

**DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT AND
INTEGRATED DEVELOPMENT UNDER SECTION 80 OF
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Infrastructure and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- (i) prevent, minimise, and/or offset adverse environmental impacts;
- (ii) set standards and performance measures for acceptable environmental performance;
- (iii) require regular monitoring and reporting; and
- (iv) provide for the on-going environmental management of the development.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney, 7 January 2004 File No. S03/01422

SCHEDULE 1

Development Application:	DA-389-8-2003-i.
Applicant:	Norske Skog Paper Mills (Australia) Ltd.
Consent Authority:	Minister for Infrastructure and Planning.
Land:	Lot 1 DP 258810, Lot 6 DP 264463, Lot 21 DP 604181, and Lot 2 DP 629660, Ettamogah, in the Albury local government area.
Proposed Development:	An upgrade to the existing Albury Paper Mill (approved by the then Minister for Planning on 12 October 1992) to increase the output capacity of the Mill from 215,000 tpa to 265,000 tpa. The proposal consists of: • upgrading the existing paper machine with a new press section and a higher speed drive; • installation of a new winder, and winder building;

- recommissioning of the 4th thermo-mechanical pulping line;
- installation of technology to treat additional wastewater;
- expansion of the existing wastewater re-use scheme, via the planting of an additional 50 ha land with crops;
- receipt of increased supplies of plantation thinnings and/or sawmill woodchips (80,000 tpa increase) and recovered paper (17,000 tpa increase).

BCA Classification:

Class 8 – new winder building, constructed as an annex adjoining the existing paper machine building.

State Significant Development:

The proposal is classified as State significant development under the provisions of Schedule 1 of *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development* and Section 76(A)7 of the *Environmental Planning and Assessment Act 1979*.

Non-Designated Development:

The proposal falls within the meaning of ‘alterations and additions’ as provided under Part 2 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. As such, the proposed development does not constitute designated development.

Integrated Development:

The proposal is classified as integrated development, under Section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals from the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997*.

Note:

- 1) *To find out when this consent becomes effective, see Section 83 of the Act;*
 - 2) *To find out when this consent is liable to lapse, see Section 95 of the Act; and*
 - 3) *To find out about appeal rights, see Section 97 of the Act.*
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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant	Norske Skog Paper Mills (Australia) Ltd
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Albury City Council
Department	NSW Department of Infrastructure, Planning and Natural Resources
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources or delegate
dust	any solid material that may become suspended in air or deposited
SEE	The Statement of Environmental Effects entitled <i>Norske Skog Albury Mill Paper Machine (PM1) Rebuild Statement of Environmental Effects</i> , dated August 2002
DEC	NSW Department of Environment and Conservation (DEC), incorporating officers of the NSW Environment Protection Authority
EPA	The statutory authority the NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
MDBC	Murray Darling Basin Commission
Minister	NSW Minister for Infrastructure and Planning, or delegate
operation	any activity that results in the production, or intended production of paper from the upgraded paper machine
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
site	the land to which this consent applies

1. GENERAL

Obligation to Minimise Harm to the Environment

- 1.1 The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the development.

Terms of Approval

- 1.2 ¹ The Applicant shall carry out the development generally in accordance with the:
- (a) DA 389-8-2003-i;
 - (b) Statement of Environmental Effects entitled *Norske Skog Albury Mill Paper Machine (PM1) Rebuild Statement of Environmental Effects*, dated August 2002;
 - (c) additional information submitted to the Department in response to information request, dated 3 October 2003, 27 October, and 30 October 2003;
 - (d) conditions of this consent.

If there is any inconsistency between the above documents and the conditions of consent, the conditions of this consent shall prevail to the extent of the inconsistency, otherwise. If there is an inconsistency between the documents other than the conditions of consent then the most recent document shall prevail.

Provision of Information

- 1.3 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.

Note: At the date of this consent, an appropriate electronic format is the "portable document format" (pdf) or another format that may be readily converted to pdf.

