Marine Users, Interests and the Environment in the Hunter Region, New South Wales

The Minister for Climate Change and Energy has proposed an area in the Commonwealth waters off the Hunter region of New South Wales for considered for offshore wind and other renewable energy projects. This initial area is a **proposal**. It is **not**the final declaration. It acts as a starting point for further consultation.

The Australian Government wants to manage the offshore marine environment in a way that recognises all users and balances competing interests. **Future** **offshore renewable energy projects must work with existing users and interests to ensure the area is shared while maintaining a safe marine space during construction, operation and maintenance phases.**

Understanding existing users and interests in, and near, the area under consideration is important and will help inform the Minister for Climate Change and Energy’s decision on whether the area is suitable for offshore renewable energy developments, like offshore wind projects.

**This is your first opportunity to provide feedback.** If a declaration is made in the future, developers will also be required to seek feedback on any proposed projects and demonstrate how they will share the area with existing users.



## Users and interests

We have undertaken preliminary consultation with Commonwealth and New South Wales Government agencies to identify interests in the vicinity of the area. Below is a list of identified interests that may facilitate conversations about the potential suitability of the area for offshore renewable energy.

We have also developed a map that allows users to interact with the Hunter area under consideration and geographic information relevant to other users and interests in the area. The map, other tools, visualisations, and data relevant to Offshore Renewable Energy in Australian waters are also available on the [Australian Marine Spatial Information System](https://amsis-geoscience-au.hub.arcgis.com/pages/renewables) portal.

### Traditional Owners, Native Title and Sea Country

The proposed area is adjacent to the traditional lands and sea of the Awabakal, Bahtabah, Biraban, Darkinjung, Karuah, Mindaribba, and Worimi people. While no Native Title claims overlap the proposed offshore area, Traditional Owners have significant interests in the marine region, as part of their cultural heritage.

Developers will need to understand their obligations if land-based transmission infrastructure is proposed and requirements under the [*Native Title Act 1993*](https://www.legislation.gov.au/Series/C2004A04665)may apply.

### Natural Environment

The Hunter region is made up of many natural environments including large coastal areas and lakes, along with expansive bushland, including the Barrington Tops and Wollemi national parks. The region is also home to a range of marine ecosystems protected by a series of Commonwealth and NSW Marine Parks.

The area contains designated biologically important areas (BIAs) for migrating humpback whales and foraging seabirds and is close to a BIA for Indo-Pacific bottlenose dolphins. Grey nurse sharks also use the area. Over 50 of the fish species that live in this area are endemic. The Port Stephens – Great Lakes Marine Park is located immediately adjacent to the northwest boundary of the preliminary area and extends from Cape Hawke near Forster to the northern end of Stockton Beach. The Director of National Parks will determine if development activities may have an impact on the values of the Park and whether effective mitigation measures may be required.

There are a number of Matters of National Environmental Significance (MNES) in and near the area. These include: birds (Gould’s Petrel, petrels, albatross, curlews, frigatebirds, shearwaters and penguins); cetaceans (whales, dolphins, sharks, dugongs); rays; turtles; and Ramsar sites (Hunter Estuary Wetlands). Proposals must not be: inconsistent with recovery plans for relevant MNES; be likely to change the ecological character of a Ramsar wetland; be likely to interfere with the long-term conservation of threatened or migratory seabird species; or be inconsistent with the requirements of migratory species treaties.

The [*Offshore Electricity Infrastructure Act 2021*](https://www.legislation.gov.au/Details/C2021A00120) (OEI Act) has been designed to operate in conjunction with other applicable regulatory regimes. Specifically, offshore infrastructure activities are subject to environmental approval requirements under environmental legislation, including the [*Environment Protection and Biodiversity Conservation Act 1999*](https://www.dcceew.gov.au/environment/epbc/referral-and-assessment-process) (EPBC Act) administered by the Department. Approval under the EPBC Act will be required for all prospective projects. This includes an assessment of the relevant impacts and proposed avoidance, management, mitigation and, where appropriate, offset measures, to demonstrate appropriate environmental outcomes can be achieved.

Obtaining environmental approvals under the EPBC Act (and other relevant NSW and Commonwealth legislation) provides no guarantee that a proposed project location will be included in a declared area or that a proponent will be successful in obtaining a relevant OEI Act licence in the area. Developers must ensure they receive all other relevant approvals and undertake any required consultation processes before they can apply for a commercial licence.

Work is ongoing with environmental teams within the Department to ensure environmental concerns are thoroughly examined and carefully considered.

### Airports and Defence

The area is in close proximity to the Royal Australian Air Force (RAAF) Base Williamtown and the Newcastle Airport. The proposed area is used for Defence activities. In accordance with Department of Defence advice, developers of wind turbines and other infrastructure in the area under consideration will likely have to consult with the Department of Defence through the licensing stages to determine potential impacts of their proposed project on restricted airspace.

### Vessel Traffic

The Port of Newcastle is the largest port on the east coast of Australia with 2,200 trade vessels annually that transport 166 million tonnes of cargo. The port is a vital economic gateway to the Hunter Valley and to NSW. The development of offshore electricity infrastructure needs to ensure that it does not disrupt vessel traffic and port operations.

The shipping sector plays a significant role in the global economy and is critical to Australia as an island economy. Over 90% of Australia’s exports depend on sea transport and the combined value of Australia’s seagoing international imports and exports was over $400 billion in 2015/16 — equal to 25% of Australia’s gross domestic product.

