18/09/2025

To whom it may concern,

Feedback: Updated Draft Scoping Requirements Victorian Renewable Energy Terminal EES

Executive Summary

The not-for-profit Mornington Peninsula and Western Port Biosphere Reserve Foundation (Biosphere Foundation) was established in 2003 to help realise the vision for the UNESCO-certified Mornington Peninsula and Western Port Biosphere Reserve (Western Port Biosphere).*

We welcome the opportunity to provide a submission in response to the updated draft scoping requirements for the proposed Victorian Renewable Energy Terminal (VRET) Environment Effects Statement (EES).

The Biosphere Foundation:

- strongly supports the accelerated transition to renewable energy;
- calls for the utmost scrutiny and care given the location within an internationally significant Ramsar-listed wetland and UNESCO Biosphere Reserve;
- notes that the initial VRET proposal was rejected at Commonwealth Ministerial level due to 'clearly unacceptable' impacts on Western Port's Ramsar wetlands;
- notes that while the scale of the revised proposal is reduced, the nature of its activities are unchanged;
- is concerned by the extensive dredging and reclamation proposed – by far the most significant since Western Port was designated as a wetland of international significance under the Ramsar Convention
- urges the immediate development of a Strategic Framework for Western Port

Our detailed feedback on the updated draft scoping requirements can be found in the Attachment. The key points are:

- Community Consultation Process Requires Strengthening
- Minimising Impacts on Matters of National Environmental Significance (MNES) and Consideration of Alternatives
- Environmental Management Framework and Relationship to Limits of Acceptable Change
- Ecosystem Approach Required
- Nature Positive – Biodiversity Net Gain.
- Biodiversity and Ecological values
- Cumulative and Indirect Impacts
- Dredging & Reclamation Impacts
- Blue Carbon
- Climate Change
- Shipping and Marine Protection

The context of our detailed responses

The location of the proposed VRET facility within a Ramsar-listed wetland and a UNESCO Biosphere Reserve demands the highest level of scrutiny and care.

As previously stated in our December 2024 submission to the original EES Draft Scoping Requirements (available here) and in our publicly available submissions to the EPBC referrals for this project, we strongly support the accelerated transition to renewable energy to meet urgent climate targets.

In December 2023, the Minister for the Environment and Water, the Hon. Tanya Plibersek MP, determined that the earlier proposal for the VRET project posed "clearly unacceptable" impacts on the ecological character of the Western Port Ramsar wetland and rejected it under section 74B of the EPBC Act. In her *Statement of Reasons*, the Minister emphasised the international significance of the site, the potential for irreversible ecological impacts from reclamation and dredging, and the lack of sufficient information to demonstrate that these impacts could be adequately avoided or mitigated. The Biosphere Foundation remains concerned that many of the fundamental risks identified in the Minister's decision are still present in the refined project design.

While we note that the updated project design by the Port of Hastings Corporation (PoHC) outlines a reduction in ***scale*** of the proposed activities, these changes do not alter the ***nature*** of the activities, which still occur within or adjacent to environmentally sensitive areas.

The updated scoping requirements state that **the proposed volume of dredging is 525,000 m^3 – this would be one of the largest dredging campaigns in the recorded history of Western Port – and by far the most significant since Western Port was designated as a wetland of international significance under the Ramsar convention in 1982**[1].

Call for a Strategic Framework for Western Port

The proposed VRET project highlights a critical gap: the absence of a long-term Strategic Framework to guide conservation and development decisions for Western Port. This is not just an environmental planning issue — it is a governance and coordination challenge that affects community trust, investor certainty, and the long-term health of a unique coastal ecosystem.

The Biosphere Foundation strongly supports the development of a Western Port Strategic Framework — a call we have made consistently in previous submissions and discussions with all levels of government. Such a framework is urgently needed and should be led by the Victorian Government with the support of the Commonwealth.

A Strategic Framework would:

- Enable science-based marine spatial planning under the Marine and Coastal Act 2018;
- Respect and embed Traditional Owner rights and cultural connections as foundational to Sea Country planning;
- Provide a transparent basis for balancing the region's diverse and sometimes competing values — including industrial infrastructure, Ramsar wetlands, fishing, recreation and tourism;
- Help coordinate cumulative impact assessment across multiple projects and proposals;
- Provide clarity to proponents and communities alike by outlining agreed planning principles and environmental baselines.

