

Meeting No. **I87 – Incorporating Strategic Issues Workshop**

Date: Tuesday 5 November at 9:30am

Level I Meeting Room No. 1.01 (Florentine), 40 Elizabeth Street, Hobart

PRESENT

Board

Andrew Paul (Chair)
Wes Ford (Director)
Ian Cresswell (Member)
Mark Gifford (Member – Via Teams)
Rosanna Coombes (Member)

Other attendees

Martin Read (Executive Director, Environmental Assessments, EPA)
Helen Mulligan (Manager, Assessments)
Fionna Bourne (Manager, Environmental Engagement, EPA)
Mary Gibbs Manager (Principal Assessment Officer, Environmental Assessments, EPA)
Catherine Browning, (Principal Assessment Officer, Environmental Assessments, EPA)
Hugh Kerr (Senior Environmental Officer (Assessments), Environmental Assessments EPA)
Callum Grant (Cadet, Environmental Assessments, EPA)
Anthony Cook (Senior Environmental Officer, Industrial Operations, EPA)
Zoe Brown (Principal Assessment Officer, Environmental Assessments, EPA)
Edith O'Shea (Manager, Industrial Regulation, EPA)
Laura Smith (Senior Environmental Officer (Assessments), Environmental Assessments EPA)
Lauryn Kitchener (Senior Environmental Officer (Assessment) Environmental Assessments EPA)
Ella Jackson (Senior Environmental Officer (Assessment), Environmental Assessments, EPA)
John Langenburg (Section Manager (Industrial Operations), EPA)

Natalie Holman (Senior Environmental Officer
(Assessments) Environmental Assessments, EPA)

David Oldmeadow, (Principal Assessment Officer,
Environmental Assessments, EPA)

Meeting commenced at 9:30am.

187.1 Apologies

There was one apology received from Therese Flapper for meeting number 187.

187.2 Strategic Issues Workshop

The Board considered and discussed the EPA Assessment Framework Review Recommended Actions. These discussions were cognizant of the current progress of reforms at both the National (Nature Positive) and State (various planning reforms).

The Board discussed the timing of the publication of the EPA Assessment Framework Review document after there had been an opportunity for the Chair and the Director to discuss some of the matters raised in the Report with the Minister.

It was noted that the Recommended Actions included several internal operational and procedural changes that could be undertaken by the EPA to make improvements in the way assessments are currently carried out. These changes will be implemented as soon as possible and be overseen by a Project Manager.

The Board considered the details of the longer-term policy and legislative approaches, in particular matters surrounding issues associated with the assessment of the social and economic impact of a proposal, and options available to provide for a better understanding of the scope of a proposal at the beginning of the assessment process.

It was acknowledged that as a result of the Objectives outlined in Schedule 1 of the *Environmental Management and Pollution Control Act 1994* (the Act), and the requirement within the Act that decisions taken must further the Objectives of the Act, that the Board is obliged to consider the economic impact of a proposal it assesses. It was noted that it is a fine balance between the environmental benefit/cost and the economic benefit/cost, but that such considerations are part of a modern Environmental Impact Assessment process, and the question is, how does the Board undertake this function in a modern and contemporary manner?

Questions were raised about how the Board is to consider climate change impacts on and from a proposal it assesses, noting that greenhouse gas emissions are already included in the Assessment Guidelines issued for proposals. It was agreed that to gain an understanding of how this issue is being addressed across Australia, that EPA staff should track what other jurisdictions are doing in this space.

On the issue of improvements to the scoping of a proposal at the beginning of the assessment process, the concept of a 'scoping document' was discussed. Concerns were raised about adding an additional requirement for proponents to complete, and whether it would be more appropriate to reconsider what is required by the Notice of Intent.

At the conclusion of the Strategic Issues Workshop the Board resolved to:

1. Receive an update from the Director at a future meeting on the outcomes of tracking how other Australian jurisdictions are addressing the issue of considering climate change impacts to and from development proposals.
2. Conduct a trial of the use of the "scoping document" at the beginning of an assessment process if a proponent is willing to participate in the trial.
3. Reconsider what is required in a Notice of Intent and whether it can be better aligned to cover all issues associated with the scoping phase of a proposal.
4. Agreed that EPA staff would develop an implementation plan for the Recommended Actions, noting that some actions could commence quickly given they relate to operational and procedural matters.

5. Agreed to publish the EPA Assessment Framework Review by June 2025, together with a summary version of the report to be approved by the Director.

