than 10MW aggregate capacity.

Using this staged approach, the UK Government developed a planning framework while simultaneously permitting occupation of marine areas by developers to test technology and advance industry learning in preparation of larger scale development.

For further detail on the requirements of other countries when making Crown land available for marine energy projects see Appendix 3.

Thank you again for the opportunity to comment on this important consultation. Australia has an incredible responsibility to lead the offshore wind development industry, and it's important we get it right in these earlier stages and protect biodiversity in the process.

We would love the opportunity to meet with the department to discuss ideas in this submission further. Please see my contact details below.

Yours sincerely,

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