[1] Attachment 12 to Port of Hastings Corporation EPBC referral – Western Port Dredging and Reclamation History 31.01.2025

Western Port is already subject to a growing number of pressures — from port activity and shipping to catchment runoff and climate change. Without a strategic, cross-sector plan, individual project assessments risk being piecemeal and reactive, exposing proponents to unnecessary and significant sunk costs.

Key stakeholders across local government, industry, science, and the community have expressed strong support for such an initiative and are interested in working collaboratively to chart a sustainable future for the region. The recent collection and synthesis of significant environmental data to support this VRET application can be leveraged to fast-track a marine spatial planning process as a first step.

This is about more than project-by-project decision making. It is about ensuring Western Port remains a place where internationally significant ecosystems, community values, and responsible development can co-exist — guided by a shared vision and robust planning tools.

Updated Draft EES Scoping Requirements

The following attachment provides our key comments on the updated draft scoping requirements.

Thank you for considering these comments. I would be pleased to provide further background and information if required as the Biosphere Foundation is keen to be an active and constructive participant in the EES process. I can be contacted by email ceo@biosphere.org.au or phone 0466 235 611.

Yours sincerely,

Mel Barker
CEO, Western Port Biosphere Foundation

*** About the Mornington Peninsula and Western Port Biosphere Reserve**

The Western Port Biosphere Reserve was designated over 20 years ago under the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Global Biosphere Reserve Programme, recognising the region's outstanding ecological values and the opportunity to balance conservation with sustainable development.

The Mornington Peninsula and Western Port Biosphere Reserve Foundation (the Biosphere Foundation) was established in 2003 to help realise this vision. Our purpose is to inspire a positive future by connecting people and nature today. As a not-for-profit organisation, we advocate and support environmentally sustainable development within the internationally recognised Western Port Biosphere Reserve.

To do this, we collaborate via a strong network of partnerships that span local government, Traditional Owners, aligned conservation organisations, scientific institutions, industry and community groups. We believe that lasting environmental outcomes are achieved through collaboration, and our work consistently brings together diverse stakeholders to co-design and deliver place-based solutions. This approach ensures that science, local knowledge and community values are integrated into the stewardship of the Western Port Biosphere Reserve.

We recognise the Bunurong / Boon Wurrung people as the Traditional Custodians of the lands and waters of the Western Port Biosphere Reserve and are committed to working in partnership with them to care for and protect the landscapes and seascapes of the Biosphere Reserve.

We partner with the four councils that fringe Western Port—Bass Coast Shire Council, Cardinia Shire Council, the City of Casey, and Mornington Peninsula Shire Council—which collectively are home to approximately 750,000 residents. The Biosphere Reserve is also a key tourist destination, with many millions of people visiting it annually.

Our Foundation has led or supported a range of projects including blue carbon protection and restoration, establishment of wildlife corridors, threatened species and education. These projects have been and are being funded by local councils, state government, philanthropists and business.

ATTACHMENT: Comments on Updated Draft Scoping Requirements

Concern	Scoping reqts section	Detail
Community Consultation Process Requires Strengthening	2.2.3 and 2.2.5	The EES process in Victoria provides the opportunity for a comprehensive, scientific and inclusive analysis of the impacts of the proposed facility to underpin informed decision making. It is essential that appropriate experts, as well as local knowledge, is harnessed to complete the detailed EES scopes and subsequently deliver and review the EES technical studies. The scientific rigour and quality of the final technical reports is critical. Given the scale and significance of the proposed development—situated within a Ramsar-listed wetland and the internationally recognised Western Port UNESCO Biosphere Reserve—and the likelihood that it will result in one of the largest EES document packages in Victoria's history, **it is imperative that statutory consultation timeframes be extended beyond the standard minimum**. This will ensure that community members, local organisations, and subject matter experts have adequate time to review the extensive documentation and provide informed feedback. Furthermore, once the EES studies are complete, a **full public inquiry** should be convened to facilitate genuine engagement, transparency, and accountability in decision-making.
Minimising impacts on Matters of National Environmental Significance and consideration of alternatives	2.3, 3.1 and 3.4	The Commonwealth's EPBC Guidelines state that it is incumbent on the proponent to analyse if they can avoid impacts on Matters of National Environmental Significance (MNES). Further, the Updated Draft Scoping Requirements emphasises that the EES must "……**document the assessment of environmental effects of feasible alternatives, particularly where these offer a potential to avoid and/or minimise significant environmental effects whilst meeting the objectives of the project**.". Given, as per section 2.3, the EES process is accredited to assess impacts on MNES under the EPBC Act through the Bilaterial Agreement, both the EPBC and EES requirements are relevant here.

