

Submission to Crib Point Gas Import Jetty and Pipeline to Pakenham Inquiry, Advisory Committee and Panel (IAC)

On behalf of Phillip Island Conservation Society (submitter no. 2915)

PICS acknowledges and pays respect to the region's first people, the Bunurong and Boon Wurrung, part of the Kulin Nation, who are the traditional custodians of these lands and waters.

Introduction

Phillip Island Conservation Society (PICS) was formed in 1968—one of the first grass-roots conservation societies in the nation—and has been a voice for the preservation and enhancement of the Phillip Island and Western Port environment for over fifty years.

In 2014, PICS formed the Preserve Western Port Action Group and together, we represent communities in the region and have a considerable body of knowledge about our environment and the economy that depends on it.

In this presentation, we aim to:

- Summarise our position regarding the Crib Point project
- Provide a Phillip Island social and economic context
- Comment on the Western Port Ramsar context
- Highlight specific environmental concerns

PICS position

As outlined in submission 2915, PICS strongly opposes the Crib Point gas import project on environmental, economic and social grounds. The project does not fit with our community's vision for biodiversity conservation and sustainable development, including a rapid transition to a carbon-neutral economy. The proponent has failed to set out a credible rationale, adequately assess the environmental effects and demonstrate that they can be acceptably managed. We support the submissions of the Combined Environment Group and Bass Coast Shire and Mornington Peninsula Shire councils that the project should not proceed.

Environmental Justice Australia (EJA) has set out the legal framework for project assessment, arguing that the IAC should pay particular attention to the precautionary

principle. PICS agrees with EJA that on the evidence before the IAC, application of the precautionary principle means that the project should not proceed because there are significant uncertainties and risks of unacceptable ecological damage.¹ PICS agrees with EJA that acceptable outcomes will be those that protect and enhance our environment, not degrade it.

To this PICS adds that such an approach is vital to the social and economic fabric of our local community.

Phillip Island context

The Phillip Island and San Remo region is the second-most tourism-dependent economy in Australia, and much of this economy is reliant on nature-based attractions, the amenity of Western Port, and its ecological health. Species such as penguins, seals, shearwaters, and whales drive this economy. For example, last year, our award-winning whale festival attracted over 9,000 people.

Consequently, a central theme in our Visitor Economy Strategy is that our natural assets must be preserved and enhanced through sustainable development and management.² Simply put, our environment is our economy.

The Crib Point project will diminish our environment and visitor amenity in both real and perceived terms, and the IAC has heard the evidence of expert witness Mr Stewart Moore to quantify the economic damage that this could cause.³

The IAC has also heard from Save Westernport about the emotional connection that communities have to Western Port, and the painful solastalgia that the project has already imposed. This is also being felt on Phillip Island. There has been no study of this social impact on the Phillip Island community, but the depth of opposition and anxiety is apparent in the headlines of the *Phillip Island and San Remo Advertiser*. More than twenty articles have been published in less than four months of weekly editions—none of them positive.

¹ Tabled document 483

² *Phillip Island and San Remo Visitor Economy Strategy 2035*, [2016-08-29-FINAL-Phillip-Island-San-Remo-Visitor-Economy-Strategy-2035-Growing-Tourism.PDF \(d2n3eh1td3vwdm.cloudfront.net\)](https://d2n3eh1td3vwdm.cloudfront.net/2016-08-29-FINAL-Phillip-Island-San-Remo-Visitor-Economy-Strategy-2035-Growing-Tourism.PDF)

³ Tabled document 118

Ramsar context

Western Port's status as a Ramsar wetland requires its conservation and wise use, which is defined under the Ramsar convention as maintaining its ecological character.⁴

The Western Port Ramsar ecological character description lists Port of Hastings operations as a threat, noting that the risks will increase with port development and shipping growth.⁵ Threats cited include oil and chemical spills, discharge of ballast water, shipping accidents, changes to hydrodynamics, sediment mobilisation and resuspension, and loss of intertidal and subtidal habitats.

This was written a decade ago, without anticipating the addition of a permanently moored, continuously operating, heavily lit, noisy, major hazard facility that entrains marine life and discharges chlorinated wastewater of altered temperature on an industrial scale, and an increase in shipping of 40 percent.

This is clearly a major intensification of port-related pressure on Western Port, which leads us to two key points:

- First, it is critical to understand, with confidence, the environmental effects and risks of this project, including the cumulative effects in combination with all other pressures on Western Port, and to identify when enough is enough. As expert witnesses, Dr Marcus Lincoln-Smith and Dr Craig Blount noted, there must be a point where no more projects should be approved because the cumulative environmental effects would become unacceptable for Western Port.⁶
- Second, if this project does proceed, it requires a major intensification in risk management effort that is commensurate with the intensification of port-related pressure. Business as usual is not enough.

We will amplify these points with specifics regarding spills, marine pests, entrainment, light impacts on birds, and whales.

