

Meeting No.: 168
Date: Tuesday 6 December 2022 at 2.00 pm
Location: Level 1 Meeting Room No. 1.01 (Florentine),
40 Elizabeth Street, Hobart

PRESENT

Board

- Mr Andrew Paul (Chairperson)
- Ms Belinda Hazell (Member)
- Ms Amanda Locatelli (Member) – via MS Teams
- Dr Ian Cresswell (Member) – via MS Teams
- Mr Wes Ford (Member)
- Mr Mark Gifford (Deputy Member)

Other attendees

- Dr Martin Read (Executive Director, Environmental Assessments, EPA)
- Ms Fiona Bourne (Manager, Environmental Engagement, EPA)
- Ms Tonia Robinson (Senior Environmental Officer (Assessments), EPA)
- Mr David Oldmeadow (Principal Assessment Officer, EPA)
- Ms Edith O’Shea (A/Manager) Assessments) EPA)
- Ms Catherine Browning (Senior Environmental Officer (Assessments) EPA)

168.1 Apologies

There were no apologies for the 168th EPA Board meeting.

168.2 Minutes of Board meetings

The Board resolved to:

- Approve the minutes, as a true and correct record of the 167th (Out of Session) EPA Board Meeting held on the 16th of November 2022.

168.3 Board Decision Register

All previous decisions of the Board had been actioned therefore no Decision Register was circulated.

168.4 Declaration(s) of Interests

The Board noted the declarations of interests. There were no further declarations of interest raised for the 168th EPA Board meeting.

168.5 Delegations

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

168.6 Actions arising

There were no actions arising from previous meetings of the Board to report on.

168.7 Standing action items

There were no standing action items to report on at this meeting of the Board.

Items for Decision

168.8 Robbins Island

- The Board took the Briefing Paper, Environmental Assessment Report and Draft Permit conditions as read.
- The Board noted that it had discussed the draft permit conditions and draft Environmental Assessment Report at previous meetings, prior to the proponent being provided with the draft permit conditions.
- The Board noted ACEN Australia's response to the draft permit conditions
- The Board noted some inconsistencies in language between the Board Briefing Paper, the Environmental Assessment Report and the draft Permit which EPA staff undertook to rectify post the Board meeting and prior to release of the Board's decision.
- As Robbins Island is within the migratory pathway of the Orange-Bellied Parrot which is listed as critically endangered under the *Environment Protection and Biodiversity Conservation Act (Cth) 1999* and as endangered under the *Threatened Species Protection Act (Tas) 1995* the Board discussed at length the issues posed by the development for the species.
- It was noted that there is the potential for the Orange-Bellied Parrot to overfly the island during migration (both Northern and Southern) with the potential for an Orange-Bellied Parrot mortality to occur from a collision with a wind turbine generator. Any mortality of an Orange-Bellied Parrot would have a significant impact on the species.
- The mitigation measures proposed by the proponent to mitigate the collision risk were considered insufficient by the Board, therefore the Board approved condition FF6 that requires a total shutdown of wind turbine generators on the site for the period 1 March to 31 May inclusive and 15 September to 15 November inclusive to minimise the potential collision risk to the Orange-Bellied Parrot during both the Northern and Southern migration seasons.
- In addition, the Board noted that the proponent's proposal to undertake targeted Orange-Bellied Parrot surveys, including radio tracking, would be critical to the further understanding of the migratory pathway and timing with condition FF6 allowing the proponent to present a case to alter the shutdown requirements based on the results of these proposed surveys.
- In relation to the Tasmanian Devil listed as endangered under both the *Environment Protection and Biodiversity Conservation Act (Cth) 1999* and the *Threatened Species Protection Act (Tas) 1995* the Board noted the species is widespread and relatively abundant within the project site, with no Tasmanian Devils recorded with devil facial tumour disease on the island.
- The Board determined that conditions FF12 and FF13 were sufficient to mitigate any impact on the Tasmanian Devil arising from increased risk of roadkill and loss of denning habitat.
- The Board worked through the other conditions and justifications in the Environmental Assessment Report and was satisfied the issues were appropriately addressed.

The Board requested the following changes to Draft Permit No. 9786

- Amend Condition FF2 (3.3) to remove the reference to "strategy" and retain the term "adaptive management" in recognition that more than one measure may be required to reduce eagle mortalities.
- Amend Condition FF5 (5) and Condition FF12(5) to add reference to implementing and compliance with a new Orange Bellied Parrot Monitoring and Management Plan in addition to a varied plan.

- Amend Condition N3 (1) (in relation to sub conditions 1.1 and 1.2) to “sound pressure must not exceed the greater of”
- Amend Condition OP1(3.1) to include measure to minimise spread of *Phytophthora cinnamoni*.
- The Board resolved to:
 - (1) Adopt the draft Environmental Assessment Report, as amended.
 - (2) Authorise the Chairperson to sign the final Environmental Assessment Report on its behalf.
 - (3) In accordance with section 25(5)(a)(i) of the EMPC Act, to notify Circular Head Council that the conditions and restrictions detailed in Appendix 3 of the Environmental Assessment Report (Permit Conditions – Environmental No. 9786) must be contained in a permit granted by the planning authority under the *Land Use Planning and Approvals Act 1993* in respect of the activity, if a permit is to be granted.
 - (4) In accordance with section 25(5)(a)(ii) of the EMPCA, to provide Council with a copy of the final Environmental Assessment Report to outline the reasons for the conditions and restrictions.
 - (5) To provide a copy of the finalised Environmental Assessment Report to the Commonwealth Minister via the Tasmanian Minister’s delegate to allow an approval decision under the EPBC Act; and to provide any additional information to the Commonwealth Minister within 10 days of making a decision in relation to the assessment of the proposal.
 - (6) Delegate communications associated with the Boards assessment and decision to the Director.

Items for Noting

168.9 Assessments in Progress

The Assessments in Progress Report was noted by the Board.

168.10 Media Releases

No Media Releases had been issued since the last meeting of the Board.

168.11 Other Business

- (a) Invitation – Dulverton to Groundbreaking Ceremony.

The Chair received an invitation to attend the Groundbreaking Ceremony at Dulverton, however the Chair will be an apology for the event. It was noted however that some EPA staff may be attending as they have received separate invitations.

168.12 Next Meeting

The next meeting is scheduled for Tuesday the 17th of January 2023 at 2.00 pm.

The 168th EPA Board meeting closed at 5:05pm.

Minutes endorsed by:



Andrew Paul

CHAIRPERSON

BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE: 7 February 2023