



Appendix J

| *Statutory
compliance table*

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
Commonwealth Acts			
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)		<p>The EPBC Act provides the legal basis to protect and manage internationally and nationally important flora, fauna, ecological communities, heritage places and water resources which are deemed to be matters of national environmental significance (MNES). MNES, as defined under the EPBC Act, are:</p> <ol style="list-style-type: none"> 1. world heritage properties; 2. places listed on the National Heritage Register; 3. wetlands of international significance listed under the Ramsar Convention; 4. threatened flora and fauna species and ecological communities; 5. migratory species; 6. Commonwealth marine areas; 7. Great Barrier Reef Marine Park; 8. nuclear actions (including uranium mining); and 9. water resources, in relation to coal seam gas or large coal mining development. <p>Under the EPBC Act, actions that will, or are likely to, have a significant impact on a MNES are deemed to be controlled actions and can only proceed with the approval of the Commonwealth Minister for the Environment. An action that may potentially affect a MNES has to be referred to the Department of Agriculture, Water and the Environment for determination as to whether it is a controlled action.</p> <p>No MNES listed above have been recorded or found within the vicinity of the site. However, MNES that may be relevant to the project are:</p> <ol style="list-style-type: none"> 10. threatened flora and fauna species and ecological communities; and 11. migratory species. <p>As described in Chapter 8.10 the project will not significantly impact any of these MNES and the project has not been referred to the Department of Agriculture, Water and the Environment.</p>	8.10 Biodiversity

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<i>The Commonwealth Native Title Act 1993</i> (NT Act)		<p>The NT Act recognises and protects native title rights in Australia. It allows a native title determination application (native title claim) to be made for land or waters where native title has not been validly extinguished, for example, extinguished by the grant of freehold title to land.</p> <p>Applications for compensation for extinguishment or impairment of native title rights can also be made. All native title claims are subjected to a registration test and will only be registered if claimants satisfy a number of conditions. A register of native title claims is maintained by the National Native Title Tribunal.</p> <p>Proposed activities or development that may affect native title are called ‘future acts’. Claimants whose native title claims have been registered have the right to negotiate about some future acts, including mining and granting of a mining lease over the land covered by their native title claim.</p> <p>Where a native title claim is not registered, a development can proceed through mediation and determination processes, though claimants will not be able to participate in future act negotiations.</p> <p>There are no active claims encompassing the project development footprint.</p>	8.11 Aboriginal heritage
<i>Commonwealth National Greenhouse and Energy Reporting Act 2007</i> (NGER Act)		<p>The NGER Act provides a single national framework for the reporting and dissemination of information about the greenhouse gas emissions, greenhouse gas projects, and energy use and production of corporations. It makes registration and reporting mandatory for corporations whose energy production, energy use or greenhouse gas emissions meet specified thresholds.</p> <p>Veolia triggers the threshold for reporting under the NGER Act, and currently reports energy use and greenhouse gas emissions from the Bioreactor and the MBT under the NGER scheme.</p> <p>Veolia will continue to monitor and report energy use and greenhouse gas emissions associated with the project under its obligations under the NGER Act.</p>	8.3 Greenhouse gas

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Statutory document	Reference	Requirement	Section in EIS
NSW Acts			
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	Section 1.3	relevant objects of the Act	5.4 Objects of the Act
	Section 4.15(1)	(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—	5.4 Objects of the Act
		(i) any relevant environmental planning instruments, and	
		(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	
		...	
		(iii) 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 (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,	
		(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	8.1.3–8.16.3 Potential impacts 9.7 Cumulative impacts
		(c) the suitability of the site for the development	3.4 Site suitability
		(e) the public interest	7 Engagement

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Statutory document	Reference	Requirement	Section in EIS
<i>Biodiversity Conservation Act 2016</i> (BC Act)	Section 7.14	<p>(2) The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 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.</p> <p>(3) If the Minister for Planning decides to grant consent or approval and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent or approval may require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values (whether of the number and class specified in the report or other number and class). The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent or approval to avoid or minimise the impact on biodiversity values of the proposed development.</p> <p>(4) A condition to retire biodiversity credits is required to be complied with before any development is carried out that would impact on biodiversity values. If the retirement of particular biodiversity credits applies to a stage of the development, compliance with the condition for their retirement is postponed until it is proposed to carry out that stage of the development.</p>	8.10 Biodiversity Appendix Y BDAR
<i>Crown Lands Act 1989</i>		<p>The NSW <i>Crown Lands Act 1989</i> provides for the administration and management of Crown land in the eastern and central divisions of NSW. Crown land may not be occupied, used, sold, leased, dedicated, reserved, or otherwise dealt with unless authorised by this Act or the NSW Crown Land (Continued Tenured) Act 1989.</p> <p>There is no crown land in the project development footprint.</p>	N/A

