

## 2. Legislative Framework

### 2.1 Overview

The construction and operation of the project must be assessed and approved by the Tasmanian and Australian governments as part of a single approvals process. Each government will assess the merits of the proposal based on the environmental laws, international agreements, policies and guidelines referred to in the Scope Guidelines.

This section outlines the assessment process under the key Tasmanian and Australian Government environmental impact assessment laws, and briefly comments on relevant Tasmanian and Australian Government laws, policies and guidelines and international agreements.

### 2.2 Environmental Assessment Legislation and Approvals

#### 2.2.1 Environment Protection and Biodiversity Conservation Act 1999

##### ***Assessment of “controlled actions” - overview***

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the proponent of a project, development or activity that is likely to have a significant impact on a matter of national environmental significance and/or Commonwealth land must refer the proposal to the Minister for Environment and Heritage (Commonwealth Minister). The EPBC Act identifies seven matters of national environmental significance.

Based on that referral, the Commonwealth Minister must decide whether the project, development or activity should be assessed and approved under the EPBC Act. Proposals that are determined by the Commonwealth Minister to require further assessment and approval are described as “controlled actions”.

If an action is a controlled action, the Commonwealth Minister may choose between a number of assessment methods available under the EPBC Act. To avoid duplication of assessment processes, the Commonwealth Minister can also “accredit” the assessment of the controlled action under State environmental impact assessment laws.

##### ***Assessment of the Pulp Mill***

Gunns has made two referrals of the project to the Commonwealth Minister. The first referral was made by Gunns on 15 December 2004. On 24 January 2005, the Commonwealth Minister determined that the project was a controlled action and subsequently decided to accredit the RPDC’s assessment of the project under the *State Policies and Projects Act 1993* (see section 2.2.2 below).

Following an update to the Project Scope, Gunns withdrew the first referral and made a second referral of the project on 15 August 2005. On 5 October 2005, the Commonwealth Minister decided that the project was a controlled action and again accredited the RPDC's assessment of the project under section 87 of the EPBC Act.

The Commonwealth Minister decided the project was a controlled action that required assessment prior to his approval based on its potential impacts on the following matters of national environmental significance:

- ▶ Listed threatened species and ecological communities;
- ▶ Listed migratory species; and
- ▶ Commonwealth marine areas.

At the conclusion of the RPDC's assessment of the project under the procedures outlined below, the RPDC's final Assessment Report will be provided to the Commonwealth Minister, who will seek the views of other relevant Commonwealth Ministers before deciding whether to approve the project.

#### ***Other provisions and offences***

The EPBC Act also creates offences for killing or injuring threatened species, migratory species or listed marine species. However, these offences and related permit requirements are limited to activities affecting species in Commonwealth areas. As no species will be affected on Australian land or within the Australian marine environment, these provisions are not relevant to the project.

### **2.2.2 State Policies and Projects Act 1993**

The *State Policies and Projects Act 1993* (SPP Act) provides for the integrated assessment of projects of State significance, state of the environment reporting, and for the making of State Policies. Once in operation, a State Policy binds the Crown and will override a planning scheme to the extent of any inconsistency. National Environment Protection Measures (NEPMs) are deemed State Policies under the SPP Act. Relevant NEPMs and State Policies are considered at sections 2.6 and 2.7.

The SPP Act also establishes an integrated assessment and approval process for projects of state significance (POSS). The integrated assessment of a POSS involves consideration of all environmental, economic and social issues relevant to that project.

Where a project has been declared a POSS, the provisions of any other Tasmanian Act, planning scheme or interim order:

- ▶ requiring the approval, consent or permission of any person in connection with any use or development to which the declaration relates;
- ▶ empowering any body to grant or refuse its consent to any such use or development;
- ▶ prohibiting such use or development;

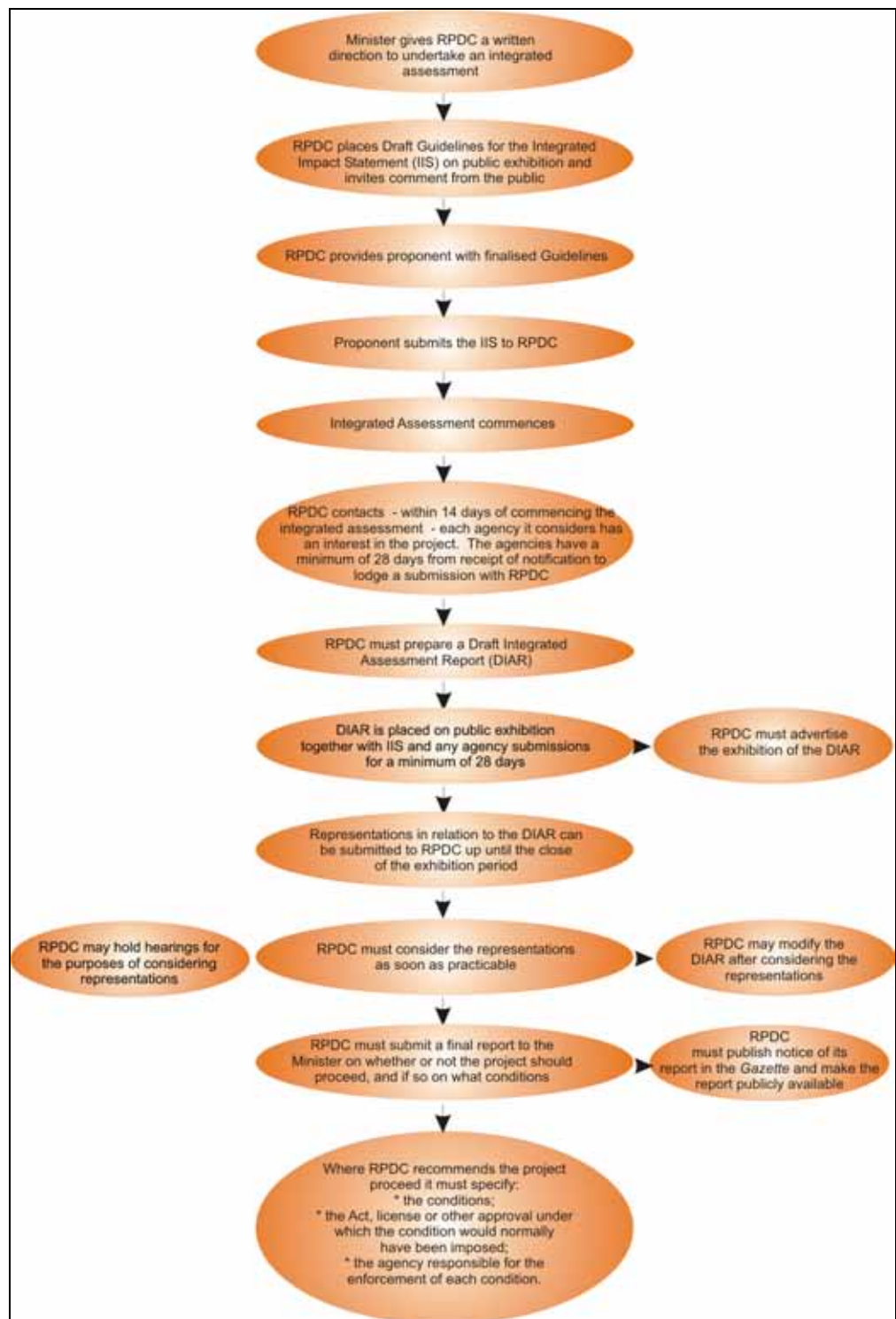
- ▶ permitting any such use or development only upon specified terms or conditions; or
- ▶ regulating or permitting the regulation of any such use or development,

do not apply unless the declaration has been revoked. Instead, a consolidated assessment and approval process is provided for in the SPP Act.

The SPP Act applies to the project because on 22 November 2004, the Administrator made an Order which declared the project to be a POSS. The Order has been approved by both Houses of Parliament in the “State Policies and Projects (Project of State Significance) Order 2004”.

The Premier has directed the RPDC to undertake an integrated assessment of the project in accordance with the requirements of the SPP Act (See Appendix 3, Volume 5).

The assessment process for POSS is outlined in Figure 2-1.



**Figure 2-1 Integrated Assessment Process; Part 3 of the *State Policies and Projects Act 1993* (as amended).**

Source: [www.rpdc.tas.gov.au](http://www.rpdc.tas.gov.au)

In summary, the main stages of the project assessment and approval process are:

- ▶ The Minister gives the RPDC a written direction to undertake an integrated assessment of the POSS. This occurred for the proposed project on 26 November 2004;
- ▶ Draft Scope Guidelines for the project draft IIS have been publicly exhibited twice, and the final version was published on 23 December 2005;
- ▶ The proponents of the project (Gunns) prepares the Draft IIS in accordance with the finalised Scope Guidelines;
- ▶ The proponent submits its draft IIS to the RPDC. The RPDC places the draft IIS on public display and invites submissions on it. If appropriate the RPDC will conduct public hearings. Government agencies with an interest in the project are asked to comment on the project during this period;
- ▶ The RPDC prepares the Draft Integrated Assessment Report (DIAR);
- ▶ The DIAR is placed on public exhibition;
- ▶ The RPDC considers the representations on the DIAR, and may conduct a public hearing for the purpose of considering representations;
- ▶ The DIAR is amended (if required) and finalised, and the Final Integrated Assessment Report (FIAR) is submitted by the RPDC to the Commonwealth Minister for Environment and Heritage and to the Tasmanian Premier, with its recommendations on whether or not the project should proceed and, if so, the conditions that should regulate the project.

### ***Tasmanian Order***

After receiving the final version of the DIAR, the Premier has 28 days to consider the DIAR before making a recommendation to the Governor on whether the project should be approved and, if so, subject to what conditions.

The Governor may then make an Order approving the project. The Order will need to identify any approvals or permits which are required under any other Tasmanian legislation for the project, the conditions of those permits and authorisations, and the authorities responsible for enforcing those approvals or permits.

### ***Commonwealth approval***

Within 10 days of providing the DIAR to the Tasmanian Premier, the RPDC must also submit the DIAR to the Commonwealth Minister.

The Tasmanian Government must also provide a notice to the Commonwealth Minister stating that all certain and likely impacts of the project have been assessed to the greatest extent practicable, and explaining how the impacts have been assessed.

Within 30 days after he receives the notice from the Tasmanian Government, the Commonwealth Minister must decide whether to approve the project. The Minister may, however, specify a longer time in writing.

The approval must specify the action that may be taken, the name of the person who may take the action, which of the protected matters under the EPBC Act the approval applies to, the period for which the approval has effect, and any conditions attached to the approval.

### ***Construction and Operation of the Pulp Mill***

Gunns may commence construction of, and operate, the project only after:

- ▶ The Tasmanian Governor's Order has been made and approved by the Parliament; and
- ▶ The Commonwealth Minister has granted an approval under the EPBC Act.

The construction and operation of the project must comply with all conditions contained in the Order and the approval.

## **2.3 Other Commonwealth Legislation**

### **2.3.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984**

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides for the preservation and protection from injury or desecration of areas and objects that are of significance to Aboriginal people in accordance with Aboriginal Tradition. It empowers the Commonwealth Minister and authorised officers under the Act to make declarations to preserve significant Aboriginal areas and objects that are under serious and immediate threat of injury or desecration. The Act creates offences of contravening any declaration made under the Act, and empowers the Commonwealth Minister to seek an injunction to halt any actual or proposed conduct that will contravene any declaration.

Of potential relevance to the construction of the pulp mill and associated infrastructure is that fact that, under the Act any discovery of any item that could reasonably be suspected to be Aboriginal remains must be reported to the Commonwealth Minister.

The Act may be amended by the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill, introduced into the Senate on 12 October 2005. The proposed legislative changes are largely directed to Victoria's Aboriginal heritage protection regime, and will have no material impact on Aboriginal heritage conservation in Tasmania.

Section 3 of Volume 2 of the Draft IIS discusses the results of the Aboriginal heritage investigations undertaken for the Pulp Mill site. Those investigations suggest that no declarations under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* apply to the pulp mill site, and identify the risk of disturbance to Aboriginal heritage objects and areas from the construction of the pulp mill and ancillary infrastructure.

Statutory notification requirements will be included in the EMS for the construction of the project.

