



Environmental Protection Authority

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Dear Sir/Madam

Western Australian Environmental Protection Authority submission on draft Onshore Wind Farm Guidance - best practice approaches when seeking approval under Australia's national environment law

Thank you for the opportunity to make a submission on the '*Draft Onshore Wind Farm Guidance - best practice approaches when seeking approval under Australia's national environment law*', May 2024 revision. The Western Australian (WA) Environmental Protection Authority (EPA) welcomes the opportunity to comment.

The EPA is an independent statutory Authority established under the *Environmental Protection Act 1986* (EP Act) that provides advice and recommendations on the implementation of significant proposals to the WA Minister for Environment. The EPA has a statutory objective to protect the environment and conduct environmental impact assessment of proposals under Part IV of the EP Act. This includes proposals for onshore wind farm projects throughout WA, including accredited assessments under the EPBC Act.

The EPA is generally supportive of the draft guidance, however recommends that additional detail is required to ensure proponents provide fit for purpose documentation that will enable timely assessment of proposals. Large scale wind farms are still relatively novel in Australia, and the EPA considers that ensuring the guidance provides sufficient detail for often new proponents to the Australian regulatory environment is important. The EPA recognises that the draft guidance can also support the assessment of onshore wind farms under State legislation in addition to projects that may have an impact on matters of national environmental significance (MNES) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPA recommends that the draft guidance give further consideration to the following matters.

Application of the mitigation hierarchy

The EPA supports the strong emphasis placed on the application of the mitigation hierarchy, particularly as it relates to avoidance measures. However, the term 'where possible' is used in relation to avoidance strategies and elsewhere in the guidance. To encourage the adoption of best practice approaches, the EPA suggests that this and similar terms are removed and instead the document should stipulate that deviations from the listed avoidance strategies will require justification in referral or post-approval documentation.

One strategy to avoid impacts discussed is the use of turbine-free buffers around features that attract and support aerial species. However, the EPA considers that a lack of definition of buffer sizes and spacing between wind turbines may lead to inconsistencies in approaches. The EPA recommends the document provide guidance on how to develop these buffer distances based on scientific evidence.

The EPA notes that large scale onshore wind proposals within Australia are still relatively novel, particularly in regards to Australia-specific literature and studies to inform avoidance and mitigation measures. The EPA recommends that sections relating to mitigation and monitoring techniques contained in the guidance be further expanded as there is a need for innovative and adaptive mitigation and monitoring techniques to determine collision risk, fatalities, and site utilisation. To assist proponents, a table summarising and reviewing best practice examples of mitigation and monitoring techniques at wind farms should be included. This should serve as a starting point for proponents, to support the document's purpose in outlining best practice approaches and still allowing alternative methods and adaption to the everchanging area of research in this field.

The EPA also considers that relevant references from the available scientific literature should be used and cited throughout the guidance document to support the information included and to provide proponents with appropriate resources to inform their projects. Given the rapid expansion of onshore wind proposals currently being referred, additional clarity to assist new proponents on Australia's regulatory environment is likely to assist in the provision of assessment documentation that contains appropriate information to inform the environmental impact assessment (EIA) process.

Bird and bat management plans (BBMP)

The EPA notes that the document places strong emphasis on the preparation and implementation of a BBMP, and outlines in significant detail the information required to be incorporated into it.

The EPA's approach to similar proposals requires the establishment of environmental outcomes which are conditioned as part of the Ministerial Statement authorising a proposal. Where further detail on what monitoring and reporting is required to demonstrate that the outcome is being achieved, the EPA may recommend that environmental management plans (EMPs) be submitted to outline this additional detail. Where EMPs are conditioned, the EPA considers they should only contain these monitoring and reporting details to aid and provide clarity for compliance.

The EPA notes the guidance document requires that EIA be incorporated into the BBMP. Previous experience from State approval instruments is that where EMPs are overly conflated by other non-monitoring and reporting details, the review, implementation and compliance of these documents can be challenging. The EPA also considers that much of the information currently required to be incorporated into the BBMP is essential information that should be provided as part of the assessment documentation to assist the regulator determine that the proposal can be implemented to meet the environmental objectives, and not provided post approval.

The EPA also considers that the Department of Water and Environmental Regulation, who assess and approve EMPs post approval, are likely to require removal of non-essential information such as EIA information. Noting that many onshore wind proposals are likely to be assessed by both the WA and Commonwealth governments, consideration to further aligning the EMPs requirements is likely to avoid regulatory duplication and proponent's requiring two versions of an EMP.

Establishment of environmental outcomes

The EPA supports the guidance document requiring the establishment of environmental outcomes as part of the BBMP. However, the examples provided in the document to guide proponents are focused on improving the understanding of environmental impacts from these types of proposals. The EPA considers that environmental outcomes should be related to impacts to be avoided, or the state of the environment during or after a proposal has been implemented. The EPA recommends that further examples are provided in this section as the EPA considers that a proposal could meet these example outcomes but still result in a significant impact on the environment.

Monitoring requirements

The EPA notes there is growing public interest on the impacts of wind farm operations to birds and bats, along with a current lack of available monitoring data to support or deny such concerns. The EPA recommends proponents are required to document within their BBMP a clear strategy outlining the ongoing responsibilities for bird and bat monitoring, as well the process they will follow to make data collected in relation to the BBMP publicly available. The strategy should include who is responsible for monitoring; how it will be funded; how the monitoring will be carried out (methods, equipment, survey effort); how access to monitoring or reporting data will be ensured (even after projects have changed hands); how, when and where the results are to be reported; and the party(ies) responsible for any remedial measures that are required.

The EPA also recommends standardisation in the data collection and statistical analysis methods used to enable more robust cumulative impact assessment. Particularly, the guidance document provides little detail on the associated statistical analysis methods to be used in BBMP reporting metrics and should be expanded upon. The EPA notes the removal of the Appendix titled 'Background information on bird and bat impact monitoring' in this version, which the EPA considered valuable for providing context and examples of monitoring techniques, particularly given the number and scale of proposals being referred.

Holistic and cumulative impact assessment

The EPA supports the guidance document requiring long-term mortality monitoring as part of the BBMP. The EPA considers this information critical to provide for both holistic and cumulative impact assessment.

In respect of holistic assessment undertaken by the EPA, this involves consideration of all factors together, and consideration of whether any measures can be taken to protect multiple values and provide holistic protection.

A key concern of the EPA in relation to these types of proposals is indirect or inadvertent impacts or displacement of other non-conservation listed species or MNES. While careful siting of wind turbines has been shown to reduce the fatalities of select species (e.g. raptors), in some cases it has inadvertently led to increased fatalities of other bird and bat species. This may potentially increase the area from which birds and bats will be displaced and affect more than just the MNES being assessed.

To provide for the consideration of holistic impacts to biodiversity, which in turn will facilitate cumulative impact assessments, the EPA considers further guidance should be provided on the assessment and management of impacts to non-threatened species, such as those that are especially prone to wind turbine collision. The EPA also considers that a proposal's spacing of wind turbines should be supported with evidence to demonstrate the spacing will be effective for the intended outcome.

Regional approaches to environmental planning

The EPA is encouraging regional approaches to deliver environmental protection, which includes the avoidance and protection of high value areas (such as in recent the Medcalf Vanadium Project) and through consideration of [regional offsets](#).

The EPA considers that consideration and implementation of regional approaches will also support opportunities to reduce duplication and increase the likelihood of consistency with the Commonwealth government as they move to nature positive outcomes (e.g. *the Draft Pilbara Bioregion: EPBC Act Policy Statement*). It is also consistent with considering and managing cumulative impacts.

Regional approaches to environmental planning would also allow sufficient scope to include protection for specific and holistic environmental protection, as well as consider social surroundings impacts and community aspirations for their regions, both of which are likely to be important for efficient and effective environmental pathways for decarbonisation projects like windfarms.

The EPA appreciates this opportunity to provide input into the draft guidance and would welcome further opportunities for engagement.

Yours sincerely



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DEPUTY CHAIR, ENVIRONMENTAL PROTECTION AUTHORITY

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