NEWS

Rejected offshore wind project in Melbourne's south-east prompts calls for legal overhaul

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The proposed project would hold up to 200 turbines off the south coast of Gippsland. *(Supplied: Star of the South)*

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- **In short:** The federal government rejected a Victorian proposal for an offshore wind farm on the grounds that it would harm wetlands and marine wildlife.
- Advocates say federal environment laws could be overhauled to allow consideration of the potential for projects to mitigate climate change.
- **What's next?** Victorian Premier Jacinta Allan says she is confident the project will go ahead, either through an appeal of the decision or a revised

proposal.

Should you be able to hurt the environment to save it?

It's a question that's being asked after the federal government rejected Victoria's plans for Australia's first offshore wind project, because it could harm a local wetland.

The decision, which blindsided Victoria, has prompted some experts to call for a re-think on the country's environmental laws.

They argue the legislation does not take into account the long-term benefits projects can have on reducing greenhouse gas emissions.

The state's proposal — essentially a big concrete slab to be built at the Port of Hastings — would be used as a base to assemble wind farm turbines before they are taken out to sea.

It was for the Star of the South, the country's most advanced offshore wind project, which, if built, could generate enough energy to power 1.2 million homes.

Star of the South's impression of how the offshore wind turbines would look from the coast. *(Supplied: Star of the South)*

But the federal Environment Minister Tanya Plibersek knocked it back after she found it would have "clearly unacceptable" impacts on the environment, including dredging 92 hectares in an internationally recognised wetland.

"It is likely to cause irreversible damage to the habitat of waterbirds ... and fish that are critical to the ecological character of the Western Port Ramsar Wetland," she said in early January.

Victorian Premier Jacinta Allan said her government was reviewing the decision and remained confident the project would go ahead at the Port of Hastings.

But the state can only appeal against Canberra's decision by taking the matter to court, or putting forward a revised application.

Experts say environmental laws need to be overhauled

Three of the four most recent projects rejected by the federal government as an "unacceptable risk" to the environment have been renewable energy projects.

The Morrison and Albanese governments have used the environmental protection laws to veto the projects with the strongest ruling available, including plans for the world's largest renewable energy hub in Western Australia.

The Australia Institute Climate and Energy program's Mark Ogge said the "huge positive benefits" of the proposed project must be taken into account.

> "What really strikes me is that the 'clearly unacceptable' ruling seems to be applied widely to renewable energy projects," Mr Ogge said.

"Whereas huge fossil fuel projects which have terrible consequences for the environment rarely seem to be refused — only one has been since the laws began.

"In the case of this Victorian renewable energy project, there are huge positive benefits, because it enables the offshore wind industry to get off the ground in Australia which will potentially save a huge amount of emissions, and that should be taken into account."

Australia could have its first offshore wind farm installed by the end of the decade. *(Supplied: Blue Economy CRC)*

Australia's Environment Protection and Biodiversity Conservation Act does not allow for the minister to take into account the benefits they could have for mitigating climate change.

The laws are currently being reviewed, but the Clean Energy Investor Group said any changes must allow for the consideration of the potential for reducing greenhouse gas emissions.

"At the moment there is no scope for that in the laws and we would say there should be," chief executive Simon Corbell said.

The Western Port wetland gained international recognition and protection in 1982. *(Supplied: Western Port Biosphere)*

Local green group supports Minister's decision

Meanwhile, local environmental advocates have welcomed Minister Plibersek's decision to knock back the existing proposal.

The Western Port Biosphere foundation is a registered charity involved in environmental projects and advocacy across the Mornington Peninsula and Western Port.

While the group strongly supports the growth of renewable energy and offshore wind projects in general, its chief executive Mel Barker said the existing proposal would impact an environmentally significant part of Victoria.