### **2.3.2 Renewable Energy (Electricity) Act 2000**

The *Renewable Energy (Electricity) Act 2000* gives legal effect to Australia's Mandatory Renewable Energy Target: a target to increase the proportion of renewable energy generated in Australia by 2010. Under the Act, wholesale purchasers of electricity are required to purchase a proportion of electricity from accredited renewable energy sources. The proportion increases every year. To demonstrate that they have purchased the required amount of renewable energy, wholesale purchasers must surrender Renewable Energy Certificates to the Office of the Renewable Energy Regulator. Wholesale purchasers acquire Renewable Energy Certificates from accredited renewable energy generators, or by purchasing them from other entities with an excess number of certificates.

The pulp mill will generate its own electricity from biofuel firing (fines from screening, sawdust, forest residues and dewatered primary effluent sludge) and a by-product of the pulping process referred to as "black liquor" (comprising lignin, water and chemicals). The pulp mill will generate more electricity than it requires. The excess electricity will be contributed to the National Electricity Grid. In accordance with the Act and the *Renewable Energy (Electricity) Regulations 2001*, the pulp mill may qualify as an accredited renewable energy generator, in which case any wholesale electricity purchaser could purchase Renewable Energy Certificates created by Gunns.

The electricity co-generation process and the electricity demand of the pulp mill are discussed in Section 6 of Volume 1 of the Draft IIS. The greenhouse gas implications of the construction and operation of the pulp mill have been assessed and are discussed in Section 3 of Volume 2 of the Draft IIS.

### **2.3.3 Environment Protection (Sea Dumping) Act 1981**

The *Environment Protection (Sea Dumping) Act 1981* implements Australia's obligations under the Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matter (the London Convention) and the 1996 Protocol to the Convention (see Section 2.5 below).

Section 10A of the Act prohibits the dumping of any wastes from a vessel or platform in all Australian waters, including the coastal waters of Tasmania. A permit may be granted under section 19 of the Act to permit the dumping of waste.

Although "dumping" is not defined in the Act, section 4(4) of the Act provides that an expression used in the Act has the same meaning as in the Protocol.

The Protocol defines "dumping" as including:

"any deliberate disposal into the sea of wastes or other matter from vessels, aircraft, platforms or other man made structures at sea; and ... any storage of

wastes or other matter in the seabed and the subsoil thereof from vessels, aircraft, platforms or other man made structures at sea”

The disposal, even if it is temporary, of material dredged for the installation of the marine outfall will fall within the definition of dumping. Gunns will require a permit under the Act to dump slurry and dredged material in Bass Strait.

The options for managing and disposing of dredge slurry are discussed in Section 3 of Volume 3 of the Draft IIS.

## **2.4 Other Tasmanian Legislation**

### **2.4.1 Environmental Management and Pollution Control Act 1994**

The *Environmental Management and Pollution Control Act* (EMPC Act) provides for the management of the environment and the control of pollution in Tasmania.

Part 2 of Schedule 1 sets out the objectives of the Act, which include:

- ▶ promoting the sustainable development of natural and physical resources; and
- ▶ preventing environmental degradation and adverse risks to human and ecosystem health.

The Director of Environmental Management can issue environment protection notices (EPNs) requiring the recipient to take steps to prevent or minimise environmental harm. For example, if the Director of the Environment Management determines that the installation and operation of certain aspects of the pulp mill are likely to cause harm, the Director may issue an EPN to Gunns that sets out the requirements for the construction and operation of that part of the project. For example, an EPN may be served upon Gunns to regulate the installation and operation of the effluent outfall pipeline in offshore areas.

The EMPC Act also provides for the assessment of activities/developments/uses that may cause environment harm. EMPC matters are considered as part of the overall POSS. As the project has been declared a POSS under the SPP Act, it is assessed and approved under that Act.

Despite this, the integrated assessment of the project under the SPP Act must be undertaken in accordance with the Environmental Impact Assessment Principles set out in section 74 of the EMPC Act.

The Environmental Management and Pollution Control (Waste Management) Regulations 2000 apply to the disposal of waste to the proposed landfill, the reuse and recycling of waste by Gunns, and possibly the burning of black liquor to generate electricity (see Appendix 7, Volume 6).



#### **2.4.2 Threatened Species Protection Act 1995**

The *Threatened Species Protection Act 1995* (TSP Act) provides for the protection and management of threatened native flora and fauna in Tasmania to enable and promote the conservation of native flora and fauna.

The TSP Act lists:

- ▶ endangered taxa, flora and fauna (schedule 3);
- ▶ vulnerable taxa (schedule 4); and
- ▶ rare taxa (schedule 5).

Part 4 of the TSP Act provides for the Tasmanian Environment Minister to make interim protection orders to conserve the habitat, or part of the habitat, of a listed taxon of flora or fauna or a nominated taxon of flora or fauna which has been accepted by the Scientific Advisory Committee (SAC) for listing (section 32). An interim protection order prevails over any planning scheme (section 39).

A permit may be issued to a landholder, authorising that landholder to do any activity on land subject to an interim protection order (section 40).

It is an offence, knowingly and, without a permit, to

- ▶ take, keep, trade in or process any specimen of a listed taxon of flora or fauna; or
- ▶ disturb any specimen of a listed taxon of flora or fauna found on land subject to an interim protection order, land management agreement, or conservation covenant, without a permit (section 51).

Section 3 in Volume 2 and Section 3 in Volume 3 of the Draft IIS discuss the impacts on flora and fauna from the project, and concludes that some species of listed flora will be damaged or destroyed during the construction of the pulp mill and associated infrastructure.

Accordingly, a permit would ordinarily be required for the project under the TSP Act. Because an integrated assessment of the project is being undertaken under the SPP Act, it is expected that any Order to approve the project under the SPP Act will incorporate the conditions of a permit granted under Regulation 8 of the *Threatened Species Protection Regulations 1996*, and nominate an agency responsible for the enforcement of those conditions.

#### **2.4.3 Water Management Act 1999**

The *Water Management Act 1999* provides for the use and management of freshwater resources in Tasmania, and empowers the Tasmanian Minister for Primary Industries and Water to prepare and adopt management plans in respect of watercourses, lakes, dispersed surface water or groundwater (section 13). The integrated assessment of the pulp mill will need to take into account any management plan for water resources affected by the pulp mill. These matters are addressed in Volume 4 of the Draft IIS.

Gunns proposes to purchase water directly from Hydro Tasmania, the water having been taken into Lake Trevallyn in accordance with Hydro Tasmania's water license. The prohibition, contained in S.54(1) of the Water Management Act 1999, on taking water from a watercourse without a licence does not apply to a person taking water directly from a dam or other works if the water in the dam or works has previously been taken in accordance with the Act (S.54(2)(d)).

Section 54(2)(d) enables persons to take water from a dam if that water has already been taken into the dam in accordance with the Act. Thus, Gunns will not require a licence (or any other authority under the Act) to enable it to extract water from the dam by pipeline, provided that in allowing this to occur, Hydro Tasmania are not in contravention of any relevant condition or restriction placed on its special licence or relevant water allocation.

A permit will also be needed for the construction of the water storage dam at the pulp mill site under section 146.

Any licences and permits that will have been required under the *Water Management Act*, and the terms and conditions of these licences, will be incorporated into an Order made by the Governor under the SPP Act to approve the project.

#### **2.4.4 Tasmanian Planning Approvals**

The *Land Use Planning and Approvals Act 1993* (LUPA Act) regulates and controls the use and development of land in Tasmania.

Planning Schemes are the principal means of achieving the LUPA Act's objectives, as Planning Schemes dictate whether or not a planning permit is required for the development or use of land.

A use and/or development of land which requires a planning permit under the relevant Planning Scheme or a special Planning Order must not commence until the planning authority responsible for administering the Planning Scheme or Order has granted a permit in respect of that use or development.

Three planning schemes apply to land affected by the pulp mill – the Municipality of George Town Planning Scheme 1991, the Launceston Planning Scheme 1996 and the Beaconsfield Planning Scheme 1986.

S.27 of the State Policies and Projects Act 1993 indicates that permits issued under the POSS process are deemed to be permits issued under the relevant legislation. The planning issues and objectives in the LUPA Act and the relevant Planning Schemes (namely the Municipality of George Town Planning Scheme 1991, Municipality of Launceston Planning Scheme 1996, and Municipality of Beaconsfield Planning Scheme 1986) have been taken into account in the assessment of the pulp mill. An amendment to the Municipality of George Town Planning Scheme 1991 is proposed to include the preferred landfill site and pulp mill site in appropriate zones.

If an Order is made to approve the project under the SPP Act, the terms of the Order may specify that a planning permit has been issued for the pulp mill, the conditions of that permit (or permits) and the authority or authorities that will be responsible for enforcing the permit(s). It is expected that the three relevant local councils will be nominated as the agencies responsible for enforcing the land use planning conditions within their respective municipal areas.

#### **2.4.5 Dangerous Substances (Safe Handling) Act 2005**

*The Dangerous Substances (Safe Handling) Act 2005* was passed by Parliament in late 2005. It contains requirements for occupiers of dangerous substance locations to notify the Secretary of the Department of Infrastructure, Energy and Resources about the types and quantities of dangerous substances that are handled. Based on this information locations, will be assessed and classified as either: dangerous substance locations, large dangerous substance locations or a major hazard facility.

Whilst the Act has been passed by Parliament, the regulations have not yet been completed. The Regulations will contain details about the types and quantities which will determine whether a location is large, major or otherwise. Consultation on the Regulations will occur during 2006 with the expectation that the Act and Regulations will commence in late 2006/ early 2007.

#### **2.4.6 Additional Tasmanian Legislation**

The following additional pieces of Tasmanian legislation have been considered during the development of the Draft IIS, and relevant statutory or regulatory requirements have been incorporated into the design and operation aspects of the pulp mill as presented in this Draft IIS.

- ▶ *Aboriginal Relics Act 1975*
- ▶ *Building Act 2000 and General Fire Regulations 2000*
- ▶ *Dangerous Goods Act 1998 and (General) Regulations 1998*
- ▶ *Electricity Supply Industry Act 1995 and Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*
- ▶ *Energy Co-ordination and Planning Act 1995*
- ▶ *Forest Practices Act 1985*
- ▶ *Forestry Act 1920*
- ▶ *Gas Act 1920*
- ▶ *Historic Cultural Heritage Act 1995*
- ▶ *Inland Fisheries Act 1995*
- ▶ *Living Marine Resources Management Act 1995*
- ▶ *Local Government (Highways) Act 1982*

- ▶ *Mineral Resources Development Act 1995*
- ▶ *Pollution of Waters by Oil and Noxious Substances Act 1987*
- ▶ *Public Health Act 1997*
- ▶ *Roads and Jetties Act 1935*
- ▶ *Traffic Act 1995*
- ▶ *Water Management Act 1999*
- ▶ *Workplace Health and Safety Act 1995 and Regulations 1998*
- ▶ *Crown Lands Act 1976*
- ▶ *Threatened Species Protection Regulations 1996*
- ▶ *Nature Conservation Act 2002*
- ▶ *Wildlife Regulations 1999*
- ▶ *National Parks and Reserves Management Act 2002*
- ▶ *National Parks and Reserved Land Regulations 1999*
- ▶ *Whales Protection Act 1988*

A brief overview of this legislation is included in Appendix 6, Volume 5.

## **2.5 International Conventions and Agreements**

Australia has ratified a number of international conventions and agreements on matters and processes that are relevant to the project in a range of ways. Although an international agreement is binding on Australia under international law, such an agreement does not form part of Australian domestic law until the Australian Parliament enacts legislation giving effect to its terms. Gunns and other entities and individuals in Australia are therefore under no legal obligation to comply with the terms of any international agreements other than those given effect to under laws enacted by the Australian Parliament. The Guidelines identify ten international agreements that provide policy context for the project. As Australia has ratified or acceded to these international agreements, there is an expectation that decision makers will consider the proposal to construct and operate the project having regard to the goals of these international agreements. The broad goals of the international agreements are described below, together with a description of how the pulp mill meets those broad goals and complies with Australian law enacted to give effect to the specific obligations contained within the international agreements.

### **2.5.1 Stockholm Convention on Persistent Organic Pollutants**

#### ***Overview***

The objective of the Stockholm Convention on Persistent Organic Pollutants is to protect human health and the environment from persistent organic pollutants (POPs). The objective is pursued in the Convention by requiring signatory nations to take

measures to eliminate, restrict or reduce the production, use or release of POPs. The Convention recognises that the elimination of POPs will take time and may not yet be feasible for some sources of POPs. Where the elimination of POPs is not yet feasible, parties must reduce their production, use or release of POPs.

