

Frequently Asked Questions

When was the pulp mill approved by the Australian Government?

The Gunns Ltd pulp mill was approved with conditions on 4 October 2007 by the former Minister for the Environment and Water Resources under the national environment law – the *Environment Protection and Biodiversity Conservation Act 1999*.

What is the role of the Australian Government in the approval process?

The national environment law only gives the federal environment minister the power to intervene where an action may have a significant impact on nationally protected matters. There are seven matters protected under this legislation. These are:

- world heritage sites
- national heritage places
- wetlands of international importance (often called “Ramsar” wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas, and
- nuclear actions.

The Australian Government’s responsibility with the Gunns pulp mill project is confined to looking at significant impacts on nationally listed threatened species, nationally listed migratory species and the Commonwealth marine environment.

Why didn’t the Australian Government consider potential air and noise pollution?

Tamar Valley air and noise pollution do not fall within the nationally protected matters listed under national environment law and as defined above. Therefore, they could not be considered by the former environment minister in his assessment of the project.

Why didn’t the Australian Government consider the impacts on Tasmania’s forests?

The timber supply for the mill will come from forests covered by the Tasmanian Regional Forest Agreement, an agreement between the Tasmanian and Australian governments which sets aside an extensive forest reserve system across Tasmania, including 78 per cent of old growth forests.

Forestry operations that are undertaken in accordance with a forestry agreement are exempt from needing further approval under the national environment law, so the former environment minister was not able to take wood supply into account when he made his original approval decision in 2007. The current minister can also not intervene in this matter as it falls outside the jurisdiction of national environment law.

However, Gunns has committed that no old growth forests will be used as feed stock for the mill.

The Australian Government recognises the crucial role of forests in combatting greenhouse gas emissions and as carbon sinks. It is committed to addressing climate change through sustainable forestry and forest conservation, through maintaining a robust system of forestry agreements, tackling the clearing of native vegetation and through international actions to prevent deforestation.

Will the operation of the mill contribute to climate change?

The issue of greenhouse gas emissions was considered during the assessment of the pulp mill and it was found that emissions from the mill would be unlikely to impact significantly on any of those seven matters protected under the national environment law.

As mentioned above, harvesting activities associated with the mill are exempt from further consideration under national environment law when undertaken in accordance with the Tasmanian Regional Forestry Agreement.

What controls are in place to make sure that the pulp mill will have good environmental standards?

The federal approval contains strict conditions that Gunns must comply with to ensure those matters listed under the legislation are protected. As part of these conditions, Gunns is required to submit an Environmental Impact Management Plan for the minister's approval. In considering the management plan, the minister takes into account expert scientific advice from the specially appointed Independent Expert Group. The management plan is divided into sixteen modules, each dealing with a specific phase of construction and operation, such as vegetation clearing, pipeline construction and the monitoring program.

The conditions also require transparent and regular reporting by Gunns. The department is actively monitoring Gunns' activities and as an added safeguard, the current minister appointed an independent site supervisor to monitor how the project is complying with the management plan.

What is the current status of the Australian Government approval?

The minister approved in January 2009 further components of Gunns' management plan, bringing the total number of approved modules to thirteen. The modules the minister approved related to the construction activities of the mill. However, after giving this matter thorough consideration and taking expert scientific and legal advice, the minister refused to approve those parts of the plan relating to the operation of the mill.

The approval conditions always required additional hydrodynamic modelling to be undertaken, however the minister decided that this should be completed and the results incorporated into the management plan before he would consider approving the entire plan.

What does Gunns have to do now to obtain final approval?

Gunns must now carry out hydrodynamic modelling and further related studies before the minister will consider the final three modules.

Hydrodynamic modelling predicts what will happen to the effluent from the mill once it enters the marine environment. Gunns will undertake this over a full year so that it is aware of how the effluent will behave in different seasons. For instance, in winter when the seas are rougher, the effluent may dilute and disperse faster compared to the summer months when there are higher temperatures and calmer seas. The department has approved the organisations Gunns proposed to undertake this critical environmental work, and the measurement program and modelling studies have now started.

Gunns must also develop response strategies, on the basis of the results of the modelling, which must be implemented in certain scenarios. Basically, the modelling will give a greater level of certainty about the impacts on the Commonwealth marine environment, and the response strategies developed by Gunns will be implemented to mitigate those impacts.

Will Gunns get automatic approval once it completes these tasks?

No. The results and the response strategies will be fully examined by the independent expert group, the department and the minister to ensure they are appropriate. Gunns must submit this information in the last three modules, including results of baseline monitoring of the environment, so that the Minister can consider its approval by a new deadline of 3 March 2011.

This approach will help ensure that the nationally protected matters that the minister is charged with protecting under the legislation will be afforded the best protection possible.

What will be the impact of the discharged effluent from the mill in Bass Strait?

The Australia Government and the state government are responsible for different areas of the marine environment.

The state government has primary responsibility for the marine environment up to three nautical miles from the low water mark on the shoreline, while the Australian Government manages the ocean from the state limit to the edge the Australian Exclusive Economic Zone, some 200 nautical miles out to sea.

To ensure the Commonwealth marine environment is protected, the federal conditions of approval set very strict limits on the allowable levels of contaminants that can be released by the mill.

