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SUBMISSION TO

Senate inquiry into

Offshore wind industry consultation process

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Senate Inquiry into the Offshore wind industry consultation process

Thank you for the opportunity to submit our comments to the Senate Inquiry into the offshore wind consultation process.

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. The VNPA has been actively working to protect Victoria's national parks and biodiversity for 70 years.

We reference each question below.

(a) the efficacy of community engagement and benefit in planning, developing and operating the offshore wind industry;

Community engagement that is collaborative and informs project location and design can be an important part in working towards social license for offshore wind projects. Unfortunately, this has not been the case so far and this is an important time to work towards it.

VNPA has had good engagement with many offshore wind developers on their projects and have found it easy to find project details and input into the process. However, what has proved challenging is the ability to input and be engaged by the Federal Government's engagement processes. One example was the release of the Offshore Electricity Infrastructure Amendment Regulations 2024 (proposed Regulations).

Although VNPA is a community-based organisation, we were informed that environmental groups weren't included in the list of 'relevant persons', and that only consultation under the EPBC Act would be appropriate to input into the process.

This was deeply frustrating, and we urge that any community engagement process relevant to offshore wind, whether under the OEI Act or the EPBC Act should be inclusive of any group or individual.

Furthermore, the Federal Governments pre-planning and consultation process to inform the location of offshore wind farm zones like Gippsland and the Southern Ocean, were woefully inadequate.

We would have liked to have seen thorough identification and mapping of marine biodiversity values and social uses prior to the release of draft areas. This lack of planning we believe has led the community into panic. Because this was not a well thought out process it gave the impression that the Federal Government's lacked care for the protection of marine values.

From what we are hearing on the ground from community there have been concerns with the community engagement process including:

- community engagement fatigue due to the number of engagement processes from both government and developers
- Community are finding it difficult to access information and find out what is planned
- Due to the amount of proposed projects and no consolidated engagement process, this requires lots of time for community to put in meaningful submissions
- Community engagement should be meaningful and a two-way conversation - not just the consultation tick box.

VNPA's recommendations:

1. A dedicated marine planning process like marine spatial planning that streamlines engagement and brings together the regional picture and stakeholders within an offshore wind region.

2. Environment and community groups be included for any engagement process whether under the OEI Act or EPBC Act

(b) community engagement within the existing Australian Government offshore wind industry regulatory and legislative frameworks;

Due to the different processes for establishing the regulatory frameworks of the industry (through the OEI Act) and assessing biodiversity impacts (under the EPBC Act), it segregates community engagement and planning, rather than bringing it together by dividing the community.

We reiterate the above point using the example in the community engagement for the Regulations under the Offshore Electricity Infrastructure Act 2021 consultation process. As a community-based environmental not-for-profit organisation, VNPA was informed that our comments would be more appropriate for consultations directly under the EPBC Act.

Under any engagement process under the offshore wind industry regulator and legislative framework, we seek the out come for the scope on who must be consulted with needs expanding to include marine and environment experts, scientists, and organisation's with interest in the area.

- The description of who must be consulted (section 57) does not explicitly mention that environmental and national environmental groups (including marine experts) will be consulted with.
- It has been assumed that groups such as ourselves should only comment on matters directly under the EPBC Act. This is an oversight and we strongly recommend the regulations be amended for this inclusion.
- We understand this is intended to to avoid duplication of the EPBC Act comment process, however this is flawed in our view.

VNPA's recommendations:

2. Environment and community groups be included for any engagement process whether under the OEI Act or EPBC Act

(d) the impact of the offshore wind industry on marine life and marine environments in Australian waters, including strategies for impact minimisation and management; and

We comment mainly on marine life in south-eastern Australian waters.

Value of marine areas

Our marine and coastal environments are highly valued ecosystems, buffering the impacts of climate change, regulating the oxygen on the planet, and providing food and livelihoods for many. When compared to similar marine habitats around the world, Victoria's south-eastern seas and shores stand out as unusually abundant – 80 per cent of the marine life found in Victoria's southern waters occurs nowhere else on earth.

They are home to more unique species than the globally celebrated Great Barrier Reef. The world's greatest diversity of red and brown seaweeds, sea mosses, crabs, shrimps and sea squirts exist here.

One reason for this superabundance is the fact that Victorian waters lie at the union of the Southern and Pacific oceans, creating an invisible outer boundary beyond which many marine creatures cannot pass. Ocean currents, water temperatures and exposure all play a role in shaping the types of plants and animals that can be found in any one region. For example, marine life found in the waters west of Cape Otway is influenced by the cold Southern Ocean, as well as extreme wind and wave exposure.

