

## Appendix B Updated Statutory Compliance Table

The compliance table below takes into consideration changes to NSW regulation and SEPP's that have occurred since the submission of the Oxley Solar Farm EIS.

| Category                      | Statutory requirements  | Relevance to Project   |
|-------------------------------|---|--|
| <b>Power to grant consent</b> | State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)<br>Environmental Planning and Assessment Act 1979 (EP&A Act). | <p>Section 20 of Schedule 1 of the Planning Systems SEPP states that the following is considered a SSD:</p> <p><i>Development for the purpose of electricity generating works or heat or their co-generation (using any energy source, including gas, coal, biofuel, distillate, waste, hydro, wave, solar or wind power) that:</i></p> <p>(a) has a capital investment value of more than \$30 million, or</p> <p>(b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance.'</p> <p>The Proposal would have a capital investment cost estimate of more than \$30 million (\$372.330 million). Therefore, the Proposal is classified as "State Significant Development" under division 4.7 of the EP&amp;A Act.</p> <p>The Minister for Planning and Public Spaces is the consent authority for SSD, and SSD applications are assessed by DPE (unless specific conditions occur e.g., where 50 or more people have objected to the application, the local council has objected to the application; and/or the applicant has disclosed a reportable political donation, whereby <b>the Independent Planning Commission (IPC) would be the consent authority, which is the case for this Proposal.</b></p> |
| <b>Permissibility</b>         | State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP), Armidale Dumaresq Local Environmental Plan 2012                 | The Proposal site is located within land zoned RU1 (Primary Production), under the Armidale Dumaresq Local Environmental Plan 2012. Electricity generation is prohibited within these land zones, however Section 2.36(1)(b) of the TISEPP states development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone. Therefore, the Project is permissible with consent.   |
| <b>Other approvals</b>        | Roads Act 1993 (Roads Act), Environment Protection and Biodiversity Conservation Act 1999   | <p><b>Approvals and licences</b></p> <ul style="list-style-type: none"> <li>Section 4.42 of the EP&amp;A Act states "An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent</li> </ul>   |

| Category                                   | Statutory requirements  | Relevance to Project  |
|--|---|---|
|  | (EPBC Act), <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), <i>Environmental Planning and Assessment Regulation 2021</i> , <i>Crown Lands Management Act 2016</i> (CLM Act), <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP), <i>Heritage Act 1977</i> , <i>Water Management Act 2000</i> (WM Act), <i>National Parks and Wildlife Act 1974</i> (NPW Act), <i>Fisheries Management Act 1994</i> (FM Act) | <p><i>under this Division and is to be substantially consistent with the consent</i>": Consent under section 138 of the Roads Act for road upgrades to the public road network.</p> <ul style="list-style-type: none"> <li>• An easement, licence or permit under division 5.6 of the CLM Act will be attained through consultation with DPE</li> <li>• A Water Access Licence under Section 56 of the Water Management Act 2000 for river offtake would be attained prior to the works.</li> </ul> |
| <b>Mandatory matters for consideration</b> |   | <p>The following key Commonwealth, State and Local legislative and policy instruments are applicable to the Proposal:</p> <p><u>Commonwealth</u></p> <ul style="list-style-type: none"> <li>• EPBC Act</li> <li>• <i>Native Title Act 1993</i></li> </ul> <p><u>NSW</u></p> <ul style="list-style-type: none"> <li>• EP&amp;A Act</li> <li>• Planning Systems SEPP</li> </ul>   |

| Category | Statutory requirements | Relevance to Project   |
|----------|------------------------|--|
|          |                        | <ul style="list-style-type: none"> <li>• TISEPP</li> <li>• Hazards and Resilience SEPP</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• State Environmental Planning Policy (Resources and Energy) 2021</li> <li>• Roads Act</li> <li>• CLM Act</li> <li>• NPW Act</li> <li>• WM Act</li> <li>• <i>Heritage Act 1977</i></li> <li>• <i>Biodiversity Conservation Act 2016</i> (BC Act).</li> </ul> <p><u>Local instruments</u></p> <ul style="list-style-type: none"> <li>• Armidale Dumaresq Local Environmental Plan 2012</li> <li>• Armidale Dumaresq Development Control Plan 2012</li> </ul> |