



This is the document marked ES01, referred to in the affidavit
of BARBARA M. GORD sworn at HOBART
in Tasmania, this 28th day of October 2011, before me.

JUSTICE OF THE PEACE

Graeme Knyvet Robert JP2964
of the Peace (Tas)

ENVIRONMENT PROTECTION NOTICE No. 8631/2

Issued under the *Environmental Management and Pollution Control Act 1994*

Issued to: **TRIABUNNA INVESTMENTS PTY LTD**
ACN 151 887 099
10 VICTORIA ST
HOBART TAS 7000

Environmentally Relevant Activity: **The operation of a woodchip mill (ACTIVITY TYPE: Woodchip Mills)**
TRIABUNNA CHIP MILL, FREESTONE POINT
TRIABUNNA TAS 7190

GROUND

I, Alexander Schaap, Director, Environment Protection Authority, being satisfied in accordance with section 44(1)(c), (d) and (e) of the *Environmental Management and Pollution Control Act 1994* (the EMPCA) and in relation to the above-mentioned environmentally relevant activity that:-
it is necessary to do so in order to give effect to a State Policy or an environment protection policy; and
it is desirable to vary the conditions of a permit (see table below); and
it is necessary to secure compliance with the general environmental duty,
hereby issue this environment protection notice to the above-mentioned person as the person responsible for the activity.

Permit No.	Date Granted	Granted By
3389	11 December 1995	Director of Environmental Management

PARTICULARS

The particulars of the grounds upon which this notice is issued are that:

- 1 The person responsible for the activity has changed.
- 2 Because the permit conditions need to be varied to reflect current or updated terminology and/or to clarify the meaning of the conditions.
- 3 Because the permit conditions need to be varied to reflect current regulatory practice:
- 4 Because the permit conditions need to be varied to ensure that there are adequate safeguards against environmental harm or nuisance being caused by the activity.
- 5 Because the permit conditions need to be varied to reflect continuous improvement consistent with the objectives of EMPCA.

Further details of the particulars are contained in Schedule 4 of this notice.

DEFINITIONS

Unless the contrary appears, words and expressions used in this Notice have the meaning given to them in Schedule 1 of this Notice and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Notice, the EMPCA prevails to the extent of the inconsistency.

REQUIREMENTS

In accordance with s.44(3) of the EMPCA, the person responsible for the activity is required to comply with the conditions contained in Schedule 2 of this Notice. These conditions prevail over the terms of the permit to the extent of any inconsistency.

INFORMATION

Attention is drawn to Schedule 3, which contains important additional information.

PENALTIES

If a person bound by an environment protection notice contravenes a requirement of the notice, that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 1000 penalty units in the case of a body corporate or 500 penalty units in any other case (at the time of issuance of this Notice one penalty unit is equal to \$130.00).

NOTICE TAKES EFFECT

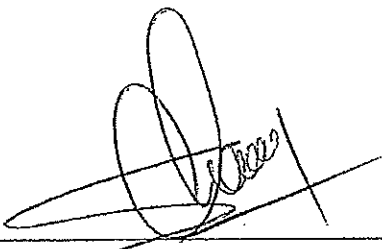
This Notice takes effect on the date on which it is served upon you.

APPEAL RIGHTS

You may appeal to the Appeal Tribunal against this notice, or against any requirement contained in the notice, within 14 days from the date on which the notice is served, by writing to:

The Chairperson
Resource Management and Planning Appeal Tribunal
GPO Box 2036
Hobart TAS 7001

Signed:



DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date:

25 OCT 2011



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Schedule 1: Definitions

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Authorized Officer means an authorized officer under section 20 of EMPCA.

Best Practice Environmental Management or 'BPEM' has the meaning described in Section 4 of EMPCA

Control Location (Noise) means a location chosen to represent the general ambient sound without contribution from noise sources at the activity.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

DRP means Decommissioning and Rehabilitation Plan

EMP means the *Environmental Management Plan 2007 - Gunns Limited Triabunna Operations*, prepared by Gunns Limited, and submitted to the Director on 1 October 2007, and includes any amendment to or substitution of this document, including an EMP Operations, approved in writing by the Director.

EMPCA means the *Environmental Management and Pollution Control Act 1994*

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA

Environmental Nuisance and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils and chemicals.

Noise Sensitive Premises means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Planning Authority means the Council(s) for the municipal area(s) in which The Land is situated

Process water means any water that is to be discharged from the activity following use.

Reporting Period means the financial year ending on 30 June of each calendar year.

