



APPENDIX C: STATUTORY COMPLIANCE TABLE





Statutory Reference	Relevant Consideration	Section in EIS
Environmental Planning and Assessment Act 1979	Section 1.3: Objectives of the Act	Section 5, Section 9
	Section 4.15: Matters for consideration	Section 5, Section 9
	Pursuant to section 4.41 of the EP&A Act, the following approvals are not required for SSD: - A permit under section 201, 205 or 219 of the <i>Fisheries Management Act 1994</i> - An Aboriginal heritage impact permit (AHIP) under section 90 of the <i>National Parks and Wildlife Act 1974</i> - A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the <i>Water Management Act 2000</i>	Section 5
	The following authorisations, as listed under section 4.42, cannot be refused for carrying out SSD that is authorised by development consent under Division 4.7: - An environment protection licence under Chapter 3 of the <i>Protection of the Environment Operations Act 1997</i> (for any of the purposes referred to in section 43 of that Act) - A consent under section 138 of the <i>Roads Act 1993</i>	Section 5
	Part 4 of the EP&A Act identifies the approval pathways for most development in NSW	Section 5
	Section 4.46 of the EP&A Act identifies that the proposed development is considered integrated development	Section 5.3.1 Table 5-2
Environmental Planning and Assessment Regulation 2000	The Environmental Impact Statement (EIS) for the development must comply with the requirements in Clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000	Declaration, Section 9, Executive Summary. Section 2, Section 3, Section 7, Section 8



Statutory Reference	Relevant Consideration	Section in EIS
	Under Schedule 2, Part 3 of the EP&A Regs, an EIS must be prepared in accordance with environmental assessment requirements sort by written application from the Planning Secretary (commonly referred to as Secretary's Environmental Assessment Requirements (SEARs).	Declaration, Appendix A
	Clause 50: How must a development application be made	EIS to be lodged on the Planning Portal (Major Projects Website)
State Environmental Planning Policies		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Consideration of the development against all relevant environmental planning instruments (including Part 3 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007) (see Clauses 12AB - 17 below)	-
	Clause 7: Enables quarries to be permissible with consent on any land to which agriculture or industry may be carried out	Section 5
	Clause 12AB: Non-discretionary development standards for mining	Section 7
	Clause 12: Requirement for the Consent Authority to consider the compatibility of the quarry with surrounding land use	Section 7, Section 9
	Clause 12A: Voluntary land acquisition and mitigation policy	Section 7
	Clause 14: Requirement for the consent authority to consider the potential impacts on water, threatened species and biodiversity and greenhouse gas emissions	Section 7, Appendix J, Appendix L, Appendix P
	Clause 15: Requirement for the consent authority to consider matters relating to efficiency and minimising waste	Section 7.11
	Clause 16: Requirement for the consent authority consider measures relating to transport of materials on public roads, including the provision of the development application to the roads authority (Council and/or TfNSW)	Section 7.9, Appendix K



Statutory Reference	Relevant Consideration	Section in EIS
	Clause 17: Requirement for the consent authority to consider conditions relating to rehabilitation of the quarry	Section 7.16, Appendix T
State Environmental Planning Policy (State and Regional Development) 2011	Pursuant to Schedule 1, Clause 7 of the State Environmental Planning Policy (State and Regional Development) 2011, development that extracts from a total resource of more than five million tonnes is classified as State Significant Development (SSD). The DCQ, under current design plans, is expected to extract up to 12 MT over the project lifetime and therefore constitutes SSD	Section 5, Section 3, Appendix O
State Environmental Planning Policy No 33 – Hazardous and Offensive Development	Clause 8: Consideration of departmental guidelines Part 3: Potentially hazardous or potentially offensive development	Section 7.12, Appendix X, Appendix V
State Environmental Planning Policy No 55 —Remediation of Land	Under Clause 7 a consent authority must account for potential contamination on land prior to issuing development consent	Section 5, Section 7
State Environmental Planning Policy (Coastal Management) 2018	Part 2: Development controls for coastal management areas	Not Applicable
State Environmental Planning Policy (Koala Habitat Protection) 2020	Part 2: Development control of koala habitats	Section 5, Section 7.1, Appendix L
State Environmental Planning Policy (Infrastructure) 2007	Part 17 identifies any development with frontage to a classified road (or near a classified road) a consent authority must take into consideration a number of matters when assessing the development application	Section 5, Section 7.8, Appendix K
	Part 17 Clause 104 (and Schedule 3) identify certain size developments are required to be referred to Transport for NSW (TfNSW), Safety and efficiency of the road network	Section 5, Section 7.9, Section 4, Appendix K
Other Legislation		
Mining Act 1992	Section 63, 64 grant of mining lease	Not Applicable
Fisheries Management Act 1994	A permit under section 201, 205 or 219	Not required
	An aquaculture permit under section 144	Not Applicable



