



Statement of Reasons for a Decision that the Action is Clearly Unacceptable under the *Environment Protection and Biodiversity Conservation Act 1999*

I, TANYA PLIBERSEK, the Minister for the Environment, Department of Climate Change, Energy, the Environment and Water, provide the following statement of reasons for my decision of 18 December 2023, under section 74B of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), that the proposed action by Port of Hastings Corporation to develop and operate a port facility to serve as a base for the assembly of components for Offshore Wind Farms along the coast of Victoria (EPBC 2023/09609) would have clearly unacceptable impacts on a matter protected by a provision of Part 3 of the EPBC Act.

Background

- 1) The legislative provisions relevant to my decision and to which I refer in my reasons below are set out at **Annexure A**.

Description of the proposed action (including location)

- 2) I note that on 9 October 2023, a valid referral in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was received from the Port of Hastings Corporation (POH Corp).
- 3) The proposed action which was referred under the EPBC Act was to develop and operate a port facility to serve as a base for the assembly of components for Offshore Wind (OSW) farms along the coast of Victoria, being the Victoria Renewable Energy Terminal. The proposed development footprint is 146 hectares (ha), of which 121 ha is within the internationally protected Western Port Ramsar Wetland (WPRW).
- 4) The proposed action area is located within the Port of Hastings, approximately 72 km from the Melbourne CBD, and 2.6 km northeast of the centre of the Hastings township.
- 5) Within the development footprint the following activities are proposed:
 - Clearance of vegetation on the existing reclaimed land site (25 ha), which is outside of, but adjacent to, the WPRW;
 - Reclamation of seabed (29 ha) for wharf structure approximately 600 metres long by 100 m wide to be built (primarily through piling) alongside and above the reclaimed land and above the reclaimed seabed and capped with a concrete apron;
 - Development on the existing and newly reclaimed lands, with heavy-duty pavements to allow for storage of cargo and associated handling equipment and approximately 2 ha for warehousing, offices, car parks, and other ancillary facilities;

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- Dredging of up to 92 ha within WPRW to increase depths for ship access to wharf structure from the existing channel, to ensure an 11 m clearance in the shipping channel (and turning circle), and to deepen the berth pocket to 15 m. The specific dredging footprint is yet to be determined, but it would not be necessary to dredge the entire 92 ha.
- 6) The referral states that the proposed action is in the early stages, and a detailed description of the development and construction activities is not currently available. The referral also notes that the area for off-site impacts is unable to be properly defined due to the early stage of the proposed action.
- 7) The proposed action has also been referred for consideration under the *Victorian Environment Effects Act 1978*.
- 8) The referral identifies that the proposed action is likely to have significant impacts on the following Matters of National Environmental Significance:
- Ramsar wetlands (ss 16 & 17B)
 - Threatened species and ecological communities (ss 18 & 18A)
 - Migratory species (ss 20 & 20A).

Evidence or other material on which my findings were based

- 9) In making my decision to apply Division 1A of Part 7 of the EPBC Act, I consider the referral decision brief dated 18/12/23 prepared by the department and the attachments to the brief which are set out at **Annexure B**, and which include the referral and attachments to the referral (although I did not consider the attachments the referral decision brief labelled as C-D6 in Annexure B below).

Findings on material questions of fact

Ramsar wetlands (s16 & s17B)

Ecological character of the Western Port Ramsar Wetland

- 10) I note that WPRW was designated as a Ramsar Wetland in 1982 and is located 60 km southeast of Melbourne. WPRW comprises a large portion of the Western Port embayment to the north of Phillip Island. The WPRW consists of large shallow intertidal areas, dissected by deeper channels and covers approximately 60,000 ha.
- 11) I note and accept the advice from the department's Wetlands Section that the WPRW meets seven of the nine Ramsar Listing criteria. These criteria are:
- *Criterion 1: contains a representative, rare, or unique example of a natural or near-natural wetland type found within the biogeographic region.*
 - The WPRW contains good representatives of four Ramsar wetland types: B (Marine subtidal aquatic beds (i.e. underwater vegetation)), G (intertidal mud, sand or salt flats); H (intertidal marshes) and I (intertidal forested wetlands).
 - WPRW contains a very large expanse of intertidal sand and mudflats and marine subtidal aquatic beds. The extensive areas of saltmarsh and mangroves within the WPRW (wetland types H and I) are considered to be in good condition.