Statutory Requirements

- 1.4 The Applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Compliance

- 1.5 The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent. The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.
- 1.6 Prior to the commencement of each of the events listed from (a) to (b) below, or within such period as otherwise agreed by the Director-General, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to the commencement of that event.
- (a) construction of the development; and
 - (b) operation of the development.
- Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event. The events referred to in this condition are as follows:

¹ Incorporates an EPA general term of approval (A.1)

- 1.7 Notwithstanding condition 1.6 of this consent, the Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may require.
- 1.8 The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Protection of Public Infrastructure

- 1.9 The Applicant shall:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development;
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

2. CONSTRUCTION AND OCCUPATION CERTIFICATION

- 2.1 In relation to the construction and occupation of the development, the Applicant shall provide to the Director-General and Council the following:
- (a) written notification of the appointment of a Principal Certifying Authority;
 - (b) copies of all Construction Certificates issued for the development;
 - (c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - (d) copies of all Occupation Certificates issued for the development; and
 - (e) written notification of the intention to occupy all relevant components of the development for which an Occupation Certificate has issued, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.

Note: Part 4A of the Environmental Planning and Assessment Act 1979 provides specific details of the Applicant's obligations in relation to certification and provides the overarching requirements in this regard. These requirements have been summarised and reproduced under condition 2.1 of this consent to highlight the need for this certification.

- 2.2 Prior to the commencement of any construction work associated with the development, the Applicant shall erect at least one sign at the site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign shall indicate:
- (a) the name, address and telephone number of the Principal Certifying Authority;
 - (b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - (c) a statement that unauthorised entry to the construction site is prohibited.

The sign(s) shall be maintained for the duration of construction works.

3. ENVIRONMENTAL PERFORMANCE

Air Quality Impacts

- 3.1 The development shall be carried out in a manner that will minimise the generation or emission of wind blown or traffic generated dust from the site at all times.

Noise Impacts

- 3.2 During construction works for the major rebuild of the paper machine, the Applicant shall ensure that the Wood Mill is not operational unless previously approved by the Director-General.
- 3.3 During construction works other than those described in condition 3.2, the Applicant shall take all practicable measures to minimise noise emissions, including limiting activities that would cause audible noise at the site boundary to daytime hours (7am – 7pm) Monday to Saturday.

Water Quality Impacts

Construction

- 3.4 The Applicant shall ensure that contaminated construction stormwater is appropriately treated in the retention basins prior to release to Eight Mile Creek, in accordance with the Construction Stormwater Management Plan, described in condition 6.1.

Effluent Reuse

- 3.5 ² In accordance with the SEE the Applicant shall ensure that a minimum of 450 hectares of effective irrigation area is established prior to commencement of operations of the upgraded development. This effective irrigation area must be operated and maintained in a proper and efficient manner.

<i>Note: Effective irrigation area means the net area of land that is under irrigation, and excludes areas not able to be used for irrigation such as clear felled timber areas.</i>

Winter Water Storage Dam Management and effluent release

- 3.6 The Applicant shall manage the water storage dam in the following manner:
- (a) Provided the river disposal criterion of 1:600 dilution is met at the point of discharge in the Murray River:
 - i. On October 1 of each year, or as otherwise agreed with the EPA, if the water level in the winter storage dam exceeds 213.0 m AHD (or 6.3 m depth) the treated wastewater from the Mill shall be diverted by the return pipeline to the Murray River until the water level in the dam has receded to 212.8 m AHD (or 6.1 m depth).
 - ii. On 1 March each year, or as otherwise agreed with the EPA, if the water in the winter storage dam exceeds 211.1 m AHD (or 4.4 m depth) the treated wastewater from the Mill shall be diverted by the return pipeline to the Murray River either until 30 April of that year, or until the water level in the dam has receded to 210.7 m AHD (or 4.0 m depth) whichever occurs first.
 - (b) If the river disposal criterion cannot be met, the winter storage dam water level must be allowed to reach the spillway level. At that stage, treated wastewater must be sent directly to the Murray River by return pipeline regardless of whether the River disposal criterion can be met. The release of treated wastewater must

² Incorporates EPA general terms of approval (O4.3.1 and O4.3.2)

be managed with the objective of preventing or minimising flow of water from the dam to Nine Mile Creek.

