Re: Request for Variation under s156A of the EPBC Act to Controlled Action 2022/09379

21 October 2024

Gippsland Dawn Offshore Wind Project

1. Introduction

Gippsland Dawn OWP Project Pty Ltd as trustee for the Gippsland Dawn OWP Project Trust (ABN 76 935 672 595) is the proposed developer of the Gippsland Dawn Offshore Wind Project (GDOWP).

This letter provides a formal request under section 156A of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) to vary the original proposal for the Greater Gippsland Offshore Wind Project (GGOWP) so that the GDOWP would take the place of the GGOWP and "anything done in relation to the original proposal is taken to have been done in relation to the varied proposal" (EPBC Act section 156D(1)(b)).

The variation request is made due to the grant of a feasibility licence for GDOWP, and as a result of the VicGrid proposal to develop shared transmission line infrastructure to the Latrobe Valley (EPBC referral 2024/09980). These changes have arisen since the original referral of the GGOWP under the EPBC Act in October 2022.

GDOWP, the varied proposal, is of substantially the same character as the GGOWP. While there is a change to the project proposed, particularly in respect of the location and a significant reduction in the scale of GDOWP (particularly the onshore components of the project), the nature and extent of any impacts on matters of national environmental significance will not be materially greater.

2. Variation

GGOWP was referred under the EPBC Act in October 2022 as EPBC referral 2022/09379. On 17 January 2023, the project was determined to be a Controlled Action to be assessed by an environmental impact statement.

Section 156A provides that a person may request that the Minister accept a variation of the original proposal after the original proposal has been referred to the Minister, provided that none of the following apply:

a) *the Minister has made a decision under s 74A to not accept the referral of the original proposal;*
b) *the Minister has made a decision under s 75 that the proposed action is not a controlled action;*
c) *a particular manner for taking the proposed action is identified in the s 77 notice in relation to the action;*
d) *the Minister has made a decision under s 133 approving or refusing to approve the taking of the proposed action; or*
e) *the referral of the original proposal has been withdrawn under s 170C.*

None of these apply to the GGOWP.

Regulation 5.08 of Division 5.4 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) sets out the information required to be submitted for a request to vary a proposal to take an action. This information is provided as follows.

a) Details of the proposed variation to the action

The variations proposed are:

- *Amendment of the GGOWP project area to a new area identified as the GDOWP*. The offshore turbine area for GDOWP has moved approximately 45 km to the north east of the GGOWP site. The offshore wind turbines and substations are proposed to be located approximately 10 – 33 km from the coast between Paradise Beach and Ocean Grange. Under the original GGOWP referral, the turbines were located approximately 10 – 42 km from the coast between Woodside Beach and Seaspray.

  Attachment A shows the location of Gippsland Dawn Offshore Wind Project compared to the GGOWP. Shapefiles for GDOWP are provided in **Attachment B**.

- *Removal of the 500 kV overhead transmission line* in the GGOWP proposal running from the onshore substation to the switchyard at the Loy Yang Power Station or the existing Hazelwood Terminal Station to connect into the National Energy Market. Three possible transmission line options were prefaced in the GGOWP referral. Onshore transmission line infrastructure beyond a connection point to be located near Giffard is now proposed to be provided by VicGrid, as outlined in the Victorian Government Offshore Wind Implementation Statements 1, 2 and 3 and EPBC referral 2024/09980. Accordingly, the transmission line options beyond the Giffard connection point do not form part of the GDOWP. In addition, the onshore study area for GDOWP will be smaller, and is anticipated to be located between the shore crossing and the proposed VicGrid connection hub.

In addition, we confirm that we will be adopting a proposed development envelope (PDE) approach to project design. The final layout of onshore and offshore infrastructure will be determined in response to a number of variables such as licence requirements under the *Offshore Electricity Infrastructure Act 2021* (Cth) (OEI Act), other marine users, ground and sea floor conditions, cultural heritage and environmental constraints.

b) The reasons for the proposed variation

The variation is required to transfer Controlled Action decision 2022/09379 from the GGOWP to the GDOWP.

