



Minute to

Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: A5848851

For	Noting
Critical Date	Routine
Subject	Southern Winds Offshore Windfarm Project referral decision under EPBC Act

Synopsis

The Department of Primary Industries and Regions (PIRSA) has been notified of decisions by the Commonwealth Department for Climate Change, Energy, the Environment and Water pertaining to the Southern Winds Offshore Windfarm Project proposed for the state's South East.

The decisions require the proposal to construct, operate and decommission the offshore windfarm to be assessed by an environmental impact statement. A further decision approves the proponent to undertake initial marine surveys in the area of the project under certain conditions without further assessment. PIRSA will monitor the progress of this project, including providing comment on the environmental impact statement, if required.

Recommendations

That you:

1. Note the information provided in this briefing.

NOTED

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development****Minister for Forest Industries**

15/5 / 2023

Ministerial Comments

Background

- On 1 March 2023, you were provided with a Parliamentary Briefing Note regarding the proposed Southern Winds Offshore Windfarm Project (OWP) noting:
 - In August 2022, the Commonwealth Government identified multiple coastal regions around Australia as priority areas to be assessed for suitability for offshore renewable energy, including offshore windfarms.
 - The Southern Ocean region off Portland was identified as a priority area for assessment.
 - A project in this area was submitted and referred to the Department for Climate Change, Energy, the Environment and Water (DCCEEW).
 - The Southern Winds OWP proposes a development of up to 77 wind turbines off the coast of South Australia in Commonwealth waters near Port MacDonnell. The power is proposed to be connected into the grid through the Heywood Terminal station in Victoria.
- As the project is proposed for Commonwealth waters, DCCEEW, as delegate for the Federal Minister for Environment and Water, is responsible for considering whether the proposed actions are considered a 'controlled action' under the *Environment Protection and Biodiversity Act 1999* (the EPBC Act).
- The Department of Primary Industries and Regions (PIRSA) provided comments on the following referrals provided by the Department for Environment and Water (DEW):
 - EPBC referral 2022/09435: Southern Winds Offshore Wind Project Proposed Action. This referral related to the construction, operation and decommissioning of an offshore windfarm in the proposed area.
 - EPBC referral 2022/09436: Southern Winds Offshore Wind Project Initial Marine Field Investigations. This referral related to the proponent undertaking marine surveys in the area of the proposed windfarm.

Discussion

- On 1 May 2023, PIRSA was notified by DCCEEW of decisions on these two referrals (**Attachments A – D**) as follows:
 1. With respect to the Southern Winds OWP, to construct, operate and decommission a 77-turbine offshore wind farm including two substations, subsea cabling and onshore transmission infrastructure the proposal **is considered a controlled action (Attachment A)**.

The proposed activity will require assessment and approval under the EPBC Act by an environmental impact statement with specific reference to:

 - Ramsar wetlands (sections 16 and 17B)
 - Listed threatened species and communities (sections 18 and 18A)
 - Listed migratory species (sections 20 and 20A)
 - Commonwealth marine areas (sections 23 and 24A).
 2. With respect to the initial marine field investigations to undertake marine surveys in the proposed area of the OWP the proposal is not considered a controlled action if taken in a particular manner (**Attachment C**).

Provided the surveys are undertaken consistent with the conditions of the Referral Decision Notification, they do not require further assessment and approval under the EPBC Act before proceeding.

- PIRSA will monitor the progress of this project, including providing comment on the environmental impact statement.

Attachments

- A. Referral Decision Notification: Southern Winds OWP
- B. Letter from DCCEEW to DEW Southern Winds OWP
- C. Referral Decision Notification: Southern Winds OWP (marine field investigations)
- D. Letter from DCCEEW to DEW (marine field investigations)



CHIEF EXECUTIVE

Department of Primary Industries and Regions

3/5/2023

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries & Aquaculture
MOBILE and LANDLINE	0477 316 248 / 8429 0960
Cleared by	Prof Gavin Begg



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of referral decision and designated proponent – controlled action

Decision on assessment approach

Southern Winds Offshore Wind Project, off the coast of south-west Victoria and south-east South Australia (EPBC 2022/09435)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

designated proponent	Southern Winds OWP Project Pty Ltd, as trustee for the Southern Winds OWP Trust ACN 662 232 895
proposed action	To construct, operate and decommission a 77-turbine offshore wind farm including two substations, subsea cabling and onshore transmission infrastructure, located 8-20 km off the coastline between Cape Douglas in South Australia, and Nelson in Victoria (See EPBC Act referral 2022/09435).

Referral decision: controlled action

status of proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
relevant controlling provisions	<ul style="list-style-type: none"> • Ramsar wetlands (sections 16 & 17B) • Listed threatened species and communities (sections 18 & 18A) • Listed migratory species (sections 20 & 20A) • Commonwealth marine areas (sections 23 & 24A)

Assessment approach decision


assessment approach	The project will be assessed by environmental impact statement under the EPBC Act.
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Australian Government

Department of Climate Change, Energy,
the Environment and Water

Person authorised to make decision

name and position	Kim Farrant Branch Head Environment Assessments (Vic, Tas) and Post Approvals Branch
signature	
date of decision	6 April 2023

OFFICIAL

Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of referral decision – not controlled action if taken in a particular manner

Southern Winds Offshore Wind Project Initial Marine Field Investigations, SA and Vic (EPBC 2022/09436)

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

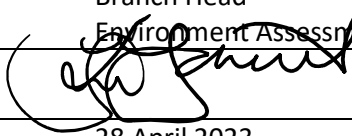
Proposed action

person proposing to take the action	Southern Winds OWP Project Pty Ltd as trustee for the Southern Winds OWP Project Trust ACN 662 232 895
proposed action	To undertake marine surveys off the coastline between Port MacDonnell (South Australia) and Nelson (Victoria). These surveys are a component of the initial investigations for the proposed Southern Winds Offshore Wind Project (See EPBC 2022/09436).

Referral decision: not a controlled action if taken in a particular manner

status of proposed action	The proposed action is not a controlled action provided it is taken in the manner set out in Annexure A.
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Person authorised to make decision

name and position	Kim Farrant Branch Head Environment Assessments (Vic, Tas) and Post Approvals Branch
signature	
date of decision	28 April 2023

OFFICIAL

Annexure A

The following measures must be taken to avoid significant impacts on:

- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)
- Commonwealth marine areas (sections 23 & 24A)

- 1) The person taking the action must not undertake any:
 - a. surveys outside of the **study area**.
 - b. drilling or seismic surveys
- 2) The person taking the action must ensure that all marine surveys are only taken under the supervision of a **suitably qualified expert**.
- 3) The person taking the action must ensure that all **vessel** and **aircraft** marine surveys are only taken in accordance with the **Guidelines for Whale and Dolphin Watching**.
- 4) The person taking the action must ensure that all **vessels** and **aircraft** are only operated by a **licenced operator**.
- 5) The person taking the action must not operate any vessel at a speed greater than 10 knots whilst within any **BIA**, except in response to an emergency where such speed is considered essential to human safety.
- 6) The person taking the action must only **take** sediment samples from depths less than 1.0m below the surface of the seafloor.
- 7) The person taking the action must only deliberately **take** flora or fauna samples where sample collection is required for accurate identification. The person taking the action must not **take** more than the minimum sample size required to allow for accurate identification.

Definitions

In this notice any bolded use of a word or term refers to the below definition of that word or term:

Accidental or incidental collection means the unintentional and/or incidental collection of living material as a secondary result of sample collection.

Aircraft means any apparatus used to travel or carry equipment above the ground. **Aircraft** includes drones.

BIA means any spatially defined biologically important area, represented in the **National Conservation Values Atlas**, where aggregations of individuals of a species are known to display biologically important behaviour such as breeding, foraging, resting or migration in Australian waters.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Guidelines for Whale and Dolphin Watching means the *Australian National Guidelines for Whale and Dolphin Watching*, Commonwealth of Australia 2017.

Licensed operator means a person or organisation authorised and licensed by a relevant state, Territory or Commonwealth agency to operate a **vessel** or **aircraft** to take marine surveys.

National Conservation Values Atlas means the National Conservation Values Atlas maintained by the **department** which, at the time of this decision, is published at the following webpage address: <http://www.environment.gov.au/webgis-framework/apps/ncva/ncva.jsf>.

Study area means the location of the action, represented in Appendix 1 by the zone enclosed within the purple dashed lines labelled 'Marine study area'.

Suitably qualified expert means a person who has professional qualifications and at least three (3) years of work experience designing and implementing surveys for marine species, and experience in implementing the **Guidelines for Whale and Dolphin Watching**.

