



Albury Paper Mill



March 2020

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Cover Photo

Albury Paper Mill Plant (Norske Skog (Albury) Pty Ltd 2019)

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Glossary

Provide a clear and succinct list of the terms not commonly used in everyday language (below is a guide only and needs to be customised for the report).

Abbreviation	Definition
BCSIS	Billabong Creek Salt Interceptions Scheme
Consent	Development Consent
Council	Albury City Council
EDP	Effluent Discharge Program
Department	Department of Planning, Industry and Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPL	Environment Protection Licence
IEA	Independent Environment Audit
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development



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1. Introduction

This report provides an assessment of three applications to modify State significant development consents (SSD) DA-389-8-2003-i, DA 147/92 and DA 41/92, and DA N.687 for the Albury Paper Mill. The applications have been lodged by Norske Skog Paper Mills (Albury) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification applications seek approval to:

- update the Applicant's details
- correct a typographical error
- change a property reference, and
- align the site's water discharge requirements in the consents with the Environment Protection Licence (EPL).

1.1 Background

The existing paper mill is located at 117 RW Henry Drive, Ettamogah in the Albury local government area. The site is located near the Hume Highway, 12 kilometres (km) north-east of the Albury town centre and 8 km west of the Murray River (refer to **Figure 1** and **Figure 2**).



Figure 1 | Site Location



Figure 2 | Site Context

Following the Applicant's submission of the triennial Independent Environment Audit (IEA) to the Department of Planning, Industry and Environment (the Department), the Department's Compliance Team requested the Applicant submit a modification to align the consent conditions and the EPL regarding discharging treated wastewater to the Murray River. Additionally, the Applicant has sold the Albury Paper Mill and will be ceasing operations on 31 March 2020. As such the Applicant is requesting that any discrepancies in the consents be rectified for the new owner of the site. The Applicant has now submitted these modifications both to satisfy the requirements of the Department's Compliance team and the transition of the plant to the new owners.

1.2 Approval History

On 14 December 1978, DA N56/78.959 was granted consent for the construction and operation of a paper mill. The mill was constructed between 1979 and 1981 and now manufactures various grades of newsprint and magazine paper. It has undergone various upgrades and process improvements including the introduction of newsprint brightening in 1991, construction of a recycled fibre pulping (RCF) plant and local wastewater reuse scheme in 1993, and an upgrade and increase to the capacity of the mill in 2006. While numerous development consents and modifications to those consents have been approved over time (see **Table 1** below), the Paper Mill currently operates under three development consents (covering four development applications), issued by the Minister, for:

- newsprint brightening (DA N.687)

- processing of recycled fibre at the mill (DA147/92) and establishment of a Wastewater Reuse Scheme (DA41/92) (issued as one development consent)
- upgrade to the mill to enable production of up to 265,000 tonnes of paper per year (DA-389-8-2003-i).

In 2009, the Department received a modification application to modify DA-389-8-2003-i. In considering this modification, the Department sought to remove the complexity of operating under multiple consents by concurrently amending the consents for DA N.687, DA147/92 and DA41/92 such that they all have the same schedule of conditions. Therefore, any change to one consent requires a modification to all the consents.

Table 1 | Summary of Approval History

Consent No.	Summary of Approvals	Consent Authority	Approval Date
N56/78.9 59	Construction and operation of a paper mill	Albury-Wodonga Development Corporation	14/12/1978
DA N.529	Disposal of waste at Site 1	Albury-Wodonga Development Corporation	22/06/1983
DA N.687	Construction of a newsprint brightening facility	Minister	19/06/1991
DA N.687 MOD 1	Changes to wastewater salinity offset scheme and consolidation of conditions	Department as Minister's delegate	29/07/2009
DA 41/92	Adoption of wastewater reuse scheme	Minister	12/10/1992
DA 41/92 MOD 1	Changes to the on-site detention of wastewater	Minister	5/04/1994
DA 41/92 MOD 2	Changes to wastewater salinity offset scheme and consolidation of conditions.	Department as Minister's delegate	29/07/2009
DA 147/92	Construction of a recycling fibre plant	Minister	12/10/1992
DA 147/92 MOD 1	Increase capacity to recycling fibre plant	Minister	14/11/1994
DA 147/92 MOD 2	Changes to wastewater salinity offset scheme and consolidation of conditions	Department as Minister's delegate	29/07/2009
DA 389-8-2003-i	Upgrades to the various manufacturing plants	Minister	7/01/2004
DA 389-8-2003-i MOD 1	Introduction of emergency water discharge conditions	Department as Minister's delegate	13/02/2008

DA 389-8-
2003-i
MOD 2

Changes to wastewater salinity offset
scheme and consolidation of conditions.

