

EPA Board Communiqué

February 2018

The Board's Meeting number 113 was held on Tuesday 6th February 2018.

This was the first meeting of a newly constituted Board with one new member, Ms Belinda Hazell.

Role of the Board in assessing impacts on Natural Values

The Board had previously requested a paper on this issue following the assessment of a quarry in 2017 that involved clearing native vegetation in several stages. The Board wished to explore whether and when it might be appropriate to require further natural values surveys via permit conditions for staged developments. Following a briefing and discussion the Board agreed that such conditions may be appropriate in some, but not necessarily all, cases and requested EPA Tasmania to develop a risk-based policy framework to guide the application of a suitable permit condition. EPA Tasmania was also requested to liaise with the Natural and Cultural Heritage Division on this issue and develop a standard permit condition.

Strategic Issues Workshop

The Board agreed on a date and the agenda items for a workshop to consider strategic issues, including the review of the assessment process, in March.

Presentation on the Derwent Estuary Program

The Board received a briefing from Christine Coughanour, Ursula Taylor and Nick Heath on the Derwent Estuary Program.

Re-making of the Board's Delegations and Authorisations

The Board considered a paper recommending that the standing delegations and authorisations be re-made to include delegation of the Board's powers set out in the amendments to the *Environmental Management and Pollution Control Act 1994* as a result of the inclusion of finfish farming within the scope of the Act.

The Board decided to defer considering the delegations until it had received a briefing from EPA Tasmania on the legislative amendments and the powers and functions that the Board could potentially delegate.

Fee Remissions

Venture Minerals sought a fee remission on the basis that their mine is under care and maintenance. The Board agree to provide a remission of 80% of the annual fee for 2016/2017.

Nublend Slipway operated a fishmeal plant at Triabunna until it was required to vacate the land by the owner. The Board considered the complicated set of circumstances leading up to this and agreed to provide a partial remission of fees for the 2016/17 year after taking into account the significant amount of regulatory effort prior to the plant closure.

Environmental Auditor Course

The Board agreed in principle to provide partial co-funding from the Environment Protection Fund for an environmental auditor course provided that some places were made available for local government environmental health officers as well as EPA Tasmania officers and, preferably, there was a mix of State and local government officers at both courses.

Audit of Commitments in the Statement of Intent

The Board reviewed the progress that had been made with its commitments in the Statement of Intent. While the majority of the commitments have been addressed several remain outstanding. The impact of the Fruit Fly response on the capacity of EPA Tasmania to undertake the work required to support some of these commitments was noted. The Board agreed on actions to address the outstanding commitments, including listing several for discussion at the Strategic Workshop.

Fuglsang vs Sultan Holdings decision

The Board received a briefing on the Supreme Court's recent decision on this matter and the implications for the EPA. The decision means that a development, whether a L2 or not, must be referred to the EPA for assessment if excavation of more than 5000 m³ per year is involved. This will result in many more applications being referred to the EPA for assessment. The Board discussed options for dealing with this extra workload.

The Board considered a letter from the Hobart City Council retrospectively referring the Sultan Holdings Development to the Board, as well as advice from the office of the Solicitor-General. The Board agreed to advise the Council that it could not legally accept and act on the referral given its timing.

BCD Resources Fee remission

The Director reported that he had received a request from BDC Resources, operator of the Beaconsfield Gold Mine, for the Board to reconsider its previous decision to refuse a fee remission for the 2016/2017 year. No additional information had been provided and the Board agreed that the Director should reply advising that the decision was unlikely to change in the absence of additional information.