

Notice of Modification

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consents DA 147/92 and DA 41/92 referred to in Schedule 1A and 1B, subject to the conditions set out in Schedule 2, 3 and 4.



David Kitto
Acting Executive Director
Major Projects Assessment

Sydney **29 JULY**

2009

The consent is modified by:

1. Replacing Schedule 1, 2 and 3 with the following:

SCHEDULE 1A

Development Application:	DA – 147/92.
Applicant:	Norske Skog Paper Mills (Australia) Ltd.
Consent Authority:	Minister for Planning.
Land:	Lot 21 and 22 DP 604181, Lot 6, 8, 9, 19 DP 264463, Lot 3 DP 258810 Ettamogah, in the Albury local government area.
Development:	Recycled Fibre Plant and associated facilities include a recycled newsprint warehouse

SCHEDULE 1B

Development Application:	DA – 41/92.
Applicant:	Norske Skog Paper Mills (Australia) Ltd.
Consent Authority:	Minister for Planning.
Land:	Lot 13 DP 8735, Lot 15 DP 813569, Lot 2, 3, 4, 7 and 8 DP 10665 Ettamogah, in the Albury local government area.
Development:	Wastewater reuse scheme

DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Norske Skog Pty Ltd
BCA	Building Code of Australia
Council	Albury City Council
DA	Development Application DA 389-8-2003-i
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Development	A paper mill (with an output capacity of up to 300,000 tonnes per annum), a recycled fibre plant, wastewater treatment plant, effluent reuse area and associated infrastructure
Director-General	Director-General of the Department (or delegate)
DWE	Department of Water and Energy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this development consent
Minister	Minister for Planning
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Site	Land to which the development application applies

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- 1) The Applicant shall implement all reasonable and feasible 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

- 2) The development shall be carried out generally in accordance with:
 - a) Development Application N.687 and supporting Environmental Impact Statement prepared by Gutteridge, Haskins and Davey Pty Ltd. dated March 1990.
 - b) Development Application DA 147-92 and 41-92 and supporting Environmental Impact Statement dated 1 May 1992 and the supplementary submission to the Commission of Inquiry dated 31 July, 21 August and 11 September 1992, prepared by Gutteridge Haskins and Davey Pty Ltd;
 - c) Development Application DA 389-8-2003-i and supporting Statement of Environmental Effects titled *Norsk Skog Albury Mill Paper Machine (PM1) Rebuild Statement of Environmental Effects*, dated August 2002 and additional information dated 3, 27 and 30 October 2003;
 - d) DA 389-8-2003-i MOD 1 and supporting Statement of Environmental Effects titled "*Norske Skog Albury Paper Mill, Revised Treated Process Water Management Strategies*", dated October 2008; and
 - e) The conditions of this consent.

In the event of an inconsistency between any document listed in 2)a) to 2)d) inclusive, the most recent document shall prevail to the extent of the inconsistency, and in the event of an inconsistency between the conditions of this consent and any document listed in 2)a) to 2)d) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency.

- 3) The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Limits on Approval

- 4) The Applicant shall not produce at the site more than 300,000 tonnes per annum (tpa) of paper and 185,000 tpa of recovered paper.

Management Plans/Monitoring Programs

- 5) With the approval of the Director-General, the Applicant may submit any management plan or monitoring program required by this approval on a progressive basis.

Structural Adequacy

- 6) The Applicant shall ensure that any new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Operation of Plant and Equipment

- 7) The Proponent shall ensure that all plant and equipment used on the site is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner, in accordance with relevant standards.

SCHEDULE 3

SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

Discharge Requirements

- 1) Except as may be expressly provided in an Environmental Protection Licence for the development, the Applicant shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.
- 2) The Applicant may discharge up to 2738 ML of treated effluent to the Murray River each year, provided:
 - a) the effluent is diluted at a ratio of 600:1 (600 parts river water to 1 part effluent) at the point of discharge in the Murray River; and
 - b) it offsets the salinity impact of the discharge on the Murray River by reducing the overall salt load in the Murray River at a ratio of at least 2:1 (2 parts salt load removed to 1 part discharged),
to the satisfaction of the Director-General.
- 3) The Applicant may supply effluent to third parties for reuse, provided the third party has the necessary approvals to receive and use the effluent.
- 4) The Applicant shall ensure that all effluent not discharged to the Murray River, or supplied to third parties, is irrigated to the irrigation area, in general accordance with the Statement of Environmental Effects titled *Norske Skog Albury Paper Mill, Revised treated Process Water Management Strategies* dated October 2008 and the Statement of Environmental Effects titled *Norsk Skog Albury Mill Paper Machine (PM1) Rebuild Statement of Environmental Effects*, dated August 2002 and additional information dated 3, 27 and 30 October 2003.