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- *Criterion 2: supports vulnerable, endangered, or critically endangered species or threatened ecological communities.*
 - The WPRW regularly supports one wetland dependant threatened ecological community and seven threatened fauna species.
- *Criterion 3: supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region.*
 - The soft sediments of the WPRW support a high diversity of Ghost Shrimps, including *Michelea microphylla*, a local endemic species known only from Crib Point. The intertidal and subtidal reefs at San Remo, which support a high diversity of one invertebrate group (Opisthobranchs (Sea-Slugs and Sea-hares)) and Crawfish Rock, although small, is considered especially diverse with 600 species documented at this site, including 130 algae, 150 sponges, 50 hydroids, 180 bryozoans and 80 ascidians. In addition, the rare hydroid *Ralpharia coccinea* is found at Crawfish Rock and may be endemic to Western Port.
- *Criterion 4: supports plant and/or animal species at a critical stage in their life cycles or provides refuge during adverse conditions.*
 - Over 35 waterbird species listed under international migratory agreements have been recorded within WPRW. There are 12 species of international migratory shorebirds that are regularly supported (in two thirds of seasons) by WPRW.
- *Criterion 5: regularly supports 20,000 or more waterbirds.*
 - The WPRW supports over 20,000 waterbirds in 80% of years (annual maximum count).
- *Criterion 6: regularly supports 1% of the individuals in a population of one species or subspecies of waterbirds.*
 - The WPRW regularly supports 1% of the individuals in six species including Australian Fairy Tern (*Sternula nereis nereis*), Australian Pied Oystercatcher (*Haemeopus longirostris*), Curlew Sandpiper (*Calidris ferruginea*), Eastern Curlew (*Numenius madagascariensis*), Pacifica Gull (*Laus pacificus*), Red-necked Stint (*Calirdis ruficollis*).
- *Criterion 8: is an important source of food for fishes, spawning ground, nursery and/or migration path on which fish stocks, either within the wetland or elsewhere depend.*
 - The WPRW is a key breeding area for species such as elephant fish, school shark and Australian anchovy, and a nursery area for species such as King George Whiting, Yellow-eye Mullet, and Australian Salmon. The WPRW supports a number of fish species that migrate between fresh, estuarine, and marine waters as part of their life cycles, including the Australian Grayling, Black Bream, and the Short-finned Eel. Seagrass, mangrove forests and other habitats within the embayment act as important nurse habitat for a range of fish and crustacean species.

12) I note and accept the advice from the department's Wetlands Section Line Area, that WPRW supports eight components, two processes and two services that are critical to the ecological character of the WPRW. These are:

- Wetland bathymetry
- Geomorphology and sedimentation
- Flora - seagrass
- Flora – mangrove
- Flora - saltmarsh
- Fauna – marine invertebrates
- Fauna - waterbirds
- Fauna – fish
- Supports threatened species – birds
- Supports threatened species - fish
- Rock Reefs
- Socio-economic and cultural values

13) I note and accept the advice from the department's Wetlands Section Line Area that under the Ramsar Convention the ecological character of a Ramsar Wetland is the sum of the biological, physical and chemical components of the wetland ecosystem, and their interactions, which maintain the wetland and its products, functions, and attributes. The department considers, and I agree, that the characteristics listed in paragraphs [11] – [12] form the ecological character of the WPRW.

14) I note that the Australian Ramsar Management Principles (Schedule 6) within the *Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)* state that principle 3 of Schedule 6 applies to the assessment of an action that is likely to have a significant impact on the ecological character of a Ramsar wetland (whether the action is to occur inside the wetland or not). Principle 3.04 states that an action should not be approved if it would be inconsistent with maintaining the ecological character of the wetland, or inconsistent with providing for the conservation and sustainable use of the wetland.

Impacts to the WPRW

15) I note and accept the advice from the department's Wetlands Section Line Area, that there are two key project components that will result in unacceptable direct impacts to the WPRW. These are:

- Reclamation of seabed and construction of wharf structure.
- Dredging.

16) I note and accept the advice from the department's Wetlands Section Line Area, that the above two components of the action will directly impact the following significant WPRW criteria:

- Areas of the WPRW will be destroyed and substantially modified.
- A substantial and measurable change in the hydrological regime of the WPRW will occur.
- A substantial and measurable change in the physico-chemical status of the WPRW will occur.

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- The habitat or lifecycle of native species dependent on the WPRW will be seriously affected.
- An invasive species may be established or encourage an existing invasive species that is harmful to the ecological character of the WPRW.

