

Meeting No. 185
Date: Tuesday 3 September at 12noon
Level 1 Meeting Room No. 1.01 (Florentine), 40 Elizabeth Street, Hobart

PRESENT

Board

Mark Gifford (A/c Chair)
Wes Ford (Member)
Ian Cresswell (Member) via Teams
Rosanna Coombes (Member) via Teams

Other attendees

Martin Read (Executive Director, Environmental Assessments, EPA)
Helen Mulligan (Manager, Assessments, EPA)
Fionna Bourne (Manager, Environmental Engagement, EPA)
Grace Vaszocz (Executive Assistant, Directorate, EPA)
Ella Jackson (Senior Environmental Officer, Assessments)
Kylie Bowers (Senior Environmental Engagement Officer, EPA)

Meeting commenced at 12 Noon.

185.1 Apologies

The Board noted that Andrew Paul and Therese Flapper are apologies for meeting 185.

185.2 Minutes of Board meetings

a. 184th EPA Board Meeting minutes held on the 6th August 2024

b. 183a Special Board Meeting held on 30th July 2024

The Board resolved to:

- Approve, with minor typographical edits, the minutes as a true and accurate record of the 184th EPA Board Meeting held on the 6th August 2024.
- The Board agreed to review the minutes of the special meeting held on 30 July 2024 and make final approval via out of session.

185.3 Board Decision Registers

- a. Board Decision Register
- b. Out of Session Decision Register

The Board noted the two Decision Registers that were circulated.

185.4 Declaration of Interests

There was no declarations of interest raised for the 185th Board Meeting.

Noted by the Manager, Environmental Engagement, that new EPA Board Delegation of Interest and Disclosure forms have been sent to all Board members as a result of the appointment of a new Board. The completed register will be circulated at the Board Meeting in October.

185.5 Delegations

The Board noted the decisions made under delegation since the previous meeting.

185.6 Actions arising

The Board resolved to:

- Note the status of items listed on the Actions Arising.

185.7 Standing action items.

185.7a SRRP Annual Report and Financial Reconciliation 2023/24

The Board resolved to note the status of items listed on the Standing Actions list.

- The Board had a number of questions regarding the revision of the management goal and whether it was the Board or Management Committee that has responsibility for those goals. The Board requested that the SRRP paper be withdrawn and brought back to the October meeting for further discussion following clarification of the above points.
- The date for the annual strategic issues workshop was agreed to be the already scheduled November Board meeting with the meeting to start earlier in the day. The November meeting would run with usual Board business in the morning and the afternoon set aside for the workshop.

185.7b Register of Instruments under s22 of EMPCA

- Board members raised a number of questions regarding better information systems than NELMs that may deliver more informative reports. For example the reporting of active verses non active EPN's. The Executive Director will check with the reporting Assessment Officer to see if this can be done. Board members agreed to accept the Register of Instruments with corrections as proposed (Date change to 2024 instead of 2022).

Items for Decision

185.8 Extension of time to lodge a case for assessment – Australian Hualong Pty Ltd, Tenth Legion Iron Ore Mine Proposal.

The Board considered the request from Australian Hualong Pty Ltd for another extension of time to lodge a case for assessment for their Tenth Legion Iron Ore Mine.

The EPA Senior Environmental Officer (Assessments) briefed the Board on the proposal as outlined in the Briefing Paper. It was also noted that Australian Hualong Pty Ltd had engaged a new consultant who was not informed of the case of assessment deadline set down for 30 September 2024.

- Board members questioned whether the exceptional circumstances in previous correspondence had been met and requested that the letter reflect the following:
- Require an updated project proposal to be submitted to the Board by 25th October.
- Make the matter of rehabilitation more explicit in the letter.
- Identification of all 3 stages of development in the updated project proposal
- The Board also discussed the consideration of the updated project proposal and the acceptance of that will determine a further extension until March 2025. The Board agreed that the updated proposal should be brought back to the Board meeting in November for discussion.

The Board resolved to

- Note the information in the briefing paper and endorse the recommended approach.
- Exercise its power under section 27F(1)(b) of EMPCA to extend the period for a case for assessment to be submitted until the 30th March 2025. Noting that this will allow the Proponent time to submit and update the project proposal to the EPA for review. The Board also noted that because of the extension, new project specific guidelines for the proposal would also be required.
- The Board resolved that the draft letter to the Proponent be amended to highlight the Board's concerns above and the revised version is circulated to the Board for approval via out session.

185.9 EPA Board Delegations

The Board considered the Briefing paper on EPA Board Delegations that will ensure the ongoing efficient and effective implementation of the Environmental Management and Pollution Control Act 1994 (EMPCA).

