



To: Department of Transport and Planning

11 December 2024

Victorian Renewable Energy Terminal Environment Effects Statement (EES) Draft Scoping Requirements

We appreciate the opportunity to comment on the EES Draft Scoping requirements for the Victorian Renewable Energy Terminal proposed for the Port of Hastings.

About Environment Victoria

Environment Victoria is the leading not-for-profit environmental advocacy organisation in Victoria. With 40 grassroots member groups and over 200,000 individual supporters, we've been representing Victorian communities on environmental matters for over 50 years. Through advocacy, education and empowerment, Environment Victoria seeks significant and enduring solutions that will safeguard the environment and future wellbeing of all Victorians.

Through our Safe Climate campaign we advocate for a fast and fair transition to clean energy. Rapid and deep cuts to greenhouse gas emissions this decade by displacing fossil fuel generation with renewable energy will save lives, livelihoods, species and ecosystems. As Victoria leads Australia in developing offshore wind it is essential that we protect sensitive areas.

Introduction

Western Port is an environmentally and culturally significant area, supporting endangered species, unique ecological communities and migrating birds. It is the only wetland in Victoria that is recognised by the United Nations as a Biosphere Reserve and the International Ramsar Convention for wetland conservation. It is also home to the Port of Hastings which has been selected by the Victorian Government to host the Victorian Renewable Energy Terminal. Western Port is under pressure not only from the Terminal but from encroaching residential and industrial development.

Western Port is deeply valued by many people living nearby who have a history of successfully resisting inappropriate development. Local environment groups, Traditional Custodians and locally-active scientists possess a wealth of knowledge about the area that has the potential to improve the EES process and environmental outcomes and build trust in Victoria's nascent offshore wind industry.

Nature and the renewable energy transition need not be at odds. As the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) stated following their first collaboration with the Intergovernmental Panel on Climate Change (IPCC), “Biodiversity loss and climate change are both driven by human economic activities and mutually reinforce each other. Neither will be successfully resolved unless both are tackled together.”¹

There are already positive examples from around Australia where renewable energy developers have successfully collaborated with local groups. RE-Alliance and The Energy Charter’s recent publication *Better practice renewables and biodiversity* explores the potential for good outcomes and includes exemplars:

- The owners of the Winton Solar Farm in Queensland worked with the Regent Honeyeater Project to restore local wetlands and incorporate vegetation buffers;
- In South Australia developer Neoen transferred 1,000 ha of culturally and environmentally significant land to the state government to establish a new national park.²

The *Working with Nature* initiative of the World Association for Waterborne Transport Infrastructure (PIANC) calls for a shift from technology-led design to nature-led in order to identify ‘win-win’ solutions such as using dredge spoil to create new habitat.³ Infrastructure Victoria has also advocated for this approach, of which a key step is to “meaningfully engage with stakeholders to identify win-win options”.⁴

Elsewhere around Australia and around the world, inadequate regard for nature in some renewable energy developments has had a deleterious effect on public support for the clean energy transition. This leads to risks for the renewable energy industry at a time when a significant build is needed to meet our climate targets.⁵

The development of a Victorian offshore wind industry is a massive undertaking and it’s essential that the industry puts its best foot forward, starting with this project. Our submission provides clear direction on how it can be done.

What can be done to get it right?

1. Implement the Western Port Framework

Despite the importance of Western Port, there is currently no over-arching plan in place for its management. In contrast, there has been a plan and funding in place for Port Phillip Bay—an area that is less ecologically significant—for many years.

¹ IPBES, ‘Tackling Biodiversity and Climate Crises Together and Their Combined Social Impacts’, 10 June 2021, <https://files.ipbes.net/ipbes-web-prod-public-files/2021-06/20210606%20Media%20Release%20EMBARGO%203pm%20CEST%2010%20June.pdf>.

² RE-Alliance and The Energy Charter, ‘Better Practice Renewables and Biodiversity’, 2024, <https://www.theenergycharter.com.au/wp-content/uploads/2024/02/Better-Practice-Renewables-and-Biodiversity-Opportunities-for-Collaboration-Guide-Feb-2024-FINAL.pdf>.

³ ‘Working with Nature’, *Pianc* (blog), accessed 9 December 2024, <https://www.pianc.org/working-with-nature/>.

⁴ Infrastructure Victoria, ‘Advice on Securing Victoria’s Ports Capacity’ (Melbourne, Australia: Infrastructure Victoria, May 2017), https://assets.infrastructurevictoria.com.au/assets/Resources/Securing_Victorias_Ports_Capacity_WEB-1.pdf.

⁵ RE-Alliance and The Energy Charter, ‘Better Practice Renewables and Biodiversity’.

