



APPENDIX B

Statutory compliance table



Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
Commonwealth Acts			
<p><i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)</p>		<p>The EPBC Act provides the legal basis to protect and manage internationally and nationally important flora, fauna, ecological communities, heritage places and water resources which are deemed to be matters of national environmental significance (MNES). MNES, as defined under the EPBC Act, are:</p> <ol style="list-style-type: none"> 1. world heritage properties; 2. places listed on the National Heritage Register; 3. wetlands of international significance listed under the Ramsar Convention; 4. threatened flora and fauna species and ecological communities; 5. migratory species; 6. Commonwealth marine areas; 7. Great Barrier Reef Marine Park; 8. nuclear actions (including uranium mining); and 9. water resources, in relation to coal seam gas or large coal mining development. <p>Under the EPBC Act, actions that will, or are likely to, have a significant impact on a MNES are deemed to be controlled actions and can only proceed with the approval of the Commonwealth Minister for the Environment. An action that may potentially affect a MNES has to be referred to the Department of Agriculture, Water and the Environment for determination as to whether it is a controlled action.</p> <p>No MNES listed above have been recorded or found within the vicinity of the site. However, MNES that may be relevant to the project are:</p> <ul style="list-style-type: none"> • threatened flora and fauna species and ecological communities; and • migratory species. <p>As described in Section 6.1, the project will not significantly impact any of these MNES and the project has not been referred to the Department of Agriculture, Water and the Environment.</p>	<p>6.1 Biodiversity Appendix E Biodiversity Development Assessment Report</p>

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Statutory document	Reference	Requirement	Section
<i>The Commonwealth Native Title Act 1993</i> (NT Act)		<p>The NT Act recognises and protects native title rights in Australia. It allows a native title determination application (native title claim) to be made for land or waters where native title has not been validly extinguished, for example, extinguished by the grant of freehold title to land.</p> <p>Applications for compensation for extinguishment or impairment of native title rights can also be made. All native title claims are subjected to a registration test and will only be registered if claimants satisfy a number of conditions. A register of native title claims is maintained by the National Native Title Tribunal.</p> <p>Proposed activities or development that may affect native title are called ‘future acts’. Claimants whose native title claims have been registered have the right to negotiate about some future acts, including mining and granting of a mining lease over the land covered by their native title claim.</p> <p>Where a native title claim is not registered, a development can proceed through mediation and determination processes, though claimants will not be able to participate in future act negotiations.</p> <p>There are no active claims encompassing the site.</p>	<p>6.2 Aboriginal heritage Appendix F Aboriginal Cultural Heritage Assessment</p>

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Statutory document	Reference	Requirement	Section
NSW Acts			
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	Section 1.3	Relevant objects of the Act	7.4 Statutory compliance
	Section 4.15(1)	(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—	
		(a) the provisions of— (i) any relevant environmental planning instruments, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and ... (iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), ... That apply to the land to which the development application relates,	7.4 Statutory compliance
		(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	6 Assessment of impacts 7.6.4 Cumulative impacts
		(c) the suitability of the site for the development	2.6 Site suitability
(e) the public interest	5 Engagement		

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
<i>Biodiversity Conservation Act 2016</i> (BC Act)	Section 7.14	<p>(2) The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</p> <p>(3) If the Minister for Planning decides to grant consent or approval and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent or approval may require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values (whether of the number and class specified in the report or other number and class). The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent or approval to avoid or minimise the impact on biodiversity values of the proposed development.</p> <p>(4) A condition to retire biodiversity credits is required to be complied with before any development is carried out that would impact on biodiversity values. If the retirement of particular biodiversity credits applies to a stage of the development, compliance with the condition for their retirement is postponed until it is proposed to carry out that stage of the development.</p>	6.1 Biodiversity Appendix E Biodiversity Development Assessment Report