The GGOWP was referred under the EPBC Act in October 2022 as EPBC referral 2022/09379. On 17 January 2023, the project was determined to be a Controlled Action to be assessed by an environmental impact statement.

An application for a feasibility licence under the OEI Act was submitted for the GGOWP in April 2023. A second application for a feasibility licence was submitted for a project known as the GDOWP. A feasibility licence was awarded by the Commonwealth Minister for Energy for the GDOWP. This project is located 45 km to the north east of the GGOWP and has approximately the same project area, number of offshore wind turbines and substations and generation capacity.

In addition, since the time of the original referral, VicGrid have advised that they will develop a transmission line between a new connection hub near Giffard and the Latrobe Valley to enable the

transmission of electricity from offshore wind projects in the declared Gippsland renewable energy zone. Therefore, the 500 kV overhead transmission line between the connection hub and Latrobe Valley that was proposed as part of the GGOWP referral is no longer required.

c) How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal

A comparison of the impacts of GGOWP and GDOWP on matters of national environmental significance has been undertaken. Details of this comparison is provided in **Attachment C**. This comparison is based on a study area of the GDOWP (study area) that:

- onshore comprises a 1 km buffer around the onshore cable components of the GDOWP
- offshore comprises the feasibility licence area with a 7.5 km buffer plus an area of investigation for a transmission export cable connecting the GDOWP to a shore crossing.

The GGOWP referral identified the potential to significantly impact the following matters of national environmental significance:

- Ramsar wetlands
- Listed threatened species and communities
- Listed migratory species
- Commonwealth marine areas.

A summary of the material differences in impact between GGOWP and GDOWP are:

- The GDOWP offshore study area is still located within the Commonwealth marine area, but is located closer to the East of Eden upwelling (a key ecological feature of the marine region) than the GGOWP. Potential direct and indirect impacts to the Commonwealth marine area remain unchanged from those described in the GGOWP referral.
- The GDOWP study area is located closer to Gippsland Lakes, a Ramsar wetland but further from Corner Inlet Ramsar site which is no longer within proximity (up to 10 km) of the GDOWP study area. Accordingly, indirect impacts to the Gippsland Lakes Ramsar area are considered a higher risk than for the GGOWP. The impacts identified in the GGOWP referral on Corner Inlet Ramsar site are no longer applicable.
- The GDOWP study area is located further away from the Bass Strait islands, which will result in a reduced likelihood of indirect impacts on seabirds and marine mammals like seals and sharks.
- As a result of removal of the onshore transmission line beyond Giffard from the GDOWP, there is a reduction in the number of Threatened Ecological Communities likely to occur within the GDOWP study area and a reduction in the area of impact to threatened terrestrial bird species.
- No additional impacts on listed migratory species identified in the GGOWP referral are considered likely for GDOWP.
- Based on the closer proximity to the Gippsland Lakes Ramsar site, the potential impacts identified in the GGOWP referral 2022/09379 for listed migratory species would apply and may increase due to the closer proximity to the Gippsland Lakes Ramsar site.

d) if applicable, the impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal

There are no additional matters of national environmental significance not considered in the GGOWP referral.

e) if applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance

At this stage, no mitigation measures and offsets beyond what was proposed in GGOWP referral have been identified. Further measures and offsets will be determined as part of the environmental impact statement process.

We look forward to the Ministers consideration of this variation.

Should you have any queries, please contact the undersigned.