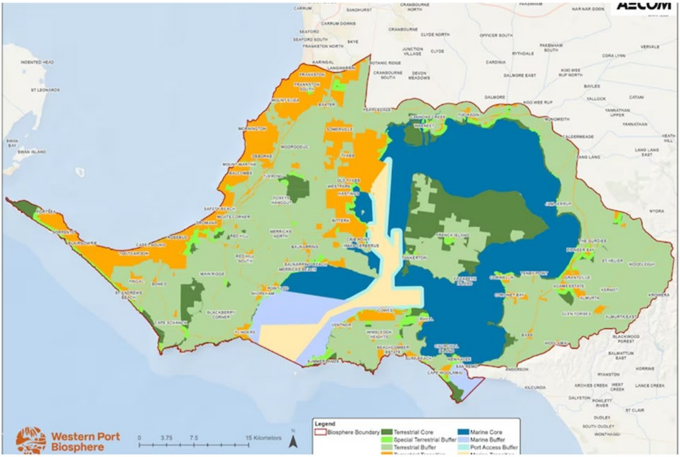
The wetlands are habitat for the critcially endangered Eastern Curlew, which migrates from the Northern Hemisphere. *(Supplied: Mark Lethlean via Western Port Biosphere)*

"We certainly think it's a pretty special place," Ms Barker said, referring to the Western Port wetland.

"It's got mangroves, salt marsh and seagrass meadows and they provide vital habitat for a range of species, but they're also really important for drawing down carbon from the atmosphere and locking it into the mud, known as blue carbon.

"There's also thousands of birds that call the Western Port home, some of them critically endangered or vulnerable, but also some species that come all the way from northern Siberia every year, to feed here."

The area was recognised as a wetland of international importance under the Ramsar convention more than 40 years ago and forms part of Victoria's only UNESCO Biosphere reserve, which are environmentally diverse areas flagged for sustainable development.



A map showing the boundary of the UNESCO Western Port biosphere. The Ramsar designation apples to the wetlands surrounding French Island. *(Supplied: Western Port Biosphere)*

Ms Barker said in general she would support a change to environmental laws to allow governments to recognise the broader benefit of renewables projects.

But whether an internationally recognised wetland is the right test case for that is another question.

> "It is going to be a balancing act in cases of renewable energy versus localised impacts," she said.

Local mayor Simon Brooks said there was strong community support in the area for protecting the wetland but also for sustainable economic development.

He said the council was yet to reach a formal position on the project.

"It's very important to bring the community along with this," the Mornington Peninsula shire councillor said, adding he was "surprised" the decision had come in so quickly.

Mr Brooks said he hoped the different levels of government would work together effectively to figure out the next steps, saying the area was under threat regardless of whether the proposal went ahead.

A bump in the road for renewable energy targets

The Victorian opposition has claimed the delay to the project will put Labor's renewable energy targets at risk and has described the ruling as a "national embarrassment".

"In 2017, Infrastructure Victoria warned the Labor government that any further development of the Port of Hastings would face significant environmental challenges and Labor ignored those warnings," Shadow Minister for Environment James Newbury said.

The mangroves, salt marsh and seagrass beds at the Western Port wetlands provide habitat for bird and marine life. *(Supplied: Kate Gorringe-Smith via Western Port Biosphere)*

Victoria is about to introduce new laws into state parliament to legislate a specific offshore wind target of two gigawatts by 2032.

Director of the Victoria Energy Policy Centre, Bruce Mountain, said while it was a bump in the road, that target was still achievable.

> "I have no reason to believe this project is dead, this is hardly the end of the world," Mr Mountain said.

"There are many ways to skin a cat and there are many alternatives that can be explored for this project to be completed before 2032."

The Victorian government could submit a new proposal with less damaging impacts on the wetland, it could find another place to put the terminal or it could rely on a private company to build the port.

"It's very early on in the project and there are still many possible options for the construction of the facility — which is hardly an enormous terminal," Mr Mountain said.

The Victorian government was adamant it would build the terminal at the Port of Hastings, which was designed to serve multiple offshore wind projects in the future.

"This is a challenging ruling and we have to go back to the drawing board," Victorian Treasurer Tim Pallas said.

"There are concerns that have been expressed particularly around those wetlands … can it be developed? I think it can but we are going to have to work harder at it."