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Statutory document	Reference	Requirement	Section
<i>Water Act 1912 and Water Management Act 2000</i>		<p>The NSW Water Act 1912 (Water Act) and WM Act regulate the management of water by granting licences, approvals for taking and using water, and trading groundwater and surface water. The WM Act applies to those areas where a water sharing plan has commenced. Alternatively, if a water sharing plan has not yet commenced, the Water Act applies. The WM Act is progressively replacing the Water Act as relevant water sharing plans are introduced across the State.</p> <p>Water sharing plans have commenced for most of NSW. Licensing of monitoring bores continues under the Water Act until a regulation for aquifer interference gives a mechanism to approve these activities.</p> <p>Clause 4.41 (1g) of the EP&A Act exempts an SSD authorised by a development consent from requiring a water use approval under section 89, a water management work approval under Section 90, or an activity approval (other than an aquifer interference approval) under Section 91 of the WM Act. These exemptions apply to the project as it has been declared an SSD and therefore there is no requirement to obtain approvals under the WM Act, including water use, water management work or controlled activity approvals.</p> <p>No take from the surface water resource is proposed as part of the project, however, water extracted from the participating landholder’s existing bore may be utilised to supplement potable water and imported water for construction use and operational irrigation. To use water from bores onsite, a Water Access Licence (WAL) would need to be obtained.</p>	Appendix M Water Assessment
<i>Contaminated Land Management Act 1997 (CLM Act)</i>		<p>The CLM Act aims to promote the better management of contaminated land. The objectives of this Act are to establish a process for investigating and, where appropriate, remediating land areas where contamination presents a significant risk of harm to human health or some factor of the environment.</p>	Section 6.11.2 Contamination
<i>Roads Act 1993</i>	Section 138	<p>Approval will be required under Section 138 of the Roads Act from the Council for works in, on or over a public road, or to connect a road to a classified road.</p>	Chapter 4 Statutory Context

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Statutory document	Reference	Requirement	Section
NSW Regulations			
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)	clause 50	(1) A development application must— (a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and (b) contain all of the information that is specified in the approved form or required by the Act and this Regulation, and (c) be accompanied by the information and documents that are specified in Part 1 of Schedule 1 or required by the Act and this Regulation, and (d) be lodged on the NSW planning portal.	This EIS
	clause 77	Notice of development applications (1) As soon as practicable after a development application is lodged with the consent authority, the consent authority must— (a) publish notice of the application on the consent authority’s website, and (b) give notice of the application to— (i) the public authorities (other than relevant concurrence authorities or approval bodies) that, in the opinion of the consent authority, may have an interest in the determination of the application, and (ii) in the case of a development application other than designated development—the persons that, in the opinion of the consent authority, own or occupy the land adjoining the land to which the application relates (unless the notice is in respect of an application for public notification development).	To be completed by the consent authority

Table B.1 Statutory compliance table

Statutory document	Reference	Requirement	Section
	clause 82	<p>Additional requirements for State significant development</p> <p>(1) The Planning Secretary is to provide to an applicant for State significant development the submissions, or a summary of the submissions, received in relation to the application during the submission period.</p> <p>(2) The Planning Secretary may, by notice in writing, require the applicant to provide a written response to any issues raised in those submissions as the Planning Secretary considers necessary.</p> <p>(3) For the purposes of section 4.39(d) of the Act, the Planning Secretary is to make the following documents that relate to a development application for State significant development available on the NSW planning portal—</p> <ul style="list-style-type: none"> (a) the Planning Secretary’s environmental assessment requirements under Part 2 of Schedule 2, (b) the development application, including any accompanying documents or information and any amendments made to the development application, (c) any submissions received during the submission period and any response provided under subclause (2), (d) any environmental assessment report prepared by the Planning Secretary, (e) any development consent or modification to a development consent, (f) any application made for a modification to a development consent, including any accompanying documents or information, (g) any documents or information provided to the Planning Secretary by the applicant in response to submissions. 	To be undertaken as part of the submissions stage of the EIS.
	schedule 2(6)	<p>Form of environmental impact statement</p> <p>An environmental impact statement must contain the following information—</p> <ul style="list-style-type: none"> (a) the name, address and professional qualifications of the person by whom the statement is prepared, (b) the name and address of the responsible person 	<p>Certification page</p> <p>Certification page</p>