Statutory Reference	Relevant Consideration	Section in EIS
Heritage Act 1977	An approval under Part 4, or an excavation permit under section 139	Not required Section 5, Appendix R
National Parks and Wildlife Act 1974	An Aboriginal heritage impact permit (AHIP) under section 90	Not required Section 5, Section 7.6, Appendix I
Rural Fires Act 1997	A Bush Fire Safety Authority under section 100B	Not required Section 5, Section 7.12
Water Management Act 2000.	A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91	Section 5, Section 7.4, Section 7.5, Appendix J, Appendix P
Coal Mine Subsidence Compensation Act 2017	Section 22 approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	Not Applicable
Protection of the Environment Operations Act 1997	An environment protection licence under Chapter 3	EPL required Section 5, Section 8
Roads Act 1993	A consent under section 138	Section 5, Section 7.9
Pipelines Act 1967	A licence	Not Applicable
Petroleum (Onshore) Act 1991	Section 16 grant of a production lease	Not Applicable
Biodiversity Conservation Act 2016	Pursuant to section 7.9, SSD applications require the application of the Biodiversity Assessment Method (BAM), established under section 6.7, SSD are assessed under section 7.14 of the BC, requiring the retirement of biodiversity credits to offset impacts to flora and fauna	Section 5, Section 7.1
Local Land Services Act 2013	Section 60(O) identifies that an approval under Part 4 of the EP&A Act allows clearing of native vegetation without the need for a separate approval under the LLS Act. Under Section 60(O) notes the clearing of native vegetation in a regulated rural area is permitted following approval by a determining authority for a development consent under Part 4 of the EP&A Act	Section 5, Section 7.1



Statutory Reference	Relevant Consideration	Section in EIS
Coastal Management Act 2016	Section 23 provides that Councils are to consider coastal management plans in preparing LEPs and DCPs Part 2 allows SEPP(s) provisions to be implemented for certain coastal management areas	Not Applicable
Contaminated Land Management Act 1997	Section 60 of the CLM Act imposes a duty on landowners to notify DPIE, and potentially investigate and remediate land if contamination is above EPA guideline levels	No contamination identified Section 5, Section 7.10
Biosecurity Act 2015	All plants (particularly weeds) in NSW are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose	Section 5, Section 7.1, Section 7.9, Appendix L, Appendix T
Waste Avoidance and Resource Recovery Act 2001	Supports the implementation of a State strategy to minimise the consumption of natural resources and final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste including during construction and operation	Section 5, Section 7.11
Water Act 1912	Part 5 groundwater licence	Licence required Section 7.5, Section 8, Appendix P
Local Environmental Plan		
Great Lakes Local Environmental Plan 2014	Part 2 – Zoning	Project permitted within the zone. Section 5
	Clause 5.21 – Flood Planning	Section 7
	Clause 5.10 – Heritage Conservation	Section 7
	Clause 7.2 – Earthworks	Section 7
	Clause 7.5 – Stormwater Management	Section 7



Statutory Reference	Relevant Consideration	Section in EIS
	Clause 7.7 – Riparian Land and Watercourse	Section 7
	Clause 7.21 – Essential Services	Section 7, Section 3
Development Control Plan		
Great Lakes Development Control Plan	Relevant parts of the DCP	Not Applicable
Commonwealth Legislation		
Environment Protection and Biodiversity Conservation Act 1999	Under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), assessment and approval is required for actions that are likely to have a significant impact on Matters of National Environmental Significance (MNES). An action includes a project, development, undertaking, activity, or series of activities. When a person proposes to take an action they believe may need approval under the EPBC Act, they must refer the proposal to the Australian Government Minister for the Department of Environment (DoE). Consultation with DAWE via an EPBC Referral (see Section 4.4) has identified that there may be impacts to listed threatened and migratory species as displayed in Table 5-2.	Approval required under Bilateral Agreement Section 5, Section 6.1.1, Section 6.2.2 Section 7.1, Appendix G, Appendix L



Statutory Reference	Relevant Consideration	Section in EIS
Native Title Act 1993	The <i>Native Title Act 1993</i> (NT Act) tries to balance Indigenous and non-Indigenous peoples' rights to land. The Act has a number of functions. It creates processes through which native title can be recognised and protected. Native Title recognises a set of rights and interests over land or waters where Aboriginal and Torres Strait Islander groups have practiced and continue to practice, traditional laws and customs prior to British occupation. Native title recognises an Aboriginal or Torres Strait Islander people's traditional law and custom. For the courts to recognise native title, there are two key legal questions that must be answered: • Under the traditional laws and customs of the group of Indigenous people claiming native title, are their rights and interests to the claim area based on their traditional connection to the area? • If a connection under traditional law and custom is found, the courts ask the next question: Has this connection been either entirely or partially 'extinguished' (lost) by specific government actions? For example, selling that area of claimed land. A review of applications and determinations recorded by the National Native Title Tribunal (NNTT) utilizing the SEED portal identified no active or determined title claims covering the area of the proposed activity.	Relevant lands not affected by the Project. No current native title claims for the area. Section 5.2.2, Section 7
Other Reference Document		
Other development approvals (DAs) or concept approvals		Not Applicable



Statutory Reference	Relevant Consideration	Section in EIS
Hunter Regional Plan 2036	The Hunter Regional Plan 2036 (HRP) provides an overarching framework to guide detailed land use plans, development proposals and infrastructure funding decisions. In the Hunter region. The HRP states that 'Infrastructure investment is the linchpin of economic development across the Hunter. It supports freight, health and education services, agribusiness and tourism, as well as building resilience to global economic cycles and climate change'. Direction 6 of the HRP aims to grow the economy of the Mid Coast and Port Stephens areas. Direction 6.4 of the HRP aims to specifically 'Promote growth of industries that can leverage accessibility provided by the Pacific Highway' within that area. The Project is located strategically to be able to leverage this accessibility.	Section 5