In Victoria's far east, the warmer waters of the East Australian Current merge with influences from Bass Strait, the Tasman Sea, and strong wind and wave exposure to carve out yet another unique marine niche. Shorelines along our east coast have plentiful sandflat communities, while to the west spectacular limestone cliffs and underwater pinnacles are hallmarks of the region.

The wetlands, sandflats and mudflats merging with beaches, sand dunes, cliffs and shore platforms on Victoria's coastline provide many different habitats for plants and animals, including strongholds for shorebirds. Some of these areas are recognised internationally as Ramsar wetlands, requiring extra special management and protection.

Almost half of Victoria's Ramsar wetlands are found on or near the coast, and many also having Victorian Ports operating within them – including Corner Inlet, Western Port Bay, Gippsland Lakes and Port Phillip Bay.

While Western Port Bay has been identified as the potential major port to service the offshore renewable energy industry, other ports are also gearing up for how to support the

industry on an ongoing basis11 and will need to be mindful of their impacts on these wetlands.

At a finer scale, the coast (the area within 500 metres of the shoreline) features 95 vegetation types, known as ecological vegetation classes, almost one-third of Victoria's total (at the bioregional level). They include scrubs, shrublands, heathlands, forests, woodlands, grasslands, lagoons, wetlands and marshes.

Away from the shoreline, Victoria's deeper, open waters support plankton, sea jellies, squid, large mammals including Fur Seals, Bottle-nosed Dolphins and Southern Right Whales, seabirds such as gannets, petrels and Little Penguins, and fish including pilchards, anchovies, Silver Trevally, Barracuda and Jack Mackerel.

Many of these species are threatened and listed under threatened species laws. In fact, more than 180 species in coastal and marine environments are considered threatened (included in Victorian government lists12) with marine and coastal biodiversity becoming increasingly weakened due to human impacts.

Sadly, the conservation status of much of the marine environment, particularly marine invertebrates, is unknown. The quality of open ocean waters has a direct influence on the health of nearshore waters and other marine habitats.

Some marine national parks along Victoria's coast extend to the state limit of three nautical miles (5.5km) and protect open ocean waters, including parts of the cold, deep waters of Bass Strait, as do the marine parks in federally managed waters. Currently, 5.3 per cent of Victoria's marine waters are formally and securely protected for nature conservation in national parks and sanctuaries. These areas, plus another 20 priority areas across Victoria's coastline, are identified as worthy of additional protection due to their exceptional natural values.

Specific identification of values in relation to the Gippsland offshore wind zone has been done by the Victorian Department of Energy, Environment, and Climate Action (DEECA). Refer to the full document here.

Impacts

Often perceived as environmentally benign, 'green' renewable energy technologies have ecological costs that are often overlooked. Thus, the increasing development of multiple large-scale projects raises environmental concerns about their cumulative impact on marine and coastal ecosystems.

Renewable energy development has the potential for adverse impacts on marine values, from construction to ongoing operations. The impacts of laying cables underneath the seafloor may appear relatively benign, however they cannot be understated.

Considering the high number of projects proposed across the state, this impact is amplified, with the potential for larger cumulative repercussions felt across the waters.

Marine environments are hard to capture data and assess impacts as water adds an extra layer of challenge than land because it's more difficult to access. While there is some knowledge known about the impacts from elsewhere overseas and local knowledge of Gippsland from Star of the South scientific studies, there are still large gaps in our knowledge in Australia for our unique marine populations, since there are not yet any offshore wind farm.

VNPA released a Discussion Paper called the *Winds of Change* that recognises that 'rapid development of a marine energy industry should not be at the expense of unacceptable risks to the environment or other marine users.' Figure 1 below outlines some of those potential high level marine impacts from energy development.

A more exhaustive list of the impacts from elements of wind farm projects taken from other development project's EES processes in the marine space, include:

• Direct damage to habitat or death/injury to wildlife.

• Above and underwater noise from construction and ongoing operation.

• Physical infrastructure placement such as the turbines and subsea cables blocking the routes of migratory threatened species such as albatross, southern right whales, and important fishery species such as snapper.

• Interruption to reproductive or other part of wildlife cycles.

• Direct collision of wildlife such as seabirds with infrastructure, leading to mortality or loss of foraging or migration habitat through displacement.

• Increased shipping and boating activity causing additional noise and marine mammal strikes.

• Disruption of bird flyways from offshore wind farm design and location of turbines or coastal infrastructure on shorebird habitat.

• Disruption to marine life migration, breeding, feeding and calving cycles.