- (c) The Applicant must not discharge dissolved salts into the Murray River except in accordance with any licencing conditions imposed by the EPA.
- (d) In the event that the winter storage dam is likely to overtop due to adverse weather conditions the licensee shall consult with the EPA to determine the appropriate course of action, and meet the EPA's requirements.

Note: Condition 3.6(a) changes the primary method for determining appropriate timing of discharges to the Murray River. It supersedes condition 9.2 in the consent issued 19 July 1991, as modified on 12 October 1992. Conditions 3.7(b) and (c) are identical to conditions 9.3 and 9.4 in the consent issued 19 July 1991, as modified on 12 October 1992. They are provided to ensure that the conditions are appropriately considered collectively.

3.7 The Applicant shall provide the MDBC with the following:

- (a) notification of likely discharges from the winter storage dam to the Murray River, both flow and salinity, before they are commenced; and
- (b) data of any actual discharge made, from the winter storage dam to the Murray River, on completion of that event.

Traffic and Transport Impacts

3.8 Within such time as the RTA may agree, the Applicant shall undertake a **Traffic Impact Statement** for the intersection between RW Henry Drive and the Hume Highway. The Statement shall be undertaken in consultation with the RTA and Albury City Council, and must include, but not necessarily be limited to:

- (a) current and future generation of traffic from the Mill in its entirety; and
- (b) composition of all traffic generated by the Mill and information relating to the directional split of that traffic.

Note: The RTA has indicated that the Traffic Impact Statement would be required six weeks after consent being granted by the Minister.

Note: The Traffic Impact Statement described in Condition 3.8 and the subsequent Traffic Management Plan, described in Condition 6.4, are intended to identify measures to ensure appropriate safety management of the subject intersection, and to provide an on-going framework for the management of traffic generated by the Mill in its entirety.

Soil and Salinity Impacts

3.9 The Applicant shall submit an **Effluent Re-use Management Report** to the Director-General and the EPA, within 12 months of the commencement of operations of the upgraded development, or within such time as the Director-General may agree. This Report must be prepared in consultation with the Department and the EPA, and must discuss:

- (a) the actual monitored impacts associated with the re-use of treated effluent on the effected soils;
- (b) an assessment of the potential impacts from the on-going re-use of treated effluent on the soils, including within the context of potential expansion to the scheme in the future; and
- (c) investigations into alternative management options for the effluent, including the feasibility of a salinity offset scheme, in which effluent might be returned to the Murray River, and various salt extraction or mitigation measures employed elsewhere in the catchment, within the context of establishing effluent re-use/disposal options for any future expansion to the Mill beyond this development.

Visual Amenity Impacts

- 3.10 The Applicant shall construct and design the development in a way that is consistent with visual aspects of the existing development at the site.

4. ENVIRONMENTAL MONITORING AND AUDITING

Monitoring

- 4.1 Prior to commencement of operations the Applicant shall provide the Department with the results of a formal review of existing monitoring requirements and how the upgraded development may interact with such requirements. This review must demonstrate how the existing monitoring requirements will be expanded to include the upgraded aspects of the development.
- 4.2 In particular the Applicant shall expand the soil monitoring regime to include the additional area under effluent irrigation, such that the parameters monitored and methods and frequencies of monitoring of this additional effluent re-use area are consistent with the monitoring requirements for the total effluent re-use scheme, as prescribed in the EPL.

