



25 August 2005

Senator Ian Campbell
Minister for Environment and Heritage
Parliament House
Canberra ACT 2600

by email: senator.ian.campbell@aph.gov.au
cc. by email: epbc.referrals@deh.gov.au

Dear Minister Campbell,

EPBC Referral Reference No: 2005/2262 (Gunns Bleached Kraft Pulp Mill, Longreach)

I write on behalf of the Tasmanian National Parks Association Inc (TNPA) regarding the public notification of the above EPBC referral, dated 15 August 2005, posted at www.deh.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=2262

The TNPA notes the “Important Note from DEH”:

“The previous referral for the action has been withdrawn and a new referral made which contains a revised description of the project.

The project is a nominated controlled action and therefore comment will not be sought on the referral. All comments received on the earlier referral will be taken into account.”

Given the first paragraph of the “Important Note from DEH”, the TNPA considers that public comment ought be sought on the new referral. While all comments received on the earlier referral ought be taken into account, this is not sufficient if that earlier referral has been withdrawn and a new referral made which contains a revised description of the project.

The TNPA, and no doubt others, would welcome the opportunity to comment fully on the new referral once DEH seeks such comment.

Without prejudice to the above, in case you are minded to decide which provisions of Part 3 of the EPBC Act are controlling provisions for this action as described in Gunns’ new referral, without seeking the benefit of public comment on the new referral, then the TNPA submits you ought decide that the following provisions of Part 3 of the Act are controlling provisions for this action:

- world heritage values;
- listed threatened species and ecological communities;
- listed migratory species; and
- Commonwealth marine areas.

The TNPA notes that, at p19 of its new referral, Gunns Ltd acknowledges each of these as controlling provisions, except world heritage values. The TNPA considers that Gunns has not adequately described the impacts of its pulp mill on any of the above controlling provisions. However, we are particularly concerned at Gunns’ failure to adequately address

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the significant adverse impacts that the pulp mill will, or is likely to, have, through its wood supply, on:

- the world heritage values of a declared World Heritage property (the Tasmanian Wilderness World Heritage Area);
- listed threatened species and ecological communities; and
- listed migratory species.

The TNPA calls on you to ensure that the assessment of Gunns' proposal adequately addresses each of the above matters.

In its new referral, Gunns includes, *inter alia*, the following statements:

"It is very difficult at this early stage of the assessment process to predict the anticipated operating life of the pulp mill. However, at this stage we anticipate the timeframe for operating the pulp mill will be at least 30 years." [at 2.3]

....

"The two major phases of the action are the construction and operation of the pulp mill.

....

Operation Phase

....

6. Wood Supply

Gunns currently anticipates that between 2.6 to 4.0 million tones of woodchips will be processed by the pulp mill per annum. A mixture of wood from native forests, pine and eucalypt plantations will be used. It is likely that wood will be sourced from Forestry Tasmania, private forest owners, and Gunns' freehold land." [at 2.4]

....

"There are no likely impacts to the world heritage values of a World Heritage property. The nearest boundary of the Tasmanian Wilderness World Heritage Area is approximately 55km from the pup mill site.

None of the associated water supply and waste/effluent disposal infrastructure will be located within or in close proximity to a declared World Heritage boundary." [at 4.1]

Given:

- Gunns' statement above that "...at this stage we anticipate the timeframe for operating the pulp mill will be at least 30 years" (ie. some unspecified time beyond 30 years);
- Gunns' statement above regarding Wood Supply; and
- the fact that forestry operations are already adversely impacting on the world heritage values of the Tasmanian Wilderness World Heritage Area (see, for example, Parks and Wildlife Service, 2004, *State of the Tasmanian Wilderness World Heritage Area - an evaluation of management effectiveness*, Report No. 1, Department of Tourism, Parks, Heritage and the Arts, Hobart, Tasmania),

the TNPA strongly disagrees with Gunns' statement at 4.1 of its new referral that "*There are no likely impacts to the world heritage values of a World Heritage property.*" On the contrary, the action will, or is likely to, have significant adverse impacts on the world heritage values of the Tasmanian Wilderness World Heritage Area (and on listed threatened species, ecological communities and migratory species) through the long-term sourcing of wood to the pulp mill.

Gunns states at 4.1, "*None of the associated water supply and waste/effluent disposal infrastructure will be located within or in close proximity to a declared World Heritage*

boundary.” Gunns fail to mention that the wood supply to the pulp mill will include wood sourced from forestry operations in close proximity to the Tasmanian Wilderness World Heritage Area which will, or are likely to, have significant new adverse impacts on world heritage values over the operating life of the pulp mill.

In addition, wood supply to the pulp mill is likely to bring new significant adverse impacts to EPBC listed threatened species, ecological communities and migratory species.

The TNPA understands that, currently, the impacts of wood supply for this pulp mill are not being assessed on the basis that there is a Regional Forest Agreement (RFA) in place. The EPBC Act provides, in s.38, that Part 3 does not apply to an RFA forestry operation that is undertaken in accordance with an RFA (and see s.6(4) of the *Regional Forest Agreements Act 2002* (Cth)). However, the TNPA considers this does not change the s.75 requirement to consider all adverse impacts of the pulp mill, including wood supply, even where involving an RFA forestry operation that is undertaken in accordance with an RFA.

that this exempts the Minister, when making decisions under s.75, from the requirement to consider wood supply (even if sourced from RFA forestry operations undertaken in accordance with an RFA), along with all other adverse impacts that this pulp mill will, or is likely to, have on the matter protected by each provision of Part 3.

Section 38 of the EPBC Act (and s.6(4) of the *Regional Forest Agreements Act 2002* (Cth)) says nothing about considering the impacts of an action under s.75 (in Part 7) of the EPBC Act. While the RFA forestry operations themselves do not require EPBC approval, wood supply for the pulp mill is a clear impact of the pulp mill and therefore must be considered when assessing the pulp mill under s.75.

Furthermore, notwithstanding Gunns’ statement at 2.4 of its new referral that the wood for the pulp mill will be “*sourced from forest managed in accordance with the Tasmanian Regional Forest Agreement ...*”, the TNPA is concerned that some of the pulp mill’s wood supply will be from forestry operations not conducted in accordance with an RFA. Such forestry operation are not protected by the exemption provided in s 38 of the EPBC Act and s.6(4) of the *Regional Forest Agreements Act 2002* (Cth).

Finally, reliance on the Tasmanian RFA is inadequate as it expires in 2017. Gunns’ new referral states, in part, [at 2.3] “*However, at this stage we anticipate the timeframe for operating the pulp mill will be at least 30 years*” (ie. some unspecified time beyond 30 years). The pulp mill will therefore operate and adversely impact, including through its wood supply, on matters protected by Part 3 of the Act, until well beyond the expiry of the Tasmanian RFA.

Thus, in addition to the matters that have been acknowledged by either Gunns or DEH to date, assessment under the EPBC Act must include **all adverse impacts** that this action (including construction and operation of pulp mill), will have or is likely to have, throughout the potential life of the pulp mill. This assessment must **include all adverse impacts of the pulp mill through its wood supply**, on matters protected by each provision of Part 3 of the EPBC Act, including:

- the world heritage values of the Tasmanian Wilderness World Heritage Area
- listed threatened species and ecological communities; and
- listed migratory species.

Please take the all the matters set out in this letter into account when making all your decisions regarding Gunns’ pulp mill proposal.

Yours sincerely,

R Campbell

Robert Campbell
President, TNPA