The Convention recognizes that pulp milling is one of the sources of POPs from which the elimination of releases of POPs may not yet be feasible.

Pulp milling has traditionally used elemental chlorine in the bleaching process. This has resulted in the release of two harmful POPs – polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF).

In order to reduce, and where feasible ultimately eliminate, releases of PCDD and PCDF and other chemicals from pulp milling, Article 5 of the Stockholm Convention requires Australia to:

- ▶ develop and implement an action plan that identifies, characterises and addresses the release of POPs;
- ▶ promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;
- ▶ promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of POPs;

and, of particular relevance to the pulp mill:

- ▶ promote and require the use of best available techniques for new sources of POPs and promote the use of best environmental practices.

### ***Best available techniques and best environmental practices***

Annex C to the Convention includes general guidance on best available techniques and best environmental practices.

Part A of Annex C states that priority should be given to the consideration of approaches to prevent the formation and release of POPs, including avoiding elemental chlorine or chemicals generating elemental chlorine. Part B of Annex C also states that, when considering proposals for new facilities, priority consideration should be given to alternative processes, techniques, or practices that have a similar usefulness but which avoid the formation and release of such chemicals.

Part B of Annex C, however, notes that the concept of best available techniques is not aimed at prescribing any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, the geographic location and the local environmental conditions. In determining best available techniques, special consideration should be given, generally or in specific cases, to a number of factors. These factors include the likely costs and benefits of a measure of precaution and prevention, including those factors identified in Annex C.

Article 5 of the Convention defines best available techniques and best environmental practices in the following terms:

- ▶ "Best available techniques" means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:
  - "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
  - "Available" techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and
  - "Best" means most effective in achieving a high general level of protection of the environment as a whole;
- ▶ "Best environmental practices" means the application of the most appropriate combination of environmental control measures and strategies.

In May 2005 and April 2006, the Conference of the Parties to the Stockholm Convention considered draft Guidelines on Best Available Techniques and Best Environmental Practices to support Article 5. The guidelines, which will be continuously reviewed and improved by the Expert Group on Available Techniques and Best Environmental Practices, identifies the following as current best available techniques for pulp mills:

- ▶ replacing elemental chlorine with ECF or TCF;
- ▶ reducing the application of elemental chlorine by decreasing chlorine multiples or increasing the substitution of chlorine dioxide for molecular chlorine;
- ▶ minimising precursors entering the plant by using the precursor free additives and thorough washing;
- ▶ maximising knot removal;
- ▶ limiting pulp furnish contaminated with polychlorinated furans.

The guidelines reiterate from Article 5 that, where best available techniques are required for a new source of POPs, priority consideration should be given to feasible techniques, processes and practices that have a "similar usefulness" that will reduce the formation and the release of POPs. In order to determine whether techniques, processes and practices have a "similar usefulness", the guidelines suggest taking into account the feasibility of the similar options, including an originally proposed new facility, as well as the possible alternatives that may be under consideration.

The guidelines suggest that parties use a checklist approach to assess alternatives, keeping in mind the overall context of sustainable development as follows:

- ▶ review the proposed new facility in the context of sustainable development;
- ▶ understand the usefulness of the facility in relation to social, economic and environmental considerations;
- ▶ identify possible and available alternatives that have a similar usefulness but avoid the formation and release of POP chemicals;
- ▶ take into account options provided in guidance from the Convention Secretariat, under the Basel Convention, or from the WHO, FAO and other intergovernmental bodies;
- ▶ in keeping with the objective stated in Article 1 of the Convention, health, safety and environment should constitute an important component in the consideration of similar usefulness, practicability and feasibility;
- ▶ undertake a comparative evaluation of both the proposed and identified possible and available alternatives;
  - in some cases, this may be done by local or regional authorities. In others, it may be more appropriate from a sustainable development perspective for the evaluation to be undertaken at another strategic or policy level;
  - consideration should be given to appropriate items in the indicative list in Annex F, Information on Socio-Economic Considerations, and relevant criteria from Annex C, Part V, sections A and B;
- ▶ a proposed alternative should be given priority consideration over other options, including the originally proposed facility, if on the above analysis, the identified available alternative is determined to:
  - avoid the formation and release of POPs;
  - have similar usefulness; and
  - fit comparatively well within a country's sustainable development plans, taking into account effective integration of social, economic, environmental, health and safety factors.

### ***Australian government implementation***

The Australian Government has drafted a National Action Plan on Dioxins and a National Implementation Plan to give effect to its obligations under Article 5. Both plans are in draft, although they should be finalised by May 2006. Neither plan recommends the enactment of legislation to meet obligations with respect to best available techniques and best environmental practices in Article 5. Rather, the Australian Government intends to give effect to its obligations to reduce or eliminate POPs from pulp mills by requiring new mills to comply with environmental guidelines.

In the National Action Plan for Dioxins, the Australian Government, in relation to pulp mills, relies on the RPDC's 2004 Review of the Commonwealth's 1995 Environmental Guidelines for Bleached Hardwood Kraft Pulp Mills and states that those reviewed guidelines are consistent with the best available techniques and best environmental practice requirements under the Convention. Under the RPDC's review, dioxin discharges must not reach or exceed 10pg/L. Applying this standard, either elemental

chlorine free or totally chlorine free bleaching will constitute best available techniques for the purpose of the Stockholm Convention.

### **Conclusions**

Section 6.3 of the Draft IIS includes an assessment of alternative bleaching technologies based on environmental, technical and economic grounds. The outcome of this assessment is that Gunns prefers an ECF process. Because there is no compelling environmental basis for adopting TCF processes.

#### **2.5.2 United Nations Convention on Biological Diversity**

The three key objectives of the Convention on Biological Diversity are:

- ▶ the conservation of biological diversity;
- ▶ the sustainable use of the components of biological diversity; and
- ▶ the fair and equitable sharing of benefits arising out of the use of genetic resources.

The Convention defines “biological diversity” as “the variability among living organisms from all sources including, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, ... [including] ... diversity within species, between species and of ecosystems”.

Australia’s obligations under the Convention include to:

- ▶ Develop a national strategy, plans or programmes for the conservation and sustainable use of biological diversity.
- ▶ Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity.
- ▶ Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species.
- ▶ Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas with a view to ensuring their conservation and sustainable use.
- ▶ Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings.
- ▶ Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas.
- ▶ Develop or maintain legislation for the protection of threatened species and populations.

The obligations of the Convention are incorporated into Australian law in the *Environment Protection and Biodiversity Conservation Act 1999*. As noted in section 1.2.1, this Act prohibits any person from doing a project, development, or activity that is likely to have a significant impact on any listed threatened species or community without the approval of the Australian Minister for the Environment and Heritage. The



Act contains provisions dealing with the management of wildlife, and contains provisions creating offences for killing or injuring a listed or protected species, or a marine mammal, in a Australian area (including a Australian reserve, Australian owned or leased land, and in any coastal waters) without an approval.

The Australian Government has also prepared the National Strategy for the Conservation of Australia's Biodiversity (described in Section 2.6 below) which provides a policy framework for Australia's efforts to implement the Convention.

The Tasmanian *Living Marine Resources Management Act 1995* (described at Appendix 6, Volume 5), the *Nature Conservation Act 2002* and *Threatened Species Protection Act 1995* (described at Section 2.4.2) also protect threatened species and provide for the creation and management of terrestrial and marine protected areas.

Section 3 of Volume 2 and Section 3 of Volume 3 of the Draft IIS describe, and assess the potential impacts on, the existing variability of living organisms in the region of the project and their environment.

The following reserves will be affected by construction of the project:

- ▶ Trevallyn Nature Recreation Area (water supply pipeline);
- ▶ Tippogoree Hills Forestry Reserve (landfill);
- ▶ Long Reach Conservation Area (wharf, temporary access road and infrastructure connecting the landfill and water supply reservoir to the pulp mill); and
- ▶ Crown land at Five Mile Bluff (effluent pipeline).

The Tamar Wetlands, north of Launceston, is beyond the predicted area of potential environmental impact of the project.

Section 3 of Volume 2 and Section 3 of Volume 3 of the Draft IIS describes the design and location aspects of the project that will ensure that the impact on species of conservation concern and the biological diversity of the region will be minimised.

The EMS for the construction of the project will contain measures to mitigate impacts on individual flora and fauna species of conservation concern, and the broader diversity of species in the region of the pulp mill.

### **2.5.3 United Nations Convention on the Law of the Sea (UNCLOS)**

The United Nations Convention on the Law of the Sea (UNCLOS) is a framework international agreement governing the seas. Its primary purpose is to delineate responsibilities and rights to the seas. Under UNCLOS, Australia has rights to exploit, and responsibilities to manage, the exclusive economic zone (which is generally comprised of the sea up to 200 nautical miles from shore). UNCLOS also preserves rights of passage and rights of research, and imposes responsibilities to conserve fisheries and protect the seas from polluting activities.

Of particular relevance to the pulp mill are the Articles of UNCLOS concerning pollution.

Under Article 207 of UNCLOS, Australia must adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, and take other measures as may be necessary to prevent, reduce and control such pollution. Such laws must be designed to minimize, to the fullest extent possible, the release of toxic, harmful or noxious substances, especially those that are persistent, into the marine environment.

Under Article 210 of UNCLOS, Australia must adopt laws to prevent, reduce and control pollution of the marine environment by dumping, and take other measures as may be necessary to prevent, reduce and control such pollution. Such laws must ensure that dumping is not carried out without the permission of the competent authorities.

Aspects of these Articles have been expanded in other international agreements, including the Stockholm Convention, described at section 2.5.1, and the London Convention, described at section 2.5.4.

Relevant to the pulp mill, these Articles have been incorporated into Australian law by the Tasmanian *Environmental Management and Pollution Control Act 1994* (described at section 2.4.1) and the Commonwealth *Environment Protection (Sea Dumping) Act 1981* (described at section 2.3.3).

Section 3 of Volume 3 of the Draft IIS describes the impact of the disposal of dredged material generated from the installation of the marine outfall, and the ongoing operation of the marine outfall on the marine environment.

Section 6 of Volume 1 of the Draft IIS details the design aspects of the project that will ensure that the marine outfall discharge minimises any pollution and, in particular, the release of toxic, harmful or noxious substances.

The Environmental Management Plans (Volume 4 of the Draft IIS) for the installation of the marine outfall will include practicable measures designed to minimise the pollution created from the disposal of dredged material, reflecting the objective of the London Convention and the 1996 Protocol.

#### **2.5.4 United Nations Framework Convention on Climate Change**

The objective of the United Nations Framework Convention on Climate Change (UNFCCC) is to stabilise greenhouse gas concentrations:

- ▶ in the atmosphere.
- ▶ at a level that will prevent dangerous anthropogenic interference with the climate system.

- ▶ over a period that allows ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Australia's obligations under the UNFCCC include requirements to:

- ▶ Adopt national policies and take corresponding measures on the management of climate change, by limiting anthropogenic emissions of greenhouse gases and protecting and enhancing greenhouse gas sinks and reservoirs.
- ▶ Promote and cooperate in the development and application of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors.
- ▶ Promote sustainable management, and promote and cooperate in the conservation and enhancement of sinks and reservoirs of all greenhouse gases, including biomass, forests and oceans.
- ▶ Take climate change considerations into account in relevant social, economic and environmental policies and actions, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment.

Australia has sought to satisfy its obligations under the UNFCCC through the development and implementation of the National Greenhouse Strategy (see below) and the enactment of the *Renewable Energy (Electricity) Act 2000* (see section 2.3.2). Tasmania has also adopted the Tasmanian Greenhouse Strategy (see section 2.7).

Gunns has sought to minimise the greenhouse gas emissions of the pulp mill through efficient design and through the use of electricity generated from waste products as described in Section 6.

### **2.5.5 Convention on Wetlands of International Importance (Ramsar Convention)**

The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) is concerned with the conservation and management of important wetlands and their resources. Under the Ramsar Convention, the signatory parties agree to:

- ▶ designate at least one wetland for inclusion in the List of Wetlands of International Importance and to maintain the ecological character, and promote its conservation.
- ▶ include wetland conservation considerations in their national land-use planning, including to formulate and implement this planning so as to promote, as far as possible, the "wise use" of wetlands.