Department as Minister's
delegate

29/07/2009



2 *Proposed Modification*

The Applicant has lodged three modification applications under section 4.55(1A) modification of the EP&A Act to modify the development consents DA-389-8-2003-i, DA147/92 and DA41/92, and DA N.687 for the Albury Paper Mill. The full list of proposed modifications are described in **Table 2**.

Table 2 | Summary of Modifications

Aspect	Summary of Modifications
Update Applicant details	The Norwegian based parent company of the Applicant, Norske Skog AS, underwent a major restructure in September 2018 that resulted in a new owner. A directive was given to all Norske Skog subsidiaries to have their own legal structure, which resulted in the Albury Paper Mill's legal entity becoming Norske Skog Paper Mills (Albury) Pty Ltd. The current consents have the old company title listed and the Applicant now wishes to have the updated company title listed as the Applicant in the consents.
Typographical error	In the three consents, Schedule 2 Clause (c) lists the relevant SEE as "Rebuild Statement of Environmental Effects, dated August 2002" when it should actually be listed as "Rebuild Statement of Environmental Effects, dated August 2003".
Update property reference	The land parcel listed in the consents is Lot 3 DP 1126922, this parcel no longer exists due to a subdivision and is now referred to as Lot 1 DP 1157984.
Align the Wastewater Discharge requirements between the EPL and the consents	Since the construction of the paper mill there have been several changes to the method of discharging wastewater from the subject site. The current consent conditions refer to the old wastewater discharge scheme that the Applicant no longer participates in and they now participate in the Effluent Discharge Program described under the EPL. Both methods use the same infrastructure, so no physical works are proposed. The proposed modification would align the wastewater discharge requirements between the EPL and consent.

The modifications are described in full in the Statement of Environmental Effects (SEE) included in **Appendix A**.



3 *Statutory Context*

3.1 Scope of Modifications

The Department has reviewed the scope of the modification applications and considers the applications can be characterised as a modification involving minimal environmental impacts as the proposed modifications:

- would not increase the environmental impacts of the development as approved;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification applications are within the scope of section 4.55(1A) of the EP&A Act and do not constitute a new development application. Accordingly, the Department considers the applications should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the applications under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Industry Assessments, may determine the applications where the local Council does not object to the application and no public submissions were received. The proposed modifications meet the terms of this delegation.



4 *Engagement*

4.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 20 February 2020 and was referred to Albury City Council and Environment Protection Authority for comment.

4.2 Summary of Submissions

The Department received a total of two submissions – one from Council and the other from EPA.

Neither **Council** nor **EPA** objected to the modifications and did not provide any further comments. A full copy of the submissions is provided at **Appendix B**.



5 Assessment

The Department has assessed the merits of the proposed modifications. During this assessment, the Department has considered the:

- SEE provided to support the proposed modifications (see **Appendix A**);
- the original development applications, supporting documents and assessment report and subsequent modification applications;
- submissions from Council and EPA (see **Appendix B**)
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act including the objects of the EP&A Act.

5.1 Wastewater Discharge Changes

The mill has a water licence to extract water from the Murray River, and currently extracts approximately 13.5 megalitres (ML) of water per day. Of this water:

- 3 ML is used in the process (as steam and absorbed in the paper)
- 3 ML is used for cooling and is returned to the Murray River, and
- the remaining 7.5 ML becomes wastewater.

Following the most recent expansion in 2006 (DA-289-8-2003-i), the Applicant received development consent to apply treated wastewater to an expanded area of approximately 450 hectares (ha) of surrounding land under its existing wastewater reuse scheme.

The consent also allowed treated wastewater to be discharged into the Murray River, but only when periods of wet weather prevented irrigation and the storage dam was likely to overflow. These conditions were also included in the Applicant's EPL.

At the time of approval, it was acknowledged there was the potential for salinity and sodicity impacts on the irrigated land and the conditions of consent included requirements to explore alternative wastewater management options. This led to the Applicant seeking to modify its consent in 2009 to permit an alternative pathway for the disposal of treated wastewater.

In particular, the development consent was modified to enable up to 2,738 ML (or around 7.5 ML per day) of treated wastewater to be discharged to the Murray River, provided:

- a) the wastewater was diluted at a ratio of 600 parts river water to 1 part wastewater at the point of discharge to the Murray River; and
- b) the localised salinity impact of this discharge was offset by reducing the overall salt load in the Murray River at a ratio of at least 2:1.

In essence, the modification allowed the continuous discharge of treated wastewater to the Murray River rather than only at certain periods of the year, provided the additional salt load to the Murray River was offset.

Furthermore, any wastewater not discharged to the Murray River could continue to be applied to the approved wastewater irrigation area or supplied to a third party that has permission to receive and use this water.