General Business

187.3 Minutes of Board meetings

a. 186 EPA Board Meeting minutes

The Board resolved to approve the minutes as a true and accurate record of meeting 186 of the EPA Board held on 1 October 2024.

b. 186a EPA Board Meeting minutes

The Board resolved to approve the minutes, with amendment, as a true and accurate record of meeting 186a of the EPA Board held on 14 October 2024.

187.4 Board Decision Registers

a. Board Decision Register (deferred until meeting 188)

b. Out of Session Decision Register

The Board noted the out of session Decision Register circulated.

187.5 Declaration of Interests

The Chair raised a declaration of interest for the 187 Board Meeting, for correspondence noted under Item No. 187.15.

As a result, Mark Gifford, as Deputy Chair will preside for that one item.

187.6 Delegations

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

187.7 Actions arising - Nil.

187.8 Standing action items.

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

Items for Decision

187.9 Assessment Bobadil Tailing Storage Facility Stage 11 and 12 Embankment Raises

The Board considered the proposal from MMG Australia Limited to increase the storage capacity of the Bobadil Tailings Storage Facility. The proposal involves raising the height of the Bobadil Tailings Storage Facility embankment in two stages, known as Stage 11 and Stage 12, with each increasing the embankment height by 2 metres.

The Board took the paper and Environmental Assessment Report as read.

The EPA staff member outlined the proposal received from MMG Australia Limited.

In the draft permit the following amendments were noted by the Board:

- Clause A6 – definition of activity area;

- Clause A7 – site boundary amended to activity area;
- Clause FF2(1) insert “at least 30 days prior to the commencement of vegetation removal, or by a date specified by the Director;
- Clause FF2(2) – split into two clauses, with clause FF2(2.2) to have inserted “no clearance to occur until the Director approves”;
- Clause OPI – Weed and Disease Management Plan to refer to the activity area;

The Board raised the question of separation distances from areas of blasting and residential dwellings and noted that it was not covered in the Environmental Assessment Report. It was noted that this issue was dealt with in the Permit, however it would be beneficial if the EPA Staff developed a Blast Fume Policy for consideration by the Board at a later date.

The Board considered the letters and draft press release provided as part of the Board paper and approved the documents with minor typographical edits.

The Board resolved subject to the above amendments to:

1. Adopt the draft Environmental Assessment Report.
2. Authorised the Chairperson to sign the final Environmental Assessment Report on its behalf.
3. Resolved, in accordance with section 25(5)(a)(i) of the EMPCA, to notify West Coast Council that the conditions and restrictions detailed in Appendix 2 of the EAR (PCE No. 11514) must be contained in a permit granted by the planning authority under the Land Use Planning and Approvals Act 1993 in respect of the Proposal, if a Permit is to be granted;
4. Resolved, in accordance with section 25(5)(a)(ii) of the EMPCA, to provide West Coast Council with a copy of the final EAR to outline the reasons for the conditions and restrictions; and
5. Determined that, in the event that West Coast Council grants a Permit and in accordance with Regulation 17 of the Environmental Management and Pollution Control (General) Regulations 2017, the Proponent is exempted from any liability to pay the annual permit fee for Permit No.DA2024/00032 containing PCE No. 11514.

187.10 Assessment Tasmanian Advanced Minerals Pty Ltd Blackwater South Silica Mine Temma

The Board considered a proposal from Tasmanian Advanced Minerals Pty Ltd for a new silica mine near Temma. The location of the proposed mine is adjacent to their existing Blackwater Silica Mine on a large mining lease within the locality known as takayna/the Tarkine. The proposal is for the extraction and processing of 75,000 tonnes of silica per annum for use in smart screen technology including laptops, phones and TVs.

The Board took the paper and Environmental Assessment Report as read.

The EPA staff member outlined the proposal received from Tasmanian Advanced Minerals Pty Ltd.

Key issues identified in the Environmental Assessment Report were discussed by the Board in detail. These key issues were:

- Surface and groundwater quality and
- Natural values.

The Board considered the letters and draft press release provided as part of the Board paper and approved the letter with minor typographical edits. The Board also approved the Press Release with the inclusion of the following text:

“Matters raised were addressed in the permit conditions “

In addition, the Board wanted the Press Release to note that one submission was received outside the submission period, however the matters raised in that submission were considered by the Board and where appropriate were addressed in permit conditions.