The Western Port Framework developed by the Western Port Biosphere Reserve Foundation, Save Westernport, Phillip Island Conservation Society and the Victorian National Parks Association is a comprehensive response to this oversight and to the declining environmental health of Western Port.⁶ It proposes three pillars:

- **A new strategic plan** for Western Port Bay bringing together objectives, actions and programs into a coordinated planning and management tool recognising the natural values of Western Port and the future economic prosperity of the region;
- **A new collaborative management partnership** bringing together Traditional Custodians, community representatives, government agencies, council, local business and industries, fishing and recreation groups to develop the plan and oversee implementation; and
- **A dedicated and ongoing Western Port fund** to deliver the plan, at least equivalent to the Port Phillip Bay fund.

The Western Port Framework will give Western Port the best chance to thrive into the future. The partnership would include the Port of Hastings Corporation and the strategic plan would provide clear guidance on what actions the Port and others can take to support and improve the Western Port environment. This provides the Port with options for investing in nature, which is directly relevant to this EES process.

2. Green-light marine spatial planning for Western Port

Marine spatial planning is a tool for planning and coordinating the many competing uses of our marine and coastal areas. It is the marine equivalent of existing land use planning practice.

Since the Victorian Government introduced the *Marine and Coastal Act 2018*, marine spatial planning is ready to go...almost. The Marine and Coastal Policy was released in 2020, the Marine and Coastal Strategy in 2022, and this year the Marine and Coastal Guidelines. All of this work was created with offshore wind in mind as well as other uses.

What is now needed is for the Victorian Government to green-light a marine spatial plan under the Marine and Coastal Strategy for Western Port. As part of an implemented Western Port Framework, marine spatial planning will support the responsible development of the offshore wind industry informing the siting of infrastructure and taking into account cumulative impacts.

In the interim, the EES should also consider cumulative impacts across offshore wind generators, transmission and the RET, as well as existing port uses and other risky proposals such as the Hydrogen Energy Supply Chain project.

3. A science-led approach to the EES using the best available knowledge

The quality of the EES studies will be material to outcomes for species and ecosystems in Western Port. The Port of Hastings Corporation should draw on the best available resources in assessing and avoiding/mitigating impacts including local, NGO and government knowledge-holders.

⁶ Victorian National Parks Association, 'A Strategic Framework for the Future of Western Port Bay', accessed 5 December 2024, https://static1.squarespace.com/static/6316d18656da295118fc29ca/t/63452ad6abc9671ab2957fa6/1665477342811/stratframe_VNPA_1110.pdf.

Local groups and NGOs such as Birdlife Australia and the Victorian Wader Study Group possess significant knowledge about Western Port's avian communities, and we encourage the Port to draw on this knowledge. The Port should look to local environment groups, Traditional Custodians and NGOs for advice and solutions and incorporate their recommendations to the extent possible, consistent with the 'collaborate' level of the IAP2 Spectrum of Public Participation.⁷ This will have the additional benefit of building trust between the Port, the Victorian Government and locals.

We would like to see the following measures adopted in order to increase public trust in the scientific assessments, per advice from Australian Marine Ecology to the Victorian National Parks Association.⁸

- Independent audit of the EES for completeness against ministerial requirements prior to public release, with public disclosure of this audit.
- A due diligence role for the Independent Experts Group in assuring that the EES is not biased or misleading in preparation or presentation.
- Transparent governance of the Independent Experts Group and other peer reviews, with workings subject to public scrutiny.

4. Build trust through transparency

There exists a trust gap because the Victorian Government and the Port of Hastings have not fully explained the project, including the analysis behind the Port as being the preferred location and the work underpinning the design of the Terminal. The trust gap can still be overcome if there is greater transparency in decision-making.

We do know that the Port of Hastings was chosen due to its proximity to the Gippsland offshore wind licence areas, the size of the shipping channel, amount of dredging work required and the availability of port-zoned land. The Old Tyabb Reclamation Area (OTRA) is publicly-owned and situated between two existing and industrialised wharves.

However, we don't know how the characteristics and feasibility of the Port of Hastings and OTRA compared to alternative sites. The EES should include the multi-criteria analysis and weightings that informed the choice of the Port and OTRA over other options.

We are aware that different designs for the Terminal infrastructure had been explored before settling on the proposed design. The EES should include the feasibility studies for different Terminal designs so that there is transparency on any trade-offs between cost and timing versus environmental impacts.

To date the Port of Hastings has avoided disclosing the number of hectares to be dredged. The EES needs to fully describe the project including quantifying the different activities and affected areas.

⁷ International Association of Public Participation, 'IAP2 Spectrum of Public Participation' (Association of Public Participation, 2018), https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf.

⁸ Matt Edmunds, 'VRET EES Scope - Review Notes for Victorian National Parks Association' (Australian Marine Ecology, 9 December 2024).

There must be transparent and fair processes for EES public review, submissions, and hearings. We recommend the following based on advice from Australian Marine Ecology to the Victorian National Parks Association.⁹

- Public disclosure of all technical studies and underpinning data;
- Assurance that ministerial requirements have been fulfilled prior to EES release;
- A public display phase longer than the traditional one month or staged releases and public review phases as technical studies are completed;
- Provision of government resources to assist community groups to access expert reviewers during EES public review, submissions, and hearing processes.