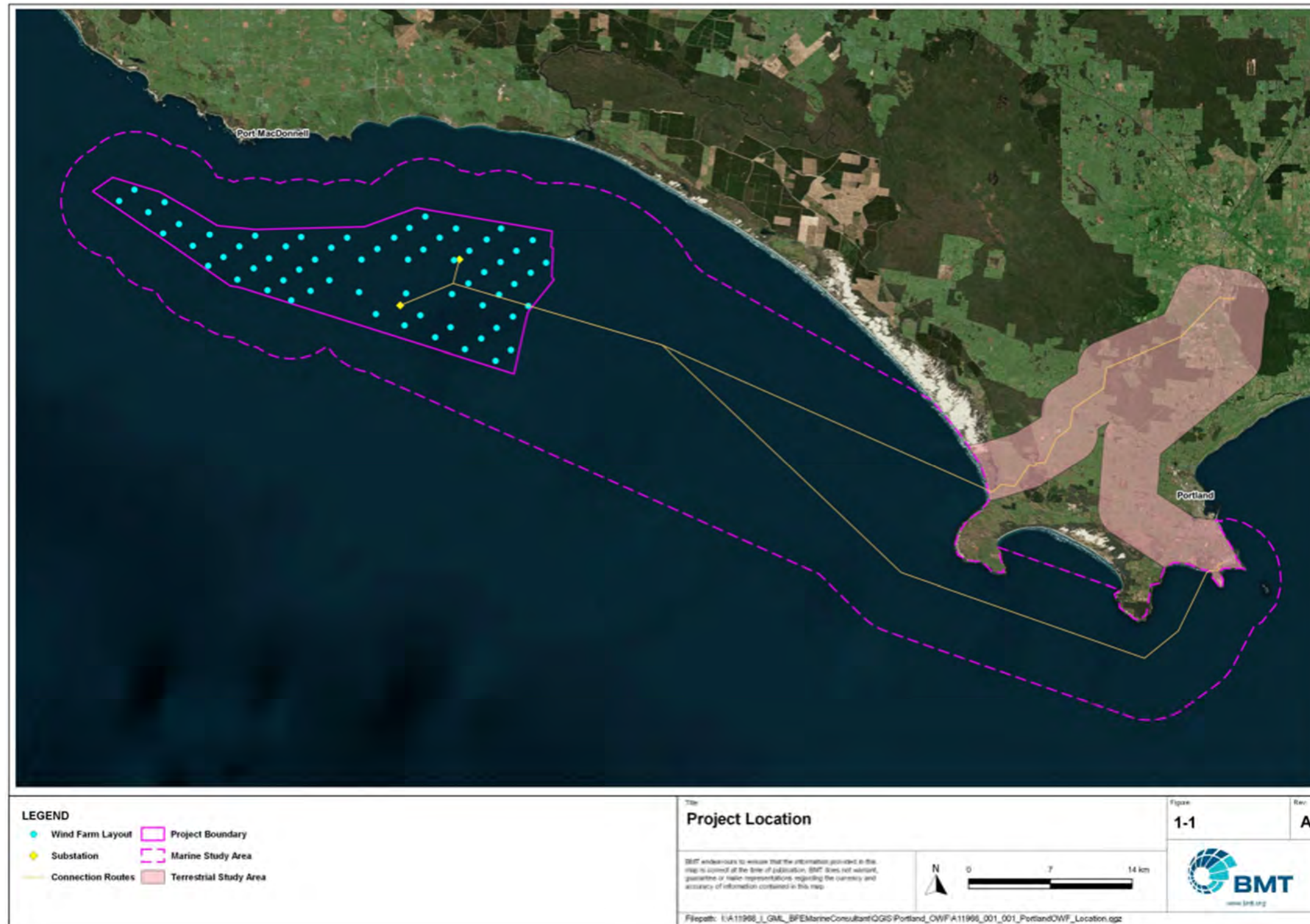
Survey Guidelines of Australia's Threatened Birds means the *Survey guidelines for Australia's threatened birds*, Commonwealth of Australia 2010.

Take means harvest, catch, capture, trap, pick, gather and/or cut. **Take** does not include **accidental or incidental collection**.

Vessel means a ship, boat, raft or pontoon or any other thing capable of carrying persons or equipment through or on water and includes a floating structure and hovercraft.



Appendix 1 – Study area





Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA199007



For	Approval and Signature
Critical Date	24 March 2023
Subject	Response to Mr Darryl Whicker regarding the Port MacDonnell offshore wind farm project

Synopsis

You have received correspondence from Mr Darryl Whicker, CEO District Council of Grant, regarding a submission to the Department for Climate Change, Energy, the Environment and Water (DCCEEW) in response to the Southern Winds Offshore Windfarm Project at Port MacDonnell. You are requested to consider and sign the enclosed response to Mr Whicker noting that the Department of Primary Industries and Regions (PIRSA) has provided comment to the DCCEEW in regard to the project.

Recommendations

That you:

1. Note the brief information included in this briefing.

NOTED

2. Sign the enclosed letter of response

SIGNED / NOT SIGNED

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development****Minister for Forest Industries**

26/4/2023

Ministerial Comments -

Background

- On 7 March 2023, you received email correspondence from Mr Darryl Whicker, Chief Executive Officer, District Council of Grant providing their submission to the Department for Climate Change, Energy, the Environment and Water (DCCEEW) regarding the Southern Winds Offshore Windfarm Project (OWP) proposed off the coast near Port MacDonnell in the state's South East.

Discussion

- On 1 March 2023, you were provided with a Parliamentary Briefing Note regarding the proposed Southern Winds OWP providing the following information:
 - In August 2022, the Federal Minister for Energy announced Australia's first declared offshore wind farm zone in Bass Strait off Gippsland, Victoria.
 - As part of this process, the Commonwealth Government identified multiple coastal regions around Australia as priority areas to be assessed for suitability for offshore renewable energy, including offshore windfarms.
 - The Southern Ocean region off Portland has been identified as a priority area for assessment.
 - A project in this area has been submitted and referred to DCCEEW. The Southern Winds OWP proposes a development of up to 77 wind turbines off the coast of South Australia in Commonwealth waters near Port MacDonnell in the South East. The power is proposed to be connected into the power grid through the Heywood Terminal station in Victoria.
 - Assessments for suitable areas for offshore renewable energy are undertaken by DCCEEW in consultation with state and territory governments, industry, community and the general public.
- The submission by the District Council of Grant to DCCEEW relates to the referral of a proposed action from Southern Winds OWP Project Pty Ltd for consideration under the *Environment Protection Biodiversity and Conservation Act 1999 Act*. This consultation concluded on 8 March 2023.
- A subsequent consultation was undertaken in relation to proposed marine field surveys for the project. This consultation period concluded 21 March 2023.
- The District Council of Grant submission indicates that while the council is neutral with respect to the project's progression, they identified five key areas to be further considered prior to any further progress of the project.
 1. Community Engagement
 2. Industry Impact, particularly related to the Southern Zone Rock Lobster Fishery (SZRLF)
 3. SA Legislation
 4. Environmental Impact
 5. Value Proposition
- The Department of Primary Industries and Regions (PIRSA) has also provided comment to DCCEEW for both referrals including the following:

Fisheries:

- Commercial and recreational fisheries within or adjacent to the proposed site include Southern Zone Abalone (SZA), SZRLF, Marine Scalefish (MSF) and Giant Crab (GCF) fisheries.
- The proposed area is situated within Commonwealth Waters (outside 3 nautical mile baselines). Under Offshore Constitutional Settlement (OCS) agreements, South Australia is responsible for the management of a number of fisheries in Commonwealth waters, including the SZRLF, GCF and the MSF.
- These fisheries are managed under the *Fisheries Management Act 2007*. One of the objectives of the Act is that aquatic habitats are to be protected and conserved, and aquatic ecosystems and genetic diversity are to be maintained and enhanced.
- The proposed area is situated within Marine Fishing Area (MFA) 58. On average, 27% of the SZRLF total allowable commercial catch is taken from MFA 58.
- The SZRLF contributed over 30% of South Australia's fisheries Gross State Product in 2020/21 (\$137.4M). It is an iconic South Australian species and a significant export product. The SZRLF supports communities along the south east coast between Kingston SE and the Victorian border.
- Concerns regarding likely impacts to fishery resources through direct and indirect means including habitat destruction, as well as potential acoustic and vibration impacts. Additionally, it is noted there is the potential for the shift of fishing effort to other fishery areas should the development take place and exclusion zones be implemented. This may impact catch rates, spatial data and general fishery management.

Aquaculture:

- The proponent has acknowledged that there is likely to be direct and indirect impacts from the proposed action on the listed threatened species Southern Bluefin Tuna. PIRSA agrees with this position, including potential impacts from construction (e.g. noise) and operation (e.g. noise, vibration, fish aggregation around infrastructure) of the proposed windfarm on the species.
- Southern Bluefin Tuna migrate annually through the proposed area, and while the Commonwealth commercial fishery does not currently source tuna for aquaculture purposes from the proposed area, the species is migratory (i.e. population is connected to their current fishing grounds) and they may fish this area in the future. As a result, there may be potential flow-on impacts to the Commonwealth commercial Southern Bluefin Tuna Fishery (e.g. stock status impacts and access restrictions to fish around infrastructure) and the South Australian aquaculture industry which relies on this fishery as the only source of tuna stock to on-grow annually.
- The Southern Bluefin Tuna aquaculture industry is the most valuable aquaculture sector within South Australia, worth \$269M (total – direct and flow-on) and employing 985 fte (total – direct and flow-on; primarily in regional South Australia) in 2020/21.
- While Southern Bluefin Tuna is currently classified as "Conservation Dependent" and not considered a matter of national environmental significance for the purposes of Part 3 of the EPBC Act, as described above, likely direct and indirect impacts from the proposed action may have negative

consequences for the stock and the commercial fishery, aquaculture industry and regional communities which rely on this important aquatic resource.

Consultation and engagement

- DCCEEW undertook public consultation on the Southern Winds OWP in March 2023. This consultation period concluded on 8 March 2023. A subsequent consultation process was undertaken with respect to proposed marine field surveys for the project. This consultation period concluded 21 March 2023.
- PIRSA provided feedback to DCCEEW as part of a broader government response in response to both referrals.

