

Appendix E – Statutory compliance table

Table E1 Statutory compliance

Statutory reference	Mandatory Consideration	Section EIS
Considerations under the EP&A Act and Regulations		
Section 1.3	<p>Relevant Objects of the Act</p> <ul style="list-style-type: none"> to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment to promote the orderly and economic use and development of land to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats 	
Section 4.15	<p>Relevant environmental planning instruments</p> <ul style="list-style-type: none"> <i>State Environmental Planning Policy (State and Regional Development) 2011;</i> <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> <i>State Environmental Planning Policy No. 4 – Koala Habitat Protection</i> <i>State Environmental Planning Policy (Infrastructure) 2007</i> <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> <i>State Environmental Planning Policy (Coastal Management) 2018</i> 	
	<ul style="list-style-type: none"> Suitability of the site for development Likely impacts of the development 	
Mandatory relevant considerations under EPIs		
SEPP (state and Regional Development) - Division 4.36	Division 4.36 of the EP&A Act enables an EPI to declare a development to be SSD. The project is SSD pursuant to Schedule 1 of the SEPP (State and Regional Development), as it is development for the purpose of coal mining.	
SEPP (Mining, Petroleum Production and Extractive Industries) – 12 to 17	<p>Clauses 12 to 17 require consideration to be given to the compatibility of projects with other surrounding land uses, including the existing and potential extraction of minerals, natural resource management and environmental management, resource recovery, transportation and rehabilitation.</p> <p>The project is permissible with consent pursuant to the provisions of SEPP (Mining).</p>	Table 4-2.
SEPP No. 44 – Koala Habitat Protection – Schedule 1	The Lake Macquarie LGA is listed under Schedule 1 of SEPP 44 as an area to which the SEPP applies. The project is not expected to adversely impact koala habitat or potential koala habitat	Section 6.6
SEPP (infrastructure) 2007 -	The project has been developed and refined in response to the outcomes of these consultations to avoid and minimise impacts, where possible.	
SEPP No. 33 – Hazardous and Offensive Development -	The Project is not considered to comprise a "potentially hazardous industry" or a "potentially offensive industry" within the meaning of these expressions in SEPP 33, and therefore a preliminary hazard analysis was not prepared as required by clause 12 of SEPP 33 and nor does clause 13 of SEPP 33 apply to the consent authority's determination of the development application for the project.	Section 6.17

Statutory reference	Mandatory Consideration	Section EIS
SEPP (Coastal Management) 2018	There are coastal environment areas mapped under the SEPP (Coastal Management) that are within the Project Application Area. The EIS has assessed the project's impact on the coastal environment area in accordance with the requirements of the SEPP (Coastal Management).	
Lake Macquarie LEP 2014	Under the Lake Macquarie LEP the proposed project activities are prohibited in some zones. The project is permissible with development consent under the Mining SEPP, which prevails over any inconsistencies with a LEP.	Section 4.1.1
Consideration under other legislation		
EP&A Act – section 4.63	The consent authority is not required to consider or reassess the use and operation of existing infrastructure and mining areas for which existing consents will be surrendered not required.	
EPBC Act 2000 – Section 133	The project has been determined to be a controlled action (EPBC 2019/8528), approval of the proposed action under section 133 of the EPBC Act which is to be determined in accordance with the Bilateral Agreement between NSW and the Commonwealth.	
Dams Safety Act 2015	The development application must be referred to Dams Safety NSW (formerly NSW Dam Safety Committee) as the application is for mining within the Mining Notification Area of a Declared Dam.	
Water Management Act 2000 and Water Act 1912	The grant of Water Access Licences under the Water Management Act 2000 pursuant to valid applications made by Centennial Newstan.	