



APPENDIX 2

Statutory Compliance Tables

Appendix 2 – Statutory Compliance Tables

Table 1 Pre-conditions

Statutory Reference	Pre-condition	Relevance
State Environmental Planning Policy (Resources and Energy) 2021 – Chapter 2 Mining, Petroleum Production and Extractive Industries	Part 2.3 of the Resources and Energy SEPP requires specific matters to be considered in relation to development applications for extractive industries.	Specific matters are described in Table 5 of this Appendix.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 3 Koala Habitat Protection 2020	A consent authority is restricted from granting development consent for proposals on land identified as core koala habitat without the preparation of a plan of management.	Chapter 3 of the Biodiversity and Conservation SEPP applies to the extent that the Project Area is located on RU3 zoned land within an LGA to which the SEPP applies. Investigations of the extent of core koala habitat within the Project Area have been undertaken and are discussed in Section 6.6 and Appendix 11 .
State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 3 Hazardous and Offensive Development	Chapter 3 of the Resilience and Hazards SEPP requires a consent authority to consider whether an industrial development is a potentially hazardous or potentially offensive industry. A hazard assessment is completed for potentially hazardous developments to assist the consent authority to determine acceptability.	A preliminary risk screening has been undertaken to determine whether the Project constitutes a potentially hazardous or potentially offensive development (refer to Section 6.12.2)
State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure	Section 2.122 of the Transport and Infrastructure SEPP requires that for a traffic generating development, the consent authority must give written notice to TfNSW and take into consideration the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development.	Consultation has been undertaken with TfNSW and a Traffic Impact Assessment has been undertaken (refer to Section 6.9 and Appendix 13)

Table 2 Section 1.3 Objects of the EP&A Act

Object	Consideration	EIS Reference
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,	<p>The EIS includes a comprehensive assessment of the positive and negative social, economic and environmental impacts associated with the Project.</p> <p>The EIS includes an overall assessment of the merits of the Project having regard to these issues.</p>	Section 6.0 and 7.0
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The EIS provides the consent authority with a comprehensive assessment of the positive and negative social, economic and environmental impacts associated with the Project and considers these impacts in the context of the principles of ecologically sustainable development including inter-generational equity and the precautionary principle.</p> <p>The stakeholder engagement processes undertaken for the Project and the public exhibition of the EIS provide additional opportunities for community views on the project to be provided and incorporated into the decision making processes of both the proponent and the consent authority.</p>	Section 5.0, 6.0 and 7.0
To promote the orderly and economic use and development of land,	<p>The Project represents a rare opportunity within the Lower Hunter Region to develop a large tonnage, greenfield quarry operation on geology demonstrated to be favourable for production of the full range of high-quality quarry products, with close proximity to key markets and existing State road infrastructure. The overall merits of the Project in terms of its potential social, economic and environmental impacts have been considered in the EIS, which also includes a comprehensive assessment of alternatives to the Project.</p>	Section 2.0, 6.0 and 7.0
To promote the delivery and maintenance of affordable housing,	<p>The provision of additional supply of quarry materials will mitigate cost pressures on housing construction costs which will assist in the maintenance and provision of affordable housing</p>	Section 7.0
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The EIS includes a comprehensive assessment of the Project's potential impacts on terrestrial and aquatic ecosystems.</p> <p>The Project has been assessed in accordance with the requirements of <i>the Biodiversity Conservation Act 2017</i>.</p>	Section 6.6 and Appendix 11
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The EIS includes a comprehensive assessment of the Project's potential impacts on built and cultural heritage, including Aboriginal cultural heritage.</p>	Section 6.7 and 6.8, Appendix 12
To promote good design and amenity of the built environment,	N/A	N/A
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	N/A	N/A

Object	Consideration	EIS Reference
To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Relevant Government agencies have been consulted during the preparation of the EIS and will be given an opportunity to review the EIS and provide submissions during the public exhibition period. The views of agencies have been considered in the design of the Project and will be considered as part of the assessment process.	Section 5.0
To provide increased opportunity for community participation in environmental planning and assessment.	The local and regional community have been provided with a range of opportunities to participate in the environmental assessment process. The EIS will be placed on public exhibition which will provide further opportunities for community participation in the environmental planning and assessment	Section 5.0

Table 3 Section 4.15 EP&A Act

Matters for Consideration	EIS Reference
(a) The provisions of: (i) any environmental planning instrument, and	Section 4.0 and this Appendix
(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	N/A
(iii) any development control plan, and	In accordance with Section 2.10 of the Planning Systems SEPP, Development Control Plans do not apply to SSD and are not a relevant consideration for the Project.
(iiia) 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	N/A
(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	Section 4.0 and this Appendix
(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	Section 6.0
(c) the suitability of the site for the development	Section 2.0, 6.0 and 7.3
(d) any submissions made in accordance with this Act or the regulations	Comments to be received on the EIS during the public exhibition period
(e) the public interest.	Section 5.0, Section 6.0 (in particular Sections 6.14 and 6.15) and 7.0

Table 4 Section 192 EP&A Regulation 2021

Section	Requirement	EIS Reference
1(a)	a summary of the environmental impact statement	Executive Summary
1(b)	a statement of the objectives of the development, activity or infrastructure	Section 1.4
1(c)	an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure	Section 2.4
1(d)	an analysis of the development, activity or infrastructure, including—	
	(i) a full description of the development, activity or infrastructure, and	Section 3.0
	(ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and	Section 2.3 and 6.0
	(iii) the likely impact on the environment of the development, activity or infrastructure, and	Section 6.0
	(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Section 6.0 and Appendix 5
	(v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out	Section 4.0 and this Appendix
1(e)	a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv)	Appendix 3
1(f)	the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193. Note— A cost benefit analysis may be submitted or referred to in the reasons justifying the carrying out of the development, activity or infrastructure.	Section 7.0

Table 5 Resources and Energy SEPP – Development Application Considerations

SEPP Clause	Matter for Consideration	Relevant Outcomes
2.16	Non-discretionary standards for mining	Not applicable to extractive industry
2.17	Compatibility of proposed mine, petroleum production or extractive industry with other land uses	<p>Consideration of the existing and approved uses of land in the vicinity of the development, and potential significant impacts on the preferred uses of land in the vicinity of the development, particularly agriculture, have been assessed in Section 6.10.</p> <p>Economic assessment has also been undertaken to evaluate the public benefits of the Project (refer to Section 6.15).</p> <p>Various mitigation measures have been proposed to avoid or minimise any incompatibility, with a consolidated list provided in Appendix 3.</p>
2.18	Consideration of voluntary land acquisition and mitigation policy	<p>Compliance with relevant noise and air quality criteria has been assessed in Sections 6.2 and Error! Reference source not found. and a range of reasonable and feasible noise and air quality mitigation measures are proposed to be implemented as part of the Project. The results of the noise and air quality impact assessments described in Sections 6.2 and Error! Reference source not found. do not trigger voluntary mitigation or acquisition rights established under the <i>Voluntary Land Acquisition and Mitigation Policy (2018) (VLAMP)</i>.</p>
2.19	Compatibility of proposed development with mining, petroleum production or extractive industry	<p>Interactions with other local quarries have been considered throughout the assessments and the Project is unlikely to have a significant impact on current or future extraction at nearby operations. ARDG is working with neighbouring extractive industries to improve road safety at the intersection of Italia Road and the Pacific Highway (subject to separate development assessment).</p>
2.20	Natural resource management and environmental	<p>This clause requires the consent authority to consider the impact of a proposed extractive industry on natural resources and whether specific environmental management conditions (relating to water resources, biodiversity and greenhouse gas emissions) should be imposed on the development if approved. The Project's potential impact on natural resources is dealt with in detail in Section Error! Reference source not found. and specific commitments regarding the management of potential environmental impacts are contained in Appendix 3.</p>
2.21	Resource recovery	<p>This clause requires the consent authority to have regard to the efficiency of a proposed extractive industry in terms of its ability to optimise extraction of the target resources. Detailed resource and technical assessment work undertaken within the Project Area has identified extensive additional resources (of the same quality) both within (at depth) and outside of the proposed quarry pit development area. A key component of extraction planning for the Project is the recognition of these extractive resources for potential future development (refer to Section 2.1, 2.2 and 3.4 and Appendix 4).</p>
2.22	Transport	<p>This clause requires the consent authority to consider whether or not the development should be subject to conditions restricting the use of public roads for product transport or other quarry related traffic. Quarry product will be subject to strict transport controls as detailed in Section 6.9.</p>
2.23	Rehabilitation	<p>This clause requires a consent authority to have regard to the rehabilitation of land affected by the proposed extractive industry. Decommissioning and rehabilitation plans for the Project are detailed in Section 6.16 and would be implemented in accordance with relevant consent conditions.</p>