Regards

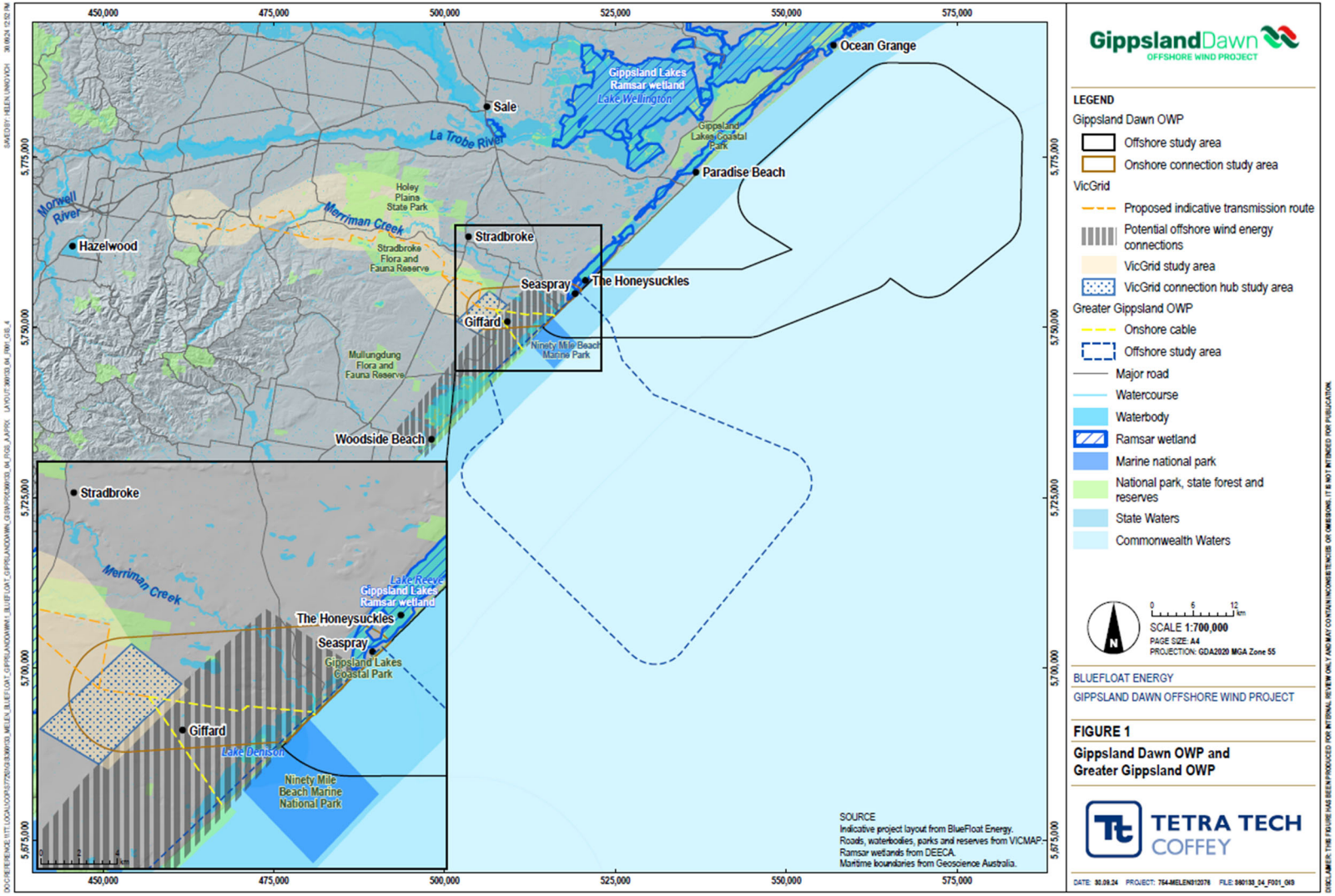
Attachments

A – Figure showing location and components of GGOWP compared to GDOWP

B – Shapefiles of Gippsland Dawn Offshore Wind Project

C – Table comparing potential impacts of GGOWP and GDOWP on matters of national environmental significance

Attachment A - Figure showing location and components of GGOWP compared to GDOWP



Attachment B – Shapefiles of Gippsland Dawn Offshore Wind Project

As attached

Attachment C – Table comparing potential impacts of GGOWP and GDOWP on matters of national environmental significance