		For the community to understand if the significant impacts on MNES (e.g. the Western Port Ramsar wetland) under this proposal could be avoided altogether, we seek for public release of the port multi-criteria assessment. We also seek an assessment of the potential impacts on MNES for each port option to be publicly released. Similarly, we would also like to see the public release of the multi-criteria assessment (including weightings) of the different technical design alternatives at the Hastings site, alongside an assessment of their impacts on MNES. We acknowledge that there are a range of factors that ultimately lead to a preferred site or design proposal, but recommend that these multi-criteria analyses **are released into the public domain for transparency and to build trust with the community that environmental factors were given due consideration as part of the decision-making process.** We recommend that the above information is released as soon as possible so that by the time the EES is released, this information has already been reviewed and discussed with the community. **Rationale for design requirements placed on the Port of Hastings Corporation** It is our understanding that the Victorian Government has required that the PoHC design a facility that meets specific requirements, including: • ability to meet specific wind farm generation capacities by set timeframes • ability to handle fixed foundation offshore wind turbines (as opposed to floating) • that the port must be able to handle both the foundations and turbines themselves The rationale for these requirements should be included within the EES documentation so that the community understands if the impacts on MNES, or Western Port more generally, could be avoided or minimised through a smaller VRET footprint. As an example, if the fixed foundations could be dealt with by another Victorian port, this would likely reduce the VRET footprint in Western Port. Similarly, the current design allows for multiple vessels to dock simultaneously – the EES should include an analysis of the impacts of a smaller wharf to reduce the amount of reclamation and dredging required.

Environmental Management Framework and relationship to Limits of Acceptable Change	3.6	The updated draft scoping requirements clearly articulate the need for a transparent and accountable Environmental Management Framework (EMF) that spans all phases of the project—from design through to operation. Whilst we note in Section 3.6 that community consultation is an important aspect of the EMF, we request that the **need for independent scrutiny and regulatory oversight is also explicitly included**. Given the ecological sensitivity of Western Port (an internationally recognised Ramsar wetland and UNESCO Biosphere Reserve) and the scale of dredging proposed, it will be important for compliance with the EMF to have independent oversight mechanisms and transparent communication with the community. We note the precedent set by the establishment of the Office of the Environmental Monitor during the Port Phillip Bay dredging project, which provided a trusted interface between regulators and the public, and ensured adherence to the Environmental Management Plan. In addition, the Commonwealth Government's 2010 '*Western Port Ramsar Wetland –Ecological Character Description*' document explicitly states that **the limit of acceptable change is 'no loss of intertidal mudflat area'** to maintain the ecological character of Western Port. **It is unclear how this will be reconciled with the proposed reclamation of mudflats under the current project.**
Ecosystem approach required	3.1 Characterise the environment 4.1 Risk based approach	While we support the approach outlined in Section 3.1 of the updated draft scoping requirements—particularly the directive to "characterise the existing environment and identify relevant environmental values to underpin impact assessments, having regard to the systems and risk-based approach'—**it is crucial that this is explicitly complemented by an ecosystem-based approach, as required under Victoria's *Marine and Coastal Act 2018*** and associated regulatory framework. Although the current scoping document makes reference to direct and impact impacts – it does not clearly mandate an ecosystem-based approach, despite this being a requirement of the Act. To ensure comprehensive identification of impacts and risks, **the EES should include a dedicated section characterising and modelling the Western Port ecosystem.** This would allow for a more integrated understanding of cascading effects—for example, dredging may generate sediment plumes that affect seagrass beds, which in turn support key species such as