Legislative implications

Nil

Attachments

A. Email from Mr Darryl Whicker



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

29/3/2023

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries & Aquaculture
MOBILE and LANDLINE	0477 316 248 / 0429 0960
Cleared by	Gavin Begg



Government
of South Australia

The Hon Clare Scriven MLC

Mr Darryl Whicker
Chief Executive Officer
District Council of Grant
PO Box 724
MT GAMBIER SA 5290

Darryl.Whicker@dcgrant.sa.gov.au

Dear Mr Whicker *Darryl,*

Thank you for your letter of 8 March 2023 regarding your submission to the Department for Climate Change, Energy, the Environment and Water (DCCEEW) in relation to the Southern Winds Offshore Windfarm Project near Port MacDonnell South Australia.

I note that the council's position is neutral with respect to the project's progression, however, you have identified and outlined five key areas to be considered prior to supporting any further progress of the project, including Community Engagement, Industry Impact, SA Legislation, Environmental Impact and Value Proposition.

I also note your specific concerns regarding the Southern Zone Rock Lobster Fishery and the significant contribution this fishery makes in the region both socially and economically.

With respect to industry impacts, South Australian legislation and environmental impacts, the Department of Primary Industries and Regions (PIRSA) has provided comment to DCCEEW through the consultation process.

I will continue to work with PIRSA in providing information to DCCEEW concerning potential impacts to South Australia's fisheries and aquaculture industries and associated communities.

Once again, thank you for writing to me and providing comprehensive and valuable information regarding this matter.

Yours sincerely

Clare Scriven

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

26 / 4 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



Leppa, Kylie (PIRSA)

From: Darryl Whicker <Darryl.Whicker@dcgrant.sa.gov.au>
Sent: Thursday, 9 March 2023 12:13 PM
To: Bell, Troy; PIRSA:Minister Scriven
Cc: Kylie Boston; Fiona McGregor
Subject: EPBC Referral Response Submitted- Detailed
Attachments: EPBC Referral Response Southern Winds DC Grant March 2023.pdf; EPBC Portal Submission Cover March 2023.docx

Categories: Corro - General

Dear Minister Scriven, MP Bell

Please find attached as the DC Grant submission in relation to the Blue Float proposal. Note this is not for publication, but I'm certainly comfortable you referring to the key points/issues, as necessary.

Kind regards

Darryl
Darryl Whicker
Chief Executive Officer



08 8721 0444
Darryl.Whicker@dcgrant.sa.gov.au
www.dcgrant.sa.gov.au
PO Box 724, Mt Gambier SA 5290
324 Commercial Street West, Mt Gambier SA 5290

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Home

Open for comments

Make comment

Southern Winds Offshore Wind Project

EPBC Number: 2022/09435

Referral started: 15/12/2022

Project Status: Referral Published

Decision Status: Published

Lodgement

Completed

Validation

Completed

Referral Decision

Active

Assessment

Pending

Approval

Pending

Post Approval

Pending

Completed

Pending

Provide title for your comment *

District Council of Grant Southern Winds Offshore Wind Project Referral Response

Provide your full name *

District Council of Grant

Provide your email *

darryl.whicker@dcdgrant.sa.gov.au

Do you consider this is a controlled action?

Yes

No

Provide reasons for why you believe this is/is not a controlled action

The Grant District Council is aware that the Minister can only consider issues that are covered under the EPBC Act and matters that relate to the MNES- Matters of National Environmental Significance. Based on the information provided, it appears that the proposal will impact and/or significantly impact on the following protected matters (MNES):

- wetlands of international importance (listed under the Ramsar Convention)
- listed threatened species and ecological communities
- listed migratory species (protected under international agreements)
- Commonwealth marine areas

Confidentiality

Is your response confidential?

Yes

No

1

EPBC Portal Cover Submission

Confidentiality

Is your response confidential?

Yes

No

Privacy notice

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

The Department of Climate Change, Energy, the Environment and Water (the department) collects your personal information (as defined by the Privacy Act 1988) through this platform for the purposes of enabling the department to consider your submission and contact you in relation to your submission. If you fail to provide some or all of the personal information requested on this platform (name and email address), the department will be unable to contact you to seek further information (if required) and subsequently may impact the consideration given to your submission.

Personal information may be disclosed to other Australian government agencies, persons or organisations where necessary for the above purposes, provided the disclosure is consistent with relevant laws, in particular the Privacy Act 1988 (Privacy Act). Your personal information will be used and stored in accordance with the Australian Privacy Principles.

See our [Privacy Policy](#) to learn more about accessing or correcting personal information or making a complaint. Alternatively, email us at privacy@dcceew.gov.au.

Confirm that you have read and understand this privacy notice.

Yes

No

Declaration

To be completed by the person submitting the response.

I understand that:

- a request may be made under the Freedom of Information Act 1982 (FOI Act) for access to my submission, including if it is marked confidential. Such requests will be determined in accordance with provisions of the FOI Act
- if I provide personal information about an individual other than myself, I must make that person aware of the privacy notice in this form and draw their attention to the department's privacy policy
- in lodging a submission, I warrant that to the best of my knowledge, I have not infringed any third-party Intellectual Property Rights.

Confirm that you have read and understand this declaration.

Yes

No



Supporting Documents

There is a limit of one document that can be uploaded per comment. The size limit of the file must not exceed 10 MB.

i Public Comments on Proposed Refusal Decision for EPBC 2016/7851 Central Queensland Coal Project have now closed.
The EPBC Public Portal is best viewed through a desktop, laptop or tablet. If you wish to make a comment using a mobile device go to [Open for Comments](#).

Successful!

Your comment is submitted successfully.

The Department will review your comment and reach out to you if any further information is required.

[Continue](#)

EPBC Act Public Portal

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EPBC Act Glossary	Feedback
Help	Terms and Conditions
Protected Matters Search Tool	Freedom of Information

Ref: 4.36.1/4

08 March 2023

Minister for the Environment
c/o Referrals Gateway
Governance and Reform Branch
Department of Environment
GPO Box 858
Canberra ACT 2601



Principal Office

324 Commercial Street West, Mount Gambier
PO Box 724, Mount Gambier SA 5290
Telephone (08) 8721 0444
Facsimile (08) 8721 0410
Email info@dcgrant.sa.gov.au
Website www.dcgrant.sa.gov.au

Branch Office

5 Charles Street
Port MacDonnell SA 5291

Dear Minister,

Re: EPBC Number: 2022/09435 Referral Response

In reference to the referral for **Southern Winds Offshore Wind Project**, EPBC Number: 2022/09435 -

Thank you for the opportunity to provide a response in relation to the proposal for an offshore wind project in Commonwealth waters south of the coast of south-eastern South Australia (and south- western Victoria).

While Council is currently neutral as to whether the Southern Winds Offshore Wind Project should progress, at a workshop on 27 February 2023, it identified five key themes to be considered prior to any offshore wind project proceeding in this area.

Further particulars are contained in the attached response.

Should you require further details regarding the response provided, please do not hesitate to contact me on (08) 8721 0444 or email Darryl.Whicker@dcgrant.sa.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Darryl Whicker", is written over a light blue circular stamp.

Darryl Whicker
Chief Executive Officer

District Council of Grant
Phone: (08) 8721 0444
Email: Darryl.Whicker@dcgrant.sa.gov.au

District Council of Grant- Council Overview

The District Council of Grant acknowledges the Boandik people as the traditional custodians of our district. The ongoing contribution of First Nations people to the area plays a fundamental role in shaping the District Council of Grant and the Limestone Coast region into the future. The District Council of Grant is committed to a welcoming environment where all people who live or visit our district feel like they belong. We celebrate diversity and believe it fosters and encourages growth. We value a range of identities, ages, lifestyles, cultural backgrounds, gender, political perspectives and religious beliefs.

The District Council of Grant is the southernmost local government area in South Australia. Situated on the southeast coast corner of the Limestone Coast, it is bounded to the south and southwest by the Southern Ocean, the Victorian Border to the east and the Wattle Range Council to the north and northwest. The Council encircles the local government area of the City of Mount Gambier.

The fishing industry, in particular the southern rock lobster industry, is a significant factor in the economy of the area with Port MacDonnell in the south of the district acknowledged as the “Southern Rock Lobster Capital of Australia”. The Limestone Coast Fisherman’s Co-operative indicates that *Port MacDonnell is the fishery’s largest and most important port. The LCFC estimates it accounts for approximately one third of the fishery as a whole- therefore it is estimated to be **worth more than \$20Million, and up to \$33Million** once the market recovers from restrictions on trade with China (either through identifying new markets or restored trade with China).*

The Council covers an area of 1,898 square kilometres and is predominantly rural with a number of small townships, serving an estimated population of 8,636 (as at 2021 census). The area contains some of the richest and most productive agricultural land in South Australia. Dairying, beef and sheep production, horticulture, wool, seed and grain production are the predominant agricultural activities.

Forestry production and related secondary industries of logging and milling are major economic and employment generating activities. The District Council of Grant is home to the Mount Gambier Wine Region producing quality cool climate wines and featuring multiple vineyards and cellar door outlets.

Features such as the spectacular coastline and the natural and built heritage, including Mount Schank State Heritage area, Canunda National Park, Lake Bonney, Piccaninnie Ponds and Ewens Ponds, with exceptional cave diving opportunities, make the area a popular and growing tourist destination and a recreational playground for local, national and international visitors.

The District Council of Grant is a diverse collection of townships and communities and we value the different approaches, opinions, and expectations from our communities. The Council provides a range of functions to improve the quality of life for all people who live, work, do business, enjoy leisure and visit the community and its environs.

COUNCIL
PROFILE

*Statistics for 2020-2021. Source: National Institute of Economic and Industry Research (NIEIR) - 2021. Compiled and presented in economy.id by id (informed decisions). NIEIR-ID data are adjusted each year, using updated employment estimates. Each release may change previous years' figures.

