



**APPENDIX 5**

**Statutory Compliance Table**

# Appendix 5 Statutory Compliance Table

## 1.1 Environmental Planning and Assessment Act 1979

When assessing a development application for SSD, the consent authority is required to take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. **Table 1** lists the requirements under Section 4.15(1) and where these have been addressed in this EIS.

**Table 1 - Matters for consideration under Section 4.15(1) of the EP&A Act**

Matters for Consideration – General	Where Addressed in the EIS
Any environmental planning instrument	<b>Section 4.0</b> of the EIS and this appendix.
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)	There are no proposed environmental planning instruments that are relevant to the application at the time of the preparation of this EIS.
Any development control plan	Section 2.8 of the Planning Systems SEPP (2021) excludes the application of development control plans (whether made before or after the commencement of the SEPP) to SSD projects.
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	Lightsource bp is committed to entering into a Planning agreement with Goulburn Mulwaree Council, however such an agreement has not yet been entered into at the time of the preparation of this EIS.
The regulations (to the extent that they prescribe matters for the purposes of this paragraph)	<b>Section 4.0</b> of the EIS and this appendix.
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	<b>Section 6.0</b> of the EIS
The suitability of the site for the development	<b>Section 8.0</b> of the EIS
Any submissions made in accordance with this Act or the regulations	<b>Section 5.0</b> of the EIS
The public interest.	<b>Sections 6.0</b> and <b>8.0</b> of the EIS

## 1.2 Other NSW Legislation

In addition to requiring development consent under the EP&A Act, the Project will require a number of separate regulatory planning and environmental approvals. Other NSW legislation that is applicable to the Project is outlined in **Table 2**. This table includes legislation that has been addressed in the EIS.

**Table 2 - NSW Legislation relevant to the Project**

Applicable Legislation	
<i>Biosecurity Act 2015</i>	<p>The objective of the <i>Biosecurity Act 2015</i> (BSA Act) is to provide a framework for the prevention, elimination and minimisation of biosecurity risks within NSW. The BSA Act outlines priority weeds that pose a risk to reducing the diversity of native plant and animal species. Under Schedule 1 of the Act all private landowners, occupiers, public authorities and Councils are required to control weeds on their land. Goulburn Mulwaree Council is the Local Control Authority responsible for administering the BSA Act in the region that applies to the Project area.</p> <p>A weed assessment was undertaken as part of the BDAR included in Appendix 6. The assessment identified that some weeds are present within the Project area however, with the appropriate mitigation measures in place, the risk of spreading of these weeds is considered low.</p> <p>A detailed protocol will be developed to confirm biosecurity is maintained and that grazing does not impact on the safe and efficient operation of the project or result in injury to farm workers or operational and maintenance staff.</p>
<i>Protection of the Environment Operations Act 1997 (POEO Act)</i>	<p>The POEO Act regulates pollution to the environment and requires licences for environmental protection including waste, air, water, and noise pollution control. Solar farms are not a scheduled activity under the POEO Act; thus, the Project does not require an Environment Protection Licence (EPL).</p>
<i>Contaminated Land Management Act 1997 (CLM Act)</i>	<p>The <i>CLM Act 1997</i> establishes the process for investigating and if required, remediating land that the NSW Environment Protection Authority (EPA) considers to be sufficiently contaminated to require regulation under Part 3, Division 2.</p> <p>The Project Area does not contain land listed on the Contaminated Lands Register. Relevant mitigation and management measures have been incorporated into the EIS to address any potential contamination issues (see <b>Sections 6.7</b> and <b>6.12</b> of the EIS).</p>
<i>Local Land Service Act 2013 (LLS Act)</i>	<p>Under the 2016 amendments to the <i>Local Land Services Act 2013</i> (LLS Act), all rural land will be classified as either:</p> <ul style="list-style-type: none"> <li>• Category 1 (exempt land): clearing of native vegetation without authorisation under the LLS Act is permitted; or</li> <li>• Category 2 (regulated land): clearing of native vegetation is regulated under the LLS Act and some authorisation is required. Vulnerable land under this category will also be provided additional protection (e.g. riparian land).</li> </ul> <p>The Project is located on Category 1 – exempt land under the LLS Act. Therefore, under section 600 and Schedule 5A of the LLS Act, clearing of native vegetation in regulated rural areas for allowable activities that is authorised without any approval or other authority under this Part for the clearing.</p>
<i>Aboriginal Land Rights Act 1983</i>	<p>The <i>Aboriginal Land Rights Act 1983</i> (Aboriginal Land Rights Act) was established to return land in NSW to Aboriginal peoples through a process of lodging claim for certain Crown lands. Should it be identified that the Project crosses any areas of Aboriginal land under the Aboriginal Land Rights Act, or any areas currently the subject of claims under that Act, steps will be taken, including seeking to reach an agreement with the relevant land council, so that the grant of an easement can take place.</p>

