
Appendix C

Statutory compliance table

Table C.1 Mandatory considerations for the project

Statutory document	Section reference	Mandatory consideration	Section in EIS
Considerations under the EP&A Act and Regulation			
<i>Environmental Planning and Assessment Act 1979</i>	section 1.3	relevant objects of the Act	Section 7.1
	section 4.15(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—	
		(a) the provisions of— (i) any relevant environmental planning instruments, and ... (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), ...	See below
		That apply to the land to which the development application relates,	
		(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	Chapter 6
(c) the suitability of the site for the development	Section 7.3		
		(e) the public interest	Chapter 7
NSW Regulations			
Environmental Planning and Assessment Regulation 2000	Clause 50	(1) A development application must— (a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and (b) contain all of the information that is specified in the approved form or required by the Act and this Regulation, and (c) be accompanied by the information and documents that are specified in Part 1 of Schedule 1 or required by the Act and this Regulation, and	The EIS will be lodged via the NSW planning portal and will be in the form that is approved by the Planning Secretary.

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		(d) be lodged on the NSW planning portal.	
	Schedule 2(6)	Form of environmental impact statement An environmental impact statement must contain the following information—	
		(a) the name, address and professional qualifications of the person by whom the statement is prepared,	Certification page
		(b) the name and address of the responsible person,	Section 1.2
		(c) the address of the land— (i) in respect of which the development application is to be made, or (ii) on which the activity or infrastructure to which the statement relates is to be carried out,	Section 1.1 and 3.4
		(d) a description of the development, activity or infrastructure to which the statement relates,	Section 3
		(e) an assessment by the person by whom the statement is prepared of the environmental impact of the development, activity or infrastructure to which the statement relates, dealing with the matters referred to in this Schedule,	This table
		(f) a declaration by the person by whom the statement is prepared to the effect that— (i) the statement has been prepared in accordance with this Schedule, and (ii) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and (iii) that the information contained in the statement is neither false nor misleading.	Certification page
	Schedule 2(7)	Content of environmental impact statement (1) An environmental impact statement must also include each of the following—	
		(a) a summary of the environmental impact statement,	Executive Summary – Section ES1
		(b) a statement of the objectives of the development, activity or infrastructure,	Section 2.1

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		(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,	Section 1.3.3
		(d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and	Section 3
		(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	Section 2.2 and Section 6
		(iii) the likely impact on the environment of the development, activity or infrastructure, and	Section 6
		(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	Section 6 and Appendix E
		(v) a list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,	Section 4
		(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),	Appendix E
		(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4).	Section 7
Mandatory relevant considerations under EPIs			
State Environmental Planning Policy (Infrastructure) 2007	clause 104(3)	Before determining a development application for traffic generating development, the consent authority must: ... (b) take into consideration: (ii) the accessibility of the site concerned, including—	Section 6.1 and Appendices F.1 and F.2

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		<p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p>	
<p><i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i></p>	<p>clause 12</p>	<p>Before determining an application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must—</p> <p>(a) consider—</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing, approved or preferred likely uses, and</p> <p>(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and</p> <p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</p>	<p>Sections 2.2, 3.6 and Chapter 7</p>
	<p>clause 12A</p>	<p>Before determining an application for consent for State significant development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider any applicable provisions of the voluntary land acquisition and mitigation policy and, in particular—</p> <p>(a) any applicable provisions of the policy for the mitigation or avoidance of noise or particulate matter impacts outside the land on which the development is to be carried out, and</p> <p>(b) any applicable provisions of the policy relating to the developer making an offer to acquire land affected by those impacts.</p>	<p>Sections 6.2 and 6.3 and Appendices F.3 and F.4.</p>
	<p>clause 14 Natural resource management</p>	<p>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to</p>	

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	and environmental management	conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following—	
		(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,	Sections 6.4 and 6.5, Appendices F.5 and F.6
		(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,	Section 6.6 and Appendix F.7
		(c) that greenhouse gas emissions are minimised to the greatest extent practicable.	Section 6.3 and Appendix F.4
		(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.	Section 6.3 and Appendix F.4
	clause 15 Resource recovery	(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.	Section 3.6 and Chapter 7
		(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.	
	clause 16 Transport	(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—	Section 6.1 and Appendices F.1 and F.2
		(a) require that some or all of the transport of materials in connection with the development is not to be by public road,	
		(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,	
		(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.	

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	clause 17 Rehabilitation	<p>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.</p> <p>(2) In particular, the consent authority must consider whether conditions of the consent should—</p> <p>(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</p> <p>(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or</p> <p>(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the <i>Contaminated Land Management Act 1997</i>), or</p> <p>(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.</p>	Section 6.8 and Appendix F.8
<i>State Environmental Planning Policy No 33 – Hazardous and Offensive Development</i>	clause 8 Consideration of Departmental guidelines	<p>In determining whether a development is—</p> <p>(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or</p> <p>(b) an offensive storage establishment, offensive industry or other potentially offensive industry, consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</p>	Section 6.10 and Appendix F.9
Goulburn Mulwaree Local Environmental Plan 2009	Clause 2.3(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Sections 4.1 and 7.3
	Clause 7.1A Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p>	Chapter 6

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		(e) the source of any fill material or the destination of any excavated material, (f) the likelihood of disturbing Aboriginal objects or other relics, (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	
	Clause 7.2 Terrestrial biodiversity	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters— (a) identification of any potential adverse impact of the proposed development on any of the following— (i) a native vegetation community, (ii) the habitat of any threatened species, population or ecological community, (iii) a regionally significant species of plant, animal or habitat, (iv) a habitat corridor, (v) a wetland, (vi) the biodiversity values within a reserve, including a road reserve or a stock route, and (b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.	Section 6.6 and Appendix F.7
Considerations under other legislation			
<i>Biodiversity Conservation Act 2016</i>	section 7.14	(2) The Minister for Planning, when determining in accordance with the <i>Environmental Planning and Assessment Act 1979</i> any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.	Section 6.6 and Appendix F.7