• Physical removal of reefs and seabed habitat.

• Vibration impacting on the navigation of marine mammals.

• 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 for the placement of infrastructure from the transmission network.

• Cumulative impacts across multiple projects along Victoria’s coastline.

• Effects on coastal processes such as sediment transport and erosion.

• Western Port Bay, the potential location of Victoria’s Renewable Energy Terminal, could experience these impacts. The bay is Victoria’s second largest, and the only wetland in Victoria recognised by the United Nations (as a Biosphere Reserve) and the International Ramsar Convention for wetland conservation.

Figure 1: Potential high level marine impacts from energy development

Potential impact	Positive	Negative
Loss of marine and coastal fauna and/or flora as a result of habitat loss, modification or degradation		✔
Increase in marine and coastal fauna and/ or flora as a result of installed infrastructure providing new habitat and refuge	✔	
Displacement of marine fauna (from, for example, feeding, breeding or resting areas)		✔
Colonisation of structures by invasive, non-indigenous marine species. Thee species may compete with native species for food, habitat etc.		✔
Colonisation of structures by indigenous species may provide habitat availability	✔	
Colonisation of structures by indigenous species may interfere with ecosystem dynamics		✔
Changes to marine and coastal habitat – provision of new habitat	✔	
Changes to marine and coastal habitat – loss, modification or degradation		✔
Modification of water quality		✔
Marine pollution		✔
Changes to coastal processes – e.g. reduced wave or tidal action which may modify habitats near installed infrastructure		✔
Changes to coastal processes – e.g. reduced wave or tidal action leading to reduced erosion or increased accretion	✔	

Regionally coordinated baseline studies, habitat mapping and biodiversity sensitivity mapping for species like birds where we have data is imperative for an ecologically safe transition.

Case study – impact on seabirds

The waters of southern Australia and New Zealand are global hot spots for albatross, petrels, shearwaters and Storm Petrels. Approximately half of the world's pelagic species occur in this region. Tasmania's coastal islands and areas of Victoria are also national seabird 'hotspots' with many seabirds foraging in these areas. Offshore wind generation poses significant impact on birds due to direct collision, displacement away from preferred habitat, and alteration of migration routes to name a few.

We know enough from land and marine studies in the northern hemisphere and in Australia, that pelagic species of seabirds with soaring flight are at the highest risk such as albatross. This is of concern as nearly all albatrosses are considered threatened to varying degrees and most have declining populations.

Threatened migratory shorebirds, such as the Bar-tailed Godwit and Eastern Curlew, range restricted endemic coastal nesting species, and parrots that migrate across Bass Strait are at high risk, including Critically Endangered Orange-bellied Parrots and Swift Parrots. There are many effective mitigation measures for use in early planning, like no-go areas where seabirds feed and nest.

In Victorian waters, it's common for seabirds to feed in areas close to the continental shelf. Identifying areas to be avoided, such as places with high concentrations of birds and flight paths (for example, Flinders Island to Wilsons Prom and King Island to Cape Otway), can be addressed early in project development. This information should be used to create detailed biodiversity sensitivity maps that guide decisions on wind farm siting.

A coordinated, regional-scale approach means individual projects can be set within a structured plan that uses consistent methods and approaches. The data from individual wind farm projects can then help assess the cumulative impacts on birds. Other studies have shown that this effort has positive results. For example, avoiding alignment perpendicular to main bird flight pathways, and provisions of corridors between clusters of turbines on land, have recorded relatively low levels of bird mortality in the United States.

Tasmania's offshore islands support massive aggregations of seabirds, including the largest colonies (up to 6 million birds) of the migratory Short-tailed Shearwater in Australia. They're also a stronghold for the world's smallest penguin species, the Little Penguin, and for the Sooty Oystercatcher and Black-faced Cormorant. These species, as well as the dainty Fairy Prion, are found on nearly all our offshore islands, displaying a clear preference for these remote habitats. Breeding sites of other seabirds, such as the Australasian Gannet, Shy Albatross, Sooty Shearwater, White-fronted Tern and Australian Pelican are entirely confined to offshore islands and need to be considered in offshore wind plans.

Case study – impact on marine mammals

Marine mammals, including whales and dolphins, are particularly susceptible to the negative impacts of offshore wind farms. This includes underwater noise, the physical presence of turbines and other infrastructure, and an increase in vessel strikes.

Proposed sites for the Southern Ocean Offshore Wind Farm Zone directly overlap Biologically Important Areas (BIAs) for whales. Victoria's Portland to Port Campbell region are important reproductive sites for Southern Right Whales.