"Wise use" is defined in the Ramsar Convention as the "sustainable utilisation for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystems".

The Australian Government has given effect to its obligations under the Ramsar Convention by enacting the *Environment Protection and Biodiversity Conservation Act 1999*. As noted in section 2.2.1, this Act prohibits any person from undertaking a project, development, or activity that is likely to have a significant impact on the ecological character of a Ramsar wetland without the approval of the Australian Minister for the Environment and Heritage. The Act also contains provisions dealing with the management of Ramsar wetlands.

Little Waterhouse Lake is the only coastal wetland on the north coast of mainland Tasmania that is listed under the Ramsar Convention. Potential impacts on Little Waterhouse Lake, which is approximately 70 kilometres from the mouth of the Tamar River, have not been assessed in the Draft IIS because the Australian Government has decided that the pulp mill will not have a significant impact on the environmental values of Little Waterhouse Lake or any other Ramsar wetland.

#### **2.5.6 International Migratory Birds Agreement with China (CAMBA) and Japan (JAMBA)**

In order to conserve migratory birds in the East Asian - Australasian Flyway (the Flyway), and the ecosystems that they depend on, Australia has entered:

- ▶ the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment (JAMBA) with Japan, and
- ▶ the Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA) with China.

The two agreements list terrestrial, water and shorebird species which migrate between Australia and Japan and China. In both cases, the majority of listed species are shorebirds. The agreements require Australia to:

- ▶ establish sanctuaries and other facilities for the management and protection of migratory birds and also of their environment;
- ▶ preserve and enhance the environment of migratory birds, including preventing damage to migratory birds and their environment, and
- ▶ restrict or prevent the introduction of animals and plants which may disturb the ecosystems of migratory birds or that threaten the preservation of migratory birds and their environment.

The Australian Government has given effect to its obligations under the CAMBA and JAMBA by enacting the *Environment Protection and Biodiversity Conservation Act 1999*. As noted in section 2.2.1, this Act prohibits any person from doing a project, development, or activity that is likely to have a significant impact on a migratory species listed under the Act without the approval of the Australian Minister for the Environment and Heritage. The Act lists all CAMBA and JAMBA species. The Act also contains provisions creating offences for killing or injuring a listed migratory species in a

Australian area (including a Australian reserve, Australian owned or leased land, and in any coastal waters) without an approval.

The Australian Minister for the Environment and Heritage has decided that the project is likely to have a significant impact on listed migratory species. He has therefore required Gunns to assess the impacts of the project on all migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999* before he decides whether to approve the project.

Section 11, Volume 3 of the Draft IIS assesses the potential impacts of the project on the migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999*, and analyses how the project meets the goal of CAMBA and JAMBA to conserve migratory species and the ecosystems that they depend on.

### **2.5.7 Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol 1987)**

The Montreal Protocol on Substances that Deplete the Ozone Layer creates specific obligations directed at implementing the Vienna Convention for the Protection of the Ozone Layer (1985). The goal of the Vienna Convention is to protect human health and the environment against adverse effects resulting from human activities that modify or are likely to modify the ozone layer, particularly by reducing or preventing human activities that modify or are likely to modify the ozone layer.

The Montreal Protocol sets out a mandatory timetable for phasing out compounds that deplete ozone in the stratosphere - chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform.

Australia has given effect to the Vienna Convention and implemented the Montreal Protocol by enacting the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

No ozone depleting substances will be used in the construction and operation of the project, ensuring that it complies with the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* and meets the goal of the Vienna Convention and the Montreal Protocol.

### **2.5.8 International Convention for the Prevention of Pollution from Ships (MARPOL)**

The International Convention for the Prevention of Pollution from Ships (MARPOL) concerns the prevention of pollution of the marine environment by ships from operations or accidents.

The main objectives of MARPOL are to:

- ▶ eliminate pollution of the sea by oil, chemicals, and other harmful substances which might be discharged in the course of operations; and

- ▶ minimize the amount of oil which could be released accidentally in collisions or strandings by ships, or fixed or floating platforms.

The Australian and Tasmanian Parliaments have enacted virtually identical legislation to give effect to MARPOL in State and Australian waters: the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cth) and the *Pollution of Waters by Oil and Noxious Substances Act 1987* (Tas) (see Appendix 6, Volume 5). These Acts prohibit the discharge of substances from ships – including oil, garbage and other harmful materials, and impose notification requirements on masters of ships.

The threatened environmental impact posed by the discharge of substances from ships involved in the construction of the Bell Bay wharf and marine outfall and the ongoing operation of the wharf is assessed in Volume 2 of the Draft IIS.

The Mitigation Management Plans for the construction of the ancillary infrastructure and the operation of the Bell Bay Wharf will include requirements to ensure compliance with the *Protection of the Sea (Prevention of Pollution From Ships) Act 1983* and the *Pollution of Waters by Oil and Noxious Substances Act 1987*.

#### **2.5.9 Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matter, 1972 (London Convention) and the 1996 Protocol to the Convention**

The 1996 Protocol creates specific obligations directed at implementing the London Convention. The common objective of the London Convention and the 1996 Protocol is to control all sources of pollution of the marine environment, and to take all practicable steps to prevent the pollution of the sea by the dumping of waste that creates hazards to human health, harm to living resources and marine life, damage to amenities or interference with other legitimate uses of the sea.

Under the 1996 Protocol, Australia must:

- ▶ protect and preserve the marine environment from all sources of pollution and take effective measures to prevent, reduce and, where practicable, eliminate pollution caused by dumping or incineration at sea of wastes or other matter.
- ▶ prohibit the dumping of any wastes or other matter with the exception of those listed in the 1996 Protocol (which includes dredged material). Under the Protocol, the dumping of exempted wastes must require a permit.

Australia has incorporated the 1996 Protocol into domestic law by enacting the Commonwealth *Environment Protection (Sea Dumping) Act 1981*. Under the Act, described at section 2.3.3, certain dumping activities (including the disposal of dredged material) may occur only with the approval of the Minister for the Environment and Heritage. The Act applies to all Australian waters, and includes the coastal waters of Tasmania.

If any dredged material is disposed of or placed in Bass Strait, then Gunns will require a permit under the *Environment Protection (Sea Dumping) Act 1981* for the disposal.

Any disposal of dredged material within Tasmania will also be subject to the *Environmental Management and Pollution Control Act 1994* and could (for example) be the subject of an environment protection notice issued under that Act.

Volume 3 of the Draft IIS describes the impact on the marine environment of the disposal of dredged material generated from the installation of the marine outfall. The Mitigation Management Plans for the installation of the marine outfall will include practicable measures designed to minimise the pollution created from the disposal of dredged material, reflecting the objective of the London Convention and the 1996 Protocol.

#### **2.5.10 Convention for the Control and Management of Ships' Ballast Water and Sediments**

The International Convention for the Control and Management of Ships' Ballast Water and Sediments was adopted on 13 February 2004. Australia has signed the Convention, subject to ratification and as a signatory is obliged to refrain from activities that would defeat the objective and purpose of the Convention.

The Convention will enter into force 12 months after it has been ratified by 30 nations, with combined merchant fleets constituting 35 per cent of the gross tonnage of the world's merchant shipping.

The Convention will require all ships to implement a Ballast Water and Sediments Management Plan. All ships will have to carry a Ballast Water Record Book and will be required to carry out ballast water management procedures to a given standard. Existing ships will be required to do the same, but after a phase in period.

The objective of the Convention is to prevent, minimise and ultimately eliminate "the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments".

The Convention relevantly requires parties to:

- ▶ Ensure that ports and terminals where cleaning or repair of ballast tanks occurs have adequate facilities for the reception of sediments;
- ▶ Promote and facilitate scientific and technical research on ballast water management, and monitor the effects of ballast water management in waters under their jurisdiction; and
- ▶ Ensure that ships are certified and may be inspected by officers.

Australian, State and Territory agencies are developing a National System for the Prevention and Management of Marine Pest Incursions, and Australian Government agencies are currently examining whether any legislative or administrative provisions will be necessary to give full effect to the Convention.

The State and Territory governments will ensure that introduced marine pests already in Australia are not translocated through consistent National requirements under the National System.

Currently, the Australian Government has requirements for the management of internationally sourced ballast water that apply to all ships arriving from overseas. These requirements are implemented through the *Quarantine Act 1908* and are detailed in the “Australian Ballast Water Management Requirements”, which are discussed in Volume 2 of the Draft IIS.

The environmental impact posed by the introduction of marine pests through shipping associated with the pulp mill is assessed in Volume 2 of the Draft IIS.

Ballast water management controls that comply with the Quarantine Act 1908 and the Ballast Water Management Requirements will be included in Mitigation Management Plans for the operation of the Bell Bay Wharf.

## **2.6 National Agreements, Policies and Strategies**

### ***National Strategy for Ecologically Sustainable Development***

In response to the 1992 Earth Summit, the Australian government drafted the National Strategy for Ecologically Sustainable Development. The National Strategy defines Ecologically Sustainable Development (“ESD”) as using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained and quality of life for both present and future generations is increased.

The principles of ESD include:

- ▶ integrating economic and environmental goals in policies and activities;
- ▶ ensuring that environmental assets are properly valued;
- ▶ providing for equity within and between generations;
- ▶ dealing cautiously with risk and irreversibility; and
- ▶ recognising the global dimension.

The guiding principles of the National Strategy for Ecologically Sustainable Development include:

- ▶ Decision making processes should effectively integrate both long- and short-term economic, environmental, social and equity considerations.
- ▶ Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- ▶ The global dimension of environmental impacts of actions and policies should be recognised and considered.



- ▶ The need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised.
- ▶ The need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised.
- ▶ Cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms.
- ▶ Decisions and actions should provide for broad community involvement on issues which affect them.

### ***National Strategy for the Conservation of Australia's Biodiversity***

In response to Australia's obligation under the Convention on Biological Diversity, the Australian Government has prepared the National Strategy for the Conservation of Australia's Biodiversity. The National Strategy is the framework document that details how Australia intends to meet the goal of the Convention to conserve biological diversity.

While the objectives in the National Strategy are principally directed at governments, policy makers and decision makers, in designing the project and the EMS for the project, Gunns has considered the Strategy in this assessment (refer to Volume 4 of the Draft IIS), and in particular the following objectives:

- ▶ Objective 1.7: Enable Australia's species and ecological communities threatened with extinction to survive and thrive in their natural habitats and to retain their genetic diversity and potential for evolutionary development, and prevent additional species and ecological communities from becoming threatened.
- ▶ Objective 2.4: Achieve the conservation of biological diversity through the adoption of ecologically sustainable forestry management practices.
- ▶ Objective 2.5: Manage water resources in accordance with biological diversity conservation objectives and to satisfy economic, social and community needs.
- ▶ Objective 3.1 Monitor, regulate and minimise processes and categories of activities that have or are likely to have significant adverse impacts on the conservation of biological diversity and be able to respond appropriately to emergencies.
- ▶ Objective 3.2: Ensure effective measures are in place to retain and manage native vegetation, including controls on clearing.
- ▶ Objective 3.3: Control the introduction and spread of alien species and genetically modified organisms and manage the deliberate spread of native species outside their historically natural range.
- ▶ Objective 3.4: Minimise and control the impacts of pollution on biological diversity.

Through the draft IIS process, Gunns has satisfied the following additional objectives of the Strategy:

- ▶ Objective 3.8: Ensure that the potential impacts of any projects, programs and policies on biological diversity are assessed and reflected in planning processes, with a view to minimising or avoiding such impacts.
- ▶ Objective 5.1: Increase public awareness of and involvement in the conservation of biological diversity.

### ***Intergovernmental Agreement on the Environment 1992***

The purpose of the International Agreement on the Environment is to facilitate:

- ▶ a cooperative national approach to the environment;
- ▶ a better definition of the roles of the respective governments;
- ▶ a reduction in the number of disputes between the Commonwealth and the States and Territories on environment issues;
- ▶ greater certainty of Government and business decision making; and
- ▶ better environment protection;

The Draft IIS has been prepared in accordance with Commonwealth, State and Local Government requirements. Potential impacts are addressed and management measures are recommended to minimise and manage potential environmental impacts. The principles of ecological sustainable development are also addressed.

### ***National Greenhouse Strategy***

The Australian Government developed the National Greenhouse Strategy in response to its obligations under the United Nations Framework Convention on Climate Change (UNFCCC). The Strategy is the framework document that details how Australia intends to meet the objectives of the UNFCCC. It is intended to be implemented by governments and policy makers and, in some instances by governments in partnership with industry.