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Statutory document	Reference	Requirement	Section
		(c) the address of the land— (i) in respect of which the development application is to be made, or (ii) on which the activity or infrastructure to which the statement relates is to be carried out,	Certification page
		(d) a description of the development, activity or infrastructure to which the statement relates,	Certification page 3 Project description
		(e) an assessment by the person by whom the statement is prepared of the environmental impact of the development, activity or infrastructure to which the statement relates, dealing with the matters referred to in this Schedule,	Certification page and this table
		(f) a declaration by the person by whom the statement is prepared to the effect that— (i) the statement has been prepared in accordance with this Schedule, and (ii) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and (iii) that the information contained in the statement is neither false nor misleading.	Certification page
	schedule 2(7)	Content of environmental impact statement: (1) An environmental impact statement must also include each of the following—	
		(a) a summary of the environmental impact statement,	Summary – ES1
		(b) a statement of the objectives of the development, activity or infrastructure,	1.3 Project objectives
		(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,	2.8 Feasible alternatives to the project

Table B.1 Statutory compliance table

Statutory document	Reference	Requirement	Section
		(d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and	3 Project description
		(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	2.5 Key features of site and surrounds 6 Assessment of impacts
		(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	6 Assessment of impacts Appendix D Mitigation measures table
		(v) a list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,	4 Statutory context
		(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),	Appendix D Mitigation measures table
		(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4).	7 Justification of the project
Environmental Planning Instruments			
State Environmental Planning Policy (Planning Systems) 2021	Schedule 1, Section 20	The project is SSD as it is a type of electricity generating works that has a capital investment value of more than \$30 million.	4.7 Mandatory matters for consideration

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
State Environmental Planning Policy (Resilience and Hazards) 2021	Section 3.7	<p>Consideration of Departmental guidelines</p> <p>In determining whether a development is—</p> <p>(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or</p> <p>(b) an offensive storage establishment, offensive industry or other potentially offensive industry,</p> <p>consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</p> <p>The project is a type of hazardous industry. A PHA has been prepared (Appendix N)</p>	<p>6.5 Hazards and risk</p> <p>Appendix N Preliminary Hazard Analysis</p>
	Section 3.12	<p>Potentially hazardous development</p> <ul style="list-style-type: none"> • Whether any public authority should be consulted. • A preliminary hazard analysis. • Any feasible alternatives. <p>Any likely future land use of surrounding land.</p>	6.5 Hazards and risk
	Section 4.6	<p>A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	6.11.2 Contamination

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 2.48	<p>Before determining a development application for development immediately adjacent to an electricity substation, the consent authority must—</p> <ul style="list-style-type: none"> (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given. <p>There is electricity infrastructure within the vicinity of the development boundary and the project will require connection to the electricity transmission network. TransGrid is the relevant electricity supply authority</p>	<p>2.5 Key features of the site and surrounds</p> <p>5.3 Government agency and service provider consultation</p>
	Section 2.118(2)	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <ul style="list-style-type: none"> (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— <ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. <p>The project will involve a relocation of site access and improvements to Goolma Road (an auxiliary short left turn bay and a channelised right turn bay) to facilitate the safe access of vehicles during construction.</p>	<p>6.8 Traffic and transport</p> <p>Appendix L Traffic impact assessment</p>

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
State Environmental Planning Policy (Biodiversity and Conservation) 2021		Chapter 3 and Chapter 4 of this SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free living population over their present range and reverse the current trend of koala population decline. The development boundary supports potential Koala habitat. Consideration of impacts to the Koala is provided in the Biodiversity Development Assessment Report	6.1 Biodiversity Appendix E Biodiversity Development Assessment Report
Dubbo Regional Local Environmental Plan 2010	clause 2.3(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	2.5 Site suitability 4.3 Permissibility
	clause 4.2(3)	Rural subdivision Land in Zone RU1 Primary Production may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.	4.3 Permissibility