Stormwater means water arising from rainfall that has not subsequently been used in carrying out the activity, and includes contaminated stormwater.

Tasmanian Noise Measurement Procedures Manual means the Noise Measurement Procedures Manual dated July 2004 issued by the Director of Environmental Management in accordance with regulation 25 of the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004* and includes any subsequent versions of the document.

The Land means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by:

- 1 Certificate of Title 147559 Folio 1, shown in Attachment 1: **The Land**.

Waste has the meaning ascribed to it in Section 3 of EMPCA

Weed means a declared weed as defined in the *Weed Management Act 1999*.

Woodchip mill means a facility used for the production of woodchips from raw and waste wood.



Schedule 2: Conditions

Maximum Quantities

Q1 Regulatory limits

- 1 The activity must not exceed the following limits:
 - 1.1 1,600,000 tonnes/year of woodchips produced. (Annual fees are derived from this figure.)
 - 1.2 5,000 kilolitres/calendar month of fresh mains water used.

General

G1 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G2 Incident response

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G3 No changes without approval

- 1 The following changes, if they may cause or increase the emission of a pollutant which may cause material or serious environmental harm or environmental nuisance, must only take place in relation to the activity if such changes have been approved in writing by the EPA Board following its assessment of an application for a permit under the *Land Use Planning and Approvals Act 1993*, or approved in writing by the Director:
 - 1.1 a change to a process used in the course of carrying out the activity; or
 - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity; or
 - 1.3 a change in the quantity or characteristics of materials used in the course of carrying out the activity.

G4 Change of ownership

If the person responsible for the activity is not the owner of The Land upon which the activity is carried out and the owner of The Land changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change, the person responsible must notify the Director in writing of the change of ownership.

G5 Recommencement of operations

Within 30 days of becoming aware of any event or decision which is likely to give rise to the recommencement of operations, the person responsible must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to recommence operations.



G6 Annual Environmental Review

- 1 Once notification of recommencement of the activity has been forwarded to the Director, in accordance with Condition G5 of this Notice, clause 2 of this Condition comes into effect.
- 2 Unless otherwise specified in writing by the Director, a publicly available Annual Environmental Review for the activity must be submitted to the Director each year within three months of the end of the reporting period. Without limitation, each Annual Environmental Review must include the following information:
 - 2.1 a statement by the General Manager, Chief Executive Officer or equivalent for the activity acknowledging the contents of the Annual Environmental Review;
 - 2.2 subject to the *Personal Information Protection Act 2004*, a list of all complaints received from the public during the reporting period concerning actual or potential environmental harm caused by the activity and a description of any actions taken as a result of those complaints;
 - 2.3 details of environment-related procedural or process changes that have been implemented during the reporting period;
 - 2.4 a summary of the amounts (tonnes or litres) of both solid and liquid wastes produced and treatment methods implemented during the reporting period. Initiatives or programs planned to avoid, minimise, re-use, or recycle such wastes over the next reporting period should be detailed;
 - 2.5 details of all non-trivial environmental incidents and/or incidents of non compliance with permit or environment protection notice conditions that occurred during the reporting period, and any mitigative or preventative actions that have resulted from such incidents;
 - 2.6 a summary of the monitoring data and record keeping required by these conditions. This information should be presented in graphical form where possible, including comparison with the results of at least the preceding reporting period. Special causes and system changes that have impacted on the parameters monitored must be noted. Explanation of significant deviations between actual results and any predictions made in previous reports must be provided;
 - 2.7 identification of breaches of limits specified in these conditions and significant variations from predicted results contained in any relevant DPMP or EMP, an explanation of why each identified breach of specified limits or variation from predictions occurred and details of the actions taken in response to each identified breach of limits or variance from predictions;
 - 2.8 a list of any issues, not discussed elsewhere in the report, that must be addressed to improve compliance with these conditions, and the actions that are proposed to address any such issues;
 - 2.9 a summary of fulfilment of environmental commitments made for the reporting period. This summary must include indication of results of the actions implemented and explanation of any failures to achieve such commitments;
 - 2.10 a summary of any community consultation and communication undertaken during the reporting period; and
 - 2.11 strategic consideration of potential changes to the activity during the next 12 months that may have potential environmental impacts.



G7 Environmental Management Plan and review thereof

In the event of any change, or proposed change, to the activity which may cause or increase the emission of a pollutant which may cause serious or material environmental harm or environmental nuisance, a revised EMP document must be prepared and submitted for approval, if required by the Director, within a date to be specified by the Director.