The National Strategy includes policy statements that are directed at:

- ▶ ensuring greenhouse gas emissions emitted from proposed projects are assessed;
- ▶ reducing the greenhouse intensity of energy supply through the generation and use of renewable energy sources;
- ▶ encouraging sustainable forestry and vegetation management, including reducing the rate and extent of clearing; and
- ▶ reducing greenhouse gas emissions from industry, particularly through the pursuit of best practice environmental management.

Gunns has sought to minimise or offset the greenhouse gas impact of the pulp mill through efficient design and through the use of electricity generated from waste products as described in Section 6, Volume 1 of the Draft IIS.

The greenhouse gas implications of the construction and operation of the pulp mill have been assessed and are discussed in Volume 3 of the Draft IIS.

### ***National Guidelines for Protecting Critical Infrastructure from Terrorism 2005***

The Guidelines were developed under the direction of the National Counter-Terrorism Committee (NCTC). The Guidelines provide a nationally consistent approach for Australian governments to provide advice to the owners and operators of critical infrastructure on the protection of their assets from terrorism. They provide suggested actions to be considered in response to the security environment.

Critical infrastructure refers to:

“those physical facilities, supply chains, information technologies and communication networks which, if destroyed, degraded or rendered unavailable for an extended period, will significantly impact on the social or economic well-being of the nation, or affect Australia’s ability to conduct national defence and ensure national security”.

The pulp mill and associated infrastructure is not considered “critical” infrastructure in terms of the nation’s well-being.

### ***Australia’s Ocean Policy***

Australia's Oceans Policy was launched in December 1998, and is implemented by the National Oceans Office. The proactive Policy provides a framework for the use and conservation of the oceans<sup>3</sup>.

Australia’s Oceans Policy uses regional marine planning to develop integrated and ecosystem-based planning and management.

Regional marine planning focuses on:

- ▶ maintaining a sustainable ecosystem;
- ▶ generating certainty for industry;
- ▶ involving Indigenous peoples in the use, conservation and management of oceans;
- ▶ supporting industry and community stewardship of our oceans; and
- ▶ encouraging stakeholder participation in oceans management and planning.

The first regional marine plan has been completed for the south-eastern region, which covers over two million square kilometres of water off Victoria, Tasmania (including Macquarie Island), southern New South Wales and eastern South Australia. It includes all of the waters and seabed within the 200 nautical mile limit of the Exclusive Economic Zone. The plan has been developed in consultation with South-east State Governments, industry representatives, indigenous groups, marine communities and others with an interest in the marine environment. It includes a comprehensive assessment of the Region’s ecosystem and socio-economic values, as well as detailed biological and geological mapping, and actions to improve ocean management in the Region and achieve ecologically sustainable development<sup>4</sup>.

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<sup>3</sup> <http://www.oceans.gov.au>, accessed 30/05/05

<sup>4</sup> <http://www.oceans.gov.au>, accessed 30/05/05

The South East Regional Plan applies to this project specifically the discharge pipe outlet at Four Mile Beach.

The potential impacts on the ocean and its ecosystem are primarily addressed in Volume 3 of the Draft IIS. Other related matters such as the individual and cumulative effects of pollutants discharged to the ocean have also been considered in this Draft IIS. Appropriate management measures have been incorporated into the design of the project and/or appropriate management measures as outlined in Volume 4 will be adopted to ensure the project complies with the policy and the regional marine plan.

### ***Coasts and Clean Seas Initiative of the Natural Heritage Trust Program***

The Clean Seas Program was a program of the first phase of the Natural Heritage Trust (1996-1997 to 2001-2002), which supported sustainable wastewater management in coastal areas. The aim of the program was to reduce pollution of coastal, marine and estuarine environments by wastewater, including stormwater, from coastal cities and towns and other sources such as maritime and industrial activities.

The Program has no ongoing relevance to the project.

### ***National Forest Policy Statement and Regional Forest Agreements***

#### **National Forest Policy Statement**

The National Forest Policy Statement outlines agreed objectives and policies for the future of Australia's public and private forests. The Commonwealth, States and Territories, through the Australian Forestry Council and the Australian and New Zealand Environment and Conservation Council, developed the Statement in response to three major reports on forest issues. The Statement also involved consultation with other relevant government agencies, the Australian Local Government Association, unions, industry representatives, conservation organisations and the general community.

The Statement provides a framework within which pressures for change can be identified and accommodated to ensure optimal benefit from Australia's forests and forest resources. It also reflects the resolutions of the *Intergovernmental Agreement on the Environment 1992*, which was signed by the Commonwealth, States and Territories and local governments. The Agreement describes a process of consultation and cooperation designed to protect Australia's natural and cultural heritage in the context of conservation and development initiatives.

All participating Governments, with the exception of Tasmania, signed the Statement at the Council of Australian Governments' meeting, held in Perth in December 1992. Tasmania became a signatory to the Statement on 12 April 1995. The Statement has

been developed concurrently with the development of the *Ecologically Sustainable Development National Strategy* and the *National Greenhouse Response Strategy*<sup>5</sup>.

Released in 1992, with a second edition in 1995, the National Forest Policy Statement states that Commonwealth, State and Federal governments attach the utmost importance to the sustainable management of Australia's forests and need to develop a strategy for the ecological sustainability of these forests.

The National Forestry Policy Statement calls for:

- ▶ The retention of the "unique character" and "biological diversity" of the forested landscape and its associated environment;
- ▶ An increase in the total forested area;
- ▶ A holistic approach to managing forests for all their values and uses so as to optimise benefits to the community;
- ▶ Forests and their resources to be used in an efficient and environmentally sensitive and sustainable manner;
- ▶ Forest management that is effective and responsive to the community; and
- ▶ The Australian Community to have a sound understanding of the values of forests and sustainable forest management, and participation in decision making relating to forest use and management.

Relevant specific objectives and actions include:

### **Conservation**

The policy encompasses Commonwealth, territory and state government agreement that it is desirable to maintain and protect the extent and ecological integrity of the native forests on public land, and accordingly:

- ▶ Further clearing of native forests for non-forest use or plantation will be avoided or limited, consistent with ecologically sustainable management, to those instances in which regional conservation and catchment management objectives are not compromised.

### **Employment, workforce education and training**

The statement supports the stimulation and maximisation of sustainable employment opportunities through the use of forests. This will require a highly skilled and productive labour force, and dynamic and internationally competitive industries. The statement advocates the maximisation of sustainable employment and skills development in forest based industries through:

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<sup>5</sup> [www.affa.gov.au/content/publications.cfm?ObjectID=CDA4CAF9-D118-4E13-AAC472AC7603EBE5](http://www.affa.gov.au/content/publications.cfm?ObjectID=CDA4CAF9-D118-4E13-AAC472AC7603EBE5), accessed 07/06/2005

- ▶ Government's encouragement of key tertiary institutions to provide high quality education and training for Australia's professional forests and forest industry managers;
- ▶ Government and industry cooperation in sponsoring appropriate forest training centres at State or regional levels; and
- ▶ Education programs to deal with the issues of ecologically sustainable management, clearly related to the management requirements for conservation and to the codes of forest practice.

### **Public Awareness, Education and Involvement**

The policy states that the accountability of forest management agencies to the community for the stewardship of the forest asset is important. Equally important is community understanding of, and support for, ecologically sustainable forest management. To these ends, government strategy will involve:

- ▶ Provision to the community of information about forests and forest management;
- ▶ Continued support for the establishment of forest information facilities, such as demonstration forests and visitor information centres; and
- ▶ Further development of school education programs about forests and sustainable forest management and uses, in consultation with relevant educational bodies and drawing on successful models.

### **Regional Forest Agreements**

Regional Forest Agreements (RFAs) are inter-governmental agreements between the State and the Commonwealth of Australia. The foundation of the agreements is a series of Comprehensive Regional Assessments (CRAs) of the social, economic, environmental cultural and natural heritage values of each region's native forests. The RFAs prescribe 20-year plans for the conservation and sustainable management of Australia's native forests and for the attainment of a balance between economic, social and environmental objectives. There are 10 RFAs in four States: Western Australia, Victoria, Tasmania and New South Wales. Tasmania was the first state to enter into an RFA, which was signed on 8 November 1997, and which covers the whole State.

The RFA, applying the internationally recognised JANIS criteria, expanded the existing conservation reserve system by almost 17 per cent, bringing the total reserve system to 2.7 million hectares, 40 percent of Tasmania's land area. As a result, more than two thirds of the State's public land is in reserves, managed under the CAR (Comprehensive, Adequate, Representative) Reserve System. Under the RFA, the Commonwealth and Tasmania also provided agreements to:

- ▶ manage Tasmania's National Estate's Values under the *Australian Heritage Commission Act 1975* (Commonwealth);

- ▶ fulfil obligations under the Commonwealth *Endangered Species Protection Act 1992* and the Tasmanian *Threatened Species Protection Act 1995* (the Commonwealth Act has since been largely replaced by the EPBC Act);
- ▶ participate in the further World Heritage assessment of the relevant Australia-wide themes;
- ▶ provide for the ongoing development, implementation and achievement of Ecologically Sustainable Forest Management Recovery and Threat Abatement Plans on both Public Land and Private Land through the development and implementation of Forest Management Systems; and
- ▶ establish a program to protect conservation values on private land and to.
- ▶ measure performance under the RFA through a five-yearly review that assesses progress against a wide range of social, economic and environmental criteria, adopted on implementation of the Agreement.

Clause 74, Implementation of the RFA Forests - Employment and Industries Development Strategy, notes the following:

- ▶ *'the removal by the Commonwealth of the need for export licences for unprocessed wood and woodchips sourced in Tasmania; and active encouragement of the development of downstream processing in Tasmania such that the preferred market for growers is within the State; and*
- ▶ *a range of new or enhanced initiatives designed to encourage investment, plantation development, downstream processing, value-adding and jobs growth in Tasmania's forests-based industries.'*
- ▶ On 13 May 2005 the Prime Minister, the Hon John Howard MP and the Premier of Tasmania, the Hon Paul Lennon, MHA announced the Tasmanian Community Forest Agreement. This Agreement is a joint commitment of the Australian and Tasmanian Governments to increase protection of Tasmania's forest environment and growth in the Tasmanian forest industry and forestry jobs. The Governments committed over \$250 million to revitalise the timber industry and preserve old-growth forests.

The proposed pulpwood resource for the mill will be derived from forests managed in accordance with the RFA (see volume 61, section 6.2).

### ***Commonwealth Coastal Policy***

The Commonwealth Coastal Policy was produced in response to the Final Report of the Resource Assessment Commission (RAC) Coastal Zone Inquiry. The purpose of the Policy is to provide a clear statement of the Australian Government's position on coastal management matters and to identify the initiatives that the Commonwealth will take to help improve the management of the coastal zone<sup>6</sup>.

In particular, the Policy:

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<sup>6</sup> [www.deh.gov.au/coasts/publications/coastal-policy/](http://www.deh.gov.au/coasts/publications/coastal-policy/), accessed 30/05/05

- ▶ specifies objectives and principles to guide and focus the actions and activities of Australian departments, agencies and statutory authorities in the coastal zone and to promote co-ordination in order to achieve an integrated, ecologically sustainable approach by these organisations;
- ▶ facilitates the continued development and implementation by all spheres of government of co-operative initiatives to deal with coastal management issues that confront all jurisdictions;
- ▶ promotes community participation in coastal zone matters.

The Policy applies to the project due to the use of the coastal zone for the shipping of woodchips and effluent discharge outlet at Four Mile Beach. The potential impact on the coastal zone has been considered, short term and long term and the impacts will be minimal. Adequate management measures described in Volume 4 of the Draft IIS are proposed further to minimise potential impacts.

#### ***Australian Quarantine and Inspection Service (AQIS) Ballast Water Management Requirements for International Vessels***

The Australian Quarantine and Inspection Service (AQIS) is responsible for the management of ballast water taken up overseas with the intention of discharge within an Australian port. Part of AQIS's charter is to ensure that foreign ballast water is managed in accordance with the Australian ballast water management requirements before permitting its discharge inside Australia's territorial sea<sup>7</sup>.