Reclamation of seabed and construction of wharf structure

- 17) I note that the proposed wharf will be 600 m wide by 100 m long built on top of a 29 ha reclaimed seabed. POH Corp proposes that, if the material is found suitable, the reclaimed area will be built using dredge spoil. I note and accept the advice from the department's Wetlands Section Line Area, that this will have an unacceptable impact as it:
- a) will permanently alter the shoreline and bathymetry;
 - b) will result in the loss of intertidal mudflat within WPRW;
 - c) will result in permanent changes to hydrodynamics and sediment distribution within WPRW;
 - d) will lead to a permanent loss of intertidal and sub-tidal habitats; and
 - e) poses a significant risk for introduction of new flora, fauna and pathogens exotic to WPRW.
- 18) I note that the Western Port Ramsar Wetland Ecological Character Description 2010 (ECD) states that "*potential reclamation could result in changes to hydrodynamics and sediment distribution, and a loss of intertidal and sub-tidal habitats*". The ECD further states that "dredging may also threaten components of the Ramsar site such as bathymetry and habitat availability, particularly if the expansion of dredging activities is required for the development of the port."
- 19) I note that the reclamation of land and construction of the port facility would extend into existing intertidal mudflats. As such, the loss of areas of mudflat would be unavoidable as part of the proposed action.
- 20) I note and accept the advice from the department's Wetlands Section Line Area, that wetland bathymetry (depths and contours of landforms of the seabed), geomorphology (types of seabed such as mudflat or reef) and sedimentation are critical components and processes of the WPRW. Bathymetry contributes to, and determines, several other components, processes, benefits and services of the WPRW. Bathymetry determines the potential depth and duration of inundation of wetland areas which plays a critical role in the distribution of particular vegetation communities. The bathymetry of the WPRW contributes to the presence of 8 distinct marine habitats that are critical components of the WPRW's ecological character.
- 21) I note and accept the advice from the department's Wetlands Section Line Area, that the artificial structures, such as piles to support offshore platforms, will change hydrodynamics and permanently alter sediment transport behaviours through the WPRW. I note and accept that the tidal regime of WPRW is considered an essential element of the site's critical components such as bathymetry, sediment transport and deposition, and habitat. Further, to enable function of this wharf structure, dredging is required to deepen the existing shipping lane to 11m deep and the berth pocket to a depth of 15m deep. I note and accept the advice from the department's Wetlands Section Line Area, that this

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will create a “dead zone” within the WPRW which will permanently alter downstream sedimentation and water exchange.

- 22) The department notes, and I agree, that even though modelling has not been undertaken for the proposed action, it is clear that the artificial structure proposed in the WPRW will cause a disruption to sediment and transport behaviours throughout the site, which will adversely impact the critical processes and components that form the ecological character of WPRW.
- 23) I note and accept the advice from the department’s Wetlands Section Line Area, that hydrological regimes and geomorphology/bathymetry are inextricably linked in coastal and waterway environments, where changes to one are typically accompanied by a response in the other. These processes typically develop to points of equilibrium over evolutionary timeframes and take considerable lengths of time to find new points of equilibrium following disturbance.
- 24) I note that while the referral states that the proposed action has an estimated end date of 2046, there is no information on decommissioning, and it is therefore possible that the reclaimed land and wharf will remain within WPRW permanently. I note and accept the advice from the department’s Wetlands Section Line Area, that even if some form of decommissioning were proposed, as a result of the reclamation of the seabed and construction of the wharf structure the proposed action area will never return to its natural state of intertidal mudflat, mangrove and seagrass habitat that was present prior to the existing reclamation.
- 25) I note and accept the advice from the department’s Wetlands Section Line Area, that the proposed action will adversely impact hydrodynamics, tidal pattern, and bathymetry. These impacts to hydrodynamics would be unavoidable and unlikely to be able to be mitigated. Therefore, large areas of the Western Port Ramsar site will be destroyed or substantially modified as a result of direct impacts of the proposed action. This would result in a permanent change to the ecological character of the Western Port Ramsar site that cannot be mitigated or offset.
- 26) I note that the referral states that reclaimed land would be formed from dredged materials, ‘if feasible’, and further imported material. The department considers, and I agree, that the importation of fill material from other sites poses a significant risk for introduction of exotic flora, fauna, and pathogens. Exotic species are known to outcompete and displace native species, while exotic flora species are also known for providing refuge for exotic fauna species.
- 27) I note and accept the advice from the department’s Wetlands Section Line Area, that the environmental change that would occur in the WPRW through land reclamation and creation of a wharf would not maintain or enhance the ecological character of the wetland, but would destroy or substantially modify the WPRW which would be considered a permanent change to the ecological character of the WPRW.
- 28) Based on the above, I accept the department’s advice that it is clear that the impacts to the ecological character of the WPRW arising from the seabed reclamation and the creation of a wharf would be unacceptable.

