# Minutes

ENVIRONMENT PROTECTION AUTHORITY

**Meeting No.:** **205**

**Date:** Tuesday 1 September 2026 12:00– 3:00 pm

**Location:** Online | EPA Office, 40 Elizabeth Street, Hobart

**PRESENT**

**Board**

Andrew Paul (Chair)

Mark Gifford (Member)

Catherine Murdoch (Member)

Ian Cresswell (Member)

Rosanna Coombes (Member)

**Other attendees**

Fionna Bourne (Manager, Environmental Engagement, EPA)

Edith O'Shea (A/Director Environmental Assessment, EPA) (Items 205.9-205.10)

David Oldmeadow (Assessment Specialist, EPA) (Item 205.9)

Mary Gibbs (A/Manager Assessments, EPA) (Item 205.9-205.10)

Darryl Cook (Director Finfish Compliance, EPA)(Item 205.7a)

### 205.1 Strategic Planning Session

The Board participated in a Strategic Planning session for the development of a new Strategic Plan for the Environment Protection Authority

### 205.2 Apologies

No apologies noted.

### General Board Business

### 205.3 Minutes of Board meetings

a) Meeting no. 204 held on 4 August 2026

The Board resolved to approve the minutes, with a minor typo corrected, as a true and accurate record of meeting 203 of the EPA Board held on Tuesday 4 August 2026.

### 205.4 Board decision registers.

a) Board Decision Register

The Board noted the Board Decision Register.

b) Out of Session Decision Register

The Board noted the Out of Session Decision Register.

### 205.5 Declaration of Interests

The Board declared no conflicts of interest.

The Chair noted that because of a recently occurring family connection there may, in the future, be a matter to be considered by the Board where he would have to declare a conflict, which should the situation arise, it will appropriately be dealt with at the time.

The Board noted that the declaration of interest form will be recirculated to all Board members for updating.

### 205.6 Delegations

The Board noted the delegations report.

### 205.7 Actions arising

The Board noted the actions arising table as presented.

### 205.7a Presentation – Dissolved Oxygen Status of Macquarie Harbour

The Board received a presentation from the Director Finfish Compliance on the current dissolved oxygen Status of Macquarie Harbour.

The presentation noted:

- Macquarie Harbour is a drowned river valley and is a fjord-like estuary with a shallow sill at its mouth.
- Macquarie Harbour is a stratified water body with an oxygen rich fresh water layer on the surface that predominantly enters the harbour from the Gordon River. Dense oxygen rich water periodically enters the harbour via oceanic water entering over the sill at the harbour entrance and sinks to the bottom of the harbour.
- Oxygen levels in the harbour naturally vary with depth, with surface waters generally showing higher concentrations of dissolved oxygen while deeper waters often show significantly lower concentrations.
- Recent analysis of the dissolved oxygen levels across Macquarie Harbour shows that within the 0-20 metres depth (the preferred habitat of the Maugean Skate is between 5-15m deep), dissolved oxygen has remained relatively stable in the last 6 months, however below this depth range dissolved oxygen levels have declined.
- The data indicates that the dissolved oxygen levels have declined at depth during the second half of 2025 and into the first half of 2026 due to the significant amount of fresh water entering the harbour from the Gordon River. Oceanic recharges have occurred during this time, but they have been weaker than previous years.
- In light of this information the EPA advised the three salmon companies in July 2026 of a need to increase oxygenation in the 15-to-50-metre depth range to fully offset their average oxygen demand of 10.3 tonnes per day.

### 205.8 Standing action items

The Board noted the Standing Action item list.

### 205.8a Register of Instruments under section 22 EMPCA

The Board noted the paper, and the list of instruments issued under section 22 of the *Environmental Management and Pollution Control Act 1994*.

It was noted that once the ARK Project is completed, reporting this information to the Board will be significantly more streamlined. The Board requested a briefing on the Assessment and Regulation

Knowledgebase (ARK) project at a future meeting.

