

# **EPA Board Communiqué**

**November 2018**

*The Board's Meeting number 122 was held on Tuesday 6 November 2018.*

## **Assessment of Fragrance Tasmania's proposal for a quarry as part of a proposed hotel construction**

As a result of a Supreme Court decision in February 2018 it was determined that the EPA Board should assess any excavations involving the extraction of more than 5000m<sup>3</sup> of materials as this is deemed to be the operation of a Level 2 quarry.

Fragrance Tas-Hobart (Elizabeth St) Pty Ltd proposed to build a hotel at Elizabeth Street in Hobart, which would require the excavation of approximately 40,000 m<sup>3</sup> of materials for the foundations and basement levels of the hotel. The EPA Board's assessment is limited to the environmental impact of the Level 2 quarry while the assessment of all other aspects of the proposal is undertaken by the planning authority; in this case the City of Hobart.

The site of the hotel, and the associated excavation, adjoined several private residences off Warwick Street, some of which are heritage listed, and commercial properties on Elizabeth Street. The main issues considered by the Board were the potential impacts of noise and dust on residences, Elizabeth College and commercial operations and the management of potentially contaminated soil.

While the excavation of materials by heavy equipment and frequent truck movements would result in relatively high noise levels at residences, the Board noted that the impact would be for a strictly limited period of time. Dust would also need to be carefully managed and the Board considered a number of permit conditions to limit both noise and dust impacts.

Taking into account the relatively short duration of the excavation works the Board concluded that the proposed development could be managed in an environmentally acceptable manner provided that the Board's conditions were complied with. The Board resolved to notify the Hobart City Council that, from an environmental perspective, the excavation component of the proposal could proceed subject to conditions.

## **Guidelines for making Assessment Decisions Under delegation**

To ensure the efficient operation of the assessment system, the Board delegates a number of its decisions to senior officers in EPA Tasmania. The Board has previously issued guidelines on the exercise of these delegations so that decisions are made consistently and in accordance with Board policies. In June 2018 the Board re-made its delegations to include various powers and functions under the new provisions dealing with finfish farming and requested that the guidelines on the

exercise of delegations be revised. The Board considered and approved the revised guidelines.

### **Guide to Environmental Impact Assessment conducted by the EPA Board**

The Review of Administrative procedures for the assessment of Level 2 activities carried out for the Board in 2017 made a number of recommendations that have been accepted by the Board. Implementing these recommendations will require several changes to the administrative processes employed by EPA Tasmania on behalf of the Board. These include an emphasis on risk-based issues assessment, limiting the scope of documents prepared for the Board to issues that the Board has the responsibility to assess, and replacing the title “Development Proposal and Environmental Management Plan” with “Environmental Impact Statement”.

The Board discussed proposed modifications to its modified EIS General Guidelines and approved the revised Guidelines for consultation, notably with Local Government.

### **Assessment of Dredging under the *Environmental Management and Pollution Control Act 1994 (EMPCA)***

The Board considered a paper which recommended several actions to improve clarity around the types of dredging activities that should be assessed under EMPCA. The Board accepted the recommendations to develop a policy on this issue, while noting that investigating changes to the drafting of the legislation will be considered as part of a broader review of the Act.

### **Updated Guidelines to Environmental Impact Assessment Carried out by the Board**

The Board considered amendments to these Guidelines to give effect to the recommendations of the administrative review (see above) and requested several small changes.

### **Other Matters**

The Board noted its out-of-session electronic meeting regarding an appeal and discussed the manner in which it is verified that assessments have duly taken account of the objectives of EMPCA.