Blue whales rely on the ecologically rich and vital Bonney Upwelling. The area between Robe, South Australia and Cape Otway, Victoria is one of the few known feeding aggregation habitats for Pygmy Blue Whales in Australia, and also overlaps with the offshore energy zone.

The Southern Right Whale Draft National Recovery Plan recognises the physical displacement of Southern Right Whales from their preferred habitats as a key threat, stating energy production facilities have the potential to act as barriers for whale migration into their coastal breeding areas. It notes that the displacement of whales through habitat degradation may also reduce breeding success. Because Southern Right Whales rely on sound to communicate, they're particularly susceptible to any negative impacts that occur close to reproduction BIAs, where these mighty ocean creatures reside for long periods.

Listed as Endangered under the EPBC Act, the recovery plan has an interim objective: 'anthropogenic threats are managed consistent with ecologically sustainable development

Current environmental assessment processes not fit for marine planning purposes

Environmental assessment processes are used for single project assessments and operate in isolation. They do not learn from or consider the cumulative impacts of past, current or future projects across a regional areas of an offshore wind farm zone. Here are some reasons why:

• Environmental assessment processes at the federal and state level apply to individual development projects and operate in isolation from other projects.

• The process does not measure or assess the cumulative effects on multiple individual projects over an entire renewable energy zone.

• EES processes are extremely costly, risk being rejected outright and create barriers for community to get involved.

• The scope of an EES is limited and may miss detrimental environmental impacts.

• These environmental assessments are not a marine planning tool to make decisions on multiple offshore wind site locations over a large geographic area.

• There is no process for assessing the cumulative impact of multiple projects in a wind energy zone with government guidelines putting the onus on industry to fill this gap.

• The EES process is not an adequate marine planning process for establishing a responsible new energy industry.

• The absence of proper marine planning imposes even greater risk to wildlife.

• Just as statutory planning on land is used to advise and inform, a complementary tool like marine spatial planning is required to guide locating future wind farms.

Strategies for impact minimisation and management - The call for Marine Spatial Planning

Avoidance of high value marine biodiversity values is the first most important step to work towards reducing impacts on marine biodiversity values and gaining social license. This is unlikely to be achieved in the way the current environmental assessment processes. A solution is for upfront marine planning such as quality Marine Spatial Planning Framework outside of the normal environmental assessment processes (EES & EIS).

On land there is a detailed planning scheme, along with statutory planning and laws that developers are required to work with to avoid infrastructure on certain land tenures and overlays. This includes tenures such as national parks and high conservation value areas. These arrangements do not exist for the marine environment, which pose an important opportunity to implement tools like marine spatial planning which exist under Victorian policy, or another dedicated ocean strategic/regional planning tool.

Marine spatial planning (MSP) is a planning process to organise the human uses of ocean spaces to maintain a healthy marine ecosystem that supports multiple uses. It helps marine industry, government, and the community better plan activities in the marine environment, now and into the future. It can also support sustainable growth of Victoria's blue economy and climate change adaptation planning. As part of Victoria's Marine and Coastal Policy, an MSP Framework has already been developed,

Benefits of marine spatial planning 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.
- Assurance to stakeholders that marine energy projects be located in pre-defined areas.

- Where high-value marine and coastal assets can be geographically defined, these areas can be removed as potential marine renewable energy sites, providing certainty to all parties and reducing costs.
- Can help proponents avoid potentially costly and damaging planning disputes with local communities and other affected parties.

See further detail in our discussion paper.

Good planning will also require good data, and a coordinated plan for each offshore wind region to coordinate the collection and using of data.

To help avoid delays to the transition while creating nature safe offshore wind farms, steps towards strategic marine planning, VNPA is calling for the following.

VNPA's recommendations:

1. Marine research. Government led framework for growing knowledge and data of marine ecosystem values so higher biodiversity values areas can be informed and avoided, inclusive of:

a. data inventory and analysis of data gaps and needs (ecosystem and individual species)

b. Information and data collection by developers to be captured within government portals and available for use for strategic planning

b. Habitat mapping and baseline studies on the abundance, distribution, and behavior of priority/high risk species

c. biodiversity sensitivity mapping over a regional scale for priority species of concern, habitats and high value areas such as marine national parks where we have information

2. Advisory body to advise on impacts of the energy transition on nature (including marine issues).

4. Strategic marine planning like **marine spatial planning** be used to identify no-go areas off limits to infrastructure across federal and state waters, to avoid and protect high value marine biodiversity areas. Similarly, identify priority development areas in lower biodiversity sensitive areas.

Refer to our discussion paper for further information of how marine spatial planning