### 205.8b Field Inspections

The Board advised that of the proposed locations a preference was for those occurring in the North/North West of the State. These inspections are proposed to take place adjacent to either the November or December Board meeting, with the relevant Board meeting to be held in Launceston to accommodate.

Board members were asked to provide to staff their availability before and after the November and December meetings to assist in scheduling a field visit.

### 205.9 Henty Gold Pty Ltd – Proposal to use Potentially Acid Forming (PAF) Material

The Board took the paper as read. Henty Gold Mine operated by Unity Mining Pty Limited is currently pursuing a proposal for the construction of an extension cell to the Newton Leach Residue Storage Facility (NLRSF) with the subsequent lifts to the expanded facility (lifts 11 and 12). The extension cell will increase the tailings storage capacity of the NLRSF by approximately 541,000 $m^3$ and sustain mining activities at the Henty Gold Mine to the Life of Mine. The NLRSF extension cell will be operated as a subaqueous storage facility utilizing a water cover to limit the ingress of oxygen and generation of acid mine drainage.

On 26 July Unity Mining Pty Limited requested advice from the EPA on a proposed change to construction materials of the NLRSF extension cell. The changed proposal would use approximately 100,000 $m^3$ of Potentially Acid Forming waste rock within the construction of the starter embankment of the extension cell in place of Non-Acid Forming material. The Potentially Acid Forming waste rock would comprise the majority of the rock used in the starter embankment and would be encapsulated using a composite liner system with a leachate collection drain inside the containment cell at the base of the encapsulated Potentially Acid Forming waste rock zone. The Potentially Acid Forming waste rock that would be utilized within the construction would be sourced from the current underground stockpiles within the Henty Gold Mine.

The Board noted that:

- the proposal would appear to significantly increase the environmental risks at the site;
- once constructed the starter embankment would have a head of water above it, and that the management of leachate would be critical;
- examples provided of where this approach had been used were not directly relevant to the situation as none of the examples had a head of water above them post construction;
- questions remain as to who would manage the legacy issues associated with the management of leachate (in particular) after mine closure;
- it appears that the proposal may result in a long term public financial risk;
- should this proposal proceed the Guidelines for the proposal will need to be updated.

The Board resolved that further work on the proposal including a rigorous risk assessment, will need to be undertaken prior to the Board being able to provide comment or any indication of its position on the matter.

### 205.10 AI Data Centres – EPA Assessment Approach

The Board took the paper as read. The paper proposed that the EPA adopt a consistent, risk-based approach to determining whether proposed AI data centres should be assessed by the EPA under the *Environmental Management and Pollution Control Act 1994*. AI data centres are large-scale facilities that house computing infrastructure supporting artificial intelligence applications. These facilities typically operate continuously and may include substantial supporting infrastructure, including back up diesel generators. Depending on their configuration and capacity, these generators may fall within the definition of "fuel burning" under Schedule 2 of the *Environmental Management and Pollution Control Act 1994*, and therefore constitute a Level 2 activity.

Potential environmental impacts associated with AI data centres include high water and energy consumption, noise emissions from cooling systems and generators, air emissions from generator, water management, light spill, vegetation clearance, and disturbance of sensitive environmental values including nesting and breeding raptor habitat. The nature and extent of these impacts will vary according to the scale, design and location of individual developments.

The Board discussed the difference between a matter being determined "in" the public interest, viz a viz a matter that is "of" public interest.

The Board resolved that:

1. Future AI data centre proposals referred to the EPA under section 25(1) of the *Environmental Management and Pollution Control Act 1994* will continue to be considered on a case-by-case basis.
2. Determinations under section 25(1D) may be made under delegation by the Director EPA, consistent with the Board's *Guidelines for Making Decisions under Delegation*, and the Board will be advised if such a decision is made by the Director.
3. Where a proposed AI data centre is assessed as presenting significant environmental and other risks the matter will be referred to the Board for determination as to whether assessment under the *Environmental Management and Pollution Control Act 1994* is required.
4. The Director EPA may refer any proposal to the Board for determination where, in their opinion, the environmental, strategic or public interest considerations warrant Board consideration.