		fish, invertebrates, and migratory birds. **Without an ecosystem-based lens, such interdependencies risk being overlooked.** The EES should clearly outline how ecosystem-based approaches will be embedded in both the characterisation of the environment and the assessment of impacts. While we note the screening methods in the supporting documents prepared for the second EPBC referral, we suggest that other screening tools should be analysed to see if they provide a more robust approach for measuring ecosystem risks. We are aware of DEECA's Feature Activity Sensitivity Tool (FeAST), but there are also other screening approaches that may provide increased biological resolution and incorporate cumulative pressures.
Nature Positive – Biodiversity net gain		The VRET referral materials rely heavily on offsetting residual impacts, yet at this stage the offset options remain undefined or uncertain. The Biosphere Foundation believes that **the environmental case for this project must go beyond what can be offset**. It must demonstrate how the development will contribute positively to the ecological resilience, carbon sequestration, and long-term health of Western Port. Section 3.1(3) of the updated draft scoping requirements outlines the mitigation hierarchy—avoidance, minimisation, rehabilitation/restoration, and finally offsets. While offsets are a recognised tool under Victorian Government policy for achieving net biodiversity gain, they should not be the default or sole mechanism for managing environmental impacts. This project, given its scale and location within a Ramsar-listed wetland, must prioritise higher-order mitigation measures and demonstrate genuine ecological enhancement. **We recommend that the final EES scoping requirements explicitly require the proponent to specify how the project will deliver net biodiversity gain beyond offsets, including through habitat restoration, ecosystem-based management, and contributions to long-term monitoring and stewardship of Western Port's ecological values.** A 'nature positive' or 'net gain' approach is consistent with both Victorian and Commonwealth Government policies. As noted in our previous submission to the original EES Scoping Requirements, Infrastructure Victoria's report *Advice on Securing Victoria's Port Capacity* provided comprehensive advice to the Victorian Government and included a number of recommendations. With regard to Hastings, it noted that offsets were not readily identifiable and that "Where offsets involve revegetation or

		creation of new habitat the offset needs to be developed in advance of the port development to demonstrate it is effective and sustainable". Infrastructure Victoria further noted that instead of just considering offsets, a new approach to port development should be taken – one that is 'Working with nature'. It states "'Working with Nature' is a best practice project philosophy developed by PIANC – the World Association for Waterborne Transport Infrastructure. Working with Nature aims to identify and implement 'win-win' solutions for port projects that deliver project objectives as well as protecting or enhancing the environment. Working with, rather than against natural processes can result in more sustainable and cost-effective, long-term solutions." Given Infrastructure Victoria's advice, we recommend the adoption of a 'Working with nature' approach and development of nature positive options for Western Port, on which the community is consulted. The establishment of a Regional and Strategic Partnership (RaSP) for Western Port as part of the implementation of the Western Port Strategic Framework provides one possible mechanism to have oversight of the monitoring and effectiveness of these nature positive projects.
Biodiversity and ecological values		Western Port is internationally recognised as a Ramsar wetland of outstanding ecological significance, primarily due to its extensive intertidal mudflats, which are among the most expansive and productive in south-eastern Australia. These mudflats, as first described in detail by Shapiro (1975), are the foundation of the bay's food web, supporting a rich community of microphytobenthos (MPB)—microscopic algae and cyanobacteria that form a living film on the sediment surface. The MPB are the primary producers in this ecosystem, fuelling high rates of primary productivity that underpin the abundance and diversity of benthic invertebrates, such as worms, molluscs, and crustaceans. These invertebrates, in turn, are the principal food source for the internationally significant populations of migratory shorebirds and waterbirds for which Western Port is listed under the Ramsar Convention. The ecological integrity of these mudflats—and the MPB communities they support—is thus central to maintaining the wetland's Ramsar status and its capacity to support globally significant bird populations and ecosystem services. Given the foundational ecological role of MPB in Western Port's intertidal mudflats **we strongly recommend that MPB be explicitly recognised within the biodiversity assessment scope**

