



L I M I T E D

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16 December 2008

The Hon Peter Garrett AM MP  
Minister for the Environment, Heritage and the Arts  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Dear Minister

I write in relation to Gunns Limited's EPBC 2007/3385 approval for the construction and operation of a bleached Kraft pulp mill at Bell Bay, Tasmania.

As you are aware, Gunns has been developing the EIMP for the project in accordance with the approval requirements. During the EIMP preparation, and particularly that of module L, discussions have been held with your Department on the implementation of Condition 32 of the approval. We understand that your Department has also discussed this matter in detail with the Independent Expert Group.

Condition 32 requires that the pulp mill must not operate if the monthly average effluent concentrations from the mill exceed the maximum limits established by or under the approval.

The EIMP describes trigger levels and associated responses that Gunns will implement to prevent maximum limits being exceeded. A common view has emerged from our discussions with the Department that the effectiveness of the EIMP would be enhanced if the approval conditions were supplemented with a further condition that ensures that the project can be regulated with the full range of statutory powers available to you and your Department under the EPBC Act.

This view is consistent with that expressed by Gunns in August 2007 prior to the original approval decision, when we provided comments on condition 17 of the draft approval, which is now condition 32 of the final approval. In those comments we advised of our concerns that the approval did not appear to provide the Minister with clear statutory discretion to pursue appropriate enforcement under the EPBC Act in the event that maximum limits were exceeded.

An explicit power to take enforcement action should limits be exceeded would provide important statutory support to the implementation and regulation of the EIMP and it would also provide the community with explicit confirmation that an exceedance of the maximum limits would constitute a breach of the approval.

For these reasons we would be grateful if you would consider a variation to our 2007/3385 approval, as provided for in section 143(c) of the EPBC Act, by the addition of a new condition as follows:

*"The monthly average effluent concentrations for the pulp mill must not exceed a relevant maximum limit specified in condition 32 or in the EIMP."*

The reference to both condition 32 and the EIMP reflects the approval's provisions that establish maximum limits by reference to both those in the condition 32 tables and those developed in the EIMP in accordance with Schedule 2 of the approval.

We believe that this variation will ensure effective regulation of this element of the approval by providing the Department and Minister with the full range of discretionary powers available under the EPBC Act relating to a breach of an approval condition.

Thank you for your consideration of this matter. I would be happy to provide any further information that you may require.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Frame', with a horizontal line extending to the right.

Calton Frame  
Corporate Relations and Sustainability Manager