Table B.1 Statutory compliance table

Statutory document	Reference	Requirement	Section
	clause 5.21(2)	<p>Flood planning</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. <p>Flood risk is considered in Section 6.10 and in the Water Assessment (Appendix A). Flood risk from the nearby watercourse (Watercourse A) will be considered during detailed design.</p>	<p>6.10 Surface water and flooding</p> <p>Appendix M Water assessment</p>
	Clause 5.21(3)	<p>Flood planning</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. 	<p>6.10 Surface water and flooding</p> <p>Appendix M Water Assessment</p>

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
	Clause 7.2(3)	<p>Terrestrial biodiversity</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) an adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) an adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) appropriate measures to avoid, minimise or mitigate the impacts of the development.</p> <p>Biodiversity impacts due to the project are not significant and have been minimised during design of the project. Potential impacts will be managed through the implementation of management measures, and offsetting for residual impacts that cannot be avoided.</p>	<p>6.1 Biodiversity</p> <p>Appendix E Biodiversity Development Assessment Report</p>
	Clause 7.2(4)	<p>Terrestrial biodiversity</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—</p> <p>(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or</p> <p>(b) if a significant adverse environmental impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise the impact.</p> <p>Biodiversity impacts due to the project are not significant and have been minimised during design of the project. Potential impacts will be managed through the implementation of management measures, and offsetting for residual impacts that cannot be avoided.</p>	<p>6.1 Biodiversity</p> <p>Appendix E Biodiversity Development Assessment Report</p>

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
	Clause 7.3(3)	<p>Natural resource—riparian land and waterways</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—</p> <ul style="list-style-type: none"> (a) the potential adverse impact of the development on the following— <ul style="list-style-type: none"> (i) water quality within the waterway, (ii) aquatic and riparian habitats and ecosystems, (iii) stability of the bed, shore and banks of the waterway, (iv) the free passage of fish and other aquatic organisms within or along the waterway, (v) the habitat of any threatened species, population or ecological community, (b) the likelihood that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway, (c) a description of the proposed measures that may be undertaken to ameliorate any potential adverse impact. <p>Water impacts due to the project are not significant and will be minimised through detailed design and through the implementation of a suite of management and mitigation measures (described in Section 6.10.3).</p>	<p>6.1 Biodiversity</p> <p>Appendix E Biodiversity Development Assessment Report</p> <p>6.10 Surface water and flooding</p> <p>Appendix M Water Assessment</p>
	Clause 7.3(4)	<p>Natural resource—riparian land and waterways</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and managed to avoid potential adverse environmental impacts, or (b) if a potential adverse impact cannot be avoided—the development will be managed to mitigate the adverse impact. <p>The siting and design of the project has considered the nearby watercourse as a sensitive feature. Detailed design will consider how the project can be refined to avoid physical encroachment upon the waterway.</p>	<p>6.10 Surface water and flooding</p> <p>Appendix M Water Assessment</p>

Table B.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section
	Clause 7.5(3)	<p>Groundwater vulnerability</p> <p>(3) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> (a) whether the development, including on-site storage or disposal of solid or liquid waste chemicals, will cause groundwater contamination or an adverse effect on groundwater dependent ecosystems, and (b) the cumulative impact, including the impact on nearby groundwater extraction for potable water supply or stock water supply, of the development and other existing development on groundwater. 	<p>6.10 Surface water and flooding</p> <p>Appendix M Water Assessment</p>
	Clause 7.5(4)	<p>Groundwater vulnerability</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or (b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact. <p>The project is not expected to have any adverse impacts on groundwater levels or quality.</p>	<p>6.10 Surface water and flooding</p> <p>Appendix M Water Assessment</p>