The area off the Hunter sees a high volume of domestic and international shipping traffic heading to a variety of locations. To ensure there is adequate space for vessel traffic in the vicinity of the area, high volume shipping channels, including traffic separation schemes, and drifting areas, will need to be considered by the Australian Maritime Safety Authority and the Port Authority of New South Wales.

### Weather Radars

The Bureau of Meteorology (BOM) operates the Newcastle weather radar at Lemon Tree Passage in Port Stephens. The radar has a very good view in all directions and is the primary weather radar for the populated areas around Newcastle and the NSW Central Coast. It provides weather information and forecasting for the region north to Port Macquarie, west to Wollemi National Park and south to Campbelltown. Developers will need to work with BOM to ensure that their projects do not interfere with weather radars.

### Commercial and Recreational Fishing

Commercial fishing is an important industry in the Hunter region and many of the towns originally developed to support the fishing industry in the area. Commercial fishers in the region operate under a range of licensing systems, with many holding licences to fish in fisheries managed by NSW and Commonwealth agencies. A number of Commonwealth fisheries are located within the area, including the Eastern Tuna and Billfish Fishery, and the Small Pelagic Fishery. The proposed area also contains a lobster, ocean trap and line, and ocean trawl fishery, utilised by 40 fishing businesses, and managed by the NSW government. The Hunter coastline also offers extensive recreational fishing opportunities which are enjoyed by over a million anglers every year.

The interaction of offshore wind on recreational fishing has been examined overseas. Evidence from overseas, where offshore renewable energy projects have existed for many years, suggests that offshore wind and fishing can, in many cases, share the same space. The installation of wind turbines may have long term local benefits as turbines may function as nurseries, potentially increasing fish stocks in surrounding areas.

In most cases, commercial and recreational fishing activities will be able to share the space with future offshore renewable energy projects. However, the construction and operation of renewable energy projects in the ocean is a relatively new concept in Australia and there is further work required to understand what arrangements may be needed for fishing activities and these projects to share the same areas. **Developers will need to undertake consultation with the local community** **and demonstrate how they will share the area with other users** and will also need to have a plan for gathering and responding to ongoing feedback from stakeholders throughout the life of the project.

There may be small, restricted areas around offshore renewable turbines and substations, as with other marine infrastructure such as navigation buoys and oil and gas platforms. These restricted areas are to ensure the safety of offshore workers and other users of the marine environment, and to protect the infrastructure from damage. There may be larger restricted areas while any approved offshore wind projects are under construction to ensure safety for marine users and construction workers. The exact details of these restricted areas will be determined on a project-by-project basis.

### Existing Titles and Infrastructure

The Hunter region has a significant association with coal mining and electricity generation, which has been, and remains, a large part of the region’s economy and employment. Offshore resource extraction also has a significant presence in the area off the Hunter region.

There is currently one exploratory gas and oil well within the proposed area. The location of this well should be considered by proponents when defining an area for an offshore electricity infrastructure licence. The [*Offshore Petroleum and Greenhouse Gas Storage Act 2006*](https://www.legislation.gov.au/Series/C2006A00014)(OPGGS Act) contains provisions requiring the titleholder or licence holder to consider other users when conducting activities, and not interfere to a greater extent than is necessary for the reasonable exercise of rights and obligations of the licence/title holder.

There are several subsea cables which pass around the proposed area, although none directly
within it.

Crown Lands licences a number of existing dredging operations within the investigation area, which aim to facilitate safe navigation and/or beach nourishment. The location of potential offshore sand deposits and nourishment deposition areas being investigated for future sand nourishment operations should be taken into consideration during consultation.

Holders of existing titles, and owners of existing infrastructure, including subsea cables, will continue to have established legal rights within the area of their titles and in relation to their infrastructure. This may include rights to explore or produce, and rights of access to inspect, maintain and repair their infrastructure. There may be regular vessel and helicopter movements in the area.

**Developers will need to undertake consultation and demonstrate how they will share the area with other users** and will also need to have a plan for gathering and responding to ongoing feedback from stakeholders throughout the life of the project.

### Tourism

Commonly known as 'Wine Country', the Hunter Valley is a major tourist destination in New South Wales and is the 6th most visited place in Australia attracting more than 2.5 million people annually. The coastline and beaches are also a major tourist attraction. Tourism generates approximately $1.928 billion in the Hunter Region with an estimated 8.8 million nights spent by visitors in the region annually.

The construction and operation of renewable energy projects in the ocean is a relatively new concept in Australia. However, insights from research undertaken into the first offshore wind project in the United States indicated that, overall, tourism and recreational professionals had largely positive encounters with the project. The research suggested that people were curious about the project especially since it was the first one in the USA and that it helped attract sightseers and recreational fishers to the area. Overall, the researchers found little evidence that the project had adversely affected participation in tourism and recreation in the area.

### Next Steps for Potential Projects

Prior to the construction of any infrastructure, developers must develop a management plan. As part of the preparation of these plans, developers will need to consult with the local community and show how they will share the area with other users. Developers will also need to have a plan for gathering and responding to ongoing feedback from stakeholders throughout the life of the project. Prospective proponents are also required to consult with the appropriate government agencies to ensure constraints are thoroughly considered and addressed throughout their projects.

Access by other marine users will not be restricted any more than is necessary to ensure safe navigation and operations, and the protection of infrastructure. This is consistent with the principle of shared use of the marine environment. As with any infrastructure in the marine environment (such as navigation buoys, and oil and gas wells), there may be restricted areas placed around offshore renewable infrastructure, such as individual wind turbines and offshore substations. There may be larger restricted areas required during construction of offshore infrastructure to ensure the safety of marine users and construction workers.