The requirements dictate that vessels must retain all ballast water records in the AQIS ballast water log and any relevant vessel logbooks, and these must be made available to quarantine officers on request. The Australian ballast water management requirements are consistent with the International Maritime Organisation (IMO) guidelines for minimising the risk of translocation of harmful aquatic species in ships' ballast water.

All internationally trading vessels used for exporting woodchips from the pulp mill will be required to manage their ballast water in accordance with AQIS requirements.

#### ***Australian and New Zealand Water Quality Guidelines for Fresh and Marine Waters***

The Australian and New Zealand Environment and Conservation Council (ANZECC) and the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) have formulated the National Water Quality Management Strategy (NWQMS), with the objective of achieving sustainable use of the nation's water resources by protecting and enhancing their quality while maintaining economic and social development.

The Water Quality Guidelines provide recommendations that water managers can use to guide practice and formulate policy, taking into account local conditions and

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<sup>7</sup> [www.affa.gov.au](http://www.affa.gov.au), accessed 30/05/05



associated costs and benefits. They also provide government and the general community (particularly catchment/water managers, regulators, industry, consultants and community groups) with a set of tools for assessing and managing ambient water quality in natural and semi-natural water resources.

The main objective of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (the Water Quality Guidelines) is:

*to provide an authoritative guide for setting water quality objectives required to sustain current, or likely future, environmental values [uses] for natural and semi-natural water resources in Australia and New Zealand* The guidelines:

- ▶ outline the management framework recommended for applying the water quality guidelines to the natural and semi-natural marine and fresh water resources in Australia and New Zealand;
- ▶ provide a summary of the water quality guidelines proposed to protect and manage the environmental values supported by the water resources; and
- ▶ provide advice on designing and implementing water quality monitoring and assessment programs.

The guidelines are not mandatory. Ultimately, it is the responsibility of local stakeholders and State and Territory or regional governments to agree on the level of protection to be applied to water bodies. State or Territory and/or local jurisdictions are encouraged to use these national water quality guidelines to formulate their own regional guidelines or specific water quality objectives. Each State or Territory uses its own water planning and environmental policy tools to establish a framework that is compatible and consistent with the agreed national guidelines.

The Draft IIS considered background water quality and potential impacts in accordance with the ANZECC guidelines in Volumes 2 and 3.

#### ***Australian Guidelines for Water Quality Monitoring and Reporting (2000)***

The Monitoring Guidelines are part of Australia's National Water Quality Management Strategy (NWQMS) and describe approaches and attitudes that have been shown to be effective in water quality monitoring. The strategy is to be used by personnel with at least basic technical training at all levels of government, water authorities, consultant groups, tertiary institutions and industry, and in community groups including the Waterwatch program. It is based on current best practice monitoring approaches, so will continually need updating as statistical, field and laboratory approaches change.

Monitoring requirements were considered as part of baseline water quality monitoring and as part of pre and operational monitoring plans.

## **2.7 Tasmanian Policies and Strategies**

### **2.7.1 Tasmanian Greenhouse Statement**

The Tasmania Greenhouse Statement ('the Statement') was released in 1999, in support of the National Greenhouse Strategy that was launched in 1998. The Statement provides details regarding Tasmania's greenhouse gas emission status and opportunities for contributing to reducing Australia's greenhouse gas emissions. Additionally the Statement outlines a series of goals applicable to broad areas of activity, these include:

- ▶ Energy;
- ▶ Transport;
- ▶ Industrial Processes and Waste Management;
- ▶ Land Management and Agriculture;
- ▶ Greenhouse Carbon Sinks; and
- ▶ Other Activities.

A number of the goals identified for these broad activity areas are applicable to the Pulp Mill Project.

#### **Industrial Processes and Waste Management**

*Goal: Improve management of landfill sites to reduce and/or capture greenhouse gas emissions.*

The proposed landfill will be constructed and managed in accordance with the Tasmanian *Landfill Code of Practice* (which supports the minimisation of landfill gas). Additionally, the landfill will be operated under an Environmental Management Plan, in accordance with the Tasmanian *Solid Waste Management Policy*.

*Goal: Reduce waste and other emissions resulting from industrial processes.*

The proposed project will follow the hierarchy of waste management (reduce, reuse, recycle, dispose) during both the construction and operational stages. Where options are available for reduction of waste, these will be considered. Volume 4 also addresses management of waste in significant detail.

#### **Greenhouse Carbon Sinks**

*Goal: Through sustainable management, increase the productivity and quality of wood production forests to maximise the absorption and retention of carbon.*

Gunns have demonstrated a commitment to sustainable management, by maintaining certification to ISO14001. The pulp mill will also be constructed and operated in accordance with ISO14001.

#### **State Coastal Policy 1996**

The *State Coastal Policy 1996* was developed under *the State Policies and Projects Act 1993*. The primary objective of the Policy is to achieve the sustainable development

of all coastal areas. In accordance with the new definition of coastal zone in the Act, the Bell Bay site and the effluent outfall fall within the coastal zone.

The Coastal Policy is guided by three main principles;

- ▶ Natural and cultural values of the coast shall be protected;
- ▶ The coast shall be used and developed in a sustainable manner; and
- ▶ Integrated management and protection of the coastal zone is a shared responsibility.

All other aspects of the policy are based on these three principles and the objectives of sustainable development.

The Draft IIS considers all potential coastal impacts and management strategies in light of the above principles.

### **2.7.2 State Policy on Water Quality Management 1997**

The purpose of the *State Policy on Water Quality Management 1997* is to achieve sustainable management of the state's surface and ground water by protecting and enhancing their qualities while still allowing for sustainable development.

The primary objectives of the Policy are to enhance water quality, further the objectives of the Resource Management and Planning System, protect water quality against pollution, ensure efficient and effective water monitoring carried out by all who benefit from the resource, facilitate integrated catchment management and apply the precautionary principle.

The Policy includes procedures for setting out water quality objectives for Tasmanian surface waters and groundwater based on the local Protected Environmental Values (PEVs) as determined by DPIW. The Policy specifies that water quality guidelines should be set, on a case-by-case basis, by the National Health and Medical Research Council in the case of human health and by the Board of Environmental Management and Pollution Control in the case of environmental health. Under the Policy, water quality objectives are the most stringent set of water quality guidelines, which should be met to achieve all of the PEVs nominated for that water body.

The Policy objectives have been considered in the Draft IIS when assessing potential impacts, developing water quality objectives and outlining monitoring and management strategies for construction and operational phases of the project.

### **2.7.3 Environmental Protection Policy (Air Quality) 2004**

The Environmental Protection Policy (Air Quality) 2004 took effect on 1 June 2005. The EPP (Air Quality) provides a framework for the management of point and non point diffuse source of emissions to air. The provisions of the EPP (Air Quality) are not directly enforceable, as it will be implemented by State and Local governments as they develop legislation, policies and planning schemes or undertake environmental

assessments. DTAE has released a draft Air Quality Strategy to assist with the implementation of the EPP (Air Quality).

The environmental values to be protected under the EPP (Air Quality) are:

- ▶ the life, health and well-being of humans
- ▶ the life, health and well-being of other forms of life
- ▶ visual amenity
- ▶ the useful life and aesthetic appearance of buildings, property and materials.

The Policy identifies ambient air quality standards as being:

1. The Air NEPM standards are the national environment protection standards set by Part 3 and Schedule 2 of the Air NEPM and include any national environment protection standards for ambient air which are adopted in substitution for or in addition to those standards.
2. Compliance with the Air NEPM standards will be measured in accordance with the provisions of the Air NEPM and any associated methodologies approved by the National Environment Protection Council.

The Policy objectives have been considered in the Draft IIS when assessing potential impacts and outlining monitoring and management strategies for construction and operational phases of the project.

#### **2.7.4 State Policy Noise**

The main legislation controlling environmental noise in Tasmania is the *Environmental Management and Pollution Control Act 1994* – particularly section 53 which deals with environmental nuisance.

Restrictions on neighbourhood noise are prescribed in the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004*. The regulations contain noise limits and other restrictions on the use of items such as lawn mowers, chainsaws, off road vehicles, power tools and heat pumps.

A draft Environmental Protection Policy (Noise) was released in January 2003, but revoked in 2004.

A new Draft Environment Protection Policy is being prepared and will be issued as soon as possible with an accompanying impact statement. The new Draft Policy will focus on objectives and principles for noise control, with human health as a value to be protected. It will not include implementation measures, which will be developed through separate processes. It is anticipated that the Draft Policy will be released for public comment during the first half of 2006, following which the Environment Protection Policy Review Panel will conduct an assessment in accordance with section 96J of the *Environmental Management and Pollution Control Act 1994*.

Amendments will be prepared to update the Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004. The amendments will include new provisions on noise sources such as security alarms and amplified music that were proposed through the former Draft Policy. Draft amendment regulations are expected to be released for public consultation in 2006. Consultation will be carried out in accordance with the Subordinate Legislation Act 1992.

A progressive examination of various other noise issues will be conducted, on a timetable yet to be determined. Generally speaking these will be the issues addressed in Parts 4, 5, 6, 8 and 9 of the former Draft Policy. This includes matters such as industry and road traffic noise standards and complaint handling procedures<sup>8</sup>.

### **2.7.5 State Policy on the Protection of Agricultural Land 2000**

The purpose of the State Policy on the Protection of Agricultural Land 2000 is to '*foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource*'.

The objectives of the policy are:

- ▶ *To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is considered in all planning decisions.*
- ▶ *To foster the sustainable development of agriculture in Tasmania by:*
  - *Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non agricultural land users; and*
  - *Providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving agricultural land*<sup>9</sup>.

The project potentially will affect land zoned agricultural/rural primarily in relation to pipeline easements for the water supply and effluent pipelines. In accordance with the principles of the policy: no 'prime' agricultural land will be converted to a non-agricultural land use.

The short and long-term impacts on agricultural land use and management measures are addressed in Volume 3.

### **2.7.6 Threatened Species Strategy 2000**

More than 600 species of plant and animal are threatened in Tasmania. They are classified according to their level of threat as endangered, vulnerable or rare in the schedules of the *Threatened Species Protection Act 1995*.

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<sup>8</sup> <http://www.dpiw.tas.gov.au/internnsf/WebPages/CDAT-67P66N?open>

<sup>9</sup> [http://www.rpdc.tas.gov.au/state\\_policies/stp\\_dwnl/PAL2000.pdf](http://www.rpdc.tas.gov.au/state_policies/stp_dwnl/PAL2000.pdf) accessed 26 April 2005

This Strategy has been developed to outline the approach to conserving Tasmania's threatened species and has the following aims:

- ▶ To ensure that threatened species can survive and flourish in the wild;
- ▶ To ensure that threatened species and their habitats retain their genetic diversity and potential for evolutionary development;
- ▶ To prevent further species becoming threatened.

Threatening processes, including 'any action which poses a threat to the natural survival of any native taxon of flora or fauna', that affect Tasmania's native flora and fauna are identified in the Strategy. The project potentially may involve three 'threatening processes' which are:

- ▶ *Clearance of native vegetation;*
- ▶ *Impacts of pests, weeds and diseases; and*
- ▶ *Degradation of water systems.*

Targeted management strategies are presented in Volume 4 to address, mitigate and manage these threatening processes during both the construction and operational phases of the project.

The flora and fauna assessment is discussed in detail in Volume 2 and 3.

### **2.7.7 Tamar Estuary and Foreshore Management Plan 2000**

The Tamar Estuary and Foreshore Management Plan (TEFMP), evolved from the Tamar River Environs Study 1996, and addresses a range of jurisdiction issues in the Tamar Estuary. As well, it is proposed to promote working partnerships between the three Councils and the State Government and community interests.

The TEFMP is to be a cooperative agreement, not a statutory document. It is proposed to be managed by representatives from the Department of Primary Industries and Water, the three local Councils, Marine and Safety Tasmania, and the Port of Launceston.

The TEFMP provides a common basis for reviewing development proposals in the Tamar Estuary and for undertaking local planning and resource management activities along the foreshore. These activities will include, for example, the management of public land and the development of a guide to the waterway.