Dredging

- 29) I note that POH Corp has identified a potential 92 ha dredging area, although the referral indicates that not all 92 ha will be dredged. POH Corp has identified dredging will need to occur to allow an 11 m clearance in the shipping channel (and turning circle), and to deepen the berth pocket to 15 m.
- 30) I note and accept the advice from the department's Wetlands Section Line Area, that any amount of dredging within the WPRW will have unacceptable impacts as:
- it will directly contribute to the loss of intertidal mudflats throughout the WPRW;
 - it will directly contribute to the loss of feeding area for migratory species;
 - it will increase sedimentation and turbidity throughout the entire WPRW; and
 - it will directly lead to increase in presence of contaminants in the WPRW.
- 31) I note and accept the advice from the department's Wetlands Section Line Area, that the proposed action will adversely alter hydrodynamics, tidal patterns and bathymetry through the construction of a land reclamation area and dredging to increase the ship turning circle. The tidal regime of WPRW occurs in a clockwise direction, entering the port area through the south-west inlet. I note and accept that the tidal regime of WPRW is considered an essential element of the site's critical components such as bathymetry, sediment transport and deposition, and habitat. Tidal influences are also the driving process behind providing feeding habitats for waterbirds, exposing intertidal mudflats and seagrass vegetation and contributing to the assemblages of marine invertebrates and fish present within each habitat. I consider that the impacts to hydrodynamics as a result of the proposed action are unavoidable and unable to be mitigated.
- 32) I note and accept the advice from the department's Wetlands Section Line Area, that a key ecological characteristic of the WPRW is the extensive (approximately 270km²) intertidal mudflats that are less than 15 m deep. These mudflats underpin the food webs that support migratory species and other marine fauna. I accept the department's advice that these intertidal mudflats are a critical component of WPRW ecological character and contribute to and determine a number of other components, processes, benefits and services, such as food sources and nursery habitats for migratory birds, fish and marine species.
- 33) I note that the proposed action area is comprised of intertidal mudflats where the proposed reclaimed area and the current reclaimed area meet. A large array of intertidal mudflats is within 3km of the edge of the potential dredging boundary. The *Western Port Ramsar Management Plan* recognises this proposed dredging area as a large primary foraging area for a variety of shorebird species.
- 34) I note and accept the advice from the department's Wetlands Section Line Area, that the dredging proposed by POH Corp will result in the loss of intertidal mudflats within and around the proposed action area. The department considers, and I agree, that the direct or indirect loss of any intertidal mudflats throughout the WPRW caused by the proposed action will be an unacceptable impact.
- 35) Further, dredging directly contributes to increased sedimentation flow and turbidity, which would impact the intertidal mudflats of the WPRW through increased sedimentation flow and turbidity, directly decreasing the ability for flora species (namely saltmarsh, seagrass

and mangrove habitats in the WPRW) to undertake critical ecological processes such as photosynthesis. I note and accept the advice from the department's Wetlands Section Line Area, that this impact to the WPRW is unacceptable as it will lead to a direct reduction in area of occupancy of these species.

- 36) I note that the ECD identifies that epifauna (living above or attached to the sediment) and infauna (living within the sediment) marine invertebrates in the WPRW are considered critical in maintaining the ecological character of WPRW due to their importance as direct food sources for waterbirds and marine species. I note and accept the advice from the department's Wetlands Section Line Area, that dredging within the WPRW will directly contribute to a reduction in area of occupancy for these species.
- 37) I note and accept the advice from the department's Wetlands Section Line Area, that the reduction of marine invertebrate habitat constitutes a permanent and irreversible change to the ecological character of the WPRW. This is because the direct and indirect loss of intertidal mudflats (as described above at [32]-[34]) and direct loss of saltmarsh, seagrass and mangrove habitat throughout WPRW (as described above at [35]) will significantly reduce the ability for waterbirds and other marine species to feed in these areas.
- 38) The *Western Port Ramsar Site Management Plan* identifies that the types of chemicals thought to be of most concern within the sediment are heavy metals, pesticides, agricultural runoff and veterinary pharmaceuticals. In the absence of POH Corp undertaking preliminary characterisation of the sediment subject to dredging, I note and accept the advice from the department's Wetlands Section Line Area that the department has assumed the presence of some or all of these contaminants.
- 39) I note that the tidal regime consists of water entry through the south-west entrance of the site, flowing in a clockwise direction through the WPRW. I note and accept the advice from the department's Wetlands Section Line Area, that the pattern of clockwise water circulation within the WPRW would amplify the impacts of toxicant suspension and poor water quality, and that the flow of these contaminants throughout the WPRW system presents an unacceptable risk to seagrass, waterbirds and marine invertebrates.
- 40) For the reasons outlined above, I consider that it is clear that the impacts caused by the dredging associated with the proposed action will, when considered separately and together, have unacceptable impacts on the WPRW.