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
World heritage areas	There are no world heritage areas within the study area or within proximity to the study area that could be subject to indirect impacts.	Based on a revised Protected Matters Search Tool (PMST) search (24/9/2024), there are no world heritage areas within the GDOWP study area. The description of why the Project is unlikely to have a direct and/or indirect impact provided in the GGOWP referral 2022/09379 is still applicable.
National heritage places	There are no national heritage places within the Study Area.	Based on a revised PMST search (24/09/2024), there are no national heritage places within the Study Area. The description of why the Project is unlikely to have a direct and/or indirect impact provided in the GGOWP referral 2022/09379 is still applicable.
Wetlands of international importance (Ramsar Wetlands)	Two Ramsar wetland sites are located in proximity to the study area (up to 10 km): • Gippsland Lakes Ramsar site intersects with the north-eastern boundary of the onshore Study Area. • Corner Inlet Ramsar site is located 9 km west of the offshore Study Area. The Project will indirectly impact the ecological values of the two Ramsar wetland sites. Potential indirect impacts could arise due to: • Noise, vibration and lighting emissions generated by construction activities leading to the disturbance of wetland fauna, including listed threatened and migratory species. • The release of contaminants and sediments generated by construction activities upstream of the Ramsar sites, reducing the water quality of aquatic habitat located in the Ramsar sites.	One Ramsar wetland site (Gippsland Lakes Ramsar site) is located in proximity to the study area (up to 10 km). Based on the closer proximity to the Gippsland Lakes Ramsar site, the potential impacts on the ecological values of the Ramsar sites identified in the GGOWP referral 2022/09379 are still applicable. Corner Inlet Ramsar site is located 29 km from GDOWP and is no longer within proximity to the study area (up to 10 km). Based on the increased distance of 20 km further from the Corner Inlet Ramsar site, the impacts identified in the GGOWP referral 2022/09379 are not considered to be applicable to GDOWP. The construction activities associated with the onshore cable have not changed. When compared against GGOWP, the onshore study area for GDOWP is significantly smaller as it no longer includes the onshore transmission connection to the grid assessed by the GGOWP referral 2022/093. The onshore connection for offshore wind projects to the Victorian electricity grid will be provided by VicGrid.

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
	• Project activities introducing pollutants, nutrients, disease, and invasive species into the Ramsar sites. • Avifauna colliding with wind turbines while traversing the offshore Project Area. The Project has the potential to significantly impact the two Ramsar wetland sites through indirect impact lifecycles and the survival of species that inhabit the Ramsar wetlands through the impact pathways described above. Direct impacts are expected to be avoided through design measures. However, further investigations are required to confirm the likely direct and/or indirect impacts on the Ramsar sites.	Therefore, the footprint of construction and potential impacts pathways have been reduced. However, the potential for impacts on the Gippsland Lakes Ramsar site has increased due to the closer proximity to site. The offshore components of the project are not within the Ramsar boundary, therefore no direct impacts from these works will occur. There is potential for indirect impacts to the Ramsar wetland from offshore project components (but still considered a low risk), given the closer proximity to the Gippsland Lakes Ramsar site.
Commonwealth Marine Area	The offshore components (turbines, array cabling, subsea export cabling and substations) are located in the Commonwealth Marine Area. This area is likely to support threatened and migratory marine species. The construction and operation of the Project has the potential to directly and indirectly impact the Commonwealth Marine Area. Potential indirect impacts include: • Unplanned spills • Changes to hydrodynamics • Introduction of pest species • Dropped objects from vessels and installation platforms	The revised study area remains in the Commonwealth Marine Area however, has moved 45 km to the north-east. The feasibility licence area for GDOWP (with buffer) is now approximately 3 km west of the Upwelling East of Eden (a key ecological feature of the south-east marine region). Without the buffer, the feasibility licence area is approximately 10 km away. The Upwelling may see higher numbers of whale species travelling to the area to feed and forage. Potential direct and indirect impacts listed in the GGOWP referral (in the adjacent column) remain unchanged.