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Statutory document	Reference	Requirement	Section in EIS
<i>Water Act 1912</i> and <i>NSW Water Management Act 2000</i>		<p>The NSW <i>Water Act 1912</i> (Water Act) and WM Act regulate the management of water by granting licences, approvals for taking and using water, and trading groundwater and surface water. The WM Act applies to those areas where a water sharing plan has commenced. Alternatively, if a water sharing plan has not yet commenced, the Water Act applies. The WM Act is progressively replacing the Water Act as relevant water sharing plans are introduced across the State.</p> <p>Water sharing plans have commenced for most of NSW. Licensing of monitoring bores continues under the Water Act until a regulation for aquifer interference gives a mechanism to approve these activities.</p> <p>Clause 4.41 (1g) of the EP&A Act exempts an SSD authorised by a development consent from requiring 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 WM Act. These exemptions apply to the project as it has been declared an SSD and therefore there is no requirement to obtain approvals under the WM Act, including water use, water management work or controlled activity approvals.</p> <p>A water access licence under the <i>Water Management Act 2000</i> (WM Act) is required to extract groundwater. Veolia currently has a Water Access Licence (WAL) for 600 ML (WAL 28983) linked to four existing production bores (the Willeroo borefield), and no additional requirements are anticipated for the project.</p>	Appendix U GWIA (Chapter 7)
NSW Water Management (General) Regulation 2018	Schedule 1, item 3	<p>Dams that are solely for the capture, containment or recirculation of drainage, consistent with best management practice to prevent the contamination of a water source, that are located on a minor stream are excluded works under Schedule 1, item 3 of the NSW Water Management (General) Regulation 2018.</p> <p>The existing plant collection dam and proposed ARC and IBA area ponds are excluded works under this definition as the primary use of the storages is for water quality control purposes. Water stored within the proposed ARC and IBA area ponds will be used to supply the process water system. The take of water from the water management system is exempt from requiring a licence under Schedule 4, item 12 of the NSW Water Management (General) Regulation 2018.</p>	Appendix U GWIA (Chapter 7)

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Statutory document	Reference	Requirement	Section in EIS
<i>NSW Contaminated Land Management Act 1997</i> (CLM Act)		<p>The CLM Act aims to promote the better management of contaminated land. The objectives of this Act are to establish a process for investigating and, where appropriate, remediating land areas where contamination presents a significant risk of harm to human health or some factor of the environment.</p> <p>The Contamination Assessment Report (CAR) was undertaken by Golder Associates Pty Ltd (Golder) for the project and is included in Appendix S. A CAR was required to perform the geotechnical and contamination assessments for the site to determine the likelihood of pre-existing site contamination.</p> <p>An on-line search for notified under the CLM Act in the Goulburn Mulwaree Council LGA was performed by Lotsearch on 6 July 2021. The result of the search was limited to premises within 1,000 m of the project and did not identify premises subject to a notice within this search buffer.</p>	Appendix V SWIA
<i>NSW Waste Avoidance and Resource Recovery Act 2001</i> (WARR Act)		<p>The WARR Act promotes waste avoidance and resource recovery with the objective of minimising waste generation and disposal, and sets out objectives to ensure that resource management considers the following hierarchy:</p> <ol style="list-style-type: none"> 1. Avoid unnecessary resource consumption. 2. Resource recovery (reuse, reprocessing, recycling, energy recovery). 3. Disposal. <p>The project aligns with the objectives of the WARR Act as it aligns with the objective of reducing waste going to landfill. Energy from waste is an accepted technology to assist in achieving landfill diversion targets.</p>	3.1.3 NSW waste legislation and policy
<i>Protection of the Environment Operations Act 1997</i> (POEO Act)	Section 48	Under section 48 of the POEO Act an EPL will be required for the project as it is a premise-based activity listed in Schedule 1 of the Act.	5 Statutory Context
	Schedule 1	Clause 18 of Schedule 1 to the POEO Act provides that energy recovery from general waste is a scheduled activity requiring an EPL.	5 Statutory Context
<i>Roads Act 1993</i>	Section 138	Approval will be required under section 138 of the Roads Act from the Council for works in, on or over a public road, or to connect a road to a classified road.	5 Statutory Context

