

Responsible Renewables Committee
Port Stephens Myall Coast



27 August 2024

Committee Secretary
Senate Standing Committees on Environment and Communications
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Parliament House
Canberra ACT 2600
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Submission to: Senate Inquiry into the Offshore Wind Industry Consultation
On behalf of the Responsible Renewables Committee Port Stephens-Myall Coast

Dear Committee Secretary,

The Responsible Renewables Committee Port Stephens-Myall Coast (RRC) makes the following submission on behalf of its members to address the consultation process undertaken on behalf of the Australian Government into the offshore wind industry, with reference to:

- A. The efficacy of community engagement and benefit in planning, developing and operating the offshore wind industry.**
- B. Community engagement within the existing Australian Government offshore wind industry regulatory and legislative frameworks.**
- C. The adherence to the principles of Free, Prior and Informed Consent from Traditional Owners of the affected Sea Country by the Australian Government and offshore wind industry.**
- D. The impact of the offshore wind industry on marine life and marine environments in Australian waters, including strategies for impact minimisation and management.**
- E. Any other related matters.**

A. RRC comments on Community Engagement and Benefit

Regarding the announcement, consultation and pre-feasibility phases led by the Department of Climate Change, Energy, the Environment and Water (DCCEEW), the RRC remain deeply concerned about the lack of genuine, informative engagement and consultation with the community and business stakeholders, and the consultation timeframe. Collectively, these factors have resulted in ineffective involvement of Port Stephens and Myall Coast residents in the planning, development and operation of the offshore wind industry.

Specifically, a rushed consultation process underpinned by poor advertisement of wind zone announcements and consultation sessions, an absence of key information to frame the consultation process, uninformed staff at the consultation sessions, lack of genuine attention to issues raised during the consultation/submissions process, and a poor understanding of community culture, businesses and values. The RRC notes the following examples in support of our frustration around the government led community engagement and benefit:

- Community consultations followed too soon after the announcement by the DCCEEW on Thursday, 23 February 2023. Information sessions began only six (6) business days later on Monday, 6 March 2023, with little information supplied to frame the sessions – not to mention limited notice of the consultation events.

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- The community consultation sessions were poorly advertised by DCCEEW, particularly in the Port Stephens-Myall Coast areas where there is no dedicated news forum other than free community news/advertisement (hardcopy) media such as the Port Stephens Examiner and the News of the Area (NOTA). Both these publications are not distributed across the community, and in the case of the NOTA – is available only at retail outlets, whereby residents must obtain a free copy from a commercial outlet at their own discretion. Digital versions of the Port Stephens Examiner are behind a web paywall and require a paid subscription to view.
- There were no notifications of the consultation sessions from DCCEEW in the Public Notices sections of the 01 March 2023 editions of NOTA in the Port Stephens and Myall Coast area. Rather, a headline article in the NOTA written by a local journalist noting the sessions was presented. Unfortunately, the article clearly contained government-supplied information that strongly focused on job opportunities related to the wind zone, rather than provided any information on the wind zone itself, or its potential community and environmental impacts. This was seen as a ‘spin exercise’ by the locals rather than true information.
- Letterbox drops were almost non-existent in the Port Stephens-Myall Coast area with no-one in the RRC network of contacts receiving a single notification of the upcoming sessions via government flyers.
- The sessions were commonly scheduled during business hours on weekdays when most of the community is otherwise engaged at work, school or family care.
- In the rush to undertake the sessions, very little information was available to inform the public about the consultation process or the intended scope of work in the wind zone. Only a simple map with the proposed area outline was available which is grossly inadequate for the community to truly grasp the scale of the works, and the potential impacts on the community, businesses and the environment – not to mention the immediate question of visibility given the former proposed area was located so close to shore. It’s hard to comment when residents are given nothing to comment on.
- Only around 300 people attended the seven (7) community information sessions which were held in Wamberal, Doyalson, Swansea, Newcastle, Bar Beach, Nelson Bay and Hawks Nest from 6 March to 9 March 2023. The low attendance reflects (in our opinion) the rushed nature and poor advertisement of the events. Given an estimated combined population of the six (6) state electorates affected of 464,752 people (ABS, 2021) – the 300 attendees represent around 0.07% of the area’s total population.
- The single community sessions held at Port Stephens and the Myall Coast were particularly poorly attended, with many attendees later commenting that the DCCEEW staff were unable to answer even the most basic questions or to supply further information on the proposed wind zone – other than to distribute information on a portal to lodge on-line submissions. Again, we believe the turnout reflects poor advertisement of the event and limited information to inform the public about the intended project.
- There was no information provided by local federal (Ms Meryl Swanson) and state (Ms Kate Washington) parliamentarians to their electorates about the proposed wind zone projects at the time of consultations.
- DCCEEW invited ‘relevant local stakeholders’ to participate in online, industry specific sessions held between 20-23 March 2024, claiming target groups of Aviation, Commercial Fishing, Recreational Fishing, Tourism, Local Business and Community groups. A total of only eighteen (18) individuals attended the six (6) sessions which represents an average of three (3) individuals per session – a record abysmal turnout and hardly a claim of successful consultation with industry stakeholders.
- Specific engagement by RRC with local whale-watching tourism operators, commercial fishers and long-standing recreational fishing entities has confirmed that none of these stakeholders were contacted by DCCEEW for direct consultation, input or special consideration. These businesses have operated in the region for over 40 years, and every business could be severely impacted as their focus areas lie directly within or near the nominated wind zone. Many were also completely unaware of the call for submissions.