Other Impacts

41. I note that the ECD states that "*pollution is a significant risk and could result from oil and chemical spills, discharge of ballast water, shipping accidents, marinas and launching ramps, sewage and bilge water, litter, and other debris. Oil spills were identified as a threat of extreme priority to the migratory waders of the Ramsar site. In addition, the risk of oil spills on saltmarsh and mangrove vegetation is of high priority*". As noted above at [39], the pattern of clockwise water circulation within the bay will magnify the impacts of pollution and poor water quality.
- 42) I note and accept the advice from the department's Wetlands Section Line Area, that pollution from increased shipping and wharf activities, combined with sedimentation from dredging, will cause substantial and measurable change to the physico-chemical status of the WPRS.

Avoidance and Mitigation measures

- 43) I note that the referral identifies the following avoidance or mitigation measures for the proposed action:
- a) Dredging will be conducted in accordance with the Environment Protection Authority's *Best Practice Environment Management Guidelines for Dredging* (EPA 2001).
 - b) Further management measures will be assessed as the proposed action progresses.
- 44) I note and accept the advice from the department's Wetlands Section Line Area, that the WPRW unique wetland bathymetry make it one of the three most important areas for wading birds in Victoria.
- 45) I note and accept the advice from the department's Wetlands Section Line Area, that even if best practice avoidance and mitigation measures were developed and implemented as part of the proposed action, there would still remain to be significant direct and indirect impacts. The ecological character of the WPRW will be destroyed or reduced. Whilst the referral states that no offsets have been determined, the department considers, and I agree, that there is no alternate site which could be used to offset the impacts to the WPRW.
- 46) In light of this, I am further fortified in my view that the impacts of the proposed action to the WPRW are clearly unacceptable.

Conclusion

- 47) I note and accept the advice from the department's Wetlands Section Line Area, that the following impacts to the ecological character of the WPRW will occur as a result of the proposed action, and agree that these impacts will occur and cannot be adequately avoided or offset:
- large areas of the WPRW will be destroyed or substantially modified as a result of direct impacts of the proposed action;
 - the proposed action is likely to cause irreversible damage to the habitat of waterbirds and migratory birds and marine invertebrates and fish that are critical to the ecological character of the WPRW;
 - adverse impact on the habitat or lifecycle of native species dependent on the wetland, negatively impacting the ecological character of the WPRW; and
 - adverse impact on the ecological character of the WPRW is not only likely, but unavoidable.
- 48) Although detailed project specification and/or environmental assessment has not been undertaken, I note and accept the advice from the department's Wetlands Section Line Area, that the information provided is sufficient to conclude that the scale and nature of the proposed action and its attendant risks is such that adverse impacts on the ecological character of the WPRW would be unavoidable. I also agree with the department's view that the impacts on the ecological character of the WPRW will not be able to be mitigated or offset.