Atmospheric**A1 Covering of vehicles**

Vehicles carrying loads containing material which may blow or spill must be equipped with effective control measures to prevent the escape of the materials from the vehicles when they leave The Land or travel on public roads. Effective control measures may include tarpaulins and load dampening.

A2 Control of dust emissions

Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance.

A3 Restrictions for burning on-site

Unless otherwise approved in writing by the Director, burning of sawdust, wood chips or wood wastes must not be undertaken on The Land except in a boiler approved for this purpose.

Effluent Disposal**E1 Effluent emissions**

- 1 All effluent emissions discharged to the receiving environment must be visually free from grease, oil, solids and unnatural discolouration; and
- 2 The concentration in effluent discharged to the receiving environment of the parameters listed in Column 1, of the table below, must not exceed the limit in Column 3 when measured in the units in Column 2.

Column 1	Column 2	Column 3
Parameter	Units	Emission limit or range
Biochemical Oxygen Demand (BOD ₅)	mg/L	40
Total Suspended Solids (TSS)	mg/L	60
Oil & Grease	mg/L	10
Enterococci	cfu per 100mL	200
pH	pH units	6.5-8.5

E2 Process water, leachate and stormwater treatment system

- 1 In accordance with Section 4.2.1 of the EMP, all process water, leachate and stormwater from the woodchip mill area, with the exception of stormwater from the logyard area, must be directed to the irrigation storage dam, as identified in Attachment 2 of this Notice, and used for on-site irrigation purposes as required;

- 2 Stormwater from the logyard area must be directed either to the irrigation storage dam or directly to the 'chain of lagoons' wetland system, as identified in Attachment 2 of this Notice, via the flow splitter located in the drainage channel on the southern boundary of the logyard area; and
- 3 All surface water run-off from the wetlands area must be directed through the monitoring facility on the final pond in the wetland system.

E3 Irrigation run-off

In accordance with Section 4.2.1 of the EMP, all reasonable and practicable measures must be undertaken to ensure that any run-off from irrigation practices on The Land are collected and directed to either the wetland system or to the stormwater collection system for return to the irrigation storage dam, as identified in Attachment 2 of this Notice.

Hazardous Substances

H1 Storage and handling of hazardous materials

- 1 Unless otherwise approved in writing by the Director, all environmentally hazardous materials, including all chemicals, fuels, and oils, held on The Land in volumes exceeding 250 litres must be stored and handled in accordance with the following:

- 1.1 Any storage facility must be contained within a spill collection bund with a net capacity of whichever is the greater of the following:

- 1.1.1 at least 110% of the combined volume of any interconnected vessels within that bund; or

- 1.1.2 at least 110% of the volume of the largest storage vessel; or

- 1.1.3 at least 25% of the total volume of all vessels stored in that spill collection bund; or

- 1.1.4 the capacity of the largest tank plus the output of any firewater system over a twenty minute period.

- 1.2 All activities that involve a significant risk of spillages, including the loading and unloading of bulk materials, must take place in a bunded containment area or on a transport vehicle loading apron.

- 1.3 Bunded containment areas and transport vehicle loading aprons must:

- 1.3.1 be made of materials that are impervious to any environmentally hazardous material stored within the bund;

- 1.3.2 be graded or drained to a sump to allow recovery of liquids;

- 1.3.3 be chemically resistant to the chemicals stored or transferred;

- 1.3.4 be designed and managed such that any leakage or spillage is contained within the bunded area (including where such leakage emanates vertically higher than the bund wall);

- 1.3.5 be designed and managed such that the transfer of materials is adequately controlled by valves, pumps and meters and other equipment wherever practical. The equipment must be adequately protected (for example, with bollards) and contained in an area designed to permit recovery of any released chemicals;

- 1.3.6 be designed such that chemicals which may react dangerously if they come into contact have measures in place to prevent mixing; and

- 1.3.7 be managed such that the capacity of the bund is maintained at all times (for example, by regular inspections and removal of obstructions).

H2 Hazardous materials (< 250 litres)

Unless otherwise approved in writing by the Director, each environmentally hazardous material, including chemicals, fuels and oils, held on The Land in discrete volumes not exceeding 250 litres, but not including discrete volumes of 25 litres or less, must, as far as practical and to the reasonable satisfaction of the Director, be located within bunded areas or spill trays which are designed to contain at least 110% of the volume of the largest container.

H3 Spill kits

Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.