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Statutory document	Reference	Requirement	Section in EIS
NSW Regulations			
Protection of the Environment Operations (Waste) Regulation 2014 (the Waste Reg.)	Parts 2 and 3	<p>The project is a scheduled waste facility under the Waste Reg. Parts 2 and 3 of the Waste Reg. apply to scheduled waste facilities.</p> <p>The Waste Reg. is supported by the Waste levy guidelines. These guidelines specify how to measure waste to calculate waste levy liability, the deductions waste operators can claim and the EPA's requirements for records, surveys and reports.</p>	8.17 Waste management
Environmental Planning and Assessment Regulation 2000 (EP&A Reg)	Clause 50	<p>(1) A development application must—</p> <p>(a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and</p> <p>(b) contain all of the information that is specified in the approved form or required by the Act and this Regulation, and</p> <p>(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</p> <p>(d) be lodged on the NSW planning portal.</p>	This EIS
	Clause 77	<p>Notice of development applications</p> <p>(1) As soon as practicable after a development application is lodged with the consent authority, the consent authority must—</p> <p>(a) publish notice of the application on the consent authority's website, and</p> <p>(b) give notice of the application to—</p> <p>(i) the public authorities (other than relevant concurrence authorities or approval bodies) that, in the opinion of the consent authority, may have an interest in the determination of the application, and</p> <p>(ii) in the case of a development application other than designated development—the persons that, in the opinion of the consent authority, own or occupy the land adjoining the land to which the application relates (unless the notice is in respect of an application for public notification development).</p>	To be completed by the consent authority

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Statutory document	Reference	Requirement	Section in EIS
	Clause 82	<p>Additional requirements for State significant development</p> <p>(1) The Planning Secretary is to provide to an applicant for State significant development the submissions, or a summary of the submissions, received in relation to the application during the submission period.</p> <p>(2) The Planning Secretary may, by notice in writing, require the applicant to provide a written response to any issues raised in those submissions as the Planning Secretary considers necessary.</p> <p>(3) For the purposes of section 4.39(d) of the Act, the Planning Secretary is to make the following documents that relate to a development application for State significant development available on the NSW planning portal—</p> <p>(a) the Planning Secretary’s environmental assessment requirements under Part 2 of Schedule 2,</p> <p>(b) the development application, including any accompanying documents or information and any amendments made to the development application,</p> <p>(c) any submissions received during the submission period and any response provided under subclause (2),</p> <p>(d) any environmental assessment report prepared by the Planning Secretary,</p> <p>(e) any development consent or modification to a development consent,</p> <p>(f) any application made for a modification to a development consent, including any accompanying documents or information,</p> <p>(g) any documents or information provided to the Planning Secretary by the applicant in response to submissions.</p>	To be undertaken as part of the submissions stage of the EIS.
	Schedule 2(6)	<p>Form of environmental impact statement</p> <p>An environmental impact statement must contain the following information—</p> <p>(a) the name, address and professional qualifications of the person by whom the statement is prepared,</p> <p>(b) the name and address of the responsible person,</p> <p>(c) the address of the land—</p> <p>(i) in respect of which the development application is to be made, or</p> <p>(ii) on which the activity or infrastructure to which the statement relates is to be carried out,</p>	<p>Certification page</p> <p>Certification page</p> <p>Certification page</p>

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Statutory document	Reference	Requirement	Section in EIS
		(d) a description of the development, activity or infrastructure to which the statement relates,	Certification page 4 Project description
		(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,	Certification page and 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,	Summary – ES1
		(b) a statement of the objectives of the development, activity or infrastructure,	1.3 Project objectives
		(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,	3.5 Feasible alternatives to the project
		(d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and	4 Project description
		(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	2.2 Key features of the site ad surrounds 8 Assessments of impacts
		(iii) the likely impact on the environment of the development, activity or infrastructure, and	8 Assessment of impacts 9.7 Cumulative impacts

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Statutory document	Reference	Requirement	Section in EIS
		(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	8 Assessment of impacts Appendix M Mitigation measures table
		(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,	5 Statutory context
		(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),	Appendix M Mitigation measures table
		(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).	9 Project justification

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Statutory document	Reference	Requirement	Section in EIS
Environmental Planning Instruments			
State Environmental Planning Policy (Planning Systems) 2021	Schedule 1 section 20	The project is SSD as it is an ERF (ie 'electricity generating works and heat or co-generation') with a CIV of more than \$30 million for the purposes of Schedule 1, section 20 of the SEPP (Planning Systems) 2021.	5.7 Mandatory matters for consideration
	Schedule 1 section 23	The project is SSD as it is a 'waste and resource management facility' for the purpose of handling more than 100,000 tpa of waste for the purposes of Schedule 1, section 23 of the SEPP (Planning Systems) 2021.	5.7 Mandatory matters for consideration
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	Section 2.48	<p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>...</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>...</p> <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> <p>There is electricity infrastructure within the vicinity of the development footprint. Essential Energy is the relevant electricity supply authority. The project will require connection to an electricity distribution network.</p>	5.7 Mandatory matters for consideration