ECONOMIC DRIVER PROFILE¹

GROSS
REGIONAL
PRODUCT
\$518M

TOTAL OUTPUT
\$942.6M

TOP 3 INDUSTRIES BY OUTPUT



01. AGRICULTURE,
FORESTRY AND FISHING
\$602.3 MILLION (63.9%)



02. MANUFACTURING
\$125.5 MILLION (13.3%)



03. CONSTRUCTION
\$87.6 MILLION (9.3%)

VALUE ADDED BY INDUSTRY



01. AGRICULTURE,
FORESTRY AND FISHING
\$305.9 MILLION (69.9%)



02. MANUFACTURING
\$39.7 MILLION (9.1%)



03. CONSTRUCTION
\$22.9 MILLION (5.2%)

TOTAL VALUE
ADDED -
ALL INDUSTRIES
\$437.4M



TOTAL
EXPORTS **\$591M**

(BOTH DOMESTIC AND INTERNATIONAL)

AGRICULTURE, FORESTRY
AND FISHING **\$475.8M (80.5%)** MANUFACTURING
\$89.6M (15.2%)

LOCAL
BUSINESSES
1064

EST. NUMBER
OF LOCAL JOBS
2709



49.1%
EMPLOYED IN
AGRICULTURE,
FORESTRY AND
FISHING

Port MacDonnell Overview

Port MacDonnell, originally known as Ngaranga is the southernmost town in South Australia and the significant township closest to the proposed position of the wind turbines associated with the project. The port located in the Limestone Coast region about 477 kilometres (296 mi) southeast of Adelaide and 28 kilometres (17 mi) south of Mount Gambier in the District Council of Grant local government area.

The 2021 Australian Census reports that the locality of Port MacDonnell had a population of 851. Once, South Australia's second busiest shipping port, the town [Port MacDonnell] now relies heavily on its fishing and summer tourism industries, particularly rock lobster harvest industry, and is known as "Australia's Southern Rock Lobster Capital".

The following have been listed as state heritage places on the South Australian Heritage Register – the Cape Northumberland Lighthouse, the Dingley Dell Museum and the Former Port MacDonnell customs house.

Port MacDonnell is located within the federal division of Barker, the state electoral district of Mount Gambier and the local government area of the District Council of Grant.

Referral Response

The Grant District Council is aware that the Minister can only consider issues that are covered under the EPBC Act and matters that relate to the MNES- Matters of National Environmental Significance. Based on the information provided, it appears that the proposal will impact and/or significantly impact on the following protected matters (MNES):

- wetlands of international importance (listed under the Ramsar Convention)
- listed threatened species and ecological communities
- listed migratory species (protected under international agreements)
- Commonwealth marine areas

While Council is currently neutral as to whether the Southern Winds Offshore Wind Project should progress, at a workshop on 27 February 2023, it identified five key themes to be considered prior to any offshore wind project proceeding in this area. Further particulars below.

1. Community Engagement

- Should the project progress, it is recommended that Blue Float makes a demonstrated commitment to broad community engagement in an effort to understand the community issues and seek to make changes to address legitimate concerns and gain community support for the project.

- This should include genuine engagement with First Nations and agreement on suitable location and method of affixing wind turbines (e.g. consider floating method and/or locating away from rock lobster breeding locations) in close consultation with the South Australian Rock Lobster Advisory Council and the South Eastern Professional Fisherman's Association.

Blue Float Energy's Southern Winds Offshore Wind Project local engagement in the area to date:

November 2022	BlueFloat Community information session for Port MacDonnell postponed and withdrawn at Council's request- due to conflict with first meeting of new Council, and lack of prior engagement with Council.
January 2023	BlueFloat Presentation to Grant District Council
13 February 2023	Community Drop-In Information Session Held at Port MacDonnell
16 February 2023	Southern Winds Offshore Wind Project Webinar – chat function was disabled and community questions were only available by text message to the speakers.
22 February 2023	EPBC Act 1999 Referral Published – Invitation for Public Comment open for 10 days
08 March 2023	Referral Consultation Period Closes

2. Industry Impact

- Potential for catastrophic impact on rock lobster industry offshore from Port MacDonnell. These pristine waters produce a crayfish that is sought after both locally in Australia and internationally- with much of the catch being exported. This is a multi-million dollar business that benefits the town of Port MacDonnell and the Limestone Coast and South Australia in general. (More details about potential impacts below).
- The referral documents include social impact research from Umwelt (page 12) which seeks to recognize the community's resilience to any impacts of the project. In it they identify that Rock Lobster and Crab Potting industry represents only 2.3% of the employment in District Council of Grant (as a whole). However, this ignores the most immediately impacted distinct community of interest (Port MacDonnell) where the percentage of households relying on this industry is significantly higher, with 31 (8%) of Port MacDonnell's residents identifying Rock Lobster and Crab Potting as their industry of employment. This represents roughly 18% of South Australian's and 3% of Australian's who

recorded this industry as their industry of employment on the 2021 Census – from just one town. Noting that some employed in the industry at Port MacDonnell may live in nearby towns.

- It also neglects to factor the potential impacts to rock-lobster and ‘other fishing’ based tourism in the area.
- The exclusion zone associated with the proposed location for the turbines appears to correspond with the shelf that is home to the high value rock lobster product.
- As such, further research is required to demonstrate that the project will not negatively impact the Rock Lobster and general fishing industry off the coast of Port MacDonnell.

As identified above, one of Council’s key concerns is potential impact on benthic environments via piling for turbine foundations, which has the potential to affect the breeding grounds of the Southern Rock Lobster industry which is vital to the economy of Port MacDonnell, and also to the living social heritage and identity of the town. Port MacDonnell is known as “Australia’s Southern Rock Lobster capital”, due to having the largest rock lobster fleet in Australia. The industry of rock lobster or cray pot fishing is firmly embedded in the psyche of the local community who identify the locality as a ‘fishing village’.

While the employment industry sector “Rock Lobster and Crayfishing” may only account for 1% of the District Council of Grant’s overall economy, for this specific community *within* the greater DC Grant community, it is the top category of employment. In Port MacDonnell, this industry represents 8%, which is a significantly higher percentage than in the broader District. This industry is intrinsic to the identity of the town and is featured in murals and public art, including a bronze statue in the town’s waterfront development. Although the population is relatively small, the number of people that may be affected by changes to the rock lobster catch in the areas is significantly more, with the area popular with tourists who come back year after year and have a fond association with the available species.

At the question, “Are non-residential land use activities likely to be displaced as a result of the project?” the Project proponent writes, “...Safety exclusion zones will be established within the marine environment (wind turbines, substations) during construction and operation. Exclusion zones would be much smaller during operation and not likely have a significant effect on marine users.During construction there may be some restrictions on boating and recreational activities...”

This section neglects to acknowledge the significant commercial rock lobster fishing industry in the portion of the project which is located directly off the coast of South Australia. An industry which contributes more than \$20Million, to the broader fishery, as noted above.

The Limestone Coast Fishermen’s Co-operative Limited (LCFC) was formed and registered in South Australia on 3 September 2018.

The LCFC is a licenced Fish Processor in South Australia, for Southern Rock Lobster, and is a DAWR approved exporter for live Southern Rock Lobster to China, this is the principal business of the LCFC. The LCFC was established by fishermen from the South Australian Southern Zone Southern Rock Lobster Fishery. Information received from the LCFC indicates that the fishery as a whole generates approximately \$70Million in Gross Value Production (GVP). This was closer to \$110Million GVP in 2019 (prior to barriers preventing trade with China). It

generates around 1200 FTE positions. The GVP is tripled when looking at the contributions to the State economy. The capital assets value of the fishery and broader industry, including the value of quota, boats, onshore manufacturing facilities etc exceeds \$1Billion.

Port MacDonnell is the fishery's largest and most important port with approximately 45 boats fishing from it. The LCFC estimates it accounts for approximately one third of the fishery as a whole- therefore it is estimated to be **worth more than \$20Million to \$33Million**.

The proposal notes the opportunity to utilise seasonal construction windows. In reference to MNES this would mean avoiding construction in the locality which is an area identified as a Biologically Important Area of the Blue Whale when it is present in the Summer months, and Southern Right Whale, which is present in winter months. To avoid construction when either species is present leaves only Autumn and Spring. However, this is noted as a Biologically Important Area for the White Shark all year round.

To apply construction windows that completely avoid interruptions to listed marine species is impossible in this marine highway and breeding ground, as demonstrated in **Figure 1**- table below. (Information in the table is based on information in the submitted documents and rock lobster fishing season as identified by the Department of Primary Industries and Regions, Government of South Australia).

Council is concerned that the stated timeline for development of the infrastructure associated with this project is in the "Summer Months". The proposal indicates a preference for construction to occur in the summer months- which overlaps with the rock lobster fishing season. However, of most concern might be the breeding times of southern rock lobster noted to be from April to July, and the time that most eggs hatch between September to October.

	Summer			Autumn			Winter			Spring	Season	
NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	Months
Bonney Upwelling												
Blue Whales				Blue Whales			Southern Right Whale				MNES Whales	
White Shark												
White Shark												
					Rock Lobster Breeding in Benthic Environment			Most Rock Lobster Eggs Hatch			Benthic Rock Lobster	
				Rock Lobster Fishing Season ¹							R-L Fishing Season	
	Identified Preferred Construction Time											

Figure 1: Table of Seasonal MNES* plus locally significant Rock Lobster Season.