The Plan's principles. Goals and action programs incorporate ongoing State and regional policies and programs including the State Coastal Policy, the assessment of foreshore vegetation values in accordance with the Tasmanian Vegetation Management Strategy, the Parks and Wildlife Services' Land Management Zoning System and the reclassification of Crown Land. The Plan also recognizes other regional initiatives such as the Tamar Region Natural Resource Management Strategy and the Tamar Valley Weed Strategy

The Plan goals are:

1. Recognition that the Tamar Estuary and adjoining coast is a unique and finite environment and its limited resources need to be used wisely for activities that rely on coastal locations
2. A raised level of awareness among coastal and Tamar Estuary users that occupancy of land of the Crown and any related parts of the Tamar Estuary (coastal reserves and the waterway) is a “privilege” and not a “right”.
3. Improved communication and coordination in decision-making between industry, the community and all levels of government.
4. Increased opportunities for all members of the community to be involved in significant decisions on activities and management of the natural and cultural resources of the Tamar.
5. Preservation of the natural resources that contribute to the distinctive character of the Tamar, the community’s sense of place and the overall enjoyment afforded to residents and visitors.
6. Improved public understanding of the agencies roles and responsibilities in managing the Tamar Estuary.

The TEFMP is currently being reviewed. The Draft IIS recognises those values identified in the TEFMP and work to protect them in the mitigation strategies detailed in Volume 4 of the Draft IIS.

### **2.7.8 George Town Coastal Management Plan 2005**

The George Town Coastal Management Plan (GTCMP) is a non-statutory document that aims to preserve the natural values of the George Town coastal region by addressing management issues in a coordinated and systematic manner. This Plan covers the Coastal Reserves, Recreation Reserves and some areas of unallocated Crown lands that extend from the western boundary of East Beach to the west bank of Little Pipers River. Coastal townships within this Coastal Management Area (CMA) include: Bellbuoy Beach, Beechford, Lulworth, Tam O’Shanter, Weymouth and Bellingham<sup>10</sup>.

The dominant coastal scrub and heathland vegetation communities within the GTCMP area are generally in moderate condition. However, some sections of native vegetation and coastal landforms are becoming increasingly degraded through human impact which in turn may negatively affect native fauna populations. Some vegetation communities found within the GTCMP provide important habitat for threatened species and the preservation of these areas is considered a high priority by local, state and

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<sup>10</sup> <http://www.georgetown.tas.gov.au/webdata/resources/files/GTCMPpt1v2.pdf>

national management authorities. Many local residents treasure both the natural values of their region and the recreational opportunities these values provide.

Local communities within the GTCMP area have previously been involved with a variety of on-ground activities, including revegetation projects, weed removal and track maintenance. Building strong working relationships and networks between these local community groups and the management authorities involved is essential to the success of the Management Plan. Community consultation has been of utmost importance during the formulation of this document, as the Management Plan's implementation schedule will largely be "driven" by local residents. Tamar NRM will establish a George Town Coastal Working Group to oversee the progress of on-ground works. This Working Group will consist of representatives from various community groups, Tamar NRM, the Tasmanian Parks and Wildlife Service (PWS) and the George Town Council.

The GTCMP is divided into four parts. Part A places the Management Plan in context, stating the scope and aims of the document. This section outlines the region's flora, fauna, geomorphology and possible threats, clearly defining the area contained within the Management Plan using the aid of maps. Part B states the Management Plan's vision and defines the document's broad and specific objectives. Part C is an implementation schedule specific to each community that has been drafted in consultation with the local residents, the George Town Council, PWS, Coastcare and the Aboriginal Heritage Unit. This section describes tasks to be undertaken, responsibilities of those involved with the implementation and a broad timeline for the schedule to be completed. Part D provides general guidelines that address specific management issues.

The Draft IIS recognises those values identified in the GTCMP and work to protect them in the mitigation strategies detailed in Volume 4 of the Draft IIS.

### **2.7.9 Tasmanian Reserves Management Code of Practice 2003**

The Tasmanian Reserve Management Code of Practice (the Code) is the result of a commitment under the Tasmanian Regional Forest Agreement (RFA) to develop and implement a code of practice to cover all environmental practices in reserves. The Code is seen as an important element in the framework for protecting conservation values encompassed by the Comprehensive, Adequate and Representative (CAR) reserve system, which was expanded under the RFA to meet agreed reservation targets for wilderness, old growth forest and biodiversity.

The Code complements other management codes of practice, such as the Forest Practices Code, Quarry Code of Practice and Mineral Exploration Code of Practice.

Under Clause 94 of the RFA, implementation of the Code is subject to annual compliance audits. It is also subject to five-yearly independent expert review.

The objectives of the code are to:



- ▶ document appropriate management practices and standards for lands formally reserved for conservation in Tasmania;
- ▶ promote consistency in management practices and standards across the range of reserve types and tenures, subject to the statutory objectives of the different reserve classes;
- ▶ provide an assessment and planning tool by documenting relevant standards and providing an overview of statutory assessment and approval processes;
- ▶ improve transparency to the public of the management systems and procedures for reserved lands, and provide opportunities for public input (through public comment on a draft code and at five-yearly reviews); and
- ▶ provide links and consistency between this Code, the *Forest Practices Code*, the *Quarry Code of Practice* and the *Mineral Exploration Code of Practice*, as they apply to activities within reserves.

The Draft IIS has considered the environmental values of reserves potentially affected by the project and sought avoidance and management strategies to minimise impacts to those values and to protect reserves involved.

#### **2.7.10 National Environment Protection Measures**

National Environment Protection Measures (NEPMs) are broad, framework-setting, statutory instruments defined in the *National Environment Protection Council Act 1994*. They outline agreed national objectives for protecting or managing particular aspects of the environment.

NEPMs are similar to environmental protection policies. They may consist of any combination of goals, standards, protocols, and guidelines. Typically, a NEPM may contain: a goal; one or more standards; one or more monitoring and reporting protocols, and may also contain guidelines.

NEPMs have been made for Ambient Air Quality, National Pollutant Inventory, Movement of Controlled Waste, Used Packaging Materials, Assessment of Site Contamination and Diesel Vehicle Emissions and are discussed below.

#### **2.7.11 National Pollutant Inventory NEPM**

The national environment protection goals established by the National Pollutant Inventory NEPM are to assist in reducing the existing and potential impacts of emissions of substances and to assist government, industry and the community in achieving the desired environmental outcomes by providing a basis for:

- ▶ the collection of a broad base of information on emissions of substances on the reporting list to air, land and water; and
- ▶ the dissemination of information collected to all sectors of the community in a useful, accessible and understandable form.

Operational phase monitoring programs undertaken for the project will be made available to the inventory.

### **2.7.12 Ambient Air Quality NEPM**

In June 1998, the NEPC agreed to set uniform standards for ambient air quality (ambient air does not include indoor air).

In conjunction with ambient air quality objectives identified by RPDC and DPIW, the project will meet the Ambient Air Quality NEPM standards.

### **2.7.13 Air Toxics NEPM**

The Air Toxics Measure is primarily concerned with the collection of data on ambient (i.e. outdoor) levels of formaldehyde, toluene, xylene, benzene and polycyclic aromatic hydrocarbons (PAH) at locations where elevated levels are expected to occur and there is a likelihood that significant population exposure could occur<sup>11</sup>.

Air toxics exist in relatively low concentrations in ambient air. Elevated levels of the air toxics included in the Air Toxics NEPM are associated with locations that are close to specific sources. Sources include clusters of industrial sites, heavily trafficked or congested roads and areas affected by woodsmoke.

States and territories have a range of programs in place to control industrial emissions of air toxics and to reduce emissions of air toxics from domestic wood heating. More stringent national fuel quality standards and new Australian Design Rules for motor vehicles have been introduced that are expected to reduce air toxic emissions from motor vehicles.

#### ***The aim of the Measure***

The aim of the Air Toxics Measure is to provide a framework for monitoring, assessing and reporting on ambient levels of five air toxics, benzene, formaldehyde, toluene, xylenes and PAHs, which will assist in the collection of information for the future development of national air quality standards for these pollutants. The NEPM applies to areas where emissions from cumulative sources give rise to elevated levels of air toxics (eg hot-spots). Although industrial point sources may contribute to ambient levels in a specific area, the NEPM is not aimed at direct control of industrial emissions.

It is also anticipated that the monitoring carried out under the Measure will help States and Territories assess the effectiveness of existing programs and where appropriate adjust or develop new programs to manage emissions of air toxics.

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<sup>11</sup> [http://www.ephc.gov.au/pdf/Air\\_Toxics/FinalAirToxicsNEPM.pdf](http://www.ephc.gov.au/pdf/Air_Toxics/FinalAirToxicsNEPM.pdf)

### ***Requirements of the Measure***

Significantly elevated levels of the air toxics are unlikely to be detected by the network of air quality monitoring stations set up under the Ambient Air Quality NEPM, which are used for monitoring general population exposure to the criteria air pollutants.

The Measure requires that monitoring for these five air toxics be undertaken at locations where significantly elevated levels are likely to occur and where there is likelihood of significant population exposure.

Significant elevated levels of air toxics will not occur as a result of the project. Operational phase monitoring programs undertaken for the project will be made available to the inventory.

### **2.7.14 Movements of Controlled Wastes NEPM**

The Movements of Controlled Wastes NEPM is a nationally consistent system for tracking waste aimed at reducing potentially adverse impacts. It ensures that controlled wastes that are to be moved between States and Territories are properly identified, transported, and handled in ways that are consistent with environmentally sound practices.

The NEPM requires Tasmania to take steps to ensure that waste generators and waste transporters meet the requirements specified in the NEPM. As Tasmania does not presently operate a waste manifest tracking system, these requirements will have to be put in place using presently available legislative systems and controls.

Due to Tasmania's small size, it is not practical or economic to treat and dispose of a number of "difficult" hazardous wastes in Tasmania. Hence, a number of industries are reliant on being able to transport these wastes interstate for disposal. There are few, if any, movements of hazardous wastes into Tasmania for disposal.

A non-hazardous wastes landfill forms part of this project and waste generated during construction and operation will be disposed there. Small amounts of controlled wastes will be generated by the project and will be appropriately disposed as detailed in Volume 3 of the Draft IIS.

No hazardous waste will be generated during the construction phase.

### **2.7.15 Assessment of Site Contamination NEPM**

The Assessment of Site Contamination NEPM provides a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, contaminated land auditors, landowners, developers and industry.

The project site is currently not contaminated. The proposed landfill is a potential source of land and groundwater contamination if not appropriately managed. Site

Contamination NEPM has been considered in light of the monitoring and management requirements for the landfill (Pitt and Sherry, 2006a).

#### **2.7.16 Diesel Vehicle Emissions NEPM**

The purpose of the Diesel Vehicle Emissions NEPM is to provide a framework for the management of emissions from the in-service diesel fleet. It is designed to facilitate compliance with in-service emissions standards developed in conjunction with the National Road Transport Commission.

The NEPM includes strategies for use by States and Territories to ensure that in-service diesel vehicles are adequately maintained and provides guidance for developing:

- ▶ inspection and maintenance programs;
- ▶ fleet maintenance programs;
- ▶ smoky vehicle programs;
- ▶ retrofit programs (eg fitting catalyts to diesel vehicles); and
- ▶ engine re-build programs.

The Diesel Vehicle Emissions NEPM has been considered in developing air quality Mitigation management Plans for the project.

#### **2.7.17 Environmental Standards, Industry Practice Notes and Guidelines**

A brief outline of the environmental standard, industry practice notes and guidelines is provided below:

- ▶ The Australian Forestry Standard (AFS, AS4708) applies community values and the science of forest management to identify the economic, social, environmental and indigenous criteria that are most important for assessing whether a forest is well managed. The AFS is based on internationally agreed criteria, and embodies forest management performance criteria which support continuous improvement toward sustainable wood production in Australia.
- ▶ The *Forest Practices Act 1985* and the associated Forest Practices Code prescribe the manner in which forest operations are to be planned and conducted so as to provide protection to the environment, and applies equally to operations on private land as well as public forests. The Code deals with the growing and harvesting of timber and the construction of roads and other works (including quarries) connected with the establishment of forests or the growing of timber; amongst other things.
- ▶ *Recommended environmental Emission Limit Guidelines for any new bleached hardwood Kraft pulp mill in Tasmania* approved by the Tasmanian Government in October 2004 – The guidelines have no statutory effect, but they provide guidance on technologies and management practices aimed at minimising impact of

pollutants released from the production process of any new bleached hardwood market Kraft pulp mill.