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- A total of 1,916 submissions were received by DCCEEW during the consultation period that extended from 23 February to 28 April 2023. DCCEEW note that 66% of the submissions were opposed the project, with approximately 1080 submissions identifying concerns with the environment.
- The submissions also noted concerns on the visual amenity (87%) with the majority being residents of the five local council areas, including 48% coming from the Central Coast council area which encompasses Norah Head. Commercial (25%) and recreational fishing (25%) concerns were raised in submissions, along with tourism (24%) and community (23%) concerns for jobs and businesses.
- A submission by the Port Stephen Council was broadly supportive of the project, but clarified issues with Visual Amenity, Cultural Heritage Businesses and Tourism, and the Marine and Coastal Environment; specifically:
 - *The proposed area sits within the Australian East Coast Migration Corridor which is identified as an Important Marine Mammal Area (IMMA) by the International Union for Conservation of Nature (IUCN) for its critical role for migratory marine species including the threatened Humpback Whale and Dwarf Minke Whale.*
 - *The Hunter region is also nationally and internationally significant for a number of migratory marine and shorebird species. Port Stephens estuaries, islands and shorelines are identified as critically important sites within NSW for migratory and endemic shore bird species. Council strongly encourages careful consideration of these matters during the next stages of the proposal.*
- On 12 July 2023, a joint statement by the Hon Chris Bowen officially declared an offshore wind zone in the Hunter region, with the claim that “the Albanese Labor Government has listened to community feedback and revised the offshore wind zone accordingly to ensure it coexists alongside whale migration, bird and sea life, and our shipping industry.”
- The reduced area of the wind zone clearly addressed the backlash by local residents of Norah Head concerning visual amenity impact but did nothing to address the strong environmental concerns (66%) and access to fishing, as the footprint of the (reduced) declared area remains squarely within the humpback migration route and directly over prime fishing grounds. Once again, the messaging of the government’s press release focused on job opportunities to distract from the impact of the wind zone infrastructure itself. The government message was viewed by locals as a ‘spin-exercise’ without applying due diligence to genuine community concerns.
- Our consultation across the Port Stephens and Myall Coast communities has shown that most residents only began to become aware of the Hunter Wind Zone after the 12 July 2023 declaration by DCCEEW. This marked the start of significant community unification and a grassroots reaction to push-back on the lack of consultation by DCCEEW, as the project and its impacts were not fully understood by the community.
- On 19 September 2023, Minister Chris Bowen attended a closed-door meeting at the Nelson Bay Bowling Club with the Member for Paterson Meryl Swanson and a select group of around 20 concerned locals from the Port Stephens area. Attendees at that meeting have informed members of the RRC that much of the meeting consisted of a summary from Minister Bowen of the wind zone followed by a shorter Q&A session – much of which restated previously known information.
- The effort to meet with a small group of locals by Minister Bowen is commended and a “consultation group featuring key industry representation from the region is to be formed to meet regularly with the Minister”. However, it remains unclear if this group was actually formed or the nature of its membership. To our knowledge, it does not include members of the RRC or others within our network of contacts. The view is that this consultation group (if it exists) was selected to minimise the voice of the community.