Auditing

- 4.3 Within two years of the commencement of operations of the upgraded development, and thereafter as directed by the Director-General, the Applicant shall commission, and pay the full cost of, an independent person or team to undertake an Independent Environmental Audit of the entire development, including the existing development and the upgrade. The independent person or team shall be approved by the Director-General, in consultation with the EPA, prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for comment to the Director-General, the EPA and Council, within one month of the completion of the Audit. The Audit shall:
- (a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
 - (b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development, including existing development consents;
 - (c) assess the development against the predictions made and conclusions drawn in the SEE and additional information; and
 - (d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

The Director-General may, having considered any submission made by the EPA and/or Council in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require.

Safety Management System Audit

- 4.4 Within twelve months after the commencement of operations of the upgraded development, or within such further period as the Director-General may agree, the Applicant shall submit to the Director-General, for approval, a report containing the findings and an implementation program for the current external audit of the Safety Management System. The implementation program shall also include any matters outstanding from previous audits. Every three years thereafter, the Applicant shall

submit the most recent external Safety Management System Audit report for the approval of the Director-General.

5. COMMUNITY CONSULTATION AND INVOLVEMENT

- 5.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection upon request. This shall include provision of all documents at the site for inspection by visitors, and in an appropriate electronic format on the Applicant's internet site, should one exist.

Complaints Procedure

- 5.2 Prior to the commencement of construction for the development, the Applicant shall ensure that the following are available for community complaints for the life of the development (including construction and operation):
- (a) a telephone number on which complaints about operations on the site may be registered;
 - (b) a postal address to which written complaints may be sent; and
 - (c) an email address to which electronic complaints may be transmitted, should the Applicant have email capabilities.

The Applicant shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. These details shall also be provided on the Applicant's internet site, should one exist.

- 5.3 The Applicant shall record details of all complaints received through the means listed under condition 5.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the EPA or the Director-General upon request.

6. ENVIRONMENTAL MANAGEMENT

Construction

- 6.1 The Applicant shall prepare and implement a **Construction Stormwater Management Plan** to detail measures to ensure that erosion and water pollutants are not transported off site during the construction period. In particular the Applicant must detail the monitoring regime to ensure that contaminated stormwater is not discharged from the retention basins. The Plan shall be submitted for the approval of the Director-General prior to the commencement of construction of the development.
- 6.2 Two months prior to the commencement of commissioning of the upgraded development, or within such time as the Director-General may agree, the Applicant shall submit, for the approval of the Director-General, documentation demonstrating

that the Safety Management System, including existing and upgraded development components, is consistent with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

Operation

- 6.3 The Applicant shall undertake a formal review of the existing **Environmental Management Plan(s)** (EMP(s)) and amend the relevant parts of those Plan(s) to reflect the upgrade. The updated EMP(s) shall be made available to the Director-General, and any other interested authority or person upon request.
- 6.4 By 30/06/2004, or as otherwise agreed with the RTA, the Applicant shall prepare a **Traffic Management Plan** to address the impact of the additional traffic generated at the site. The Traffic Management Plan shall identify remedial actions and works required to maintain the safety and efficiency of the Hume Highway within the vicinity of the intersection with RW Henry Drive. The Traffic Management Plan shall be undertaken in consultation with the RTA and Albury City Council. A copy of the finalised Plan shall be provided to the Director-General. The Applicant shall implement the recommendations of the Traffic Management Plan prior to the operation of the upgraded development, to the satisfaction of the RTA.

Note: This consent does not remove the requirement for the Applicant to obtain the relevant permits and licences from the relevant roads authorities for any works which may impact on any roads.

7. ENVIRONMENTAL REPORTING

Incident Reporting

- 7.1 The Applicant shall notify the EPA and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.
- 7.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 7.1, within such period as the Director-General may require.

Note: Condition 7.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the development.

Annual Performance Reporting

- 7.3 The **Annual Environmental Management Report** to be submitted directly after operations of the upgraded development have commenced, and all future Reports, must incorporate all relevant aspects of the upgrade to the satisfaction of the Director-General.