1. https://www.pir.sa.gov.au/recreational_fishing/rules/species_limits/species_profile/southern_rock_lobster Department of Primary Industries and Regions, Government of South Australia accessed 8/3/2023

3. SA Legislation

- It is unclear what, if any, contact has been made with State Government Departments and Agencies as key stakeholders for environmental and coast protection matters off the coast of South Australia.
- Respectfully suggest that assessment of **all impacts** be considered through SA legislation- if legislation does not support this, consider if this is problematic and requires legislation amendment.
- Moving forward, there may be a role for Cross Border Commissioner to facilitate inclusion of relevant SA State Government stakeholders, referral agencies, in this space moving forward. The documents submitted appear to only include references to South Australian data as an afterthought. It is difficult for Council or any community stakeholder to compile required evidence within the 10 days offered for a response to the extensive referral documents.
- The referral documents prepared by BlueFloat Energy appear to have added South Australian information as an afterthought, and even then, not provided comprehensive information. In one report, community impact data was provided on a range of measures for Mount Gambier City Council only, with information relating to District Council of Grant not provided. On most maps Port MacDonnell was not even indicated on the map, as though it were of no consequence- despite it being the town closest to the proposed location for the off-shore turbines.

4. Environmental Impact

- Visual Impact-
Visual Impact is most significant from Port MacDonnell and neighbouring townships- without any projected economic benefit to balance the potentially catastrophic impact on environment and marine habitat.
- SA Referral Agencies-
Triggers for assessment under the South Australian Planning System would be beneficial and potentially assist in co-ordinating relevant State Government Referrals. Ideally this would be coordinated through formal stakeholder referrals which include relevant South Australian Government agencies. The documents submitted appear to only include any references to South Australian data as an afterthought. It is difficult for Council or any community stakeholder to compile required evidence within the 10 days referral window.
- South Australian Considerations
Referral documents clearly identify significantly more impacts to the environment **east** of the SA-Victoria border. It is unclear if this is because more close attention has been paid to impacts in Victoria- or there is an assumption that the lack of onshore elements to the SA portion of the project will have less environmental impact. Were any formal referrals made to South Australian based environmental Departments/Agencies to facilitate the provision of mapping and local information?

- Further investigations are required to consider how any construction/vibration may impact on the natural upwelling in the area which may consequently upset the natural balance of the ecosystem and have flow on impacts to Matters of National Environmental Significance and the local fishing (particularly rock lobster) industry and birdlife in the area.

5. Value Proposition

- It is accepted that there is an overall national interest in securing additional renewable energy for the national grid.
- However, it is noted that there is an opportunity cost if this project goes ahead. The natural conditions in the locality (off the coast of Port MacDonnell) may be suitable for a range of green energy or blue economy industries of the future (not limited to wind energy generation). What are the benefits of this project to the local area? The project team from Southern Winds have indicated potential supply chain benefits to the local economy- however this is inconsistent with the information in referral documents which appear to envisage all construction and servicing accessing from Victorian Ports (with one option of a port in Tasmania) and no SA ports being considered.
- If this project proceeds as proposed it may not be compatible with continuation of existing industry and/or other future blue/green economy industry projects which may be more beneficial in creating economic benefits for our region. There should be significant economic benefit before contemplating a project such as this with significant likely impacts to Matters of National Environmental Significance.
- As it stands the project does not include any direct feed in to the South Australian Grid, and while it is noted that power generated goes into the national grid, there could be potential for further government investment that could assist in generating economic value for South Australia, if conversations with South Australian State Government were pursued. It is proposed that the project should consider ways in which it could enhance the local economy **west** of the SA-Victorian border with a particular emphasis on economic growth opportunities for Port MacDonnell.



Notice of Proposal to Declare an Area - Southern Ocean Region off Victoria and South Australia

28 June 2023

I, The Honourable Chris Bowen MP, the responsible Commonwealth Minister for the *Offshore Electricity Infrastructure Act 2021* (the Act), make the following notice under section 18 of the Act:

- (a) I propose to declare an area in the Southern Ocean, extending from Warrnambool, Victoria to Port MacDonnell, South Australia, as identified by the dataset titled '*Offshore Electricity Infrastructure Act 2021– Proposed Area – Southern Ocean Region*' available on the [Department of Climate Change, Energy, the Environment and Water's website](#).
- (b) I invite submissions from the public on this proposal.
- (c) Submissions are to be made via the [Consultation Hub](#).
- (d) Submissions must be received by **31 August 2023** in order to be considered.

All areas declared as suitable for offshore renewable energy will be multi-user areas. Offshore renewable energy projects must share the area with other users and interests.

Further Information

For more information on the area proposed, see *Overview of the Proposed Area – Southern Ocean Region* and the *Marine Users, Interests and the Environment in the Southern Ocean Region* supporting documents available on the [Consultation Hub](#).

A map allows users to interact with the Southern Ocean Region 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](#) portal.

Indicative map of area

An indicative map of the proposed area is shown below. This map is a guide only, and is not a definitive representation of the area proposed to be declared. The exact series of geospatial coordinates for the area is available in the dataset titled *Offshore Electricity Infrastructure Act 2021– Proposed Area – Southern Ocean Region* available on the Department of Climate Change, Energy, the Environment and Water's website.





Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA199815

For	Signature
Critical Date	18 August 2023
Subject	Response to Mr Nathan Kimber, Executive Officer South Australian Rock Lobster Advisory Council

Synopsis

You received email correspondence dated 1 August 2023 from Mr Nathan Kimber, Executive Officer South Australian Rock Lobster Advisory Council concerning the proposed Southern Ocean Offshore Wind Zone.

A response is enclosed for your consideration.

Recommendations

That you:

1. Sign the attached letter of response to Mr Kimber (**Attachment A**).

SIGNED / NOT SIGNED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2023

Ministerial Comments -

Background

- You received email correspondence dated 1 August 2023 from Mr Nathan Kimber, Executive Officer South Australian Rock Lobster Advisory Council and the South Eastern Professional Fishermen's Association regarding the proposed Southern Ocean Offshore Wind Zone currently being considered in the state's Southeast adjacent to Port MacDonnell.
- Mr Kimber outlines specific concerns related to the proposed declaration including information from the recent community meetings with the Commonwealth Department for Climate Change, Energy, the Environment and Water (DCCEEW) in Mount Gambier and Port MacDonnell.
- Additional correspondence from Mr Kimber dated 10 August 2023 has been received which details outcomes from a meeting on 9 August 2023 between South Australian delegates including Mr Kimber and Minister Chris Bowen and Shadow Minister Ted O'Brien in Canberra.

Discussion

- Mr Kimber's concerns include a statement reported to have been quoted by DCCEEW at the community meeting *"We have avoided the deeper waters around the Continental Shelf in proposing this zone as we know that's where the most valuable fishing fleet, the SETFIA trawlers, operate"*.
- Mr Kimber states *"there are maybe 3 trawlers that operate out of Portland and fish the Continental Shelf waters off the coast of Port Mac catching very low value species. Nothing in comparison to the 45 vessels that fish out of Port Mac for Southern Rock Lobster catching around 400 tonnes annually of a premium export product"*.
- Mr Kimber asks that the Department of Primary Industries and Regions (PIRSA) continue to liaise with DCCEEW including providing specific information which addresses the following concerns of industry:
 - *The impact of displaced effort and displacement cascade on the scheme of management for the fishery*
 - *Understanding the impact of underwater noise and vibrations on settlement and general wellbeing of rock lobster*
 - *Understanding the impact of Electromagnetic fields (EMF) on rock lobster*
 - *Understanding the impact of habitat loss (some 700 tonnes of concrete and steel is going to be poured into the ocean floor for each turbine)*
 - *Understanding the impact of the turbines on the Bonney Upwelling – a natural phenomenon that is fuelled by the south easterlies winds of South Eastern Australia*
 - *Seismic testing – this is the first activity that will occur within the zone and we already have scientific evidence to suggest that the sound blasts do irreparable damage to rock lobster.*
- Please note PIRSA is currently engaging with the Department for Energy and Mining (DEM) regarding the proposal. DEM is facilitating state government consultation.
- PIRSA provided initial comments to DEM on the proposal, and subsequent information has been provided to the PIRSA Chief Executive including data from the South Australian Research and Development Institute (SARDI) which seeks to address some of the concerns in the correspondence **(A5963117)**. Specific information provided includes:
 - Fisheries and aquaculture impacts

- Report: *Overview of the effects of offshore wind farms on fisheries and aquaculture*
 - SARDI synopsis of literature on windfarms
 - SZRLF spatial catch data in reference to the proposed area.
- In addition, PIRSA has a meeting with DCCEEW representatives on 17 August 2023 to further discuss fisheries and aquaculture impacts and the assessment process.
- Mr Kimber's correspondence of 10 August 2023 details outcomes from a meeting on 9 August 2023 between South Australian delegates and Minister Chris Bowen and Shadow Minister Ted O'Brien in Canberra (**Attachment B**).
- Mr Kimber states:
 - *The Minister has left the door wide open to reducing the size and location of the zone.*
 - *He has stated that he is not interested in simply substituting existing industries and jobs, for new ones.*
 - *He has set a precedent in declaring the Gippsland and Hunter zones that zones will be reduced and moved based on a range of environmental and industry based issues.*
 - *A clear take home message from the meeting was that our fishing industry and regulator, in written submissions to the Minister needs to very strongly articulate why we don't think offshore wind and the rock lobster fishery can co-exist in that specific location. NB: once declared that zone could house any number of offshore renewables projects not just the BlueFloat proposal.*
 - *Whist we challenged the Minister, that the burden of proof around that argument should be on the Federal Government proposing the new industry, rather than an industry that's operated for 80 years, we accept the challenge that he has put to us.*
 - *To that end, we are now strongly calling on the Minister and PIRSA, who has ultimate responsibility for managing our fishery (under OCS arrangements out to 200 nautical miles) throughout the proposed zone to make strong submissions to the consultation process.*
 - *This offshore wind zone will impact on the management of the Southern Zone Rock Lobster Fishery.*
 - *The obvious is habitat destruction and displacement of effort through exclusion zones around the turbines.*
 - *The less obvious are things like the impact of sound and vibration, the electromagnetic fields that will surround cabling, the seismic testing that will occur as a precursor.*
 - *There are so many unanswered questions about this activity and the impact on the management of the fishery.*
- Mr Kimber asks the State Government to make strong submissions around the inability of the Southern Zone Rock Lobster Fishery to co-exist with offshore renewables in the specified area.