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
	Section 2.152(1)	<p>Section 2.152(1)) of the Transport and Infrastructure SEPP also permits development for the purpose of waste or resource management facilities, other than a waste or resource transfer station, within the IN3 zone.</p> <p>Therefore, the project is permissible with development consent under both the Transport and Infrastructure SEPP</p>	5.7 Mandatory matters for consideration
	Section 2.121	<p>(3) Before determining a development application for traffic generating development, the consent authority must</p> <p>(a) give written notice of the application to RMS [TfNSW] within 7 days after the application is made.</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <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>(4) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</p> <p>The project is classified as traffic generating development in accordance with section 2.121 and Schedule 3 as it involves a waste or resource management facility. The project has been referred to TfNSW and relevant consultation discussed in Chapter 7.</p>	<p>7 Engagement</p> <p>8.5 Traffic and transport</p>

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
State Environmental Planning Policy (Resources and Energy) 2021	Section 2.17	<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>2 Existing operations</p> <p>3 Strategic context</p> <p>4 Project description</p> <p>5 Project justification</p>
	Section 2.18	<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>8.1 Air quality and odour</p> <p>8.4 Noise and vibration</p> <p>Appendix S NVIA</p>
	Section 2.19	<p>Compatibility of proposed development with mining, petroleum production or extractive industry</p> <ul style="list-style-type: none"> Consider whether or not the development is likely to have a significant impact on, or be incompatible with, current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources). Evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to above, and evaluate any measures proposed by the applicant to avoid or minimise any incompatibility. <p>The project is located immediately adjacent to a mining operation including both surface and underground mining operations. The project will not impact on existing mining operations.</p>	<p>2 Existing operations</p>

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
	Section 2.20 Natural resource management and environmental management	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 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,	8.6 Groundwater 8.7 Surface water Appendix U GWIA Appendix V SWIA
		(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,	8.10 Biodiversity Appendix Y BDAR
		(c) that greenhouse gas emissions are minimised to the greatest extent practicable.	8.3 Greenhouse gas Appendix Q GHG impact assessment
		(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.	8.3 Greenhouse gas Appendix Q GHG impact assessment
	Section 2.21 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.	4 Project description 9 Justification of the project
		(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.	

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
	Section 2.22 Transport	<p>(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—</p> <p>(a) require that some or all of the transport of materials in connection with the development is not to be by public road,</p> <p>(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,</p> <p>(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.</p>	8.5 Traffic and transport Appendix T TIA
	Section 2.23 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>	Not applicable

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Statutory document	Reference	Requirement	Section in EIS
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 8, section 8.7 and 8.8	<p>(1) A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.</p> <p>(2) For the purposes of determining whether the carrying out of the proposed development on land in the Sydney drinking water catchment would have a neutral or beneficial effect on water quality, the consent authority must, if the proposed development is one to which the NorBE Tool applies, undertake an assessment using that Tool.</p> <p>The Eco Precinct is located within the Sydney Drinking Water Catchment, meaning sections 8.7(1), 8.7(2) and 8.8(1) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the SEPP) apply. This means the project is required to have a Neutral or Beneficial Effect (NorBE) on water quality released or migrating from site. The project will require a NorBE assessment and this is detailed in the Surface Water Assessment (Appendix R).</p>	8.7 Surface water Appendix V SWIA
State Environmental Planning Policy (Resilience and Hazards) 2021	Section 3.7	<p>Consideration of Departmental guidelines</p> <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,</p> <p>consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</p> <p>The preliminary hazards assessment (PHA) found that the project meets the definition of a potentially hazardous industry. Accordingly the PHA (Appendix AA) involved a SEPP 33 screening assessment.</p>	8.16 Hazards Appendix EE PHA
State Environmental Planning Policy (Resilience and Hazards) 2021	Section 4.6	<p>(1) A consent authority must not consent to the carrying out of any development on land unless -</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>Contamination has been identified within the site and will be rehabilitated under the existing development consent.</p>	8.8 Contamination Appendix W Preliminary site investigation