Erosion and Sediment Control

- 5) The Applicant shall implement suitable erosion and sediment controls on site in accordance with the requirements in the Department of Housing and Landcom's *Managing Urban Stormwater: Soils and Construction*.

Stormwater

- 6) The Applicant shall manage stormwater run-off impacts of the development to the satisfaction of the Director-General, and ensure that the Stormwater Management Scheme on site is generally consistent with the requirements in the latest version of *Managing Urban Stormwater: Council Handbook* (DECC).

Bunding

- 7) The Applicant shall ensure that all chemicals, fuels and oils are stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. All new bund(s) shall be designed and installed in accordance with the:
 - a) requirements of all relevant Australian Standards; and
 - b) DECC's Environmental Protection Manual Technical Bulletin Bunding and Spill Management.

Water Management Plan

- 8) The Applicant must prepare and implement a Water Management Plan for the development, to the satisfaction of the Director-General. The Plan must:
 - a) be prepared by a suitably qualified and experienced expert whose appointment has been endorsed by the Director-General;
 - b) be prepared in consultation with the DECC and DWE;
 - c) be submitted to the Director-General for approval by the end of 2009, and approved before effluent is discharged to the Murray River;
 - d) be revised and approved by the Director-General prior to changing the offset scheme;
 - e) include a detailed water balance for the development;
 - f) describe the development's water management system in detail, including:
 - (i) the measures that would be implemented to improve water efficiency on site, and reduce the use of potable water;
 - (ii) the stormwater management system on site;
 - (iii) the treatment and discharge of effluent to the Murray River;
 - (iv) the supply of effluent to third parties (if any);
 - (v) the irrigation of effluent to the irrigation area and management of soil and groundwater in this area; and
 - (vi) the scheme to offset the salinity impacts associated with discharging effluent to the Murray River;
 - g) include a description of:
 - (i) the relevant statutory requirements;
 - (ii) the measures that would be used to judge the performance of the water management system, and trigger the implementation of any contingency plans;
 - h) include a comprehensive program to monitor and report:
 - (i) the water efficiency of the development;

- (ii) the effectiveness of the stormwater management system;
- (iii) the volume of effluent discharged to the Murray River and/or supplied to third parties;
- (iv) the quality of the effluent discharged to the Murray River, and the effects of these discharges on the water quality of the Murray River downstream of the discharge point;
- (v) the effects of the effluent discharges on the ecology of the Murray River, including ecotoxicological testing, chemical scanning for organic species, sediment sampling and analysis of organic compounds;
- (vi) the effects of the irrigation scheme on the irrigation areas (including areas not currently in use); and
- (vii) the effectiveness of the scheme to offset the salinity impacts associated with discharging effluent to the Murray River, including the EC levels at Morgan;
- i) identify the contingency measures that would be implemented should the impacts of the development approach or exceed the relevant standards or performance measures referred to in g) above;
- j) include a program to investigate and implement ways to improve the environmental performance of the development overtime;
- k) include a protocol for managing and reporting incidents and complaints; and
- l) include a protocol for periodic review of the plan.

AIR

- 9) Except as may be expressly provided in an EPL for the development, the Applicant shall ensure that the development complies with Section 129 of the *Protection of the Environment Operations Act, 1997*.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the Applicant must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

- 10) The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the development.

WASTE

- 11) The Applicant shall ensure that all waste generated on the site is classified in accordance with the DECC's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.

Waste Management Plan

- 12) The Applicant shall update their existing Solid Waste Management Plan for the site in consultation with DECC and to the satisfaction of the Director-General. This plan must:
- a) be submitted to the Director-General for approval within 12 months of the approval of DA 389-8-2003-i MOD 1;
 - b) characterise all waste imported, exported and re-used on site according to the current waste classification guidelines, and include procedures for classifying each of the waste materials;
 - c) include details of the quantities and destinations of all waste materials;
 - d) describe the measures in place to minimise and manage waste, including the current bio-solid land application;
 - e) describe the options available to further reduce and reuse waste;
 - f) confirm that all waste materials are sent to sites that can lawfully accept the waste; and
 - g) describe the bio-solid land application monitoring program, detail the results of this monitoring and prepare a monitoring and reporting program.