Monitoring**M1 Dealing with samples obtained for monitoring**

1 Any sample or measurement required to be obtained under these conditions must be obtained in accordance with the following:

- 1.1 samples must be tested in a laboratory accredited by the National Association of Testing Authorities (NATA), or a laboratory approved in writing by the Director, for the specified test;
- 1.2 measurements must be made and samples must be collected and analysed in accordance with relevant Australian Standards, NATA approved methods, the *American Public Health Association Standard Methods for the Analysis of Water and Waste Water* or other standard(s) approved in writing by the Director;
- 1.3 noise measurements must be taken in accordance with the Tasmanian Noise Measurement Procedures Manual;
- 1.4 results of measurements and analysis of samples and details of methods employed in taking measurements and samples must be retained for at least three years after the date of collection; and
- 1.5 samples and measurements must be obtained and transported by a person with appropriate training and experience.

M2 Water monitoring

A representative grab sample from the final pond outflow monitoring facility, as delineated in Attachment 2 of this Notice, must be collected at the frequency specified in Column 3, of the table below, and must be analysed for the parameters specified in Column 1 and reported, annually to the Director, in the units specified in Column 2.

Column 1	Column 2	Column 3
Parameter	Unit	Frequency
Biochemical Oxygen Demand (BOD ₅)	mg/L	Annually (September)
Total Suspended Solids (TSS)	mg/L	Annually (September)
Oil & Grease	mg/L	Annually (September)
Conductivity	uS/m	Annually (September)
Clarity - Secchi Depth	cm	Annually (September)
pH	pH units	Annually (September)
Flow	L/min	Annually (September)

M3 Effluent quality - Sewage plant

In accordance with Section 5.1 of the EMP, unless otherwise approved in writing by the Director, effluent samples must be collected at the frequency specified in Column 3, of the table below, by grab sampling at the sewage treatment plant monitoring point, as identified in Attachment 2 of this Notice, and must be analysed for the parameters specified in Column 1 and reported, annually to the Director, in the units specified in Column 2.

Column 1	Column 2	Column 3
Parameter	Unit	Frequency
Biochemical Oxygen Demand (BOD ₅)	mg/L	Three monthly
Total Suspended Solids (TSS)	mg/L	Three monthly
Enterococci	cfu per 100mL	Three monthly

M4 Investigation monitoring

- 1 In the event that any of the discharge limits specified in condition E1 of this Notice are exceeded:

- 1.1 The Director must be notified within 24 hours of the person responsible becoming aware of the exceedance;
- 1.2 Re-sampling of the nominated monitoring point/s at which the exceedance was recorded must be carried out within 24 hours of the person responsible becoming aware of the exceedance; and
- 1.3 A report must be forwarded to the Director within 30 days of becoming aware of the exceedance. The report must include, but not necessarily be limited to, the following:
 - 1.3.1 the reported concentration;
 - 1.3.2 an explanation as to why the discharge limit was exceeded;
 - 1.3.3 the results of re-sampling of the nominated monitoring point/s at which the exceedance was recorded; and
 - 1.3.4 strategies to limit the concentration to less than the discharge limit, or demonstrate that the reported levels would not cause or threaten environmental harm.

M5 Water usage - Fresh mains water supply

In accordance with Section 5.1 of the EMP, a monthly reading of the mains water supply flow meter, located adjacent to the mill entrance, must be taken, and the total monthly volume of fresh mains water usage must be recorded in kilolitres (kL), and reported to the Director annually.

M6 Water usage - irrigation water

In accordance with Section 5.1 of the EMP, a weekly reading of the flow meter, located on the discharge line at the irrigation pump, must be taken and the weekly volume of water pumped to the irrigation areas must be recorded in kilolitres (kL), and reported to the Director annually.



Noise Control

N1 Noise emission limits

- 1 Noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed 45 dB(A);
- 2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A);
- 3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified by the Director.;
- 4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the *Tasmanian Noise Measurement Procedures Manual*; and
- 5 All methods of measurement must be in accordance with the *Tasmanian Noise Measurement Procedures Manual*, issued by the Director.

N2 Noise survey requirements

- 1 Unless otherwise approved by the Director, a noise survey must be carried out:
 - 1.1 within six (6) months from the date of notification of recommencement of the activity in accordance with Condition G5 of this Notice;
 - 1.2 within six (6) months from the date of any notification under these conditions of a change to the activity which is likely to substantially alter the character or increase the volume of the noise emitted from The Land; and
 - 1.3 at such other times as may reasonably be required by the Director.

N3 Noise survey methodology and reporting requirements

- 1 Prior to undertaking a noise survey as required by these conditions, a proposed noise survey methodology must be submitted to the Director for approval.
- 2 Without limitation, the survey methodology must address the following:
 - 2.1 measurements must be carried out at day, evening and night times (where applicable) at each location; and
 - 2.2 measurement locations, and the number thereof, must be specified, with one location established as a control location (noise).
- 3 Measurements and data recorded during the survey must include:
 - 3.1 subjective descriptions of the sound at each location.
 - 3.2 details of meteorological conditions relevant to the propagation of noise.
 - 3.3 the equivalent continuous (L_{eq}) and L_1 , L_{10} , L_{50} , L_{90} and L_{99} A-weighted sound pressure levels measured over a period of 10 minutes or an alternative time interval specified by the Director;
 - 3.4 one-third octave spectra over suitably representative periods of not less than 1 minute; and
 - 3.5 narrow-band spectra over suitably representative periods of not less than 1 minute.
- 4 A noise survey report must be forwarded to the Director within 30 days from the date on which the noise survey is completed
- 5 The noise survey report must include the following:
 - 5.1 the results and interpretation of the measurements required by these conditions;

- 5.2 a map of the area surrounding the activity with the boundary of The Land, measurement locations, and noise sensitive premises clearly marked on the map;
- 5.3 any other information that will assist with interpreting the results and whether the activity is in compliance with these conditions and EMPCA; and
- 5.4 recommendations of appropriate mitigation measures to manage any noise problems identified by the noise survey.

N4 Log drops

When unloading from a vehicle and/or stockpile, all reasonable and practicable care must be taken to avoid the dropping of logs from height by placing them either onto the ground or directly onto log decks.

Operations**OP1 Weed management**

The Land must be kept substantially free of weeds to minimise the risk of weeds being spread through the transport of products from The Land.

Rehabilitation**R1 Notification of cessation**

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

R2 DRP requirements

Unless otherwise approved in writing by the Director, a draft Decommissioning and Rehabilitation Plan (DRP) for the activity must be submitted for approval to the Director within 30 days of the Director being notified of the planned cessation of operations or by a date specified in writing by the Director. The DRP must be prepared in accordance with any guidelines provided by the Director.

R3 Rehabilitation following cessation

- 1 Following permanent cessation of the activity, and unless otherwise approved in writing by the Director, The Land must be rehabilitated including:
 - 1.1 stabilisation of any land surfaces that may be subject to erosion;
 - 1.2 removal or mitigation of all environmental hazards or land contamination, that might pose an on-going risk of causing environmental harm; and
 - 1.3 decommissioning of any equipment that has not been sold.
- 2 Where a Decommissioning and Rehabilitation Plan (DRP) has been approved by the Director, rehabilitation must be carried out in accordance with that plan.

R4 Suspension of activity

- 1 During temporary suspension of the activity:
 - 1.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and
 - 1.2 If required by the Director, the person responsible must prepare and implement a Care and Maintenance Plan to the satisfaction of the Director.



- 2 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

Waste Management

WM1 Waste management hierarchy

- 1 Wastes must be managed in accordance with the following hierarchy of waste management:
 - 1.1 waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - 1.2 waste must be re-used or recycled to the maximum extent that is practicable; and
 - 1.3 waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

WM2 Controlled waste transport

Transport of controlled wastes to and from The Land must be undertaken only by persons authorised to do so under EMPCA or subordinate legislation.

Schedule 3: Information

Legal Obligations

LO1 EMPCA

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

LO2 Notification of incidents under section 32 of EMPCA

- 1 A person responsible for an activity that is not a level 2 activity or a level 3 activity must notify the relevant Council, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as the result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.
- 2 A person responsible for an activity that is a level 2 activity or a level 3 activity must notify the Director, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as a result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.
- 3 A person responsible for an environmentally relevant activity must notify the Director, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as a result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause serious or material environmental harm.
- 4 The Director can be notified by telephoning 1800 005 171 (a 24-hour emergency telephone number).
- 5 This notification can be faxed to the Director on 62 333 800, or delivered by hand.
- 6 Any notification given by a person in compliance with this section is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).
- 7 A person is required to notify the relevant Council or the Director of an incident despite the fact that to do so might incriminate the person or make the person liable to a penalty.
- 8 Any notification referred to in subsection (1), (2) or (3) must include details of the incident, its nature, the circumstances in which it occurred and any action that has been taken to deal with it.
- 9 For the purposes of subsections (1), (2) and (3):
 - 9.1 a person is not required to notify the relevant Council of an incident if the person has reasonable grounds for believing that the incident has already come to the notice of the Council
 - 9.2 a person is not required to notify the Director of an incident if the person has reasonable grounds for believing that the incident has already come to the notice of the Director;

LO3 Storage and handling of Dangerous Goods and Dangerous Substances

- 1 The storage, handling and transport of dangerous goods and dangerous substances must comply with the requirements of relevant State Acts any regulations thereunder, including:



- 1.1 *Dangerous Goods (Road and Rail Transport) Act 2010;*
- 1.2 *Dangerous Goods (Road and Rail Transport) Regulations 2010;*
- 1.3 *Dangerous Substances (Safe Handling) Act 2005;*
- 1.4 *Dangerous Substances (Safe Handling) Regulations 2009;*
- 1.5 *Workplace Health and Safety Act 1995; and*
- 1.6 *Workplace Health and Safety Regulations 1998.*

LO4 Change of responsibility

If the person who is or was responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

Schedule 4: Further Particulars of the Grounds

Condition in Schedule 2 (unless otherwise stated)	Condition in Permit 3389 (where EPN relates to a Permit)	Particulars
Q1	<u>Limit on Materials Used, Produced or Processed in Respect of Schedule 1 Part 16</u>	Condition varied to: (i) to acknowledge increased production limit and decreased water usage limit; (ii) to clarify that limits apply to materials produced and to materials used; (iii) to more clearly define the product; and (iv) to reflect the terminology and requirements of EMPCA.
G1	G5	Condition varied to ensure all persons responsible for the activity have access to, and are familiar with, the relevant documents associated with activities at the site and thereby promote compliance with the conditions.
G2	G3(b)	Condition varied to ensure all practical steps are taken to protect the environment following an environmental incident.
G3	G2	Condition varied to: (i) reflect current regulatory practices and the terminology of EMPCA; and (ii) ensure there are no changes in the activity that may lead to the release of a pollutant without approval.
G4	Nil	It is desirable to add a new condition to ensure the timely provision of notification to the Director of a change in ownership of The Land, as the Director may have statutory duties in respect of The Land.
G5	Nil	It is desirable to add a new condition to ensure the timely provision of notification to the Director of recommencement of operations on The Land.
G6	Nil	It is desirable to add a new condition requiring annual environmental reporting of the activity to ensure the activity is maintaining compliance with the general environmental duty.
G7	G6	Condition varied: (i) because regular review of the EMP is no longer necessary as the review function is now achieved through the AER (Condition G6 of this Notice); and (ii) to enable the Director to require revision of the EMP in the event that changes to the activity occur, or are proposed, that have the potential to cause environmental harm.
A1	Nil	It is desirable to add a new condition to give effect to the <i>Environment Protection Policy (Air Quality) 2004</i> (EPP (Air)) in order to further the objectives of EMPCA in relation to ambient air quality.
A2	Nil	It is desirable to add a new condition to give effect to the EPP (Air) in order to further the objectives of EMPCA in relation to ambient air quality.
A3	Nil	It is desirable to add a new condition to give effect to the EPP (Air) in order to further the objectives of EMPCA in relation to ambient air quality.



E1	W1	Condition to reflect current wording of the condition and require compliance with discharge limits to prevent environmental nuisance, material or serious environmental harm.
E2	W1	Condition varied to specify wastewater treatment procedures to be employed for each of the site's wastewater streams to reduce risk of overflow from the irrigation storage dam and to define a monitoring point for run-off from the wetlands area.
E3	Nil	It is desirable to add a new condition to specify treatment procedures to be employed for run-off from on-site irrigation practices to ensure collection and subsequent monitoring of this stream.
H1	Nil	It is desirable to add a new condition to specify reasonable and practicable measures to mitigate the risk of environmental harm associated with the storage and handling of environmentally hazardous substances in volumes exceeding 250 litres.
H2	Nil	It is desirable to add a new condition to specify reasonable and practicable measures to mitigate the risk of environmental harm associated with the storage and handling of environmentally hazardous substances in volumes not exceeding 250 litres.
H3	Nil	It is desirable to add a new condition to specify reasonable and practicable measures to mitigate the risk of environmental harm associated with the storage and handling of environmentally hazardous substances.
M1	M2	Condition varied to reflect current terminology.
M2	Nil	It is desirable to add a new condition to specify monitoring, parameters to be monitored, and frequency of monitoring, of the wetland system, and the frequency of reporting of monitoring results to the Director.
M3	Nil	It is desirable to add a new condition to specify monitoring, parameters to be monitored, and frequency of monitoring, of the sewage plant discharge, and the frequency of reporting of monitoring results to the Director.
M4	Nil	It is desirable to add a new condition requiring investigation if monitoring exceeds discharge limits set by this Notice, to minimise environmental harm.
M5	Nil	It is desirable to add a new condition to require the reporting of fresh water usage to the Director to enable the Director to assess whether the activity is being operated in accordance with BPPEM.
M6	M1	Condition varied to require the reporting of irrigation water usage to the Director to enable the Director to assess whether the activity is being operated in accordance with BPPEM.
N1	N1	Condition varied to: (i) reflect the terminology of EMPCA; (ii) set maximum sound pressure levels; (iii) provide consistency in noise measurement; and (iv) ensure that measurements are made in accordance with the <i>Tasmanian Noise Measurement Procedures Manual</i> .
N2	Nil	It is desirable to add new condition specifying the requirement for a noise survey to be carried out, and to specify the timeframe for that noise survey to be carried out, to enable the Director to assess whether the activity is not causing environmental nuisance.

N3	Nil	It is desirable to add a new condition specifying the timely submission of noise survey reporting, and the information to be included in that reporting.
N4	Nil	It is desirable to add a new condition to give effect to the <i>Environment Protection Policy (Noise) 2009</i> (EPP (Noise)) in order to further the objectives of EMPCA in relation to the acoustic environment.
OP1	Nil	It is desirable to add a new condition requiring weed management on The Land to prevent the spread of weeds from the site.
R1	R1	Condition varied to: (i) clarify meaning of the condition; and (ii) require the timely provision of notification to the Director of cessation of operations on The Land.
R2	R1	Condition varied to: (i) clarify meaning of the condition; and (ii) require the timely provision of a revised DRP to the Director following notification of cessation, unless otherwise approved in writing by the Director.
R3	Nil	It is desirable to add a new condition requiring the timely implementation of the DRP to mitigate environmental impacts on the receiving environment.
R4	Nil	It is desirable to add a new condition requiring management and monitoring of The Land in the event of temporary suspension of the activity.
WM1	S1, S2	Conditions varied and combined to: (i) reflect the terminology of EMPCA; and (ii) prescribe improved principles for the management of solid wastes.
WM2	Nil	It is desirable to add a new condition to ensure controlled wastes are transported and disposed of by a licensed Waste Transport business.
Schedule 1: Definitions	D1	Condition varied to allow a more definitive description of The Land.
LO1	G1	Condition varied to reflect current terminology and regulatory practice.
LO2	G3(a) & (c)	Condition varied to: (i) clarify meaning of the condition; (ii) reflect current terminology; (iii) reflect current regulatory practice; and (iv) reflect the requirements of EMPCA.
	A1	Condition no longer applicable.