- In a vacuum of genuine government engagement, social media groups on platforms such as Facebook and Instagram began to grow by 1000s of members, and organised activities flourished, including a rally in Nelson Bay attended by over 2000 people. This attendance at a single rally represents almost seven times the number of people directly engaged by DCCEEW in their series of community consultation meetings across the entire Hunter region. A rally in Hawks Nest, a paddle-out at Fingal Bay and community meetings at social and retail venues across Port Stephens continued to gain support and culminated in a meeting with the Minister Chris Bowen and advisors in Canberra during late November 2023.
- In this social environment, the RRC was officially formed on 27 February 2024, and immediately began engagement (email) directly with Minister Bowen’s office on issues of impact on business/tourism, whales and other endangered migratory species (Gould’s Petrel), the impact of anchoring systems on seabed ecosystems, sterilisation of commercial and recreational fishing grounds, and other elements. This communication has largely been one-sided as Minister Bowen and DCCEEW advisors repeatedly comment on fishing access but have failed to engage on the broader community and environmental issues raised.
- Prior to the formation of the RRC in late February 2024, a few members of the committee met on occasion with local federal (Ms Meryl Swanson) and state (Ms Kate Washington) parliamentarians on the wind zone issue. While these sessions were helpful, the declaration of the Hunter Wind Zone had already occurred many months prior, and thus much of the discussions were about future actions of the proponents who were lodging their bids. As such, the government-directed discussions were about **‘how we have a wind zone’** – not a discussion on **‘if we have a wind zone’**. The RRC strongly believes that social licence for the establishment of the Hunter Wind Zone is the sole responsibility of the federal government, and this essential step has been ignored. This has left the proponents with the responsibility of obtaining a social licence – that is, to convince the community that the wind farms are in the best interests of Port Stephens and Myall Coast residents; this situation is a strategic failure of the government’s consultation process.
- Community unification continues to support further government consultation and research into environmental and social impacts of the wind zone on the community, businesses and culture of the Port Stephens and Myall Coast regions. On 13 June 2024, Troy Radford, Chair of the RRC and President of the Newcastle and Port Stephens Game Fish Club, handed over a petition against the Hunter offshore wind farm to Dr David Gillespie, Federal Member for Lyne. The petition entitled ‘Stop the Port Stephens Offshore Wind Farm Project’, has over 12,000 signatures. The word of the petition are shown below.

This petition has been created by Troy Radford and Jamie Culver on behalf of the Newcastle and Port Stephens Game Fish Club. This petition opposes the construction of an offshore wind turbine farm in Port Stephens and seeks that the project be removed from its waters. Some of the reasons include irreversible ecological damage to the sensitive marine environment, injury, or death to thousands of marine and wildlife species, navigational hazards to marine vessels, the loss of valuable fishing grounds, damage to local tourism, major loss of culture and identity for Port Stephens and the mental health and wellbeing of the community. These are just a few negative impacts of a large and complex problem. Thank you for your support.

- The RRC continues to engage with other areas of the federal government (Office of Environment and Water) to raise technical concerns and to call for proper research and due diligence in vetting the Hunter Wind Zone to determine its suitability for industrialisation. In addition, we question whether the proponents that are awarded feasibility licences will be allowed proper timeframes and resources to undertake the research programs to investigate the multitude of environmental issues.
- Oceanex and Equinor are likely to be awarded a feasibility licence in the Hunter Wind Zone, as Novocastrian Wind Pty Ltd. In public statements, even the proponents admit that extensive research is needed on many fronts to assess the environmental suitability of the Hunter Wind Zone. The RRC believes the proponent’s research should be carried out in a transparent, unredacted, open-access forum with all information (i.e., data, digital records, analyses, interpretation, reports, etc.) available across the full community before further assessment and commitments are undertaken by the Australian Government, particularly the awarding of commercial licences.

