



Offshore  
Infrastructure  
Regulator

# Offshore renewables and interactions with fisheries

March 2024



The Offshore Infrastructure Regulator has responsibility for overseeing work health and safety, infrastructure integrity and environmental management for offshore infrastructure activities in the Commonwealth offshore area

# The Offshore Electricity Infrastructure Framework

The *Offshore Electricity Infrastructure Act 2021* (OEI Act) framework provides a licensing scheme to enable the construction, installation, commissioning, operation, maintenance and decommissioning of offshore renewable energy projects in the Commonwealth offshore area.

The OEI Act framework applies from three nautical miles (3NM) from the coastline out to the boundary of Australia's exclusive economic zone.

State/Territory governments remain responsible for licensing and regulating projects and associated infrastructure in their coastal waters (<3NM).

## Interactions with fisheries

The OEI Act framework operates under the principle of shared use of the offshore marine environment, recognising all users and balancing competing interests.

Future OEI Act licence holders will be required to work with existing users and interests to provide for areas to be shared while maintaining a safe marine space during construction, operation, maintenance and decommissioning phases.

Evidence from overseas, where offshore renewable energy projects have existed for many years, suggests that offshore wind and some types of fishing can share the same space.

There are also examples where the introduction of offshore renewables has led to changes in fishing areas and activities.

Depending on the location of offshore renewable energy projects, fishing operators that hold existing rights in an area may be impacted during the construction, operation, maintenance and decommissioning stages.

Effective engagement between OEI Act licence holders and fisheries stakeholders is important to understand the interactions between the sectors and to identify, avoid and mitigate any potential impacts such as displacement of fisheries.

## Area identification and declaration process

To support the identification of areas that may be considered for future offshore wind and other renewable energy generation projects, the Department of Climate Change, Energy, the Environment and Water (DCCEEW) will undertake preliminary consultation with Commonwealth and State government fisheries agencies.

Information obtained from these agencies will be used to inform proposed areas that will then be subject to a statutory consultation period of at least 60 days.

The Minister for Energy will publish a notice on the DCCEEW website that specifies the area being considered for future licensing under the OEI Act.

The public will be invited to submit comments and provide feedback on existing uses and interests in, and near, the area under consideration. Feedback will help inform the Minister's decision on whether to declare an area as suitable for offshore renewable energy developments.

## Project authorisations and activity approvals

Primary environmental approvals for offshore renewable energy projects must be obtained under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Information relevant to these proposals, including potential impacts on fishing, will be published on DCCEEW's website for public comment.

Proponents wanting to undertake an offshore renewable energy project will need to apply for a licence. OEI Act licences provide rights to undertake offshore infrastructure activities in a specified area. The Offshore Infrastructure Registrar is responsible for leading assessment of licence applications under the OEI Act framework.

Before offshore activities involving the construction, installation, operation, maintenance and decommissioning of infrastructure can proceed, a licence holder will need to have a management plan approved by Offshore Infrastructure Regulator (OIR).

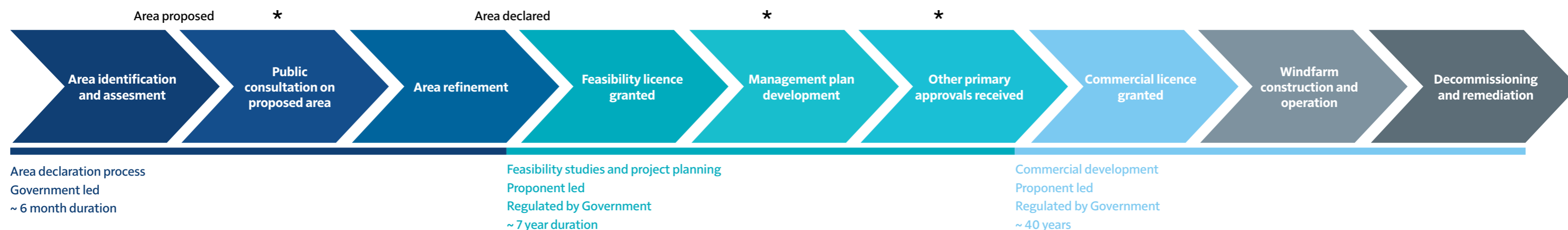
Management plans will contain details about the operational aspects of a project including outcomes of consultation with other marine users and plans for ongoing stakeholder consultation throughout the life of the project. Revisions of management plans will be required every 5 years or where there is a change or proposed change of circumstances or operations.

The requirements for management plans and consultation are currently under development by DCCEEW. The OIR will provide further guidance on these requirements as they develop.

## What are the opportunities for consultation?

The OEI Act framework includes a number of opportunities for fishers and other stakeholders to have their say on where offshore renewable energy developments may be located and how they should be managed.

## Indicative timeframe for an offshore renewable energy development



## Restriction zones and existing rights

The OEI Act framework provides for safety and protection zones to be established in and around offshore renewable energy projects.

Restrictions may be placed around specific infrastructure to manage the safety of workers and other marine users and protect infrastructure from damage.

There may be opportunities for fishing and offshore wind farms to coexist where safety and infrastructure integrity objectives can be achieved.

Licence holders will be expected to communicate and discuss plans for safety or protection zones with existing marine users and relevant government agencies.

Appropriate justification for the size and shape of a proposed restricted area will need to be provided to the OIR and licence holders are encouraged to minimise the size of the zone to the extent practicable.

The exact details and duration of these restricted areas will be determined on a project-by-project basis by the OIR.

## Collaboration and engagement

Collaboration across sectors on issues of common interest will be key to the long-term success and sustainability of offshore industries in Australia.

There is an opportunity for collaborative work on developing guiding principles on best practice consultation and co-existence frameworks for the offshore renewables and fishing sectors through regional forums and working groups.

## Advice for fishers

Commercial and recreational fishers, through peak bodies and representative organisations, are encouraged to publish their expectations for genuine, transparent, effective and meaningful consultation. This will enable project developers to tailor the timing and their approach to engagement with fisheries stakeholders accordingly.

Fisheries stakeholders should note that declining consultation with prospective project developers prior to the grant of OEI Act feasibility licences will in no way prejudice requirements for OEI Act licence holders to conduct further consultation in relation to interactions with fisheries during the development phase of a project.

## Advice for prospective project developers

Prospective project developers should carefully consider their approach to engagement with stakeholders and should take into account any published expectations of fisheries peak bodies and representative organisations.

In particular, applicants for OEI Act feasibility licences should recognise the potential for consultation burden and fatigue that may result from direct engagement by multiple licence applicants prior to applications being assessed and licences being granted.

Unless pre-application engagement on commercial scale projects is requested by fisheries stakeholders, prospective project developers and feasibility licence applicants should not undertake project specific consultation with stakeholders until they have been granted a feasibility licence under the OEI Act.

## More information

- Area identification and declaration processes for offshore renewables visit: [dceew.gov.au](https://www.dceew.gov.au)
- Licensing offshore renewable energy projects visit: [offshoreregistrar.gov.au](https://www.offshoreregistrar.gov.au)
- Regulating offshore renewable energy projects visit: [oir.gov.au](https://www.oir.gov.au)
- *Offshore Electricity Infrastructure Act 2021* visit: [legislation.gov.au](https://www.legislation.gov.au)







## Offshore Infrastructure Regulator

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