NOISE

Noise Limits

- 13) The Applicant shall ensure that the noise from the operation of the development does not exceed the noise limits in accordance with the DECC's Industrial Noise Policy or its successor.

TRANSPORT

Road Network and Parking

- 14) The Applicant shall ensure that all parking generated by the development is accommodated on site. No staff vehicles associated with the development shall park or queue on the public road system at any stage.

VISUAL

Lighting

- 15) The Applicant shall ensure that all new lighting associated with the development:
- a) complies with the latest version of Australian Standard AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting; and
 - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Landscaping

- 16) All landscaping work is to be carried out to the satisfaction of Council and effectively maintained at all times to Council's satisfaction.

Advertising Structures

- 17) No approval is given for any advertising structures and Council's separate approval is to be obtained for any proposed advertising signs.

ENERGY EFFICIENCY

- 18) The Applicant shall ensure the development is energy efficient, in accordance with industry best practice, to the satisfaction of the Director-General.
- 19) The Applicant shall prepare and implement an Energy Efficiency Program for the development, to the satisfaction of the Director-General. The program must:
- a) be submitted to the Director-General for approval by July 2010;
 - b) compare the proposed energy usage ratio of the development to other existing paper mills, and set benchmarks for industry best practice;
 - c) investigate energy efficiency measures available, such as solar panels and cogeneration;
 - d) describe the measures that would be implemented onsite, demonstrating the use of best available technology;
 - e) include a program to monitor and report on the efficiency of the development, ensuring the development would continue to operate at industry best practice overtime.

Note: Should the Applicant be required, by any government policy or law, to prepare a document covering any of the requirements of this Energy Efficiency Program, the Proponent may submit that document for whichever part of the program it relates to.

SCHEDULE 4
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

Environmental Management Strategy

- 1) The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:
 - a) be approved by the Director-General before effluent is discharged to the Murray River;
 - b) provide the strategic context for environmental management of the development;
 - c) identify the statutory requirements that apply to the development;
 - d) describe in general how the environmental performance of the development would be monitored and managed;
 - e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies; and
 - f) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.

ENVIRONMENTAL REPORTING

Incident Reporting

- 2) As soon as practicable, and with the 24 hours following detection of an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Department and other relevant agencies of the exceedance/incident.
- 3) Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Applicant shall provide the Department and these agencies with a written report that:
 - a) describe the date, time, and nature of the exceedance/incident;
 - b) identify the cause (or likely cause) of the exceedance/incident;
 - c) describe what action has been taken to date; and
 - d) describe the proposed measures to address the exceedance/incident.

Annual Reporting

- 4) Within 12 months of the commencement of effluent discharge to the Murray River, and annually thereafter, the Applicant shall submit an Annual Environmental Management Report to the Director-General. This report must:
 - a) identify the standards and performance measures that apply to the development;
 - b) include a summary of the complaints received during the year, and compare this to the complaints received in the previous years;
 - c) include a summary of the monitoring results for the development during the past year;
 - d) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits specified in this consent and the EPL;
 - monitoring results from previous years; and
 - predictions in the SEE supporting DA 389-8-2003-i MOD 1;
 - e) identify any trends in the monitoring results over the life of the development;
 - f) identify any non-compliance during the previous year;
 - g) describe what actions were, or are being, taken to ensure compliance;
 - h) must include a copy of:
 - i. the Water Monitoring Report;
 - ii. the Solid Waste Monitoring Report; and
 - iii. the Energy Efficiency Monitoring Report.

AUDITING

Safety Management System Audit

- 5) Within 12 months of the approval of DA 389-8-2003-i MOD 1, 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.

Independent Environmental Audit

- 6) Within 2 years of the approval of DA 389-8-2003-i MOD 1, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
 - b) be undertaken in consultation with DECC, DWE and Council;
 - c) assess whether the development is being carried out in accordance with industry best practice;
 - d) assess the environmental performance of the development, and assess whether it is complying with the relevant requirements in this consent and any relevant EPL;
 - e) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - f) review the adequacy of strategies, plans or programs required under these approvals; and, if necessary,
 - g) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

- 7) Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.
- 8) Within 3 months of submitting an audit report to the Director-General, the Applicant shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Director-General.

Offset Scheme Audit

- 9) The Applicant must submit an Audit of the Offset Scheme, to the DECC and the Director-General within 3 months of completion of the 5 year 'proof of concept' period. The Audit must describe any additional mitigation measures that would be implemented should the Offset Scheme not meet the DECC's requirements for a Green Offset Scheme.