Stakeholder / regional impacts, consultation and engagement

- There is potential for significant regional impacts with the proposed declaration of the area for renewable energy.
- PIRSA has raised concerns regarding these impacts with DEM and DCCEEW.

- PIRSA will continue to engage with DEM and DCCEEW regarding potential impacts including providing specific data and information.

Management of key risks

- Should the area be declared as an offshore renewable energy zone, future developments including infrastructure are likely to have significant impacts on fishing industries, coastal communities and associated management structures.

Legislative and/or financial implications

- There are likely significant financial and legislative implications should the declaration be supported.

Attachments

- A. Letter of response to Mr Kimber
- B. Email from Mr Kimber regarding meeting in Canberra.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

16/8/2023

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries and Aquaculture
MOBILE and LANDLINE	0477 316 248 / (08) 8429 0960
CLEARED BY	Gavin Begg

Farley, Lisa (PIRSA)

From: Nathan Kimber <nathan@kimberconsulting.com.au>
Sent: Thursday, 10 August 2023 7:49 AM
To: Begg, Gavin (PIRSA); PIRSA:Minister Scriven; O'Brien, Mat (PIRSA); Doroudi, Mehdi (PIRSA)
Cc: Linnane, Adrian (PIRSA-SARDI); Steer, Michael (PIRSA-SARDI)
Subject: Delegation to see Minister Bowen

OFFICIAL

Hello All,

Letting you know that our delegation to Canberra to meet with Minister Bowen and Shadow Minister O'Brien took place yesterday. Take home messages from the meeting:

- The Minister has left the door wide open to reducing the size and location of the zone.
- He has stated that he is not interested in simply substituting existing industries and jobs, for new ones.
- He has set a precedent in declaring the Gippsland and Hunter zones that zones will be reduced and moved based on a range of environmental and industry based issues.
- A clear take home message from the meeting was that our fishing industry and regulator, in written submissions to the Minister needs to very strongly articulate why we don't think offshore wind and the rock lobster fishery can co-exist in that specific location. NB: once declared that zone could house any number of offshore renewables projects not just the BlueFloat proposal.
- Whilst we challenged the Minister, that the burden of proof around that argument should be on the Federal Government proposing the new industry, rather than an industry that's operated for 80 years, we accept the challenge that he has put to us.
- To that end, we are now strongly calling on the Minister and PIRSA, who has ultimate responsibility for managing our fishery (under OCS arrangements out to 200 nautical miles) throughout the proposed zone to make strong submissions to the consultation process.
- This offshore wind zone will impact on the management of the Southern Zone Rock Lobster Fishery.
- The obvious is habitat destruction and displacement of effort through exclusion zones around the turbines.
- The less obvious are things like the impact of sound and vibration, the electromagnetic fields that will surround cabling, the seismic testing that will occur as a precursor.
- There are so many unanswered questions about this activity and the impact on the management of the fishery.

Again, I implore the State Government to make strong submissions around the inability of the Southern Zone Rock Lobster Fishery to co-exist with offshore renewables in that specific area.

There is nothing in this for South Australia. If we don't cut this off at the zoning phase the fishery and Port Mac community will be subjected to an ongoing fight that will only add to the severe anxiety, stress, and uncertainty that still remains as a result of trade impediments.

Any questions please don't hesitate to call.

Regards,

Nathan

From: Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>

Sent: Monday, August 7, 2023 1:48 PM

To: Nathan Kimber <nathan@kimberconsulting.com.au>; PIRSA:Minister Scriven <Minister.Scriven@sa.gov.au>; O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>; Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>

Cc: Linnane, Adrian (PIRSA-SARDI) <Adrian.Linnane@sa.gov.au>; Steer, Michael (PIRSA-SARDI) <Michael.Steer@sa.gov.au>

Subject: RE: Consultation with DCCEEW

OFFICIAL

Hi Nathan

Thank you for the information on the consultation process with DCCEEW. We will continue to inform the respective agencies re. the significance of the area with respect to the state's fisheries.

Regards

Gavin

From: Nathan Kimber <nathan@kimberconsulting.com.au>

Sent: Saturday, 5 August 2023 8:20 AM

To: PIRSA:Minister Scriven <Minister.Scriven@sa.gov.au>; O'Brien, Mat (PIRSA) <Mat.O'Brien2@sa.gov.au>; Begg, Gavin (PIRSA) <Gavin.Begg@sa.gov.au>; Doroudi, Mehdi (PIRSA) <Mehdi.Doroudi@sa.gov.au>

Cc: Linnane, Adrian (PIRSA-SARDI) <Adrian.Linnane@sa.gov.au>; Steer, Michael (PIRSA-SARDI) <Michael.Steer@sa.gov.au>

Subject: Consultation with DCCEEW

Importance: High

Dear Minister, Matt, Mehdi, and Gavin,

I wanted to update you on the consultation sessions that DCCEEW held in Mount Gambier and Port MacDonnell on Thursday re zoning for the Southern Ocean offshore wind zone.

We had 150 attend in Mount Gambier and approximately 400 in Port MacDonnell (close to 100 people didn't even make into the venue and listened through windows from outside). Details of all who attended were captured by our newly formed Southern Ocean Group. All but one of the 550 that attended across the two venues were opposed to the Southern Ocean offshore wind zone.

The DCCEEW were completely under prepared and absolutely overwhelmed with the turnout and the response.

Something that I wanted to alert you to - it has become very apparent that the disconnect between the Commonwealth and States on this zoning process is a major problem and had it of been better we might not be in the fight we are in! To sum it up in a quote from DCCEEW from the Port Mac session,

"We have avoided the deeper waters around the Continental Shelf in proposing this zone as we know that's where the most valuable fishing fleet, the SETFIA trawlers, operate."

You can imagine the response this comment received with a room full of rock lobster fishermen, their families, and a township that exists almost solely off the back of our fishery.

For context, there are maybe 3 trawlers that operate out of Portland and fish the Continental Shelf waters off the coast of Port Mac catching very low value species. Nothing in comparison to the 45 vessels that fish out of Port Mac for Southern Rock Lobster catching around 400 tonnes annually of a premium export product.

Anyway the point seems to have gotten across to DCCEEW that they must talk to PIRSA and SARDI and I have been assured that they now are. I am also aware that perhaps the Premier has asked for a report from PIRSA on the likely impact of the zone on our fishery off the back of our meeting with him 26/07/23. Can I request that in providing this information you don't simply provide them with catch and effort data from MFA 58 and be done with it. There are a

whole range of questions that PIRSA and SARDI need to understand about the impact of potential co-existence of offshore wind and our fishery. These include:

- The impact of displaced effort and displacement cascade on the scheme of management for the fishery
- Understanding the impact of underwater noise and vibrations on settlement and general wellbeing of rock lobster
- Understanding the impact of Electromagnetic fields (EMF) on rock lobster
- Understanding the impact of habitat loss (some 700 tonnes of concrete and steel is going to be poured into the ocean floor for each turbine)
- Understanding the impact of the turbines on the Bonney Upwelling – a natural phenomenon that is fuelled by the south easterlies winds of South Eastern Australia.
- Seismic testing – this is the first activity that will occur within the zone and we already have scientific evidence to suggest that the sound blasts do irreparable damage to rock lobster

We need PIRSA, SARDI and the State Government to stick up for our most important fishery on this one. Lets not just assume that co-existence between offshore wind and commercial fisheries is an easy reality.

Please call me at any time to discuss.

Regards,

Nathan

Nathan Kimber

Executive Officer

South Australian Rock Lobster Advisory Council Inc (SARLAC)

South Eastern Professional Fishermen's Association Inc (SEPFA)

PO Box 395
GLENELG SA 5045

Mobile: 0417 838 459

E-mail: nathan@kimberconsulting.com.au

SARLAC Web: www.sarlac.com.au



SARLAC
South Australian
Rock Lobster Advisory Council Inc

Australian
Southern Rocklobster



SEPFA

**South Eastern Professional
Fishermen's Association Inc.**

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EPBC ref: 2022/09435

Clause 6(1)

Coordinator Assessments – Planning and Assessment Branch
Department for Environment and Water
PO Box 1047
ADELAIDE SA 5001

Decision on referral for Southern Winds Offshore Wind Project, off the coast of south-west Victoria and south-east South Australia

Dear Mr Clause 6(1)

This is to advise you of my decision on the referral of the proposed action to construct, operate and decommission a 77-turbine offshore wind farm including two substation, subsea cabling, and onshore transmission infrastructure, located 8-20 km off the coastline between Cape Douglas in South Australia, and Nelson in Victoria (EPBC 2022/09435).

As a delegate of the Minister for the Environment and Water, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed action is a controlled action. Therefore, further assessment is needed before a decision can be made on whether or not approval can be granted under the EPBC Act.

The information I have considered indicates that the proposed action is likely to have a significant impact on:

- Ramsar wetlands (sections 16 & 17B)
- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)
- Commonwealth marine areas (sections 23 & 24A)

I have also decided that the proposed action will be assessed by environmental impact statement. A copy of the document recording my decision is attached.