The Board resolved to:

1. Adopt the draft Environmental Assessment Report.
2. Authorised the Chairperson to sign the final Environmental Assessment Report on its behalf.
3. Resolved, 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. 10923) 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. Resolved, in accordance with section 25(5)(a)(ii) of the EMPCA, to provide Circular Head Council with a copy of the final Environmental Assessment Report to outline the reasons for the conditions and restrictions.

187.11 Marinus Link update and proposed approach to case for assessment

The Board noted the paper that was prepared and presented by the EPA staff member.

It noted that version 2 of the Environmental Impact Statement (EIS) documentation does not fully meet the requirements of the EPA. The three main risks associated with the directional drilling component of the project relate to:

- Noise as once the drill commences it cannot be switched off so the operation will become a 24 hours one for the duration of the drilling;
- Disposal of contaminated spoil from the former Tioxide site; and
- Management of the contaminated water from the directional drill.

Consideration was given by the Board to a proposal for the Chair and the Director to meet with representatives of Marinus Link to discuss the Board's outstanding issues and the consequences of not addressing these matters prior to advertising the EIS.

The Board also considered it prudent to provide the Minister with a copy of the paper the Board has considered on this matter.

After careful discussion the Board resolved to:

1. Note the information provided in the paper.
2. Advise Marinus Link that the EIS documents can be accepted for public advertising with the caveat that Marinus Link will need to address any outstanding comments, including the Board's feedback of June 2023 in a Supplement.

187.12 Special Fee Remission – Jim's Plain Energy Park

The Board considered an application from ACEN Robbins Island Pty Ltd for a special fee remission for the 2023/24 permit years. The application was for a 90 per cent fee remission on the total fee (fixed and variable) on the grounds that the Jim's Plain Renewable Energy Park had not been constructed, and that an extension of time for the project was granted by Circular Head Council in May 2024.

The Board took the paper on the application as read and resolved to approve the Special Fee Remission in the amount of \$29,764.62 for the 2023/2024 fee period.

Items for Noting

187.13 Assessments in Progress

The Board noted the Assessments in Progress and Other Assessments Report.

187.14 Media Releases

[News | EPA Tasmania](#)

187.15 Correspondence

a. *Project Proposal Tenth Legion Iron Ore Mine*

The Board considered correspondence received in relation to the proposed Tenth Legion Iron Ore Mine and noted that the proponent be advised of a likely significant change to the proposal. In light of this advice the Board resolved to propose to cease the assessment of the proposal in its current form and requested a paper to this effect be provided to the Board for its consideration at the December 2024 meeting.

b. *Braxholm Mill – letter of complaint*

As the Chair had advised of a conflict of interest in relation to this matter, he left the room for this item and the Deputy Chair assumed the Chair for this item.

The Board noted the complaint about the wording in the Environmental Assessment Report regarding the issue of noise complaints received by the proponent. It was determined to amend and reissue the AER to correct any potential misconception. Further it was noted that the EPA would deal with the complaint and respond in accordance with the EPA Complaints Policy.

187.16 Other Business

In relation to the recent discussion about the note in the draft EPA Annual Report regarding the setting and changing of the targets for the Savage River Rehabilitation Project the Board was advised that the difference between the original and revised target was the insertion of the word “maintain”. Despite, no documentation associated with the SRRP providing clarity on the responsibility for setting and revising targets, the Board agreed that a document should be developed that clearly defines the roles of the Board and the Management Committee for particular decision points and approvals associated with the SRRP. The document should clearly articulate the accountability that the SRRP Management Committee has to the EPA Board.

187.17 Review of Meeting

187.18 Next Meeting

The next regular Board meeting is to be held on 3 December 2024 at 9:30am.

Noting that there would be a field trip of the Board on 2 December 2024.

In Camera

187.19 - Director’s Briefing

Recycal update

- Ongoing and need to brief incoming Minister and new Ministerial Staff on issues.

Executive Director

- The Executive Director has advised of his intention to retire in 2025. The last day in the office for the Executive Director would be 31 January 2025, and a retirement date of 25 April 2025.
- The Director noted his intention to work through to 10 March 2025.

The Chair thanked everyone who attended the meeting.

The meeting closed at 4:20pm

Minutes endorsed by:

A handwritten signature in blue ink, appearing to read 'Andrew Paul', is written over a light blue rectangular background.

Andrew Paul

CHAIRPERSON

BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE: 3 December 2024