		of the EES. To ensure that potential impacts from dredging, sedimentation, and light attenuation are properly understood and mitigated, **the EES should include MPB in baseline ecological characterisation, impact modelling, and monitoring frameworks**. The presence of bryozoan reef—a threatened ecological community listed under the Flora and Fauna Guarantee Act—should be explicitly recognised and addressed in the impact assessment and management plans. The EES should detail how this community will be identified, protected, and monitored throughout the project lifecycle. The potential for prolonged noise from piling activities—occurring over many months—may act as a barrier to the north-south movement of species traversing Western Port. The consequences of such a barrier, particularly for migratory or wide-ranging species, require careful assessment and mitigation. Whilst the scoping requirements generically talk about biodiversity and habitat, we belie that the matters discussed here warrant explicit recognition given their scale and significance.
Cumulative and indirect impacts	4.1	There is a need to consider the cumulative impacts of multiple stressors associated with the project: including chronic noise from piling, habitat and food source disturbance from reclamation and an extensive dredging campaign, and increased light pollution. These combined pressures may have significant effects on key species, including migratory birds for which Western Port is internationally recognised. In addition to these direct impacts, there are also risks from additional stressors such as the potential introduction of marine pests and the possibility of oil spills or other pollution incidents arising from increased vessel traffic. Together, these factors could amplify ecological pressures on sensitive habitats and species, underscoring the importance of a comprehensive cumulative impact assessment within the EES. We note that this is specified in Section 4.1 of the Updated Scoping requirements. We note that the EPBC Act makes reference to the need to consider indirect consequences of a proposed action. Whilst we note that that indirect effects of the project are mentioned throughout the Updated scoping requirements, we request that it is made explicit that they should include

		facilitated impacts which are considered to be within the scope of indirect impacts under the EPBC regulatory framework.
Dredging & reclamation Impacts		The updated scoping requirements specify that the VRET proposal will involve dredging approximately 525,000 m³ of material from Western Port. This would be one of the largest dredging campaigns in Western Port in the last century—comparable only to the major reclamation-related dredges of the 1910s and 1970s, and far exceeding the scale of typical dredging in the last 40 years, which has been limited to small-scale maintenance works (usually less than 5,000 m³ per campaign).. **The VRET proposal would mark a return to pre-Ramsar era dredging and reclamation volumes, and therefore warrants careful consideration in the context of Western Port's Ramsar commitments.** It would be prudent for the final scoping requirements to explicitly put the proposed large-scale dredging and reclamation into this context in Section 1.1. We expect that detailed hydrodynamic and sediment transport modelling will be completed for the project, with clear acknowledgement of the limitations and assumptions inherent in these models. Given the complex and dynamic hydrology of Western Port, it is essential that the EES transparently presents the confidence levels in the modelling outputs and describes the 'ground-truthing' undertaken to validate model predictions. Biological impact assessment, controls and mitigation measures for dredging must be tailored to the unique biology and dynamic environment of Western Port. **Approaches that have been effective in other locations may not be directly transferable here due to the bay's distinctive tidal regimes, sediment characteristics, and ecological sensitivities**. The EES should therefore provide a robust justification for the selection of any proposed controls, supported by site-specific evidence and, where possible, adaptive management strategies that can respond to unforeseen impacts.
Blue Carbon	3.3	In 2022-23, the Biosphere Foundation and seven local councils commissioned research by Deakin University's Blue Carbon Lab that mapped and confirmed that Western Port supports extensive blue carbon ecosystems — including seagrass meadows, saltmarshes, and mangroves. These ecosystems are critical not only for biodiversity, but also for climate mitigation.

		They store vast amounts of carbon in their biomass and sediments, and once disturbed, can release carbon back into the atmosphere, undermining climate goals. Despite the climate benefits of accelerating renewable energy, this cannot come at the cost of damaging natural carbon sinks. As per our previous submissions, we call for a full assessment of potential carbon loss from disturbance to blue carbon habitats. Whilst the Updated Scoping requirements mention that the EES must predict GHG emissions associated with the project – it currently does not explicitly mention blue carbon specific analysis.
Climate Change	3.3	As noted above, we would expect to see an analysis of the GHG emissions associated with the project, particularly during construction given the materials and machinery involved. We would also expect to see modelling of a range of sea level rise/storm surge scenarios on the VRET infrastructure. We note that Section 3.3 refers to the risks associated with projected climate change, but it is not explicit as to what this must entail. The recently released *National Climate Risk Assessment* may provide a useful frame for this analysis.
Shipping and Marine Protection	4.3	Given the international significance of Western Port, it may be that additional care is required for commercial ships traversing Western Port than are required in other Bays. The EES technical studies should explicitly include the risks of oil spills and the introduction of marine pests, and outline potential controls to mitigate against them and reduce risks to ALARP. The EES should also include analysis of the different shipping options available, and whether boats with shallower drafts are suitable to minimise dredging.