If you have any questions about the referral process or this decision, please contact the project manager, Clause 6(1) by email to Clause 6(1), or telephone Clause 6(1) and quote the EPBC reference number shown at the beginning of this letter.

Clause 6(1)

Clause 6(1)

Branch Head
Environment Assessments (Vic, Tas) and Post Approvals Branch

6 April 2023



EPBC ref: 2022/09436

Clause 6(1)

Coordinator Assessments – Planning and Assessment Branch
Department for Environment and Water
PO Box 1047
ADELAIDE SA 5001

Decision on referral for Southern Winds Offshore Wind Project Initial Marine Field Investigations, SA and Vic

Dear Mr Clause 6(1)

This is to advise you of my decision about the proposed action to undertake marine surveys off the coastline between Port MacDonnell (South Australia) and Nelson (Victoria). These surveys are a component of the initial investigations for the proposed Southern Winds Offshore Wind Project (See EPBC 2022/09436).

As a delegate of the Minister for the Environment and Water, I have decided that the proposed action is not a controlled action, provided it is taken in the manner described in the attached decision document. This means that, provided that the action is taken in that way, it does not require further assessment and approval under the EPBC Act before it can proceed.

I have also decided to accept the referral under section 74A of the EPBC Act.

A copy of the document recording this decision is attached. This document will be published on the department's website.

Please note that this decision relates only to the specific matters protected under Chapter 2 of the EPBC Act.

This decision does not affect any requirement for separate State or local government environment assessment and approvals of the proposed action.

If you have any questions about the referral process or this decision, please contact the project manager, Clause 6(1), by email to Clause 6(1), or telephone Clause 6(1) and quote the EPBC reference number shown at the beginning of this letter.

Clause 6(1)

Branch Head
Environment Assessments (Vic, Tas) and Post Approvals Branch

28 April 2023



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198997

For	Approval and Signature
Critical Date	22 March 2023
Subject	Response to [redacted] regarding the Port MacDonnell o m project

Synopsis

You have received email correspondence from [redacted] of Port MacDonnell noting his concerns in regards to the Southern Winds Offshore Wind Farm Project proposed for waters off the coast near Port MacDonnell. You are requested to consider and sign a letter of response to [redacted] noting that the Department of Primary Industries and Regions (PIRSA) has provided feedback to the Department for Climate Change, Energy, the Environment and Water in regard to this project.

Recommendations

That you:

1. Note the information provided in this briefing.

NOTED

2. Sign the enclosed letter of response to [redacted]

SIGNED / NOT SIGNED

- 8/6 - Edits



Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development**

Minister for Forest Industries

8/6 / 2023

Ministerial Comments -

Background

- On 7 March 2023, you received email correspondence from Clause 6(1) of Port MacDonnell concerning the Offshore Wind Farm Project proposed in Commonwealth waters adjacent to Port MacDonnell in the state's South East.
- Clause 6(1)
Clause 6(1) and resides in Port MacDonnell.
- The Southern Winds Offshore Wind Farm Project proposes a development of up to 77 wind turbines. The power generated from the proposed wind farm will be connected to the power grid through the Heywood Terminal station in Victoria. Exclusion zones around each turbine and other related infrastructure are likely.

Discussion

- The Commonwealth Government has identified multiple coastal regions around Australia as priority areas to be assessed for suitability for offshore renewable energy, including offshore wind farms. Assessments for suitable areas for offshore renewable energy are undertaken by the Commonwealth Department for Climate Change, Energy, the Environment and Water (DCCEEW) in consultation with state and territory governments, industry, community and the general public.
- In August 2022, the Federal Minister for Energy announced Australia's first declared offshore Wind Farm zone in Bass Strait off Gippsland, Victoria. The Southern Ocean region off Portland has also been identified as a priority area for assessment. A proposed project in this area has been submitted and referred to DCCEEW.
- The Department of Primary Industries and Regions (PIRSA) has provided comments to DCCEEW on the Southern Winds Offshore Wind Farm Project as part of an initial referral, as well as a second referral in relation to marine field surveys for the project. The comments relate to potential impacts on fisheries and aquaculture in South Australia including:
 - Commercial and recreational fisheries within or adjacent to the proposed site include the Southern Zone Abalone Fishery (SZAF), SZRLF, Marine Scalefish Fishery (MSF) and Giant Crab Fishery (GCF).
 - The proposed area is situated in Commonwealth Waters (outside 3 nautical mile baselines). Under Offshore Constitutional Settlement agreements, South Australia is responsible for the management of a number of fisheries in Commonwealth waters, including the SZAF, SZRLF, GCF and MSF. The Southern Bluefin Tuna Fishery is managed by the Commonwealth.
 - Around 27% of the SZRLF commercial catch is taken in the area of, or in the vicinity, of the proposed wind farm.
 - Lobster is an iconic South Australian species and a significant export product. The SZRLF contributed over \$137.4M to the Gross State Product (GSP) in 2020/21 representing 30% of South Australia's fisheries GSP. The SZRLF supports regional communities in the South East between Kingston SE and the Victorian border.

- The South Eastern Professional Fisherman's Association (SEPFA) is the representative body for the SZRLF. SEPFA has expressed strong concerns regarding impacts to the SZRLF through local council and government, including potential impact to important lobster habitat and access to fishing grounds given the potential exclusion zones around the structures.
- It is noted this area of the proposed wind farm has not been declared for offshore renewable energy infrastructure by the federal government to date.

Consultation and engagement

- DCCEEW undertook public consultation on the Southern Winds Offshore Wind Farm Project in March. This consultation period concluded on 8 March 2023. A subsequent consultation was undertaken with respect to proposed marine field surveys for the project. This consultation period concluded 21 March 2023. PIRSA provided feedback to DCCEEW as part of a broader government response in response to both referrals.

Legislative implications

Nil

Attachments

Nil



FOR CHIEF EXECUTIVE

Department of Primary Industries and Regions

23 / 03 / 2023

CONTACT	Prof Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries & Aquaculture
MOBILE and LANDLINE	0477 316 248 / 0429 0960
Cleared by	Gavin Begg



Government
of South Australia

The Hon Clare Scriven MLC

Clause 6(1)

Clause 6(1)

Dear Clause 6(1)

Thank you for your email regarding the proposed offshore wind farm project near Port MacDonnell, South Australia and I note your concerns regarding the proposed development, particularly the impacts on the marine environment and the local community. I am also a resident of Port MacDonnell.

The marine environment in this area is home to important recreational and commercial fisheries, including Abalone, Rock Lobster, Marine Scalefish and Giant Crab fisheries. The Southern Zone Rock Lobster fishery alone contributes over 25% of South Australia's State Gross Product for seafood, and 25% of the commercial catch in the Southern Zone Rock Lobster fishery is taken from the Port MacDonnell area, so its importance to our state is well understood by the State Government.

As you have mentioned, it is also an important area for a number of other wildlife species and industries.

As the Southern Winds Offshore Wind Farm Project is in Commonwealth waters, the Commonwealth Department for Climate Change, Energy, the Environment and Water (DCCEEW) is coordinating environmental assessments including consulting with state government agencies.

My office has, and will, continue to work with the Department of Primary Industries and Regions (PIRSA) in providing feedback to DCCEEW concerning potential impacts to South Australia's fisheries and associated communities, and ensure that all concerns raised by the community and state government are well known.

Once again, thank you for writing to me with your concerns.

Yours sincerely

A handwritten signature in blue ink that reads "Clare Scriven".

Hon Clare Scriven MLC

**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES**

9 / 6 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au





Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198907

For	Signature
Critical Date	Routine
Subject	Meeting Request from Clause 7(1)(c)

Synopsis

You received an email from Clause 7(1)(c) of Clause 7(1)(c) requesting a meeting to provide an overview of the Clause 7(1)(c) Southern Winds Offshore Wind Project. Given the project area is still under consideration as an offshore renewable energy infrastructure site by the Commonwealth Government, any engagement with a proponent may be viewed as pre-emptive. It is recommended that you do not meet with Clause 7(1)(c) at this time to ensure appropriate transparency in your representation of the South Australian Government in any future consideration of the project.

Recommendations

That you:

1. Sign the attached letter of response to Clause 7(1)(c) declining the request for a meeting noting the project is subject to formal consideration by the Commonwealth Department for Climate Change, Energy, the Environment and Water.

SIGNED / NOT SIGNED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2023

Ministerial Comments -

Background

- You received an email from Clause 7(1)(c) Clause 7(1)(c), requesting a meeting to provide an overview of the Southern Winds Offshore Wind Project, proposed for Commonwealth waters adjacent to Port MacDonnell, South Australia.
- Clause 7(1)(c), has submitted a proposal to the Commonwealth Department for Climate Change, Energy, the Environment and Water (DCCEEW) in relation to the Southern Winds Offshore Project.
- The Southern Winds Offshore Wind Project proposes the following:
 - 77 bottom fixed wind turbines with potential exclusion zones
 - 2 substations
 - Situated between 8 and 20 kilometres offshore
 - Trenched cable underground to Portland /Hamilton for grid connection.
- You have been previously provided parliamentary briefing notes on the potential impacts of this project on fisheries and aquaculture in South Australia (A5789730).