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- In summary, the RRC believes that DCCEEW has failed to adequately inform and consult with the residents of the Port Stephens and Myall Coast regions on the Hunter Wind Zone. There are serious issues with businesses, tourism, cultural heritage, fishing access and, most important, the whole marine ecosystem which will bear the full and irrevocable impact of the float turbines systems – a technology that is still in development. Unfortunately, the fast-tracking by DCCEEW appears likely to reflect adherence to political ideology, rather than common sense and a necessary precautionary approach to infrastructure of such significance.
- Recommendations as outlined in the government’s own commissioned report entitled **Community Engagement Review** (Dyer, 2023) recognise the failings of past community consultations undertaken in regard to infrastructure planning for renewables installations. The Albanese government welcomed the recommendations and committed to their compliance (<https://minister.dcceew.gov.au/bowen/media-releases/government-welcomes-renewable-infrastructure-engagement-review-findings>). To honour this commitment, the RRC and the Port Stephens and Myall Coast communities demand more time and further consultation, genuine engagement, transparency, in-depth information and rational discussions with the government before irrevocable decisions are made for future generations of Australians.

B. Community engagement within the existing Australian Government offshore wind industry regulatory and legislative frameworks.

- The RRC views that the feedback requested by the Offshore Electricity Infrastructure Act on the rules and regulations that will guide the development of Australia’s first offshore wind farms was also rushed given the complex and significant nature of the questions/documents provided for comment. (i.e., one month for consultation and submissions allocated; <https://consult.dcceew.gov.au/offshore-electricity-infrastructure-regulations-2024>).
- DCCEEW on-line consultation was available to the general public through a questionnaire covering the following topics: Management Plans, Design Notification Scheme, Financial Securities, Safety and Protection Zones, Work Health Safety, Record Keeping and Fees – and included two reference documents to guide the respondents that were over 200 pages long.
- As such, much of the content was probably beyond the expertise of the general public and was most likely to have attracted greater input from the industry proponents themselves. The RRC questions whether this approach will provide proper and balanced due diligence for a new industry which must commercially benefit all Australians and protect the Australian environment. To our knowledge, the results of the consultation have not been made available. Was this another ‘tick the box’ exercise by the government to say the public had been consulted?
- On 27 March 2024, DCCEEW announced that new regulations under the Offshore Electricity Infrastructure Act 2021, means that some information from applications made could be publicly released (dceew.gov.au/about/new/offshore-renewables-licence-info-disclosure). The Offshore Electricity Infrastructure Amendment (Information Disclosure) Regulations 2024, provide for the Minister for Climate Change and Energy and the Offshore Infrastructure Registrar to disclose specific details from these applications. When will Port Stephens and Myall Coast residents see the applications made for feasibility licences in the Hunter Wind Zone? We fear the details will only be available after binding decision are made.
- The RRC notes the submission of the Australian Conservation Alliance (ACA; 28 April 2023) on the Hunter Wind Zone, and wholly agrees with their concern that “the EPBC Act is an inadequate legislative framework for assessing ecological impact and risks” with regard to the impact of floating turbine system on marine ecosystems. Further, the ACA state that the ‘EPBC Act is too focused on the narrow concepts of matters of national environmental significant to address the unique risks associate with offshore wind” systems.

- The RRC believes that the EPBC Act should be amended to protect every aspect of the marine ecosystem from the widespread industrialisation of Australia’s marine environment with totally new and untested (floating turbines) technologies in Australian waters. Previous legislation of a similar scope covered offshore drilling (hydrocarbons) and production platforms on a case-by-case basis. The EPBC Act should be upgraded to deal specifically with offshore wind farms which represent a totally new industry with long-term infrastructure that will wholly impact all aspects of the physical and biological marine environment.