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
State Environmental Planning Policy (Biodiversity and Conservation) 2021		Chapter 3 and Chapter 4 of this SEPP (koala habitat protection) aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free living population over their present range and reverse the current trend of koala population decline. Eucalypt forest in the development footprint is restricted to small, narrow strips of planted eucalypts. No evidence of Koala activity was found in the development footprint and the small area of fragmented habitat present is unlikely to constitute important habitat for the species. Habitat in the development footprint has a history of physical disturbance and grazing and the species is unlikely to persist there, however it was included in surveys as a precaution.	Appendix Y BDAR
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.	3.3 Site suitability 5.3 Permissibility
	clause 7.1A Earthworks	(3) Before granting development consent for earthworks, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (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.	8 Assessment of impacts

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
	Clause 7.2 Terrestrial biodiversity	<p>(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—</p> <p>(a) identification of any potential adverse impact of the proposed development on any of the following—</p> <p>(i) a native vegetation community,</p> <p>(ii) the habitat of any threatened species, population or ecological community,</p> <p>(iii) a regionally significant species of plant, animal or habitat,</p> <p>(iv) a habitat corridor,</p> <p>(v) a wetland,</p> <p>(vi) the biodiversity values within a reserve, including a road reserve or a stock route, and</p> <p>(b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.</p>	8.10 Biodiversity Appendix Y BDAR
		<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—</p> <p>(a) the development is designed, sited and managed to avoid the potential adverse environmental impact, or</p> <p>(b) if a potential adverse impact cannot be avoided, the development—</p> <p>(i) is designed and sited so as to have minimum adverse impact, and</p> <p>(ii) incorporates effective measures so as to have minimal adverse impact, and</p> <p>(iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.</p> <p>Biodiversity impacts due to the project are not significant and have been minimised during design of the project. Potential impacts will be managed through the implementation of management measures, and offsetting for residual impacts that cannot be avoided.</p>	8.10 Biodiversity Appendix Y BDAR

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
Other strategies, statements and guidelines			
NSW Energy from Waste Policy Statement (EPA, 2021) (EfW Policy Statement)		<p>The EfW Policy Statement sets out the overarching framework and criteria that apply to facilities in the State that are proposing to thermally treat waste or waste-derived materials for the recovery of energy. The EfW Policy Statement sets out the opportunities of thermal treatment of waste as being:</p> <ol style="list-style-type: none"> 1. the recovery of embodied energy from waste; 2. offset of non-renewable energy sources; and 3. avoidance of methane emissions from landfill. <p>Under the EfW Policy Statement, the project is defined as an 'energy recovery facility' which falls outside the 'eligible waste fuels' category and hence is expected to meet the criteria set out in Section 4 of the Policy.</p>	3 Statutory context
NSW Waste and Sustainable Materials Strategy 2041 (WASMS)		<p>The WASMS replaced the previous <i>Waste Avoidance and Resource Recovery Strategy 2014-2021</i> and established new state-wide actions and targets. The key target is to achieve an average recycling rate of 80% (all streams) by 2030, which is an increase from the 65% achieved in 2018/19. The WASM is built around three 'focus areas', two of which are directly relevant to the project.</p> <p>The project is supported by the WASMS as it provides for the development of an ERF as a waste management option for Sydney that will preserve landfill space and utilise and be supported by existing waste management infrastructure on land that already has appropriate land use zoning.</p> <p>The project is also committed to the concept of the circular economy from the WASMS, which aligns with reducing carbon emissions through better waste and materials management.</p>	3 Statutory context
NSW Waste Classification Guidelines (WCG)		<p>The WCG covers the classification of wastes into groups that pose similar risks to the environment and human health, in accordance with the classes of waste defined in clause 49 of Schedule 1 of the POEO Act.</p> <p>The project will generate solid, liquid and gaseous waste streams. Section 8.17 describes solid and liquid waste streams. Gaseous waste streams are the emissions to air generated by the combustion processes in the ARC building. Air quality impacts related to these emissions are addressed in Section 8.1.</p>	8.17 Waste management
NSW Waste Levy Guidelines (EPA, 2018) (WLG)		<p>Under the POEO Act, certain licensed waste facilities in NSW are required to pay contribution for each tonne of waste received at the facility referred to as the 'waste levy'. This contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.</p> <p>Veolia will implement the waste levy as per the POEO (Waste) Regulation 2014 and the WLG.</p>	3 Statutory context

Table J.1 **Statutory compliance table**

Statutory document	Reference	Requirement	Section in EIS
European IPPC Bureau 'Industrial Emissions Directive' and BAT (Best Available Techniques) Reference Document (BREF) BREF 2019		The Industrial Emissions Directive (IED) is the main EU instrument regulating pollutant emissions from industrial installations. The IED aims to achieve a high level of protection of human health and the environment by reducing harmful industrial emissions across the EU, in particular through Best Available Techniques (BAT).	3 Statutory context Appendix L (BAT report)