⁴ <http://environment.gov.au/water/wetlands/ramsar>

⁵ Kellogg Brown & Root, 2010, *Western Port Ramsar Wetland Ecological Character Description*. Report for Department of Sustainability, Environment, Water, Population and Communities, Canberra, p. 2-53 and p. 4-6. <https://www.environment.gov.au/system/files/resources/95deb742-85da-4785-8206-7ec139bdfaa8/files/19-ecd.pdf>

⁶ Hearing day 17, 11 November 2020

Spills

PICS has been concerned for many years about the risk of catastrophic damage from oil spills in Western Port. Expert witness, Mr John Waldrop, gave evidence that the proposed increase in vessel movements would increase the risk of collisions, that the EES failed to adequately model and assess the potential impacts of oil, diesel or fire foam spills, and that the EES discussed potential spill effects and management in a cursory and dismissive manner.⁷ Mr Waldrop stated that there is no current spill response plan for Western Port, that sensitive shorelines could be polluted within one hour, and that even best-practice emergency response capacity may not prevent this.

PICS submits that the project should not proceed because it is not possible to acceptably mitigate this risk. At minimum, a more thorough assessment of spill risks, an updated emergency response plan, and funding for augmented response capacity should be required.

Marine pests

The Western Port Ramsar Site Management Plan states that introduced marine pests are a high priority threat to ecological character.⁸ The IAC has also heard evidence from Dr Matt Edmunds that infestations with high consequences happen relatively frequently.⁹ The proponent proposes to increase shipping in the order of 40 percent, but to fall back on existing regulations and protocols for managing the increased risk of pest introductions.¹⁰

PICS submits that business as usual is not enough—increased effort is required to prevent infestations. The project should not proceed without a baseline study of marine pests, and a marine pest monitoring and response plan that requires eradication of any infestations for the life of the project. Funding should be assured for this.

⁷ Hearing day 25, 25 November 2020

⁸ *Western Port Ramsar Site Management Plan* (2017)
https://www.water.vic.gov.au/_data/assets/pdf_file/0021/66270/Western-Port-Ramsar-Site-Management-Plan_revised.pdf

⁹ EJA submission, tabled document 483

¹⁰ EES Technical Report A, pp. 209-211

Entrainment

Western Port's value as a fish nursery is a critical component of its Ramsar ecological character.¹¹ Given this, we wish to highlight six points:

- Peak regasification flows and, therefore, entrainment will occur in July and August.¹²
- The EES found that fish eggs begin increasing in abundance in July, peaking in August.¹³
- The EES states that there is no scientific method to determine the species of fish eggs that will be entrained, and therefore the ecosystem impact of entrainment.¹⁴
- Expert witness Professor Tom Baldock has given evidence that the proponent has underestimated the extent of entrainment, possibly very significantly.¹⁵
- The Western Port Ramsar ecological character description was unable to set limits for acceptable change regarding fish due to lack of data, so we cannot assess the acceptability of project impacts with confidence.¹⁶
- A 2019 research review for Melbourne Water identifies a poor understanding of fish spawning in Western Port and recommends fish egg and larval sampling.¹⁷

PICS agrees with the EPA submission that environmental performance requirement (EPR) ME02, "Limit seawater regasification flows" should be extended to include August, and that further fish egg sampling should be undertaken to confirm the seasonal pattern and refine the mitigation measure.¹⁸ We also note Dr Edmunds' comment that there is still not sufficient information to confidently estimate the effect of this EPR.¹⁹

Given these uncertainties and potential for significant damage to a critical component of the Western Port ecological character, PICS submits that the project should not proceed. At minimum, the IAC should require:

- Further sampling of fish eggs and larvae to confirm seasonal abundance.

¹¹ Kellogg Brown & Root, 2010, *Western Port Ramsar Wetland Ecological Character Description*. Report for Department of Sustainability, Environment, Water, Population and Communities, Canberra, Table 1, p. x. <https://www.environment.gov.au/system/files/resources/95deb742-85da-4785-8206-7ec139bdfaa8/files/19-ecd.pdf>

¹² Technical note 033, tabled document 270

¹³ EES Annexure A-G, p. 13

¹⁴ EES Technical Report A, p. 337

¹⁵ Tabled document 110

¹⁶ Kellogg Brown & Root, 2010, *Western Port Ramsar Wetland Ecological Character Description*. Report for Department of Sustainability, Environment, Water, Population and Communities, Canberra, p. 3-3

¹⁷ Fish presentation, Western Port Forum 2019, Melbourne Water. <https://www.melbournewater.com.au/media/7116/download>

¹⁸ Tabled document 438

¹⁹ Tabled document 491

- Further analysis to assess the extent of egg and larvae entrainment.
- Use of the sampling results and entrainment analysis to refine EPR MEO2, e.g. by including August and limiting regasification flows further.
- Assessment of the projected loss of mature fish in Western Port and the ecosystem effects.
- Design of a fish population monitoring program to validate the efficacy of EPR MEO2 and enable adaptive management.