Discussion

- The Portland offshore region has been identified for consideration as a declared site for offshore renewable energy infrastructure.
- As the project is proposed for Commonwealth waters, the DCCEEW is responsible for considering projects of this nature. DCCEEW is currently considering whether the project is considered a 'controlled action' under the *Environment Protection and Biodiversity Act 1999* (EPBC Act).
- State referrals are facilitated by the South Australian Department for Environment and Water (DEW).
- The following referrals have been provided to the Department of Primary Industries and Regions (PIRSA) by DEW:
 - EPBC referral 2022/09435: Southern Winds Offshore Wind Project Proposed Action (Comments due by 3 March 2023)
 - EPBC referral 2022/09436: Southern Winds Offshore Wind Project Initial Marine Field Investigations (Comments due by 15 March)
- PIRSA has provided comment on both referrals.
- As Minister for Primary Industries and Regional Development, your advice and position on matters of this nature may be sought from parties including State or Commonwealth Governments, stakeholders or proponents of this or similar projects in the future.
- Given the project area is still under consideration as an offshore renewable energy infrastructure site by the Commonwealth Government, any engagement with a proponent may be viewed as pre-emptive.
- It is recommended that you do not meet with Clause 7(1)(c) at this time to ensure appropriate transparency in your representation of the South Australian Government and advise Clause 7(1)(c) to discuss their project with the appropriate government departments and with interested stakeholders.

Stakeholder / regional impacts, consultation and engagement

- The project may provide regional opportunities in terms of employment and economic benefits, particularly during establishment of infrastructure.

Management of key risks

- Should you meet with **Clause 7(1)(c)**, there may be a risk associated with the probity of engaging with a proponent for a proposed project of this nature. Engagement with the proponent may also be viewed as pre-emptive as the area has not been declared as a suitable site for offshore renewable energy infrastructure.
- There are formal processes for projects of this nature including consultation with State Government departments. It is recommended you advise **Clause 7(1)(c)** to continue to communicate with the relevant government departments.

Legislative and/or financial implications

- None

Attachments

A. Letter of response to **Clause 7(1)(c)**



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

13/4/2023

CONTACT	Prof. Gavin Begg
POSITION	Executive Director
DIVISION	Fisheries and Aquaculture
MOBILE and LANDLINE	0477 316 248 and 8429 0960
Cleared by	Gavin Begg



Government
of South Australia

The Hon Clare Scriven MLC

Clause 7(1)(c)

Dear Clause 7(1)(c)

Thank you for your recent email and meeting request to provide an overview of the Southern Winds Offshore Wind Project.

I understand that this project is currently being considered by the Commonwealth Department for Climate Change, Energy, the Environment and Water, and that as part of this process state referrals are being facilitated by the Department for Environment and Water.

While this formal Commonwealth process is yet to be complete, I am unable to accommodate your request for a meeting. It is important that any engagement occurs after this process is complete given that I may in the future be required to formally consider and provide a position on this project.

I encourage you to continue direct communication with the Commonwealth departments relevant to the formal processes currently underway, and consultation with relevant South Australian stakeholders.

Once again, thank you for writing to me concerning this project and I look forward, in due course, to an opportunity for engagement.

Yours sincerely

A handwritten signature in blue ink, appearing to read "C. M. Scriven".

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

4 / 5 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au





Our ref: CORP F2023/000626
Receipt No: 18184756

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Tel 8429 0422
www.pir.sa.gov.au

6 October 2023

The Hon Nicola Centofanti MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear Ms Centofanti

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* which was received by the Department of Primary Industries and Regions (PIRSA) on 16 August 2023, seeking access to the following:

"A copy of all correspondence and meeting documents, including but not limited to hard copy or electronic briefings, minutes, emails, letters, meeting agendas, and any other correspondence in relation to the Port MacDonnell Wind Turbine Project between 16/08/2022 and 16/08/2023."

On 17 August 2023, contact was made with your office by PIRSA's Senior Freedom of Information Advisor seeking clarification and refinement of your application.

On 18 August 2023, your office confirmed that your application was refined as follows:

"A copy of all correspondence and meeting documents, including but not limited to hard copy or electronic briefings, minutes, emails, letters, meeting agendas, and any other correspondence in relation to the Port MacDonnell Wind Turbine Project (also referred to as the Commonwealth Government's Southern Ocean Offshore Wind Zone project) between PIRSA and the Minister for Primary Industries and Regional Development between 16/08/2022 and 16/08/2023."

Pursuant to Section 14A of the Freedom of Information Act, the legislative timeframe in which to provide a determination was extended until 6 October 2023.

Accordingly, the following determination has been finalised.

I have located fifteen documents that are captured within the scope of your request.

Determination 1

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
1	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 3/5/2023 re Southern Winds Offshore Windfarm Project referral decision under EPBC Act	3
1a	Attachment to Document 1 – Notification of referral decision and designated proponent – Controlled action dated 6/4/2023	2
1c	Attachment to Document 1 – Notification of referral decision – not controlled action if taken in a particular manner dated 28/4/2023	4
4	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 29/3/2023 encl letter re Port MacDonnell Offshore Wind Farm Project	5
4a	Attachment to Document 4 - Email from District Council of Grant to Minister for Primary Industries and Regional Development dated 9/3/2023 re EPBC Referral Response	13
6a	Attachment to Document 6 – Notice of Proposal to Declare an Area - Southern Ocean Region off Victoria and South Australia dated 28/6/2023	2
7	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 16/8/2023 re proposed Southern Ocean Offshore Wind Zone	4
7b	Attachment to Document 7 – Email thread between South Australian Rock Lobster Advisory Council Inc/South Eastern Professional Fishermen's Association Inc, Office of the Minister for Primary Industries and Regional Development and PIRSA officers dated 5/8/2023 to 10/8/2023 re delegation	4

Determination 2

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
1b	Attachment to Document 1 – Letter dated 6/4/2023 re Decision on referral for Southern Winds Offshore Wind Project	1
1d	Attachment to Document 1 – Decision on referral for Southern Winds Offshore Wind Project Initial Marine Field Investigations, SA and Vic dated 28/4/2023	1
3	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 23/3/2023 encl draft letter re Port MacDonnell Offshore Wind Farm Project	4

The information removed from the above documents is pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information Act which states:

“6 - Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”

The information removed consists of the following:

- Documents 1b and 1d: Names, telephone numbers, email addresses and signatures of Departmental staff members
- Document 3: Name, residential address, email address and other identifying information of an individual.

With respect to Documents 1b and 1d, there would be an expectation by the staff members concerned that their personal information would not be released in this way.

With regard to Document 3, it is considered that members of the public can correspond with a Minister without fear that their identities are released.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Determination 3

I have determined that access to the following document is **granted in part**:

Doc No.	Description of document	No. of Pages
2	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 13/4/2023 encl letter re Meeting Request re Southern Winds Offshore Wind Project	4

The information removed from the above document is pursuant to Clause 7(1)(c) of Schedule 1 of the Freedom of Information Act which states:

“7 – Documents affecting business affairs

(1) A document is an exempt document –

(c) if it contains matter –

- (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*
- (ii) the disclosure of which –*
 - (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*

(B) *would, on balance, be contrary to the public interest*"

The information removed consists of the name and other identifying information of a third party.

In addressing the public interest test requirement for the Clause 7 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.
- High level of community interest in environmental matters.

Contrary to the public interest:

- Protecting the commercial and business interests of third parties.
- The need to protect the disclosure of some proposals submitted to the State Government for consideration.
- The recent age of the information and the ongoing relevance of the matter was considered.
- If third parties cannot be assured of confidentiality by Government with respect to communications relating to their business information, this would have the potential to harm business relationships with Government and hamper future dealings with agencies for the betterment of South Australia.
- Disclosure of this information would be expected to prejudice the future supply of information to Government, as the level of trust in handling such information would be substantially diminished.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 4

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
6	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 11/7/2023 encl two attachments	9
7a	Attachment to Document 7 – Draft letter	2

Access to the above documents is refused pursuant to Clause 9(1) of Schedule 1 of the Freedom of Information Act which states:

“9—Internal working documents

(1) A document is an exempt document if it contains matter—

(a) that relates to -

(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or

(ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and

(b) the disclosure of which would, on balance, be contrary to the public interest.”

The documents consist of information prepared for internal decision-making purposes of a Minister.

In addressing the public interest test for the Clause 9 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.
- High level of community interest in environmental matters.

Contrary to the public interest:

- Document 6 was presented to a Minister for consideration in the first instance, with amendments being re-drafted. Accordingly, it is considered that some differing information in draft documents must be maintained for internal decision-making purposes of Government.
- Document 7a was presented to a Minister for consideration. The document has not yet been signed or sent to the third party concerned. Accordingly, it would be premature to release a draft document to which the final version has not yet been sent to a third party.
- The recent age of the information was considered and the continuing relevance of the matters.
- If all information for internal decision-making purposes was released prior to forwarding to a third party, Departmental officers would be more hesitant when recording information which, in turn, may result in inaccurate detail being captured.
- It is expected that the release of these documents would change the manner in which information is documented for the consideration of a Minister.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of these documents would, on balance, be contrary to the public interest.

Determination 5

I have determined that access to the following document is **refused**:

Doc No.	Description of document	No. of Pages
5	Parliamentary Briefing Note dated 9/6/2023	4

Access to the above document is refused pursuant to Clause 17(c) of Schedule 1 of the Freedom of Information Act which states:

“17 – Documents subject to contempt etc

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown –
(c) infringe the privilege of Parliament.”*

The document consists of a briefing note which was specifically prepared for the purpose of use in proceedings in Parliament. Disclosure of this information would infringe the privilege of Parliament.

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation [Making a Freedom of Information Application | State Records of South Australia \(archives.sa.gov.au\)](#), by completing the “FOI Application Form for Internal Review of a Determination” and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA’s disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf

If you disagree with publication, please advise the undersigned in writing within fourteen calendar days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Senior Freedom of Information Advisor on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely



Kristy Grant
Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS