



## ENVIRONMENT PROTECTION NOTICE No. 8632/5

---

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

Issued to: **TASMANIAN PORTS CORPORATION PTY LTD trading as TasPorts**  
**ACN 114 161 938**  
**48 FORMBY ROAD**  
**DEVONPORT TAS 7310**

Environmentally **The operation of a woodchip export facility (ACTIVITY TYPE: EPN only)**  
Relevant **BURNIE PORT WOODCHIP EXPORT FACILITY, PLIMSOLL ROAD**  
Activity: **BURNIE TAS 7320**

### GROUND

I, Jacob Langenberg, Delegate for the Director, Environment Protection Authority, being satisfied in accordance with section 44(1)(e) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) that in relation to the above-mentioned environmentally relevant activity that 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.

### PARTICULARS

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

- 1 It is necessary to require notification of the likely permanent cessation of the activity so that the Director has sufficient time in which to ensure that appropriate measures are in place to prevent or minimise environmental harm and/or nuisance or likely to be caused, from the permanent cessation of the activity.
- 2 The Environmental Management Plan for the activity has been updated. It is necessary to require the implementation of an Environmental Management Plan and Fugitive Wood Fibre Monitoring Procedure to ensure best practice environmental management is applied to the conduct of the activity.
- 3 It is necessary to require the person responsible to take action to minimise environmental harm if an incident occurs in the course of conducting the activity.
- 4 It is necessary for the person responsible to act in accordance with the development and planning requirements under EMPCA and the Land Use Planning Approvals Act 1993.
- 5 A condition requiring notification of a change of ownership of The Land is necessary because this Notice may affect title to land and the new owner's interest may be affected by pollutants emitted or disturbed by the activity.
- 6 It is necessary to require a public complaints register to be maintained so that the Director can appraise the frequency and characteristics of complaints which may indicate nuisance should any complaints be received.

- 7** It is necessary to set the requirements relating to the cessation and resumption of specific operations on The Land to prevent or minimise environmental harm and/or nuisance or likely to be caused by the conduct of the activity.
- 8** It is necessary to require these conditions and associated documents to be accessible and persons working on The Land to be made aware of conditions as may be relevant to their work, to prevent or minimise environmental harm and/or nuisance or likely to be caused by the conduct of the activity.
- 9** Monitoring and reporting requirements are necessary to require accurate measurements of meteorological data and fugitive wood fibre emissions impacting upon the receiving environment and to consistently inform the Director of the results of monitoring.
- 10** It is necessary to vary condition G4 to reflect updated regulatory practice, and to require the Director to be notified of any proposed changes to the activity to ensure environmental impacts from that change have an approval.

## 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

The person responsible for the activity must comply with the conditions as set out in Schedule 2 of this Notice.

## 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 \$181.00).

## 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 this notice, within fourteen days from the date on which the notice is served. The Appeal Tribunal contact details are:

Registry  
Tasmanian Civil & Administrative Tribunal  
GPO Box 1311  
Hobart TAS 7001

Phone: 1800 657 500  
Email: resourceplanning@tascat.tas.gov.au

Signed: \_\_\_\_\_



DELEGATE FOR THE DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date: \_\_\_\_\_

13 April 2023

**Table Of Contents**

Schedule 1: Definitions..... 5

Schedule 2: Conditions.....7

    General.....7

        G1 Access to and awareness of conditions and associated documents..... 7

        G2 Compliance with Environmental Management Plan..... 7

        G3 Incident response.....7

        G4 Proposed change to activity..... 7

        G5 Change of ownership..... 8

        G6 Complaints register..... 8

        G7 Notification of cessation..... 8

    Atmospheric.....8

        A1 Meteorological monitoring station.....8

        A2 Fugitive Wood Fibre Monitoring Procedure.....8

        A3 Ceasing stockpiling and/or ship loading operations..... 8

        A4 Resumption of stockpiling and/or ship loading operations.....9

        A5 Ship loading Environmental Management Reports..... 9

        A6 Fugitive Wood Fibre Monitoring Data..... 9

Schedule 3: Information..... 10

    Legal Obligations..... 10

        LO1 EMPCA..... 10

        LO2 Change of responsibility..... 10

    Other Information..... 10

        OI1 Fees payable..... 10

        OI2 Notification of incidents under section 32 of EMPCA ..... 10

***Attachments***

Attachment 1: The Land (modified: 28/03/2023 13:56)..... 1 page

## 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.

**Alert status** means the trigger conditions that must be achieved for each alert status as prescribed in the Environmental Management Plan.

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

**Average wind speed** means wind speeds are given as the equivalent speed, averaged over 10 minutes at a standard height of 10 metres above open flat ground or sea. Wind speed is given in km/h in land areas and knots in marine areas.

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

**Burnie CBD** means the Burnie Central Business District.

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

**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 Management Plan (EMP)** means the document titled *Burnie Wood Chip Export - Environmental Management Plan* revision 6, by Tasmanian Ports Corporation Pty Ltd, dated 6 November 2022, and includes any amendment to or substitution of this document approved in writing by the Director.

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

**EPA Board** means the Board of the Environment Protection Authority established under section 13 of EMPCA and includes a delegate or person authorised in writing by the EPA Board to exercise a power or function on the EPA Board's behalf.

**Fugitive Wood Fibre Monitoring Procedure** means the document titled *Environmental Procedure - BCET Fugitive Wood Fibre Monitoring* revision 4, by Tasmanian Ports Corporation Pty Ltd, dated 22 November 2022, and includes any amendment to or substitution of this document approved in writing by the Director.

**No-alert** means the alert status as prescribed in the Environmental Management Plan.

**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.

**Red Alert** means the alert status as prescribed in the Environmental Management Plan.

**Ship loading** means the process of delivering woodchips to the hold of a ship at No. 7 Berth at the Burnie Port. The process includes, but is not limited to, the dozing of woodchips from the stockpiles into the woodchip reclaimer, transport of the chips along the ship loading conveyors and delivery of the chips into the hold of the ship via a jet slinger equipped with a spreader plate to elevate the chips as they are ejected by the jet slinger belt.

**Stockpiling** means the process of delivering woodchips to the stockpiles located on The Land and includes, but is not exclusive to, delivery of woodchips to the truck tipper, transport of woodchips along the stockpiling conveyors and delivery to the stockpile via telescopic chutes. Stockpiling also includes the process of grooming the piles using bulldozers.

**System Alert** means the alert status as prescribed in the Environmental Management Plan.

**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 The area delineated as Stockpile Area at Attachment 1: The Land; and
- 2 The area shown as No.7 Berth in Attachment 1.

## Schedule 2: Conditions

### 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 Compliance with Environmental Management Plan**

- 1 The activity on The Land must be carried out and monitored in accordance with the environmental management measures set down in the Environmental Management Plan ('EMP'), and in accordance with best practice environmental management, unless otherwise specified in these conditions or contrary to EMPCA.
- 2 The EMP may be amended or substituted from time to time with written approval from the Director.

#### **G3 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.

#### **G4 Proposed change to activity**

- 1 The person responsible must notify the Director in writing prior to implementing any change to the activity authorised by this document that may cause or increase the emission of a pollutant or which may result in environmental harm or environmental nuisance (even temporarily). A change includes, but is not limited to, any of the following:
  - 1.1 an increase in the discharge of a pollutant, or the location of its discharge.
  - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity.
  - 1.3 any clearance of native vegetation or earthworks.
  - 1.4 a change in the quantity or characteristics of materials used in carrying out the activity.
- 2 The notification must be in an approved form and include the following:
  - 2.1 details of the proposed change;
  - 2.2 an assessment of the environmental impacts that may result from the change;
  - 2.3 any relevant approvals held by the person responsible; and
  - 2.4 any advice from the relevant planning authority to the effect that approval is not required.
- 3 The person responsible must provide additional information as requested by an Authorized Officer.
- 4 The proposed change must not be implemented until the Director has confirmed in writing that they are satisfied that no other approval or variation of this document is required.

- 5 For the avoidance of doubt, a notification of a proposed change under this provision is not required if the proposed change is part of a referral to the EPA Board for assessment under sections 24, 25 or 27 of EMPCA.

#### **G5 Change of ownership**

If the owner of The Land upon which the activity is carried out changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of The Land, the person responsible must notify the Director in writing of the change or intended change of ownership.

#### **G6 Complaints register**

- 1 A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
  - 1.1 the date and time at which the complaint was received;
  - 1.2 contact details for the complainant (where provided);
  - 1.3 the subject matter of the complaint;
  - 1.4 any investigations undertaken with regard to the complaint; and
  - 1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.
- 2 Complaint records must be maintained for a period of at least 3 years.

#### **G7 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.

### **Atmospheric**

#### **A1 Meteorological monitoring station**

- 1 The person responsible must maintain reliable and long-term access to real-time, accurate weather data from a weather station in the vicinity of The Land, at a location approved by the Director. The monitoring station must conform to the requirements listed below:
  - 1.1 Be established and maintained in accordance with Australian Standard 2923:1987 (Ambient Air - Guide for Measurement of Horizontal Wind for Air Quality Applications) or its subsequent editions.
  - 1.2 Use meteorological measuring equipment and be operated in accordance with procedures approved in writing by the Director.
  - 1.3 Collect and records sufficient data for the purposes of these conditions.

#### **A2 Fugitive Wood Fibre Monitoring Procedure**

Unless otherwise specified in these conditions, monitoring of wood fibre dust and collection of data from the monitoring must be undertaken in accordance with the approved Fugitive Wood Fibre Monitoring Procedure, as may be amended or substituted from time to time with written approval from the Director.

#### **A3 Ceasing stockpiling and/or ship loading operations**

Stockpiling and/or ship loading operations must not occur during alert status of Red Alert.



**A4 Resumption of stockpiling and/or ship loading operations**

After cessation of stockpiling and/or ship loading activities due to likely deposition of wood fibre in the Burnie CBD, such activity must not be resumed until the air quality management status of System Alert or No-alert prevails.

**A5 Ship loading Environmental Management Reports**

- 1 Where required by the Director and within a timeframe specified in writing by the Director, the person responsible must provide a report on ship loading event(s) as specified. Such report must include:
  - 1.1 The name of the ship, the woodchip products and tonnage loaded, the date and time of commencement and termination of the ship loading event; and
  - 1.2 a complete record, covering the entire duration of the ship loading event, of:
    - 1.2.1 15-minute interval weather data including average wind speed, maximum wind gust speed and vector averaged wind direction; together with the corresponding date, time and alert status information;
    - 1.2.2 the duration of and the time at which each alert status was reached and the times at which the specific wood fibre emission control measures outlined in section 5.1 of the EMP were implemented;
    - 1.2.3 the results of the fugitive wood fibre monitoring as required by these conditions if part or all of the ship loading event was conducted during an alert status; and
    - 1.2.4 the duration of and time of any periods in excess of one hour of any interruption to the ship loading event and the reason for the interruption.
  - 1.3 The report must be provided in a suitable electronic format approved by the Director. The format must allow the report to be directly imported into the MS Excel spreadsheet software for display and further analysis.

**A6 Fugitive Wood Fibre Monitoring Data**

- 1 Collected fugitive wood fibre monitoring data must be maintained for a period of at least three years.
- 2 Where required by the Director and within a timeframe specified in writing by the Director, the person responsible for the activity must provide a report, in the format specified, the monitoring data, correlated with 15 minute interval meteorological data, for the time period specified. The report must also include:
  - 2.1 summary and interpretation of trends in the monitoring results for the time period specified, especially in the semi-quantitative monitoring results;
  - 2.2 identification of specific incidents where significant fibre fallout was observed and the relation of such incidents to the meteorological and operational status at the time;
  - 2.3 an analysis of the cumulative monitoring data available to date to assess the extent to which monitoring data, especially semi-quantitative data collected from the Burnie Port sites is able to predict fibre fallout in the Burnie CBD area; and
  - 2.4 discussion and recommendations on how the monitoring plan could be improved.

### Schedule 3: Information

#### Legal Obligations

##### **LO1 EMPCA**

The activity must be conducted in accordance with both the conditions in this document and the obligations of the *Environmental Management and Pollution Control Act 1994* (EMPCA) and subordinate regulations. The conditions of this document do not replicate legislated obligations; therefore, you should ensure you are aware of your obligations under EMPCA and subordinate regulations.

##### **LO2 Change of responsibility**

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

#### Other Information

##### **OI1 Fees payable**

Under the provisions of the EMPCA and Regulations thereunder, the Director may require the person on whom this Notice is served to pay reasonable costs and expenses for the issuing of the Notice, making any amendments to the Notice and for ensuring compliance with the Notice.

##### **OI2 Notification of incidents under section 32 of EMPCA**

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

# Attachment 1: The Land