The Board agreed to:

1. Resolve that the previous EPA Board Delegations and Authorisations approved by the EPA Board on 7 May 2024 are revoked with immediate effect.
2. Resolved to that acting pursuant to section 16(1) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) to delegate to any person for the time being holding the office or position of Director, Environment Protection Authority and Chief Executive Officer (State Service Position Number 334398) and the Executive Director Environmental Assessments (State Service Position Number 702186) the functions and powers of the Board described by reference to the relevant provisions(s) of EMPCA and generally in columns 1 and 2 of Schedule 1A subject to the conditions and qualifications specified in column 3 of Schedule 1A of the table of EPA Board Delegations.
3. Resolved to that acting pursuant to section 16(1) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) to delegate to any person for the time being holding the office or position of Director, Environmental Regulation (State Service Position Number 708915) and the Director, Finfish Compliance (State Service Position Number 708916) the functions and powers of the Board described by reference to the relevant provisions(s) of EMPCA and generally in columns 1 and 2 of Schedule 1B subject to the conditions and qualifications specified in column 3 of Schedule 1B of the table of EPA Board Delegations.
4. Resolved that acting pursuant to section 16(1) of EMPCA to delegate to any person for the time being holding the office or position of Manager (Assessments) (State Service Position Number 700560) the functions and powers of the Board described by reference to the relevant provision(s) of EMPCA and generally in columns 1 and 2 of Schedule 2A subject to the conditions and qualifications specified in column 3 of Schedule 2A of the table of EPA Board Delegations.
5. Resolved that acting pursuant to section 16(1) of EMPCA to delegate to any person for the time being holding the office or position of Principal Assessment Officer

(State Service Position Numbers 709045, 709046 and 709130) the functions and powers of the Board described by reference to the relevant provision(s) of EMPCA and generally in columns 1 and 2 of Schedule 2B subject to the conditions and qualifications specified in column 3 of Schedule 2B of the table of EPA Board Delegations.

6. Resolve that acting pursuant to section 16(1) of EMPCA to delegate to any person for the time being holding the office or position of Director, Environment Protection Authority and Chief Executive Officer (State Service Position Number 334398), Executive Director Environmental Assessments (State Service Position Number 702186) and the Director, Environmental Regulation (State Service Position Number 708915) the functions and powers of the Board described by reference to relevant provision(s) of EMPCA and generally in columns 1 and 2 of Schedule 4 subject to the conditions and qualifications specified in column 3 of Schedule 4 of the table of the EPA Board Delegations.
7. Resolved that acting pursuant to section 16(1) of EMPCA to delegate to any person for the time being holding the officer or position of Director, Environment Protection Authority and Chief Executive Officer (State Service Position Number 334398), Executive Director Environmental Assessments (State Service Position Number 702186), the Director, Environmental Regulation (State Service Position Number 708915) and the Director, Finfish Compliance (State Service Position Number 708916) the functions and powers of the Board described by reference to the relevant provision(s) of EMPCA and generally in columns 1 and 2 of Schedule 5A subject to the conditions and qualifications specified in column 3 of Schedule 5A of the table of the EPA Board Delegations.
8. Resolved that acting pursuant to section 16(1) of EMPCA to delegate to any person for the time being holding the officer or position of Manager (Assessments)(State Service Position Number 700560) the functions and powers of the Board described by reference to the relevant provision(s) of EMPCA and generally in columns 1 and 2 of Schedule 5B subject to the conditions and qualifications specified in column 3 of Schedule 5B of the table of the EPA Board Delegations.

185.10 Special Fee Remission Application 2023-24 – Digga Excavations Tas Pty Ltd – Talisker Quarry Breadalbane

The Board considered the application for a Special Fee Remission application from Digga Excavations Tas Pty Ltd for the Talisker Quarry at Breadalbane.

It was noted that the applicant has not provided sufficient grounds regarding the exceptionality of their circumstance and therefore they have not met the requirements to be eligible for a remission for the 2023-24 permit year.

The Board resolved to

- Decline the special fee remission of \$20,293.92 for the 2023-24 permit year.
- Agreed to write to the Proponent, advising them of their decision and noting that a temporary downturn in production due to contractor costs is not sufficient justification for a special fee remission.

Items for Noting

185.11 – Draft EPA Annual Report

EPA staff member presented a draft version of the EPA Annual Report to the Board, and gave a quick overview on the project, they also noted to the Board they have gone with new, refreshed style this year in the form of new graphic artwork and that the Financials once finalised at the end of the report would also be in the same style.

Board members acknowledged both the work that has gone into the Annual Report but also the new

contemporary design which reflects a modern EPA.

It was requested that any feedback from Board members be received by Thursday 5th September, with the aim of having a final draft completed sent to the designers and back for final review in the coming weeks.

185.12 Assessments in Progress

The Manager of Assessments gave an overview of upcoming Assessments that are due to be considered by the Board for approval in the coming months.

It was noted that a total of 6 assessments in the Assessment in Progress report are due to be considered between October and November and requested an extra Board meeting be held in October to allow all assessments to meet their respective deadlines. This would mean that at each Board meeting, 2 assessments will go forward for approval.

The Board resolved to:

- Note Assessments in Progress and Other Assessments Caseload.
- Agree to meet at a time and date yet to be determined for an extra Board Meeting in October.

185.13 Media Releases [News | EPA Tasmania](#)

185.14 Correspondence

The board noted correspondence received from

- Minister Duigan to Mr Andrw Paul; and
- Mr Jason Jacobi, Secretary, NRE to Mr Andrew Paul.

185.15 Other Business

It was resolved that the Board is to extend the November 5th meeting allowing for normal Board business in the morning and the afternoon dedicated to work though the draft Assessment Framework Review report as part of the Strategic Issues Workshop.

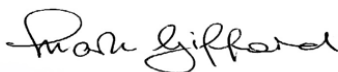
185.16 Next Meeting

Next Board Meeting is to be held on Tuesday the 1st October 2024

The Acting Chair thanked everyone who attended the meeting.

The meeting closed at 3.21 pm.

Minutes endorsed by:



Mark Gifford

ACTING CHAIRPERSON

BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE: 3 September 2024