



PULP MILL PERMIT

21 August 2007

Preamble

The consultant appointed by me under section 4(1) of the *Pulp Mill Assessment Act 2007* has reported that the project should proceed.

In accordance with section 6(4) of the *Pulp Mill Assessment Act 2007* I requested relevant persons to recommend to me the conditions, if any, that should apply to the project.

Those relevant persons have recommended to me conditions that should apply to the project and, in relation to those conditions, have specified the other matters stipulated in section 6(7) of the *Pulp Mill Assessment Act 2007*.

In accordance with section 6(8) of the *Pulp Mill Assessment Act 2007* I have prepared the attached Pulp Mill Permit that contains the substance of the conditions recommended to me by each relevant person in accordance with section 6(4) of the *Pulp Mill Assessment Act 2007* and other matters specified by those persons in accordance with section 6(7) of the *Pulp Mill Assessment Act 2007*.

Therefore, if the Pulp Mill Permit is accepted by each House of Parliament, pursuant to section 7(1) of the *Pulp Mill Assessment Act 2007*, then in accordance with section 8(1) of the *Pulp Mill Assessment Act 2007*:

- a The Pulp Mill Permit comes into effect;
- b Notwithstanding any other Act, the project may proceed on the conditions specified in the Pulp Mill Permit;
- c A permit, licence or other approval is taken to have been issued under the Act specified in the Pulp Mill Permit in relation to each condition and that Act applies as if such a permit, licence or other approval has been issued on the condition set out in the Pulp Mill Permit in relation to that Act; and
- d The person, body or State Service Agency responsible for the enforcement of each condition must enforce the condition to the extent of its powers.

The Pulp Mill Permit does not provide any permit, licence or approval required for the project by the Commonwealth Government, which must be applied for, and granted, separately.

Hon Steven Kons LLB MHA
Minister for Planning

PULP MILL PERMIT

This permit is the Pulp Mill Permit prepared in accordance with section 6(8) of the *Pulp Mill Assessment Act 2007*.

The project defined in section 3(1) of the *Pulp Mill Assessment Act 2007* is permitted to proceed on the conditions contained in the schedules to this permit, of which the interpretation provisions, appendices, schedules and annexes to the permit form part.

Interpretation

- 1 Unless the contrary intention appears, an expression used in the Pulp Mill Permit has the same meaning as it has in:
 - a The *Pulp Mill Assessment Act 2007*; or
 - b Appendix 1 of the Pulp Mill Permit – *Definitions*; or
 - c The definitions section of a Schedule included in Appendix 2 of the Pulp Mill Permit in which the expression is used.
- 2 Where a definition of an expression in the *Pulp Mill Assessment Act 2007* is inconsistent with a definition of that expression in Appendix 1 of the Pulp Mill Permit, the definition in Appendix 1 of the Pulp Mill Permit takes precedence in the Permit.
- 3 Where a definition of an expression in Appendix 1 of the Pulp Mill Permit is inconsistent with a definition of that expression in a Schedule of Appendix 2 of the Pulp Mill Permit, the definition in the Schedule of Appendix 2 of the Pulp Mill Permit takes precedence, in relation to an expression used in that Schedule.
- 4 Unless the contrary intention appears, the *Acts Interpretation Act 1931* applies to the Pulp Mill Permit.
- 5 In the Pulp Mill Permit a term of inclusion is not to be interpreted to be a term of limitation.
- 6 If a body referred to in a provision of the Pulp Mill Permit changes its name, a reference in the Permit to the former name of the body is to be read as a reference to the changed name of the body.
- 7 In interpreting the Pulp Mill Permit consideration may be given to extrinsic material, including:
 - a The source Act or other Acts relevant to a condition;
 - b The opinion of the relevant person who recommended that condition, pursuant to section 6(4) of the *Pulp Mill Assessment Act 2007*;
 - c The opinion of the regulatory authority responsible for enforcing that condition, pursuant to section 8(1)(d) of the *Pulp Mill Assessment Act 2007*; and
 - d Any document referred to in the Pulp Mill Permit in relation to a condition.

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- 8 Every requirement in a condition of the Pulp Mill Permit is to be read as requiring that the action to which it refers is to be substantially performed to the reasonable satisfaction of the regulatory authority responsible for the enforcement of that condition in such a manner as to promote the objective of the requirement as identified by that authority.
- 9 A requirement in a condition of the Pulp Mill Permit is taken to have been substantially performed to the reasonable satisfaction of the regulatory authority responsible for the enforcement of that condition, unless the regulatory authority provides the person responsible with notice in writing that the condition is not being substantially performed to its reasonable satisfaction in such a manner as to promote the objective of the requirement as identified by that authority.
- 10 Where a condition requires the person responsible to apply for other permits, licences, or other approvals as may be necessary for the project, that condition will not be taken to be satisfied until such a licence, permit or other approval is obtained.