To meet the requirement to reduce the salt load in the Murray River, the Applicant undertook to fund the operation and maintenance of an existing scheme known as the Billabong Creek Salt Interception Scheme (BCSIS). This scheme operated under a licence issued by the then Department of Water and Energy (DWE). The purpose of the BCSIS was to remove salt (the main pollutant) from the river downstream at Walla Walla by pumping groundwater from a deep aquifer, located at Morgan's Lookout, 55 km north of Albury (refer to Figure 3). By participating in the BCSIS, the Applicant would ensure it could meet the requirement for the removal of twice the load of salt discharged from the mill (an offset ratio of 2:1).

The Applicant's EPL was also modified to provide flexibility to participate in the BCSIS, however, it was not mandatory.



Figure 3 | BCSIS and the Albury Paper Mill

The Department understands that from 2017, the Applicant no longer participates in the BCSIS. Information provided in the 2018 Independent Environmental Audit suggests this is because improvements to plant efficiencies and recycling have led to less wastewater being generated, and therefore salt, to be discharged into the Murray River and secondly the then Office of Water no longer wished to continue the scheme.

Accordingly, the Applicant reverted to its former method of disposing of wastewater – that is, irrigation to land and/ or discharge to the Murray River during wet weather periods and where there is a risk of the storage dam overflowing.

While the EPL has continued to allow wastewater to be discharged to the Murray River in this way, the development consents, as modified, do not offer such flexibility. This has led to an inconsistency between what the Applicant is doing and what the consents permit.

To address this misalignment, it was recommended by the Department's Compliance Team to modify the consents to reflect the current operations under the EPL. The Applicant has now lodged modification applications to align the conditions with the EPL (the applications the subject of this report). In essence, this would mean that the conditions that applied to the operation of the development prior to 2009 would be re-instated.

As discussed in section 4, the Department referred the applications to Council and the EPA for comment. Neither Council nor the EPA raised concern with the proposed modifications.

The Department acknowledges the existing development consents do not provide flexibility for the way in which wastewater is discharged to the Murray River whereas, the EPL does. The Department is satisfied that offering such flexibility would not affect the environmental impacts arising from the operation of the Mill.

Accordingly, the Department recommends the consents are modified to align with the EPL including that treated wastewater can be discharged to the Murray River either periodically, as per the requirements outlined in the EPL or continuously, subject to providing a 2:1 offset. No change to the way in which treated wastewater is permitted to be applied to the land, is proposed.

The Applicant has reviewed the recommended modifying conditions and has not raised concern with the proposed drafting.

The Department's assessment concludes the proposed changes to the conditions will ensure alignment and consistency with the Applicant's EPL and make compliance with the development consent clearer to manage and enforce.

5.2 Other Issues

The Department's assessment of other issues is provided in Table 3.

Table 3 | Summary of other issues raised

Issue	Findings	Recommended Condition
Typographical error, company name and land parcel description	<ul style="list-style-type: none"> The proposed modifications are administrative in nature and would not result in any environmental impact and would reflect the current operations of the site. Council and EPA did not raise any concerns. The Department's assessment concludes the proposed modifications would update the consents to reflect current operations. 	No additional conditions are recommended except where to update and correct any outdated or incorrect information.



6 *Evaluation*

The Department has assessed the proposed modification applications in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modifications are appropriate on the basis that they are administrative in nature and will not have any environmental impact.

The Department is satisfied that the modification applications should be approved, subject to the implementation of the recommended modified conditions in **Appendix C**.



7 Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report; and
- **determines** that the modification applications DA-389-8-2003-i MOD 3, DA 147/92 MOD 3 and DA 41/92 MOD 3, and DA N.687 MOD 2 fall within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the applications;
- **agrees** with the key reason for approval in the draft notice of decision;
- **modify** the consents DA-389-8-2003-i, DA 147/92 and DA 41/92, and DA N.687; and
- **signs** the attached modifying instruments of consents (**Appendix D**).

Report prepared by
Mary Ellen Trimble, Para Planner

Recommended by:

Joanna Bakopanos
Team Leader
Industry Assessments



8 *Determination*

The recommendation is **Adopted by:**

Chris Ritchie

Director

Industry Assessments



Appendices

Appendix A – List of Documents

(<https://www.planningportal.nsw.gov.au/major-projects/project/27091>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27131>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27106>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27096>)

Appendix B – Copy of Submissions

(<https://www.planningportal.nsw.gov.au/major-projects/project/27091>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27131>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27106>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27096>)

Appendix C – Recommended Conditions of Consent

(<https://www.planningportal.nsw.gov.au/major-projects/project/27091>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27131>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27106>)

(<https://www.planningportal.nsw.gov.au/major-projects/project/27096>)