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
	• Changes to water and sediment quality from cable laying • Artificial lighting pollution • Underwater noise and vibration emissions • Discharges from vessels. Underwater noise and vibration emissions may impact the behaviour of marine species or cetacean individuals. The Project is not expected to lead to impact air or water quality to levels that adversely impact on biodiversity, ecological integrity, social amenity or human health. Three known historic shipwreck sites are located in within the offshore Study Area. The Project will avoid locating infrastructure in proximity to these sites, and implement measures to ensure construction activities to not impact these sites. Therefore, impacts (including damage or destruction) to historic shipwreck sites caused by the Project are not likely to occur. The Project is not expected to result in a significant impact to the Commonwealth Marine Area. However, further investigations are required to confirm the likely direct and/or indirect impacts on the Commonwealth Marine Area.	
Listed Threatened Ecological Communities (TECs)	Four TECs are likely to occur within the Study Area: • Gippsland Red Gum (*Eucalyptus tereticornis subsp. mediana*) Grassy Woodland and Associated Native Grassland • Natural Damp Grassland of the Victorian Coastal Plains	Based on a revised PMST search (24/09/2024), two TECs are likely to occur within the GDOWP Study Area: • Natural Damp Grassland of the Victorian Coastal Plains • Subtropical and Temperate Coastal Saltmarsh

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
	• Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains • Subtropical and Temperate Coastal Saltmarsh. The Project has the potential to directly impact the four TECs listed above, as the Project may modify, destroy, remove or isolate or decrease the availability or quality of habitat in the coastline and shoreline areas of the study area. Further investigations are required to understand the potential for significant impacts to occur.	The onshore study area for GDOWP (8,299 ha) does not include the transmission line from the onshore connection point to the grid assessed by the GGOWP referral 2022/093. The onshore connection point for offshore wind projects to the electricity grid will be provided by VicGrid. Therefore, the anticipated area of impact is substantially smaller when compared to the onshore GGOWP study area (34,017 ha). No impacts to these TECs are expected to occur as a result of marine works or operations.
Threatened species	Ninety-four threatened species were identified as having populations and/or habitat in the GGOWP study area. Of these, a further seventy-two threatened species were considered likely to occur within the GGOWP study area. **Threatened terrestrial bird species** There is the potential for threatened terrestrial bird species to collide with wind turbines while traversing the offshore Project Area. Construction activities (particularly those relating to the construction of the transmission line infrastructure) associated with the Project may impact threatened terrestrial bird species through the disturbance or removal of suitable habitat. There is the potential for threatened terrestrial bird species to collide with wind turbines while traversing the offshore Project Area. **Threatened shorebird, wetland bird and tern species** The construction phase may impact threatened shorebird, wetland bird and tern species through indirect impacts to habitat including Gippsland Lakes Ramsar site and Corner Inlet Ramsar site. There is the potential for threatened	Based on a revised PMST search (24/09/2024), 78 species were identified as potentially occurring in the study area. Fifty-six of these species are known or likely to occur within the study area. The onshore study area for the GDOWP (8,299 ha) does not include the transmission line from the onshore connection point to the grid assessed by the GGOWP referral 2022/093. The onshore connection point for offshore wind projects to the Victorian electricity grid will be provided by VicGrid. Therefore, the anticipated area of impact is substantially smaller when compared to the onshore GGOWP study area (34,017 ha). The impacts on the threatened species identified in onshore/nearshore area of the GGOWP referral (2022/09379) are considered likely to be largely applicable for the GDOWP, however the removal of the transmission line infrastructure component from the GDOWP will reduce the area of impacts to threatened terrestrial bird species. This is because the removal or disturbance of suitable habitat associated with the construction of the transmission line for the GGOWP was identified as a key impact pathway.