The approval conditions require that Gunns must develop strategies to monitor the impacts of the mill effluent on the marine environment as well as implement agreed response measures if any adverse impacts are detected.

This monitoring plan must cover issues such as the quantity and quality of the effluent as well as impacts on the marine environment including the quality of the

water, sediment and ecology. The plan will also need to specifically test for any build up of dioxins in the ocean. Much of this monitoring will need to take place in state waters, where the effluent will be released, and can therefore be seen as an added safeguard to ensuring the protection of the Commonwealth marine environment.

Gunns has yet to undertake further hydrodynamic modelling which will predict the fate of effluent once it mixes with and is diluted by seawater. As mentioned above, the minister will not approve the final management plan until this modelling has been completed and the impacts on the Commonwealth marine environment have been determined.

What happens if the discharged effluent exceeds the maximum limit allowed?

The minister strengthened the original approval conditions in January 2009 by stipulating that if the mill's effluent outputs exceeded the specified maximum limits, it would be a breach of the approval. Gunns will be subject to civil and criminal sanctions under the national environment law, including penalties of up to \$1.1 million for each offence.

There is also an option within the conditions where the mill can be required to stop operating if effluent limits are exceeded. This can be used if the cause of the exceedance has not been identified and fixed.

What can Gunns do before it gets the final approval?

While the minister has given Gunns approval to start construction of the mill, approval has not been given to start operating the mill. Gunns will not be able to operate the mill until the minister has approved the relevant modules of the management plan. Any approval to operate the mill will be based on the results of the hydrodynamic modelling and other studies the department requires Gunns to undertake.

Gunns commenced preliminary clearing on the pulp mill site on 3 August 2009 and is intending to extend these works to areas of the pipeline route and accommodation facility soon.

What role does the Australian Government play in determining the pipeline route?

The pipeline route is a matter for Gunns to determine and it must negotiate with relevant landholders to get the access it requires. State and local government requirements must also be considered. The Australian Government approval process considered the potential impacts of the pipeline's construction on nationally protected matters. Various conditions have been imposed on the project to ensure that the pipeline does not impact on these matters.

With his decision to approve only the modules relating to construction of the mill, the minister approved a Gunns request to a small number of minor deviations to the water and effluent pipeline. These were to accommodate regional planning priorities, major infrastructure developments and minor realignments requested by landowners. The minister approved the variation on the grounds that these deviations would not significantly impact on nationally protected matters.

What does Gunns have to do to minimise road kill?

Road kill is very visible on Tasmanian roads and can be distressing.

An increase in traffic can impact on the populations of local species and this is why Gunns will undertake activities to monitor and reduce the chance of this impacting on local threatened species.

There is no meaningful baseline data on the number of species killed on the roads to and from the pulp mill site. This makes it difficult to monitor how an increase in traffic will affect the species as there is no comparable data.

Therefore, Gunns is required to adopt a trigger level of zero, which means they will automatically implement response strategies to minimise road kill.

Gunns has committed to:

- reduce speed limits on all internal access roads
- monitor and remove road kill to reduce secondary kills
- reduce worker traffic by 36 per cent from what was originally proposed in the draft integrated impact statement
- provide a daily bus service between George Town and Launceston and the mill once construction workers travelling from either of those locations exceeds 50
- schedule traffic to avoid times when animal movement is more prevalent
- prepare a feasibility study of a cross-river ferry service for workers from the West Tamar region
- provide site inductions for all employees, including avoidance strategies, and
- monitor speed and worker traffic numbers with traffic counters and provide quarterly reports of the results to the department.

Can the minister revoke the approval?

Under national environment law, the minister can only revoke a previous approval if:

- there is a significant impact on a relevant nationally protected matter , which occurs because of a breach of a condition on the approval, or
- he believes that the action will have a significant impact on a nationally protected matter, which was not identified when the proposal was assessed, and the approval would not have been granted had that information been available.

There is no information before the minister where either of these grounds could be satisfied, and accordingly, he will not be reviewing the approval granted to Gunns by the former minister, provided the courts continue to uphold the validity of the previous minister's decision.

What is the status of the reserves and offsets Gunns is required to protect under the approval conditions?

Gunns is required to provide two reserves and two offsets.

- Pulp mill reserve network – there is a 150ha network of reserves on the pulp mill site to protect potential habitat for listed threatened species. Gunns has measures in place to ensure this reserve network is not disturbed during construction activities.
- Swift parrot reserve – about 35ha of chiefly *Eucalyptus ovata* has been selected for a swift parrot reserve to help maintain foraging habitat.
- Rehabilitation offset area – about 226ha of degraded native and plantation forest has been selected for rehabilitation, to provide potential habitat for listed threatened species.
- Wedge-tailed eagle offset – an area of 40ha, containing two wedge-tailed eagle nests, has been selected in the event that the nest located about 900m from the closest point of the pulp mill project, is abandoned as a result of construction activities.

All properties are required to be protected in perpetuity (the wedge-tailed eagle offset is only required in certain circumstances), and this process is well underway.

More detailed information about each of these reserves and offsets is available in the approved Module O, which is available at <http://www.gunnspulpmill.com.au/permits/epbc.php>