C. The adherence to the principles of Free, Prior and Informed Consent from Traditional Owners of the affected Sea Country by the Australian Government and offshore wind industry.

- We note that representatives of the RRF were invited to attend a meeting with the Worimi Local Aboriginal Land Council to discuss the Hunter Offshore Wind Zone. It was apparent that the council members in attendance had minimal information, knowledge or engagement from the government about the proposed wind zone or the consultation process. The RRC members shared their knowledge of the process but encouraged the council to seek further information and assistance directly from the government via DCCEEW.

D. The impact of the offshore wind industry on marine life and marine environments in Australian waters, including strategies for impact minimisation and management.

Collectively, the location, massive scale and longevity of the proposed wind farm project means the potential impacts on marine life and the marine environment cover a very broad scope – extending from land that fringes the shoreline, across the full continental shelf, and onto the continental slope and the deep abyssal plain, and includes the full water mass of the ocean from surface to seafloor. Due to the nature of the project, migratory and foraging sea birds are also at particularly high risk. This marine shore-to-shelf cross-section hosts a integrated and potentially unique marine ecosystem that is poorly understood by global scientific standards.

Key environmental concerns of the RRC are large populations of various migratory whale species, fertile fishing grounds due to upwellings/incursions of nutrient-rich water from the deep ocean, endangered and protected bird life (Gould’s petrel), Ramsar wetlands, shark nurseries, sea turtles, and largely unmapped benthic habitats/communities across the outer shelf (rocky reefs) and within the shelf edge canyon systems.

- This RRC submission refers to EPBC Referral Application No. 01767 entitled *Eastern Rise Offshore Wind Project Initial Marine Field Investigations* (11 April 2023) accessed through the EPBC Act Business Portal. The referral applicant, Eastern Rise OWP Project Pty Ltd (formerly Blue Float Energy), presents their preliminary plans for wind turbines within the Hunter Wind Zone, including a Management Plan and supporting documents.
- One of the supporting documents from EPBC Referral Application No. 01767, dated 08 May 2023, is a Preliminary Desktop Marine Environmental Assessment prepared for Blue Float Energy by BMT Commercial Australia Pty Ltd (BMT). The study references the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and assesses potential impacts, risk and mitigation measures in the Hunter Offshore Wind Zone.

- In lieu of specific listing of impacts on **Matters of National Environmental Significance**, the RRC refers to the results of the desktop BMT study (pages 84-98) which has identified findings of **Potentially Significant Impacts** for the following:
 - **Critically Endangered and Endangers Species:** albatross, Gould’s petrel, shorebird species, Swift parrot, grey nurse shark, marine turtles, and whales).
 - **Vulnerable Species:** albatross, Gould’s petrel, shorebird species, Swift parrot, grey nurse shark, marine turtles, and whales.
 - **Migratory species:** shorebird and sea bird species, whale and dolphin species, turtle species and shark species.
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E. Any other related matters

- The RRC declines to provide further evidence/comment on this issue in our submission.
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Closing Statement:

In summary, the RRC submits an evidence-based, chronological account of the consultation process undertaken with DCCEEW for the Hunter Offshore Wind Zone from personal, committee and community perspectives. The RRC feels the consultation process was rushed, poorly organised and executed by the DCCEW, and lacked sufficient detail and timeframe to understand the enormous scale and impact of the proposed project.

Most of the community awareness and engagement has occurred AFTER the area was declared on 12 July 2023, and we believe this was missed opportunity and strategic failure of the government’s engagement process. In our opinion, the social licence of community acceptance was not achieved, and we call for a re-opening of the consultation process.

We also encourage the Committee associated with the **Senate Inquiry into the Offshore Wind Industry Consultation** to hold meetings in the Port Stephens and Myall Coast areas, to hear first-hand our stories and frustrations with the consultation process.

Submitted on behalf of the members of the Responsible Renewables Committee (RRC), Port Stephens-Myall Coast.

27 August 2024