Should the Terminal go ahead, there should be public disclosure of environmental management processes and results, with monitoring results reported within six months.

EES specifics

The below table identifies specific issues that should be included in the scope of the EES.

EES Section	Issue
Project description	<p>Accurate characterisation – Western Port has a deep shipping channel, but other areas are tidal flats that are not naturally deep.</p> <p>Full description including hectares to be dredged which has not been disclosed to date.</p>
Alternatives	<p>Show feasibility analysis of alternative sites including non-port locations, other ports and other areas within the Port of Hastings. Consider potential for distributing activities to alternative sites as an impact avoidance/mitigation strategy.</p> <p>Show feasibility analysis of alternative Terminal designs – e.g. floating and parallel wharves - we understand eight options were considered, including some that had lower environmental impacts.</p> <p>Include effect of terminal design on shipping traffic intensity and impacts – e.g. amount of dredging required, Terminal operating hours.</p> <p>Alternative boat options – e.g. different sizes or designs to minimise dredging</p>
Cumulative impacts	<p>Via marine spacial planning and Western Port Framework, consider the Terminal’s role in cumulative impacts from offshore wind industry, other uses at Port of Hastings including Hydrogen Energy Supply Chain project and future operations.</p> <p>Cover assessment of effects via large-scale linkages within Western Port rather than being constrained to effects within or near the proposed Terminal.</p>

⁹ Edmunds.

Restoration opportunities / positive measures	<p>Adopt Working with Nature approach recommended by Infrastructure Victoria.¹⁰ Link to Western Port Framework as the ideal vehicle for identifying options now and into the future.</p> <p>Evaluation strategy for measures taken. One example of this approach is the Gawara Baya wind farm in North Queensland—a project proposed for an environmentally sensitive area, but which includes a biodiversity net gain strategy with monitoring of key species.¹¹</p>
Pollutant and pest risks	Boats pose risks of oil spills and marine pests. Additional studies to identify controls to minimise risks to the extent possible.
Lighting	<p>Increase of shipping traffic and other additional lighting on shearwaters and other birds attracted or affected by light.</p> <p>Impact of high-up lighting on migratory birds, noting Phillip Island is recognised as a dark-sky location.</p> <p>Explore changing light wavelength as a mitigation option.</p>
Noise	Impact of shipping traffic and terminal operation by time of day/time of year on birds and other species.
Ecology/birds	<p>Preventing loss of feeding and breeding habitat including time of year and day. Impact on roosts, potential for artificial roosts.</p> <p>Impacts on mudflats and feeding grounds.</p> <p>Other studies identified by Birdlife Australia and the Victorian Wader Study Group.</p> <p>Methodology for adequately modelling and assessing ecological impacts and effects as advised by Australian Marine Ecology.¹²</p>
Dredging and spoil	<p>Direct and indirect modelling of dredge spoil on hydrology and tidal movement. Modelling reports should set out assumptions and limitations.</p> <p>Sources of fill and risks of introducing contaminants and pests.</p> <p>Opportunities to reuse dredged materials for habitat creation.</p>
Vegetation/ Blue carbon	<p>Western Port contains a quarter of Victoria’s blue carbon ecosystems.¹³ The EES should quantify vegetation removal (blue carbon loss) and seek opportunities to maintain and restore mangroves, seagrass and saltmarsh.</p>
Climate change	<p>Projected sea level rise and impact on habitat especially roosting.</p> <p>Impact of project on displacing fossil fuel use.</p>

¹⁰ Infrastructure Victoria, ‘Advice on Securing Victoria’s Ports Capacity’.

¹¹ Windlab, ‘Environmental Management Gawara Baya’, n.d., https://cdn.prod.website-files.com/619f026fb5d65d6a3cadcf13/64e4582252e032b704f5b33d_Factsheet%20%E2%80%93%20Environmental%20Management.pdf.

¹² Edmunds, ‘VRET EES Scope - Review Notes for Victorian National Parks Association’.

¹³ ‘Local Scale, Lasting Impact: Major Blue Carbon Opportunities Uncovered in Victoria’s Western Port and Port Phillip Bays - Blue Carbon Lab’, 27 September 2023, <https://www.bluecarbonlab.org/local-scale-lasting-impact-major-blue-carbon-opportunities-uncovered-in-victorias-western-port-and-port-phillip-bays/>, <https://www.bluecarbonlab.org/local-scale-lasting-impact-major-blue-carbon-opportunities-uncovered-in-victorias-western-port-and-port-phillip-bays/>.

Economics	Potential for cost recovery from Terminal users for reinvestment in Western Port Framework.
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You are welcome to contact me on the details below, should you wish to discuss this submission in more detail.

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