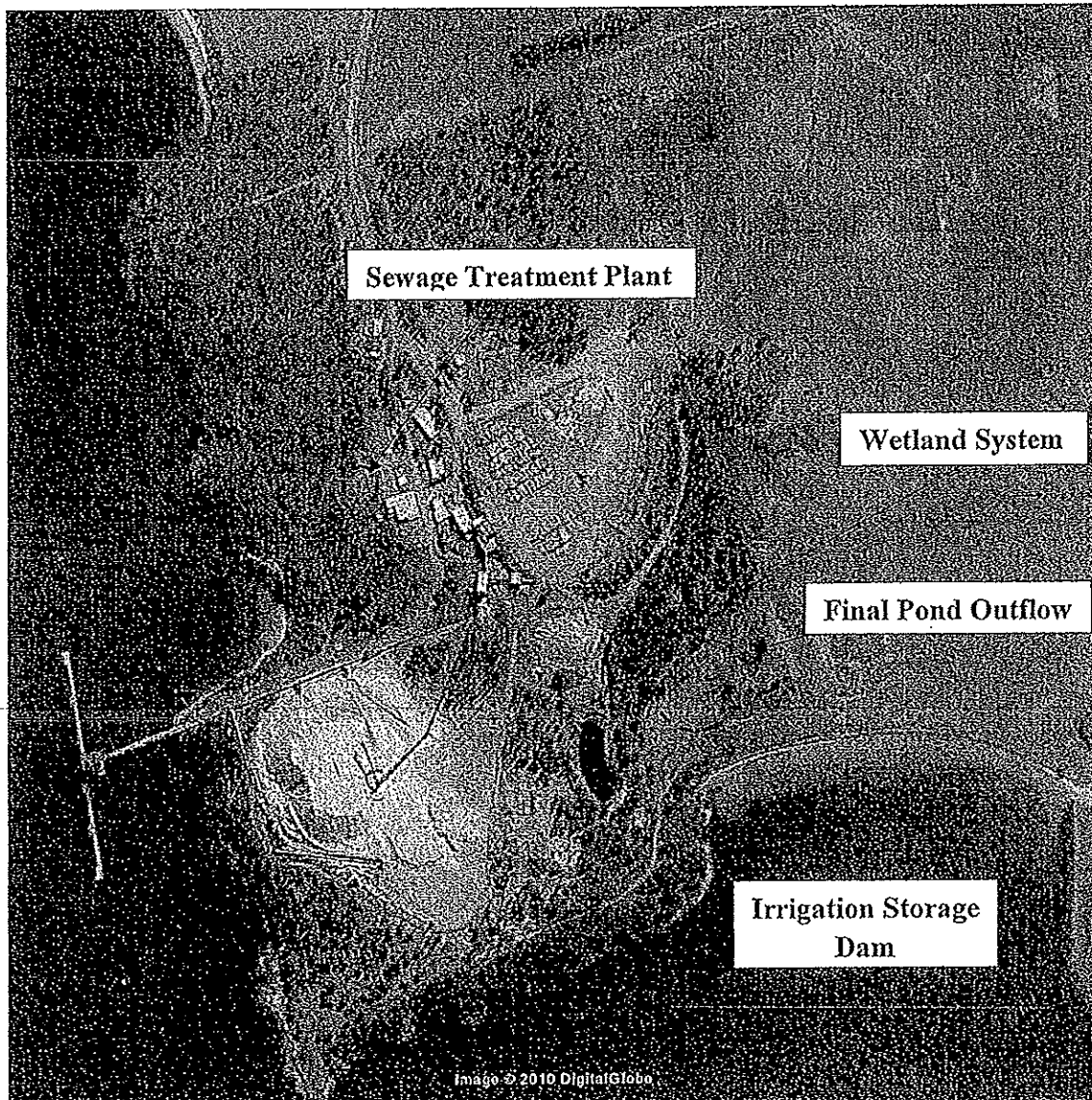


Certificate of Title 147559/1

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

25 OCT 2011

Attachment 2: Irrigation Dam, Wetland System & Sewage Treatment Plant



AFFIDAVIT OF SERVICE

I, **Barbara McLeod**, Executive Support Officer at the EPA Division, Department of Primary Industries, Parks, Water and Environment at Level 6, 134 Macquarie Street, Hobart in the State of Tasmania, make oath and say as follows:

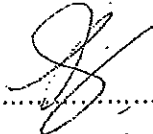
1. On 26 October 2011 I enclosed an Environment Protection Notice number EPN8631/2 dated 26 October 2011 together with a covering letter dated 26 October 2011 in an envelope and sealed the envelope, the letter being addressed to Mr Alec Marr, General Manager, Triabunna Investments Pty Ltd at their registered office at 10 Victoria Street, Hobart, Tas 7000.
2. Attached hereto and marked "ESO-1" and "ESO-2" respectively are true copies of:
 - Environment Protection Notice number EPN8631/2 dated 26 October 2011 ("ESO-1" - 22 pages) and
 - covering letter dated 26 October 2011 ("ESO-2" - 1 page).
3. The envelope was addressed in an identical manner as the covering letter dated 26 October 2011.
4. Attached hereto and marked "ESO-3" - (1 page) is a true copy of the front of the envelope.
5. Attached hereto and marked "ESO-4" - (3 pages) is a true copy of the printout of an email from Mr Craig Bailey, Processing Manager, Gunns Forest Products - Triabunna dated 28 July 2011 showing the address of the registered office of Triabunna Investments Pty Ltd.
6. I posted the envelope containing the Environment Protection Notice number EPN8631/2 dated 26 October 2011 together with a covering letter dated 26 October 2011 by pre-paid post by depositing the same in a post box located in front of the Lands Building at 134 Macquarie Street, Hobart at 4.30pm on 26 October 2011.

Sworn at Hobart in the State of Tasmania)

this 28 day of OCTOBER, 2011

Bjrm Leed

Before me:



Graeme Knyvet Robert JP2964
Justice of the Peace (Tas)

Number
JUSTICE OF THE PEACE

