



APPENDIX B

Amended Statutory Compliance Tables

Appendix B – Amended Statutory Compliance Tables

Table B.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 of the EIS and Section 6.7 and Appendix I of the Amendment Report.
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 of the EIS).
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 of the EIS). Additional modelling of Italia Road Intersections is contained in Appendix 6 of the Submissions Report.

Table B.2 Section 1.3 Objects of the EP&A Act

Object	Consideration	Reference
<p>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>	<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>	<p>Section 6.0 and Section 7.0 of the EIS and Section 6.0 and Section 7.0 of the Amendment Report</p>
<p>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<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>	<p>Section 5.0, Section 6.0 and Section 7.0 of the EIS and Section 7.0 of the Amendment Report</p>
<p>To promote the orderly and economic use and development of land,</p>	<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>	<p>Section 2.0, Section 6.0 and Section 7.0 of the EIS and Section 7.0 of the Amendment Report</p>
<p>To promote the delivery and maintenance of affordable housing,</p>	<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>	<p>Section 7.0 of the EIS and Section 7.0 of the Amendment Report</p>
<p>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<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>	<p>Section 6.6 and Appendix 11 of the EIS and Section 6.7 and Appendix I of the Amendment Report</p>

Object	Consideration	Reference
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The EIS includes a comprehensive assessment of the Project’s potential impacts on built and cultural heritage, including Aboriginal cultural heritage.	Section 6.7 and Section 6.8, Appendix 12 of the EIS
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
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 of both the EIS and Section 5.0 of the Amendment Report
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 was be placed on public exhibition which provides further opportunities for community participation in the environmental planning and assessment. The Submissions report includes a summary of submissions made and a response to issues raised in submissions.	Section 5.0 of both the EIS and Section 5.0 of the Amendment Report. Submissions Report

Table B.3 Section 4.15 EP&A Act

Matters for Consideration	Reference
(a) The provisions of: (i) any environmental planning instrument, and	Section 4.0 and Appendix 2 of the EIS 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 Appendix 2 of the EIS 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 of both the EIS and Section 6.0 of the Amendment Report
(c) the suitability of the site for the development	Section 2.0, 6.0 and 7.3 of the EIS and Section 7.0 of the Amendment Report
(d) any submissions made in accordance with this Act or the regulations	Comments were received on the EIS during the public exhibition period and responses provided in a separate Submissions Report
(e) the public interest.	Section 5.0, Section 6.0 (in particular Section 6.14 and Section 6.15) and Section 7.0 of the EIS

Table B.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—	Section 3.0 of the EIS and Appendix A of the Amendment Report
	(i) a full description of the development, activity or infrastructure, and	
	(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 of the EIS and Specialist assessments in EIS and Amendment Report
	(iii) the likely impact on the environment of the development, activity or infrastructure, and	Section 6.0 of the EIS and Section 6.0 of the Amendment Report
	(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Section 6.0 of the EIS and Section 6.0 and Appendix C of the Amendment Report
	(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 Appendix 2 of the EIS and this Appendix B to the Amendment Report
1(e)	a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv)	Appendix C of the Amendment Report
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 of the EIS and Section 7.0 of the Amendment Report

Table B.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 of the EIS.</p> <p>Economic assessment has also been undertaken to evaluate the public benefits of the Project (refer to Section 6.15 of the EIS).</p> <p>Various mitigation measures have been proposed to avoid or minimise any incompatibility, with a consolidated list provided in Appendix C of the Amendment Report.</p>
2.18	Consideration of voluntary land acquisition and mitigation policy	<p>Compliance with relevant noise and air quality criteria have been assessed in Section 6.2 and Section 6.3 of the EIS and Section 6.2 and Section 6.4 of the Amendment Report. A range of reasonable and feasible noise and air quality mitigation measures are proposed to be implemented as part of the Project and are detailed in Appendix C. The results of the noise and air quality impact assessments described in Section 6.2 and Section 6.3 of the EIS and Sections 6.2 and 6.4 of the Amendment Report 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 6.0 of both the EIS and the Amendment Report and specific commitments regarding the management of potential environmental impacts are contained in Appendix C of the Amendment Report.</p>

SEPP Clause	Matter for Consideration	Relevant Outcomes
2.21	Resource recovery	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 and developing a mine plan that does not sterilise these resources (refer to Section 2.1 , Section 2.2 and Section 3.4 and Appendix 4 of the EIS).
2.22	Transport	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 of the EIS.
2.23	Rehabilitation	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 of the EIS and Section 6.8 of the Amendment Report and would be implemented in accordance with relevant consent conditions.