The Board noted that:

- The Board must make a determination within 14 days of a referral under section 25(1D) of the *Environmental Management and Pollution Control Act 1994*, which may require an out-of-session decision.
- The Director EPA retains discretion to refer any section 25(1D) determination to the Board.
- The Director EPA may exercise 'call in' powers under section 24 of the *Environmental Management and Pollution Control Act 1994* where a Level 1 activity is considered capable of causing significant environmental harm and will brief the Board if those powers are proposed to be exercised.
- Where a decision is made not to assess a proposal under the *Environmental Management and Pollution Control Act 1994*, the EPA will provide written advice to the relevant planning authority on environmental matters and recommended permit conditions.

### 205.11 Extension of time to lodge case for assessment – Countrywide Hydrogen Holdings Pty Ltd – Hydrogen Hub Brighton

The Board took the paper as read.

The Board resolved to:

1. Exercise its power under section 27F(1)(b) of the *Environmental Management and Pollution Control Act 1994* to extend the period for the Proponent to submit a satisfactory case for assessment until 28 August 2027.
2. Notify the Proponent that the Board has extended the period for it to submit a satisfactory case for assessment, as detailed in the draft letter.
3. Notify the Proponent that if an alternative location is chosen for the project they would need to withdraw from the current assessment process and start a new assessment process for the alternative location.

### 205.12 Extension of time to lodge case for assessment and updated Guidelines – Hellyer Windfarm

The Board took the paper as read.

The Board resolved to:

1. Exercise its power under section 27F(1)(b) of the *Environmental Management and Pollution Control Act 1994* to extend the period for the Proponent to submit a satisfactory case for assessment until 28 November 2028.
2. Notify the Proponent that the Board has extended the period for it to submit a satisfactory case for assessment, as detailed in the draft letter.
3. Notify the Proponent of the additional advice and updates to be considered in the case for assessment.

### 205.13 Assessments in Progress Tracking Sheet

The Board noted the assessments in progress update.

### 205.14 Media Releases - https://epa.tas.gov.au/epa/news

All recent media releases to be circulated to the Board.

### 205.15 Correspondence

The Board noted the correspondence from Mr John Pitt and the response from the Chair.

### 205.16 Other Business – Section 27FA *Environmental Management and Pollution Control Act 1994* Policy

Section 27FA was inserted into the *Environmental Management and Pollution Control Act 1994* as part of the amendments in the *Building and Construction (Regulatory Reform Amendments) Act No.2 2020*. This section provides that an applicant or proponent in respect of a case for assessment, may request the Board accept the case for assessment.

Currently the assessment process is that the Board produces guidelines for the assessment, which includes a strong recommendation that the draft version of the Environmental Effects Report or Environmental Impact Statement should be submitted to the Board for review prior to formal submission. This allows for an iterative process to ensure the information provided in support of the assessment is of the highest quality. Once the iterative process is complete the case for assessment is formally submitted under section 27FA.

It should be noted that section 27FA does not require the iterative process to occur, and proponents may submit their case for assessment once they have formed the view that the information they have prepared meets the requirements of the guidelines that have been issued/

Once submitted the Board has 42 days to accept, or not accept the case for assessment. As a result, if a proponent chooses to directly submit a case for assessment without previously submitting a draft, the Board is not in a position to deeply consider the adequacy of the case for assessment at this stage. Once a proponent makes a request under section 27FA(2) the Board can only do a quick check of the case for assessment. This in turn shifts responsibility to the proponent to ensure that the information provided in the case for assessment is sufficient for the Board to be able to undertake the assessment.

The Board resolved that a policy, procedure and communications approach be developed to provide for a consistent process for the management of cases for assessment that a directly submitted under section 27FA without prior submission of draft cases for assessment.

Next meeting: **Tuesday 6 October 2026**
Meeting closed at 3:08 pm

**Minutes endorsed by:**

Andrew Paul
**CHAIRPERSON**
**BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY**