



**SUMMARY OF CONDITIONS FOR THE GUNNS LIMITED
PROPOSED PULP MILL
(EPBC 2007/3385)**

This document provides a non-technical summary of the conditions. The actual conditions can be found at www.environment.gov.au/epbc/pulpmill

How were these conditions developed ?

These conditions were developed through a combination of advice from:

- the Chief Scientist of Australia, Dr Jim Peacock AC;
- the Department of the Environment and Water Resources (DEW);
- Over 36,000 public submissions received during three consultation periods over five months since April.
- Technical and scientific analysis commissioned by the DEW;
- Comments from relevant Australian Government Ministers;
- Undertakings made by the proponent in its assessment documentation;
- Scientific and technical reports submitted with the assessment documentation by the proponent.

Introduction

- The conditions reflect the Australian Government's commitment to transparency and public accountability in environmental decision-making.
- The community has been given three opportunities over five months since April to communicate their views during the Australian Government's assessment process. Over 36,000 public submissions were received during those periods.
- The conditions themselves involve continued public accountability.
 - All are covered by a detailed Environmental Impact Management Plan (EIMP) which will be publicly available and subject to monitoring and audit by independent experts.
 - All reports such as the annual report of the project and audit reports will be publicly available.
 - All auditors and independent experts will have to be agreed to by either the Minister or the Australian Government Department of the Environment and Water Resources.
 - The activities of the Independent Expert Group and the Independent Site Supervisor (see below) will be transparent to the community through their reporting on all elements of the EIMP.

Environmental Impact Management Plan

- Gunns Limited must develop and submit an EIMP in accordance with conditions specified by the Minister.
- The EIMP must be developed in consultation with an independent expert group ("the Independent Expert Group"), appointed by the Minister, drawn from leading national and international scientists with relevant expertise. This group will advise the Minister and the Department as required and assist in the design, implementation, monitoring and approval of the EIMP.
- Some elements of the EIMP will be required to be approved prior to construction.

- No commissioning activity is to commence until the final and complete EIMP has been approved by the Minister. Once approved, the EIMP must be implemented.
- An independent site supervisor (“the Independent Supervisor”) will be appointed by the Minister to independently monitor compliance with the conditions. The supervisor will have the full range of powers as an inspector under the *Environment Protection and Biodiversity Conservation Act 1999* to ensure there are no impediments in terms of access to information or locations to the performance as supervisor.
- Extensive modelling and monitoring of the environment, including in sentinel species, is required as part of the EIMP to ensure any unforeseen impacts on the environment are detected quickly.
- Gunns Limited must agree to specific remedial changes to pulp mill processes and operation in the event specified trigger points to any part of the environment are breached.
- There is a guarantee that, if maximum limits for effluent discharge are reached and cannot be reduced within stipulated timeframes, the pulp mill will cease to operate until tertiary treatment of effluent is installed.
- Gunns Limited must submit an annual report of performance against the requirements of the EIMP each financial year. The report must identify any requirements of the EIMP that have not been satisfied and appropriate strategies for meeting these requirements. The annual report must be independently audited by an appropriately qualified person agreed to by the Department. The annual report must be published by Gunns Limited within ten business days of the completion of the independent audit.
- If there are any problems identified in the annual report, Gunns Limited will be required to rectify those problems in accordance with directions from the Minister.

Listed Flora and Fauna

Wedge-tailed Eagle

- Construction must not commence, within defined distances of a nest site, during the breeding season of the Wedge-tailed Eagle. Work is to stop if a new nest is found within the defined distances.
- An ecologist approved by the Department must conduct approved monitoring of the Wedge-tailed Eagle nest.
- If the nest is abandoned, within set times, the proponent must take remedial action agreed by the Australian Government.
- Similar provisions are included for the listed migratory White-bellied Sea-eagle.

New and enhanced habitat

- Conditions imposed will lead to around 400 hectares of land being set aside for protected plants and animals.
- Gunns Limited will be required to rehabilitate at least 200 hectares of land, outside the proposed site, that will become new habitat for the Tasmanian Devil, Spot-tailed Quoll, Eastern Barred Bandicoot, Swift Parrot and the Southern Bell Frog. The site and rehabilitation will be agreed by the Australian Government.
- In addition to this 200 hectares of new habitat, a network of conservation reserves totaling at least 150 hectares within the Bell Bay pulp mill site must be established.
- At least another 34 hectares must be reserved by Gunns Limited as foraging habitat for the Swift Parrot.

