

From: Ford, Wes
Sent: Wednesday, 13 March 2024 1:24 PM
To: Healey, Mathew (DPaC); Limkin, Craig (StateGrowth)
Subject: Re: Urgent advice re Tribunal decision re Robbins Island; State Coastal Policy; OSG ref 36742-24
Attachments: # advice EPA re State Coastal Policy Robbins Island; permit error; 36742-24.pdf

Mat and Craig

This advice request was not sought by the EPA. It resulted for an advice request from the Tasmanian Planning Commission, as I understand it, relating to the construction of a wharf by ACEN for the North East Wind major project assessment.

Regards

Wes

Wes Ford | Director and Chief Executive Officer

Environment Protection Authority

GPO BOX 1550, HOBART, TAS, 7001

T: (03) [REDACTED]

E: Wes.Ford@epa.tas.gov.au

W: www.epa.tas.gov.au

Sent from iPad

On 13 Mar 2024, at 12:36 pm, Ford, Wes <Wes.Ford@epa.tas.gov.au> wrote:

Mat and Craig

Please note this advice. ACEN is not aware of this at this stage, and any advice to them needs to be managed. I am not sure if I am the one to tell them or if it best comes of someone else, or of the timing.

There is a legal uncertainty here that has to be resolved, and will need to be by the Supreme Court.

Mat, as discussed, when the EPA seeks advice from DPAC about the application of the State Coast Policy, the definition of the fact of what an actively mobile landform is and is not needs to be resolved.

My guess is that the State has only one geomorphologist in NRE, and maybe some expertise in MRT who can provide me with a technical view about the specific location of the proposed wharf.

I expect I will have to submit an affidavit about the application of the State Coastal Policy and the Board's role.

Regards

Wes

Wes Ford | Director and Chief Executive Officer

Environment Protection Authority

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Begin forwarded message:

From: "Rudolf, Jenny" <Jenny.Rudolf@justice.tas.gov.au>

Date: 13 March 2024 at 9:37:09 am AEDT

To: "Ford, Wes" <Wes.Ford@epa.tas.gov.au>

Subject: Urgent advice re Tribunal decision re Robbins Island; State Coastal Policy; OSG ref 36742-24

Dear Wes

Please find advice attached, as discussed. Please bring this advice to the attention of the Board as a matter of priority. I'll expect to hear back from you soon. In the meantime, I will let Mark Rapley know about this, so that we can potentially begin preparing draft court documents.

Of course, please feel free to call me anytime.

Regards,

Jenny Rudolf | Assistant Solicitor-General

Office of the Solicitor-General, Department of Justice

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