- ▶ Quarry Code of Practice 1999 – The code of practice is produced and published by the Tasmanian DPIW. It is designed to give general guidance to the operators of quarries, sand pits and extractive pits, within Tasmania and applies to the quarry component of the project.
- ▶ Landfill Sustainability Guide 2004 – The guide is produced and published by the Tasmanian DPIW. It is a guide to the siting, design, operation and after-care of landfills in Tasmania and has been used for the landfill component of this project.
- ▶ Emission Limits for Sewage Treatment Plants that Discharge Pollutants to Fresh and Marine Waters 2004 – Published by Tasmanian DPIW, this document contains Emission Limit Guidelines applicable to all new and existing sewage treatment plants that discharge into fresh or marine waters with wastewater flows of less than 500 KL/day average dry weather flow.

## **2.8 Planning Scheme Amendments**

Planning scheme amendments required for the proposal are required for all components of the DRAFT IIS.

A summary of the amendments required is provided below. However, the planning amendment is provided in more context in the land use impact section for each infrastructure components in Volumes 2 and 3.

- ▶ Pulp mill – The requirements of the George Town Planning Scheme mean that subdivision within the IN3 can only be considered in conjunction with a development proposal. A planning scheme amendment is therefore recommended to remove inconsistency with the Planning Scheme and approval process. This is entirely consistent with the objectives of the IN3 Zone (refer to Volume 2, section 4.2).
- ▶ Wharf Facility - Two planning scheme amendments are proposed. Firstly, to rezone the site to existing IN3 to Maritime Zone, in which a Transport Depot is a Permitted Use (Permit Required). Secondly, to amend the Transport Depot definition to accord with the Transport Depot and Distribution definition under the Draft Planning Scheme (refer to Volume 2, section 10.1).
- ▶ Landfill, quarry and water reservoir - While a planning scheme amendment is not required in order to facilitate the proposed landfill, a rezoning for that portion of the landfill located within the Agricultural Zone to Bell Bay Major Industrial Area is recommended (Volume 2, section 13.1).
- ▶ Water Supply Pipeline - amendment to the definition of Public Utility classification to remove reference to public authority will be required to the current Beaconsfield Planning Scheme 1986, but has been adopted in the Draft Planning Scheme 2003. As such, recommended amendments are to be in accordance with the drafting of the Draft Planning Scheme (refer to Volume 3, section 5.2).

- ▶ Effluent Pipeline - A Utility Service (Major) use is a Prohibited Use within the Private Recreation and Low Density Recreational zones. A textual amendment to allow use and development of the Effluent Pipeline easement, which is defined as a Utility Service (Major), within Private Recreation and Low Density Recreational zones is therefore required to remove any inconsistency with the George Town Planning Scheme 1991 (refer to Volume 3, section 112).
- ▶ Workers Accommodation Facility - A development of this nature is not a defined use in the Planning Scheme, nor is it included in the land uses definitions within the General Industrial Zoning controls. For the purposes of the Planning Scheme and the relevant zoning controls, the workers accommodation facility is considered a Discretionary Use or Development, namely “Any other use not in 5.7.2 or 5.7.4”, as detailed in the zoning controls for the General Industrial Zone.

The proposed development is consistent with the purpose of the General Industrial Zone. The facility is ancillary development directly associated with, and necessary for, the construction of a major industrial development, namely the pulp mill. The facility will have no adverse affects on the environmental quality standards of the neighbouring zones, and furthermore has been designed to a standard that will maintain the amenity of the zone.

Nonetheless, an amendment to the planning scheme has been prepared (refer to Volume 3, section 19.2).

## 2.9 Summary of Permits, Approvals and Licences Required

In order for the project to proceed and to meet the requirements of legislation addressed in this Section, various permits, approvals and licences will be required. A summary of those required is provided in Table 2-1.

**Table 2-1 Summary of Permits, Approvals and Licences Required**

<b>Act</b>	<b>Governing Body/ Administrator</b>	<b>Permit/Approval/ Licence</b>	<b>Timing</b>
<b>Commonwealth</b>			
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of Environment and Heritage	Approval (section 133)	Prior to commencement of works
<i>Environment Protection (Sea Dumping) Act 1981</i>	Department of Environment and Heritage	Permit to dump dredged material at sea (section 19)	Prior to commencement of works
<b>Tasmanian Government</b>			
<i>State Policies and Projects Act 1993</i>	RPDC	Governor's Order (section 26)	Prior to commence of works

This Order is the primary Tasmanian consent that is required for the pulp mill project. It may incorporate some or all of the following statutory licences, approvals and consents that will otherwise have been needed for the pulp mill.

<b>Act</b>	<b>Governing Body/ Administrator</b>	<b>Permit/Approval/ Licence</b>	<b>Timing</b>
<i>Threatened Species Protection Act 1995</i>	Threatened Species Unit, DPIW	Permit to take threatened species listed under the Act.  (section 51)	Prior to commencement of works
<i>Nature Conservation Act 2002</i>			
<i>Land Use Planning and Approvals Act 1993</i>	George Town, Launceston and Beaconsfield Councils	Planning permit(s)  (section 51)	Prior to commencement of works
<i>Aboriginal Relics Act 1975</i>	DPTHA	Permit to disturb Aboriginal Relics	Prior to commencement of works
<i>Water Management Act 1999</i>	DPIW	Ministerial approval of transfer of water allocation under its existing water licence from Hydro Tasmania to Gunns.  Permit to construct water storage dam and dam for rock crushing water clarification (section 157)  Permit for dam works and license to take water for construction and operation of a small dam to provide water to supplement landfill water requirements.	Prior to commencement of works
<i>National Parks and Reserves Management Act 2002</i>	DPIW	Lease or license for developing and maintaining infrastructure in a Reserve  (section 48)	Prior to commencement of works
<i>National Parks and Reserved Land Regulations 1999</i>	DPIW	Permit to undertake works in Reserves	Prior to commencement of works

<b>Act</b>	<b>Governing Body/ Administrator</b>	<b>Permit/Approval/ Licence</b>	<b>Timing</b>
<i>Crown Land Act 1976</i>	DPIW	License to undertake works in Reserves  Lease for the wharf area constructed below the high water mark	Prior to commencement of works
<i>Living Marine Resources Management Act 1995</i>	DPIW	Authority to disturb the sea bed and discharge into State waters	Prior to commencement of works
<i>Electricity Supply Industry Act 1995</i> <sup>12</sup>	Office of the Tasmanian Electricity Regulator	Licence to generate electricity (section 19).	Prior to commencement of works
Dangerous Goods (General) Regulations 1998	Workplace Standards Tasmania, DIER	Keepers licence to keep dangerous goods in excess of Schedule 3 quantities (regulation 9).  The person who prepares and fires explosives must hold a shoot firer's permit (regulation 67).  Must have permission from the General Manager of the council of the municipal area	Prior to commencement of works (for construction).  Prior to operations (for goods stored at and used in the pulp mill)
<i>Workplace Health and Safety Act 1995 and Workplace Health and Safety Regulations 1998</i>	Workplace Standards Tasmania, DIER.	Current design number for Schedule 9 Plant (regulation 96).  Approval of safety management plan by Director (regulation 128).	Approval of plan required prior to commencement of works.  Registration required whenever Schedule 9 Plant is used.
<i>Fire Service Act 1979 and General Fire Regulations 2000</i>	Tasmanian Fire Service	Permit to install, maintain or repair fire extinguishers, fire hose reels, fire hydrants, hydrant valves, fire blankets and "fire protection systems".	Prior to commencement of works.

<sup>12</sup> Licences are also required to distribute and supply electricity. It is presumed for present purposes that Gunns will contract with third parties who will be responsible for supplying and retailing the electricity generated at the pulp mill, and hence will not require licences for these activities.



<b>Act</b>	<b>Governing Body/ Administrator</b>	<b>Permit/Approval/ Licence</b>	<b>Timing</b>
<i>Public Health Act 1997</i>	Department of Health and Human Services	Registration of “regulated systems”, such as an air handling system, cooling tower, warm water system, humidifying system, or other system which carries a legionnaires’ risk (section 114)	Prior to commencement of works
<i>Roads and Jetties Act 1935</i> <sup>13</sup>	DIER	The installation of the water supply pipeline, effluent outfall pipeline and other “works” in a “state highway” or “subsidiary road” requires the consent of the Minister for Infrastructure, Energy and Resources (section 16)	Prior to commencement of works
<i>Local Government (Highways) Act 1982</i> <sup>14</sup>	Launceston, George Town and Beaconsfield Councils	Written permission from local Councils to open or break up the soil or pavement of a “local highway”, install gas pipelines and associated infrastructure in “local highways”, and possibly install the water supply and effluent outfall pipeline in “local highways” (section 46)	Prior to commencement of works
<i>Forestry Act 1920</i>	Forestry Tasmania	Grant of easements over crown land and state forests (section 28)	Prior to commencement of works
<i>Forestry Practices Act 1985</i>	Forest Practices Authority	Approval of forest practices plans for forestry operations on the pulp mill and other infrastructure sites.	Prior to commencement of works
<i>Gas Act 2000</i> <sup>15</sup>	DIER	Licence to construct a distributions system (section 21)	Prior to commencement of works

<sup>13</sup> Gunns will not be doing anything to concentrate the natural drainage of any of its land on to a state highway or subsidiary road (section 17B) and Gunns will not be depositing timber, removing soil etc on any roads (section 51). If any closure or regulation of roads is required for the construction or operation of the pulp mill, then that will also need to be addressed under this Act.

<sup>14</sup> “Local highways” are any highways that are not regulated as either “State highways” or “subsidiary roads” under the *Roads and Jetties Act 1935*.

<b>Act</b>	<b>Governing Body/ Administrator</b>	<b>Permit/Approval/ Licence</b>	<b>Timing</b>
<i>Environmental Management and Pollution Control (Waste Management) Regulations 2000<sup>16</sup></i>	DPIW	Environmental approval from Director of Environmental Management to construct and operate landfill, and to burn black liquor waste to generate electricity (Regulation 12)	Prior to commencement of works
<i>Building Act 2000</i>	Workplace Standards Tasmania, DIER	<p>Building permit is required for building works (section 60).</p> <p>Prior to applying for a permit, a Certificate of Likely Compliance must be issued by the building surveyor (section 62).</p> <p>The carrying out of works must comply with Part 8, and an occupancy permit will need to be granted for the building work under section 98.</p> <p>A plumbing permit will be required for plumbing work (section 75).</p>	Prior to commencement of construction but after detailed engineering design

Consultation and negotiation with, and the obtaining of consent from, landholders and utility service providers is being undertaken as a separate exercise by Gunns, and is ongoing. The consent of private landholders may be required to construct and use aspects of the project on private land, and for pipeline easements and temporary use of land for construction activities. Should such access not be granted, the State Government has undertaken to facilitate such access.

As noted in Table 4, access and land tenure over public land, such as State Forests, river and road reserves, will also be required. These are likely to include easements through State forests under the Forestry Act 1920 and the consent of the Minister for Infrastructure, Energy and Resources under the Roads and Jetties Act 1935 for installing infrastructure in State highways and subsidiary roads. Works in local

<sup>15</sup> Gunns will not need this licence if it contracts with an existing licensee to install and operate the gas supply pipeline. Also need to consider Gas Pipelines Act. KYLIE PLS DISCUSS WITH GREG S.

<sup>16</sup> This assumes that these wastes are not exempt by Regulation 10, and that the wastes are not controlled wastes.

highways are also likely to require the written permission of the local Councils. These interests will be incorporated into an approval under the SPP Act.

It should also be noted that DIER approval will be needed for the temporary access to the pulp mill site for site preparation works. It is expected that this access will be required for approximately 4 months pending construction of the permanent access.

## **2.10 Health and Safety Legislation**

The following legislation will need to be considered, particularly during the design phase of the project and in preparing health and safety management protocols for both construction and operation of the pulp mill.

- ▶ In accordance with Part 4, Division 11 of the Workplace Health and Safety Regulations 1998, safety management plans for construction work must be approved by the Director of Industry Safety, prior to commencement of any work;
- ▶ An on-site workplace health and safety risk assessment required under Part 3, Division 1 of the Workplace Health and Safety Regulations 1998 is required;
- ▶ Regulation 102 of the Workplace Health and Safety Regulations 1998 provides that a high-risk plant must be registered. Schedules 7 and 9 of the regulations set out the types of high-risk items that must be registered. As part of the registration process item and design registration is required; and
- ▶ Risk assessments are required for dangerous goods storage, handling and transport, under the provisions of *Dangerous Goods Act 1998*.

These issues are addressed in Section 2 of Volume 4 of the Draft IIS.