- 49) In light of the matters discussed above, I agree with the department that it is clear that the impacts of the proposed action (which cannot be mitigated or offset) would result in adverse impacts on the ecological character of the WPRW, and that these impacts would be unacceptable.
- 50) I therefore consider that it is clear that the proposed action would have unacceptable impacts on matters protected by provisions of Part 3 of the EPBC Act, specifically the ecological character of a declared Ramsar wetland (ss 16 & 17B of the EPBC Act). I consider (and accept the department's advice) that the proposed action will have unacceptable impacts on the WPRW's ecological character, which will arise from:
- Significant disruption to the tidal flows as a result of the dredging and permanent wharf structure, which will impact the deposition and movement of sediments and nutrients that in turn will impact the food webs of the mudflats and coastal area;
 - Permanent and irreversible impacts to the intertidal mudflats and subtidal flats throughout the WPRW which will in turn affect sediment movement, habitat and food webs critical to the ecological character of WPRW;
 - The reduction of marine invertebrate habitat constituting a permanent and irreversible change to the ecological character of the WPRW;
 - The potential for toxicant suspension and acid sulfate soil suspension in the WPRW through dredging.
- 51) I also note that in circumstances where the relevant impacts of the proposed action are unable to be mitigated or are unable to be mitigated to an acceptable level, the department does not consider that the attachment of conditions to any approval could render the impacts acceptable or would render approval of the proposed action consistent with Australia's obligations under the Ramsar Convention, and I agree. In coming to this view, I have taken into consideration (as did the department) Australia's obligations under the Ramsar Convention interpreted in light of relevant Ramsar COP Recommendations and Resolutions. In particular, the decision that the action is clearly unacceptable aligns with the Convention requiring contracting parties to promote the wise and sustainable use of the wetland, in a way that is compatible with and does not impact on the natural properties of the ecosystem.

Other Part 3 protected matters

- 52) I note that there are other possible significant impacts to the following protected matters under the EPBC Act as a result of this proposed action:
- listed threatened species and communities (sections 18 & 18A)
 - listed migratory species (section 20)
- 53) However, the department considers, and I agree, that it is not clear that such impacts would be unacceptable. I am of the view that it is not necessary to consider these impacts further for the purposes of making this decision (that the proposed action would or would not have unacceptable impacts).

Social and economic factors

- 54) I note the referral states that the Victorian Commercial Ports Strategy identified the key role of ports in the construction of OSW farms. Ports are required for the receiving of OSW components from overseas and hosting their assembly and storage. The Strategy commits support to the ports sector in servicing the transition to a net zero emissions economy by 2050 and commits the POH Corp to preparing an investment case for a new facility capable of supporting OSW construction and bulk trades.
- 55) The referral further states that in October 2022, the Victorian Government released Offshore Wind Implementation Statement 1 outlining plans for the establishment of an OSW industry. This was later confirmed in March 2023, in the Victorian Government's Offshore Wind Implementation Statement 2 (**Implementation Statement 2**).
- 56) I note that Implementation Statement 2 reaffirmed the government's position that the Port of Hastings is the preferred port to support OSW construction, subject to necessary community and industry consultation and environment and planning approvals. It stated that the Port of Hastings has many advantages, including large areas of appropriately zoned land, deep water channels, and proximity to proposed offshore wind projects off the coast of both Portland and Gippsland.
- 57) In Implementation Statement 2, the Victorian Government committed to providing early investment in the development of the Port of Hastings to support the establishment of the OSW sector. It stated that the Victorian Government is leading the nation in the transition to net zero by 2045 – increasing its renewable energy targets to 65 per cent by 2030 and 95 per cent by 2035 – and that offshore wind energy is key to this once-in-a-generation renewable energy transition, delivering clean and affordable power, creating thousands of jobs and developing a thriving Victorian renewable energy supply chain.
- 58) I note the referral states that since October 2022, POH Corp has spoken to key stakeholders, including local government, offshore wind developers, key community groups, and their existing Community Consultative Committee. The referral states that these conversations have been constructive, with stakeholders broadly supporting the offshore wind industry and accepting that infrastructure is needed to support its inception. A Communications and Engagement Strategy has been prepared to inform and involve local and First Nations communities, stakeholders, industry and government in the development of the proposed Terminal.
- 59) I note the department's advice that the social and economic factors detailed above demonstrate that the proposed action is likely to provide significant benefit to the State of Victoria, specifically in contributing to the transition to renewable energy. Should the proposed action not proceed, the advantages from establishing a port to support OSW construction at the proposed action site (including its large areas of appropriately zoned land, deep water channels, and proximity to proposed offshore wind projects off the coast of both Portland and Gippsland) may be lost.
- 60) While I note the social and economic benefits of the proposed action, this does not change my view that it is clear that the impacts of the proposed action (which cannot be

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mitigated or offset) would result in unacceptable impacts on the ecological character of the WPRW.

Decision

61) In light of my findings above, I consider that the proposed action would have clearly unacceptable impacts on the ecological character of Ramsar wetlands protected by the provisions of Part 3 of the EPBC Act, and that Division 1A of Part 7 of the EPBC Act should apply to the proposed action.

name and position The Hon Tanya Plibersek MP
Minister for the Environment and Water

signature 

date of decision 18.12.23