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
	shorebird, wetland bird and tern species to collide with wind turbines while traversing the offshore Project Area. The Project has the potential to significantly impact several threatened bird species through collision with wind turbines and the potential to modify, destroy, remove, or isolate the availability of quality habitat. **Terrestrial mammals** The Project has the potential to significantly impact terrestrial mammals through modification, destruction, removal, isolation, or a decrease in the availability of quality habitat. The Project is expected to have a significant impact significant impact on these threatened species. **Threatened terrestrial (including aquatic) fauna species** The disturbance of, or the removal of suitable habitat (including large trees and native vegetation) during construction has the potential to impact ground dwelling and arboreal species. Construction activities such as trenching associated with cable alignment may impact the habitat of ground dwelling fauna through vegetation clearance and fragmentation. The Project may impact threatened terrestrial and aquatic fauna species through the disturbance or removal of suitable habitat. The Project will avoid and/or minimise impacts to wetlands and waterways through the implementation of industry standard mitigation measures. Impacts to threatened	Based on the closer proximity to the Gippsland Lakes Ramsar site, the potential impacts identified in the GGOWP referral 2022/09379 for threatened shorebird, wetland bird and seabird species would also apply. In comparing the previous PMST search undertaken for the GGOWP referral to the revised search undertaken on 24/09/2024, there 6 additional threatened species within the marine environment were identified. These are: • 4 Shorebird/wader species (Sooty shearwater, Sharp-tailed sandpiper, Latham's snipe, Common greenshank) • 2 Seabirds (Pilotbird, Chatham albatross) It is noted that these shorebird species and the Chatham albatross were identified in the previous search as migratory species however, have since been assigned threatened status. Movement of the Project further from the Bass Strait Islands, which is a known habitat and breeding area for both bird and marine mammal species, will also likely reduce the likelihood of significant impacts to a number of species from matters such as underwater noise and vessel strike.

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
	amphibian and ichthyofauna are not expected to be significant. **Threatened flora** The study area includes coastline and shoreline areas that support threatened flora species. The Project has the potential to have a significant impact on threatened flora species, as the Project may modify, destroy, remove or isolate or decrease the availability or quality of habitat in the coastline and shoreline areas. This may lead to a reduction in area of occupancy of these species, and adversely affect habitat critical for their survival.	
Listed Migratory Species	The study area has the potential to support 50 onshore and offshore migratory species listed under the EPBC Act. The construction and operation of the Project has the potential to directly and indirectly impact the listed migratory species that inhabit the Commonwealth Marine Area. Potential direct impacts include: • Collision with wind turbines. • Disturbance or direct loss of habitat through construction works, or presence of Project infrastructure. • Underwater noise, vibration or light emissions generated during construction activities. • Noise and vibration emissions generated by operational turbines or substations. • Vessel strikes.	Based on a revised PMST search (24/09/2024), 50 listed migratory species were identified in the Study Area. Forty-two of these species are considered known or likely to occur within the study area. Comparing the previous PMST search undertaken for the GGOWP referral to the revised search undertaken on 24/09/2024, the only additional marine species is the Oceanic white tipped shark. The impacts on the listed migratory species identified in onshore/nearshore area of the GGOWP referral (2022/09379) are considered likely applicable for the GDOWP.

Matters of National Environment Significance	Comments from the Greater Gippsland Offshore Wind Project EPBC referral 2022-09379 (24/08/2022)	Key differences for the Gippsland Dawn Offshore Wind Project (onshore and marine)
	Potential indirect impacts include changes to water quality at Ramsar sites changes from sedimentation or introduces contaminants generated during construction. Collision risk may result in significant impacts on migratory shorebird species. Further assessment is required to understand the potential for significant impacts to occur. The release of contaminants and sediments generated by construction activities could impact the water quality of potential habitat for migratory shorebirds, wetland birds and terns, including the Gippsland Lakes Ramsar site and Lake Denison. Construction of the subsea cabling shore crossing may impact suitable habitat for migratory shorebird species. Further investigations are required to assess the likelihood of migratory shorebirds occurrence and suitable onshore habitat within the study area.	