APPENDIX 1

DEFINITIONS

In the Pulp Mill Permit, unless the contrary intention is expressed:

“**activity**” in relation to a Schedule of the Pulp Mill Permit means the activity related to the project to which the Schedule relates, and includes more than one such activity;

“**annex**”, “**appendix**”, “**clause**”, “**condition**”, or “**schedule**”, includes any annex, appendix, clause, condition, or schedule in or to it;

“**anything**” (including an amount) is a reference to all or any part of it,

“**commencement**” in relation to a condition of the Pulp Mill Permit, means the time of coming into operation, or taking effect, of that condition;

“**commissioning**” means the testing of major items of equipment;

“**communication**” means a notice, agreement, consent, direction, representation, advice or statement;

“**condition**” means a condition contained in the Pulp Mill Permit;

“**construction activities**” means activities on or in the terrestrial or marine environment associated with the construction phase of an activity related to the project including, but not limited to, activities associated with:

- clearance of vegetation;
- site works to create a level site;
- road construction;
- construction of a quarry;
- construction of the buildings;
- installation of processing equipment and associated infrastructure, including infrastructure for water supply, power and natural gas;
- construction of a pipeline to discharge wastewater to the Bass Strait outfall;
- construction of a warehouse for pulp storage;
- construction of a pipeline to discharge stormwater to the Tamar River;
- construction of a new shipping berth facility in the Tamar River;
- construction of infrastructure for solid waste disposal;
- construction of other infrastructure to be used in conjunction with the pulp mill, including water supply pumping station and pipelines;
- construction of road and rail infrastructure or upgrade of existing road and rail infrastructure;
- temporary accommodation for construction workers;
- construction of a chemical plant;
- construction of an effluent treatment plant; and
- construction or upgrading of woodchipping facilities and associated infrastructure;

APPENDIX 1

DEFINITIONS

“contractor” means any person, not being an employee or officer of the person responsible, who has entered into a contract with a person responsible to do any work or supply any materials necessary for the project and includes a sub-contractor;

“Crown land” means land that is vested in the Crown, and which is not contracted to be granted in fee simple; and includes land granted in fee simple which has reverted in the Crown by way of purchase or otherwise;

“Department” means the State Service Agency or other government body that is responsible to the Minister administering the source Act relating to a provision of the Pulp Mill Permit in which the expression occurs;

“DIIS” means the document entitled ‘Gunns Limited, Draft Integrated Impact Statement, July 2006’ dated 14 July 2006, submitted to the Resource Planning and Development Commission and includes the document entitled ‘Gunns Limited, Bell Bay Pulp Mill, Draft Integrated Impact Statement, Supplementary Information, January 2007’ dated 31 January 2007, and the associated technical reports submitted to the Resource Planning and Development Commission;

“group of persons” includes one or more of them;

“infrastructure” means any infrastructure forming part of the project;

“land” includes

- a messuages, tenements, and hereditaments, houses, and buildings of any tenure and any estate or interest therein;
- b land covered by the sea or other waters; and
- c the part of the sea or those waters covering that land;

“maintenance activity” means any activity associated with the maintenance of a development, facility or infrastructure related to the project;

“person responsible” means Gunns Limited (ACN 009 478 148), including its officers, employees, agents or contractors, or any body corporate or joint venture, or other person, their officers, employees, agents and contractors, to which Gunns Limited sells, assigns or otherwise transfers in whole or in part its rights and obligations under the Pulp Mill Permit;

“regulatory authority” means a person, body or State Service Agency identified by a relevant person as being responsible for the enforcement of each condition, pursuant to section 6(7)(c) of the *Pulp Mill Assessment Act 2007*;

“reserved land” means any land declared under the *Nature Conservation Act 2002* to be reserved land, and any land taken to be been so declared, or land reserved under the *Crown Lands Act 1976*;

“remove or take” includes attempting to remove or take, or assisting in the taking or removal; and

“source Act” means the Act specified by a relevant person, pursuant to section 6(7)(b) of the *Pulp Mill Assessment Act 2007* in relation to a condition.