Light pollution and birds

Waterbirds are a critical component of the Western Port Ramsar ecological character, including the listed, migratory Short-tailed Shearwater. This species breeds at Tortoise Head and on Phillip Island, and up to 250,000 individuals are estimated to gather in Western Port.²⁰

Shearwater fledglings are highly vulnerable to disruption by artificial light. For this reason, Phillip Island bridge lights are turned off and rescues of grounded birds commence during the fledgling migration.

The National Light Pollution Guidelines for Wildlife state that fledgling seabirds have been grounded by the effects of artificial light sources some 15 kilometres away, and the impact of sky glow may occur over more than 20 kilometres.²¹ The guidelines state that where there is important habitat for seabirds within 20 kilometres of a project, an impact assessment should be undertaken.²² The first three steps—description of project lighting through to risk assessment—should be completed before the EPBC or EES project referral stage.²³ The information required in the lighting description is detailed: whether lighting will be directly visible to wildlife or contribute to sky glow; the distance over which it is likely to be perceptible; methods to minimise lighting; spectral characteristics and intensity of lights; and the existing light environment and potential for cumulative effects.

PICS shares the concerns of EJA that that sky glow has not been modelled, that the cumulative impacts of artificial light have not been assessed, and that the proponent's

²⁰ Kellogg Brown & Root, 2010, *Western Port Ramsar Wetland Ecological Character Description*. Report for Department of Sustainability, Environment, Water, Population and Communities, Canberra, Table 1, p. x. <https://www.environment.gov.au/system/files/resources/95deb742-85da-4785-8206-7ec139bdfaa8/files/19-ecd.pdf>

²¹ *National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds*, p. 11, <https://environment.gov.au/biodiversity/publications/national-light-pollution-guidelines-wildlife>

²² *Ibid*, p. 72

²³ *Ibid*. pp. 13-16

expert witness Mr Mark Cook lacks skills to understand biologically relevant light and has not consulted ornithologists when reviewing the EES lighting report.²⁴

Before the project proceeds further, a detailed lighting design that specifies minimum requirements for safety and security must be assessed to ensure that impacts on Short-tailed Shearwaters can be managed acceptably. Sky glow must be modelled. Phillip Island Nature Parks shearwater experts must be consulted. If the project proceeds, the Crib Point gas receiving facility must be monitored for grounded birds during the migratory season to inform adaptive management.

Whales

The endangered Southern Right Whale and vulnerable Humpback Whale are known to enter Western Port each winter, which coincides with the project's period of peak gas demand and shipping. For example, this year, a Southern Right Whale and her newborn calf were observed at the western entrance.

As stated in our submission 2915, the discussion of whales in the EES is cursory and inaccurate, omitting the most recent and significant years for local sightings, making mathematical and logical errors when dismissing the risk of vessel strike, and failing to address the EPBC Act recovery plan, the *Conservation Management Plan for the Southern Right Whale 2011–2021*. Vessel strike, noise interference and habitat modification are listed as threats under the conservation management plan.

Australia's south-east Southern Right Whale population is genetically distinct from the population in south-west Australia. Its population has failed to recover post-whaling and is estimated at less than 300 individuals. The loss of just one individual to vessel strike would be a significant setback for the recovery of this population.

The evidence from Captain Chris Noon is relevant when considering the risk of striking a whale within the confines of the Western Port channel. Captain Noon stated that:

- Speed limits for ships are 16 knots in the western channel and 13 knots in the north arm. Pilot boats can travel at 24 knots.
- An LNG tanker would have "very limited" capacity to avoid collision with a whale within the channel.
- The Port of Hastings handbook and harbour master's directions make no reference to the risk of whale strike or measures to avoid it.

²⁴ Tabled document 483

- Observation and warning systems to avoid vessel strike in Western Port consist of ship lookouts and harbour control advice regarding sightings.

PICS argues that with a potential increase in shipping of 40 percent, measures to mitigate the risk of vessel strike must be improved. Measures could be modelled on those to protect threatened North Atlantic Right Whales in Canada and the USA. These involve a mix of voluntary and mandatory speed limits to 10 knots. These measures include temporary “right whale slow zones” that are imposed for a period after the species is observed, whether by sight or acoustic receivers. The use of acoustic receivers is important in times when it is not possible to detect the presence of whales via sight, such as at night or during fog.

PICS submits that the project should not proceed without

- Improved mitigation measures to avoid vessel strike, including funding for a network of marine observers and acoustic receivers, revision of port and harbour master documents to account for whales, and lower speed limits for periods when whales are observed.
- Further impact assessment to address each of the threats outlined in the Southern Right Whale conservation management plan.

Conclusion

PICS thanks the IAC for the opportunity to be heard. We feel strongly that this project would commit Western Port to a future of environmental degradation and damage its communities. It must not be allowed to proceed.