- A further 20 hectares may also need to be reserved for the Tasmanian Wedge-tailed Eagle.

Protection during construction

- During pipeline construction, trench ramps and trench plugs must be used in open trenches to enable fauna to escape. A qualified ecologist whose appointment is approved by the Department must inspect and assist trapped fauna.
- An approved ecologist must regularly inspect and ensure potential habitat for the Green and Golden Bell Frog is avoided during construction.
- All pipeline corridors, with the exception of access tracks and roads, are to be progressively rehabilitated.
- Surveys must be conducted for the Central North Burrowing Crayfish and the Mt Arthur Burrowing Crayfish. If the species is found, an approved management plan must be implemented.
- An approved management plan will be implemented to protect Grasstrees from diseases such as fungus.
- Pipeline boring will be undertaken under the dunes to avoid disturbing the Grasstrees.
- A pre-construction survey for threatened orchids must be conducted prior to works commencing and, if the species is recorded, an approved management plan must be implemented.
- Nesting sites of breeding shorebirds must be identified prior to construction and avoided. The beach must be restored to its original shape after construction.
- Conditions have been applied to ensure noise from wharf construction does not affect the Australian Grayling.
- To manage the risks to listed threatened species associated with road kill, Gunns Limited must establish baseline monitoring of road kill along the East Tamar highway and other major access routes for construction, monitor road kill, and implement response strategies, as stipulated.

Listed Threatened and Migratory Marine Species

- Noise-generating activities must stop if a whale, seal or dolphin approaches within defined safety zones.

Commonwealth Marine Area

- Levels have been set for specific pollutants in the effluent discharge, both as trigger levels and as maximum limits. Monitoring of these levels must be conducted in accordance with a program approved by the Minister and reviewed by an independent expert.
- Maximum limits for dioxins and furans are almost four times more stringent than world's best practice.
- Trigger levels for dioxins and furans are more than six times more stringent than world's best practice.
- If at any time the trigger levels for pollutants are reached, Gunns Limited will need to take specific action to reduce the levels.
- If at any time it appears that the maximum limits for effluent discharge are likely to be exceeded, Gunns Limited must implement even more stringent response strategies.

- If within the agreed timeframe Gunns Limited is unable to demonstrate to the satisfaction of the Minister that response strategies are achieving their objective to reverse the undesirable impacts, the mill must cease to operate until such time as a tertiary treatment solution satisfactory to the Minister is installed.
- In other words, the pulp mill must close if effluent from the mill exceeds the defined maximum limits.
- Before the mill can commence operating, a stringent and comprehensive effluent monitoring program must be approved which includes sampling of natural baseline (existing pre-mill) conditions for comparative purposes.
- Prior to the mill's operation, and to better inform monitoring requirements, new hydrodynamic modelling and toxicity testing of the effluent expected to be emitted must be carried out. Modelling must include a mechanism or mechanisms for tracing the actual movement of the effluent plume.
- Concentration of dioxins and furans in marine sediments must not exceed safe levels in Commonwealth marine waters. Monitoring of sediment levels must be conducted in accordance with an agreed program and reviewed by an independent expert. If results indicate a trend that safe levels may be reached, remedial action agreed by the Australian Government must be taken.

General conditions

- Remedial action points will be specified throughout the life of the mill including pre-construction, pre-commissioning and operation of the mill to protect the environment.
- These action points will be monitored regularly by the Independent Site Supervisor and the Independent Expert Group as well as subject to independent audit by auditors approved by the Australian Government.
- To better protect threatened and migratory species and the Commonwealth marine area, the Australian Government has the power to impose changes to the EIMP.
- The approval will lapse if at any time after five years from date of approval the Minister is not satisfied that there has been substantial commencement of construction of the pulp mill.
- An independent audit of compliance with the conditions will be conducted and a report submitted to the Department. The independent auditor and audit criteria must be approved by the Department and made available to the public.