

Statutory document	Requirement	Relevance to the Project	Section in EIS	Section in Amendment Report
NSW Acts				
<i>Biosecurity Act 2015</i>	This Act aims to protect natural resources from the adverse impact of pests, disease, weeds and contaminants on agricultural land and parks and reserves (such as those near to the Project Site). All plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose.	During construction of the Project, any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable.	Section 6.3	N/A
<i>Biodiversity Conservation Act 2016</i>	The BC Act seeks to: • Conserve biological diversity at the bioregional and State scale • Maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations • Assess the extinction risk of species and ecological communities and identify key threatening processes through an independent and rigorous scientific process • Establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity.	The BDAR finds that consideration has been given to avoiding and minimising impacts to biodiversity where possible during the assessment and preliminary and concept design. Mitigation measures will be put in place to adequately address impacts associated with the Project, both direct, indirect and prescribed.	Section 6.3 Appendix F	N/A

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<i>Contaminated Land Management Act 1997</i>	This CLM Act outlines the circumstances in which notification to the Environment Protection Authority is required in relation to the contamination of land. This may become relevant during construction of the Project if contamination is encountered. A public register of notifications under this Act is maintained.	A review of potential contamination issues for the Project has been carried out in accordance with the contaminated land planning guidelines to inform the design and EIS.	Section 6.8 Appendix K	N/A
<i>Heritage Act 1977 (Section 146)</i>	If a relic is discovered or located, the Heritage Council must be notified 'of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware of the location of the relic'.	No heritage items have been identified within the Project Site and as such this risk is considered low. An unexpected finds protocol is proposed.	Section 6.6 Appendix H Appendix I	N/A
<i>Protection of the Environment Operations 1997</i>	The POEO Act is the key piece of environment protection legislation administered by the Environment Protection Authority. - Section 120 of the Act prohibits the pollution of waters - Air pollution-related Sections 124 to 126 (Chapter 5, Part 5.4, Division 1) of the Act require activities to be conducted in a proper and efficient manner, while Section 128 (Chapter 5, Part 5.4, Division 1) of the Act requires that all necessary practicable means are used to prevent or minimise air pollution - Pollution of land and waste is covered by Part 5.6 of the Act. It defines offences relating to waste and sets penalties and establishes the ability to set various waste management requirements via the Protection of the	The activities listed in Schedule 1 to the Act (broadly, activities with potentially significant environmental impacts) require an EPL. The operation of the BESS does not constitute any of the scheduled activities and therefore does not require an EPL.	Section 5.5	N/A

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	Environment Operations (Waste) Regulation 2014.			
<i>Rural Fires Act 1998</i>	Sections 63(1) and 63(2) of the RF Act require public authorities and owners/occupiers of land to take all practicable steps to prevent the occurrence of bushfires on, and to minimise the danger of the spread of bushfires on or from, that land.	The Project Site is located on land designated as Vegetation Category 3 and is therefore considered bushfire prone. The Project would be designed in accordance <i>Planning for Bushfire Protection</i> (NSW Rural Fire Service 2019).	Section 6.5 Appendix N	N/A
<i>Roads Act 1993</i>	Under Section 138 of the Roads Act, approval is required before any works can be undertaken within a public road reserve.	Access to and egress from the Project Site during construction would be via the existing access point off Burgmanns Lane until a new site entrance off Ascot-Calala Road is constructed. The Ascot-Calala Road access point would be used as the operational entry point for vehicles. Under Section 138 of the <i>Roads Act 1993</i> , approval from Tamworth Regional Council would be required for works occurring within the road reserve at Burgmanns Lane and Burgess Lane as part Solution 2 of the amended Project.	Section 6.1 Appendix D	Section 4 Section 6.1
Environmental Planning Instrument				
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The Planning SEPP identifies development that is SSD.	As the Project is electricity generating works and has a capital investment value of over \$30 million, it is considered SSD.	Section 4.2.1	N/A
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The T&I SEPP aims to facilitate the effective delivery of infrastructure across NSW.	Division 4 of the T&I SEPP applies to the Project, as it is considered to be development for the purposes of electricity generating works or solar energy systems.	Section 4.2.1	N/A

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<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.48 of the T&I SEPP requires that development within or adjacent to an electricity easement or adjacent to a substation be referred to the relevant electricity supply authority.	There is a transmission line easement within the Project Site, and the proposed transmission line easement crosses multiple transmission line easements and connects to the Tamworth substation. As such, the application must be referred to the electricity supply authority.	Section 5.5	N/A
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The B&C SEPP provides a framework for the regulation of the clearing of native vegetation in NSW.	The BDAR finds that consideration has been given to avoiding and minimising impacts to biodiversity where possible during the assessment and preliminary and concept design. Mitigation measures will be put in place to adequately address impacts associated with the Project, both direct, indirect and prescribed.	Section 6.3 Appendix F	N/A
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The R&H SEPP applies to any projects that fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create a risk or offence to people, property or the environment. Such activities would be defined as potentially hazardous or potentially offensive.	The Project is not considered to be a 'potentially hazardous industry' or 'potential offensive industry' under the R&H SEPP. Nonetheless, the EIS includes an assessment of potential hazards and risks associated with the construction and operation of the Project. A Preliminary Hazard Analysis (PHA) has been undertaken to assess the potential hazards and risk associated with the Project. The assessment concluded the risks at the site boundary are not likely to exceed the acceptable risk criteria.	Section 6.4 Appendix G	N/A
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 (Remediation of land)</i>	The R&H SEPP provides a state-wide approach to the remediation of contaminated land for the purpose of minimising the risk of harm to the health of humans and the environment. In accordance with Chapter 4 (Remediation of land)	A review of potential contamination issues for the Project has been carried out in accordance with the contaminated land planning guidelines to inform the design and EIS. The assessment	Section 6.8 Appendix K	N/A

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	of the R&H SEPP, a consent authority must not consent to the carrying out of development on any land unless: • It has considered whether the land is contaminated • If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or would be suitable, after remediation) for the purpose for which the development is proposed to be carried out • 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 the land would be remediated before the land is used for that purpose.	concluded the Project is suitable for the proposed use.		