APPENDIX 2 SCHEDULES

A Land Use Planning Schedules

Department of Tourism, Arts and the Environment

George Town Council

Launceston City Council

West Tamar Council

Land Use Planning and Approvals Act 1993

Environmental Management and Pollution Control Act 1994

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| LU1 | Land Use and Development Permit – Pulp mill and associated infrastructure (George Town) |
| LU2 | Land Use and Development Permit - Workers accommodation facility (George Town) |
| LU3 | Land Use and Development Permit - Water supply (Launceston) |
| LU4 | Land Use and Development Permit - Water supply (West Tamar) |

Department of Tourism, Arts and the Environment

Environmental Management and Pollution Control Act 1994

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| EM1 | Environment Protection Notice – Wastewater pipeline (offshore) |
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APPENDIX 2 SCHEDULES

B Other Schedules

Department of Primary Industries and Water

Department of Tourism, Arts and the Environment

Crown Lands Act 1976

CL1	Authorisation for activities associated with the construction and use of the wharf facility
CL1A	Authorisation for activities associated with the construction and use of the wharf facility
CL2	Authorisation for activities associated with the construction and use of the Water Pipeline
CL2A	Authorisation for activities associated with the construction and use of the Water Pipeline
CL3	Authorisation for activities associated with the construction and use of the Effluent Pipeline
CL4	Authorisation for activities associated with the construction and use of the Balance Control Tank

Department of Primary Industries and Water

Water Management Act 1999

WM1	Water licence
WM2	Dam Works Permit – Water Reservoir
WM3	Dam Works Permit – Landfill Pond
WM4	Dam Works Permit – miscellaneous stormwater storage dams and treatment pond dams

Department of Primary Industries and Water

Animal Welfare Act 1993

AW1	Licence to undertake research and approval of animal research
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Threatened Species Protection Act 1995

TS1	Permit to take threatened flora and fauna species subject to conditions
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Nature Conservation Act 2002

NC1	Permit to take wildlife or products of wildlife subject to conditions
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APPENDIX 2 SCHEDULES

B Other Schedules (continued)

Department of Tourism, Arts and the Environment

Aboriginal Relics Act 1975

AR1 Approval to undertake specific activities in relation to Aboriginal Relics and other Aboriginal Heritage Objects

National Parks and Reserves Management Act 2002

NP1 Reserve Activity Condition

Historic Cultural Heritage Act 1995

HC1 Approval to commence any clearing or construction activities associated with the project on a place permanently entered in the Tasmanian Heritage Register

Department of Justice

Workplace Health and Safety Act 1995

WH1 Approval to commission, use or operate any item of high-risk plant

WH2 Registration of the manufacture, supply, hire or lease of specified items of high-risk plant

WH3 Permit to use hazardous substances

WH4 Permit to undertake diving work

WH5 Permit to undertake specified construction activities related to the project

Department of Justice

Dangerous Goods Act 1998

DG1 Approval to import, store, use and transport dangerous goods

Electricity Industry Safety and Administration Act 1997

EI1 A permit to commission or operate electrical generation equipment

Gas Act 2000

GA1 Permits and approvals to construct, commission, operate or use any complex gas installations and type B gas appliances

APPENDIX 2 SCHEDULES

B **Other Schedules** (continued)

Department of Infrastructure, Energy and Resources

Electricity Supply Industry Act 1995

ES1 Electricity generation licence

Gas Pipelines Act 2000

GP1 Licences to construct, or operate and maintain a gas pipeline

Forest Practices Act 1985

FP1 Approval to carry out Forest Practices

Department of Infrastructure, Energy and Resources

Roads and Jetties Act 1935

RJ1 A road reservation works permit for the upgrading of the existing mill access and proposed landfill site access, along with other temporary construction accesses on the East Tamar Highway

RJ2 A road reservation excavation permit for the installation of water supply and effluent disposal pipelines, along with associated infrastructure

Traffic Act 1925

TA1 Approval for traffic management facilities

Vehicle and Traffic Act 1999

VT1 Permit for the transport of oversize or over-mass indivisible items associated with the project

Tasmania Fire Service

Fire Service Act 1979

FS1 Tasmania Fire Service Conditions applicable to building occupancy

FS2 Tasmania Fire Service Conditions applicable to provision of suitable water supplies for fire-fighting

FS3 Tasmania Fire Service conditions applicable to hot work

FS4 Tasmania Fire Service Conditions applicable to the installation of fire protection equipment

APPENDIX 2 SCHEDULES

B **Other Schedules** (continued)

Department of Health and Human Services

Poisons Act 1971

PA1 Authorisation to manufacture, obtain, possess, sell, supply or use a dangerous poison

Radiation Protection Act 2005

RP1 Licence to deal with a radiation source

Public Health Act 1997

PH1 Certificate of Registration of a regulated system

Food Act 2003

FA1 Certificate of Registration of a food business