Applicable Legislation	
Waste Avoidance and Resource Recovery Act 2001	<p>The <i>Waste Avoidance and Resource Recovery Act 2001</i> (WARR Act) includes resource management hierarchy principles to encourage the most efficient use of resources and to reduce environmental harm. Waste impacts from the project have been considered in <b>Section 6.16</b> of the EIS, including details of the types of waste, expected volumes (where known) and how the waste would be transported and disposed.</p> <p>The Project's resource management options would be considered against a hierarchy of the following order:</p> <ul style="list-style-type: none"> <li>• avoidance of unnecessary resource consumption</li> <li>• resource recovery (including reuse, reprocessing, recycling and energy recovery)</li> <li>• disposal.</li> </ul>

## 1.3 Local Government Legislation

### 1.3.1 Goulburn Mulwaree LEP 2009

The Project is located within the Goulburn Mulwaree LGA and is subject to the *Goulburn Mulwaree Local Environmental Plan 2009 (LEP)*. The Project Area is zoned as RU1 Primary Production under the LEP. Electricity generating works are permitted with consent in this zone.

The objectives of RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and with adjoining zones.
- To promote the use of agricultural land for efficient and effective agricultural production.
- To avoid or minimise impacts on the natural environment and protect environmentally sensitive land.
- To allow the development of non-agricultural land uses which are compatible with the character of the zone.
- To allow the development of processing, service and value-adding industries related to agriculture and primary industry production.
- To protect and enhance the water quality of receiving watercourses and groundwater systems to reduce land degradation.
- To minimise the visual impact of development on the rural landscape.

The Project generally aligns with these objectives as it:

- would diversify the current land use by allowing potential ongoing agricultural activity for sheep grazing concurrently with the Project, preventing fragmentation of agricultural land in the region (refer to **Section 6.7** of the EIS)
- is highly reversible and will not impact the future productivity of the land (see **Section 6.7** of the EIS).
- is complementary to surrounding land uses (see **Section 6.7** of the EIS)
- is an ecologically sustainable rural land use which provides socio-economic benefits to the region and generates renewable energy (see **Sections 6.7, 6.14** and **6.15** of the EIS).

### **1.3.1.1 Subdivision of Land**

The Goulburn Mulwaree LEP designates the Project Area as 'AD' on the Lot Size Map Sheet LSZ\_001 where the minimum lot size is 100 ha. Under Section 4.38(3) of the EP&A Act, development consent may be granted despite the development being partly prohibited by an environmental planning instrument. Consequently, subdivision into smaller lots is permissible under Section 4.38 of the EP&A Act.

Subdivision of land is proposed for Lot 12 DP 1016332 and Lot 3 DP1238347, as further detailed in **Section 3.2.1** of the EIS.

## **1.4 Relevant Guidelines and Policies**

The following key guidelines and policies have been considered during the preparation of the EIS and the associated technical assessments (where these guidelines and policies have been updated since the SEARs were issued, the relevant updated guidelines and policies have been considered):

- *State Significant Development Guidelines (DPHI, 2024)*
- *State significant development guidelines – preparing an environmental impact statement (DPIE, 2022)*
- *Large-scale Solar Energy Guideline (DPE, 2022) and the Technical Supplement – Landscape and Visual Impact Assessment (DPE, 2022)*
- *Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)*
- *Planning Circular PS 21-020: Calculation of capital investment value (DPIE, 2021)*
- *Registered Environmental Assessment Practitioner Guidelines (DPE, 2022)*
- *Biodiversity Assessment Method 2020 (DPIE, 2020)*
- *Guidelines for Controlled Activities on Waterfront Land (DPE, 2018)*
- *Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI, 2003)*
- *Managing Urban Stormwater: Soils and Construction (Landcom, 2004)*
- *Hazardous Industry Planning Advisory Paper No. 6 – Guideline for Hazard Analysis (DoP, 2011)*

- *Multi-Level Risk Assessment (DoP, 2011)*
- *Hazardous Industry Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning (DoP, 2011)*
- *International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines for limiting exposure to Time-varying Electric, Magnetic and Electromagnetic Fields (ICNIRP, 2010)*
- *Planning for Bush Fire Protection 2019 (NSW RFS, 2019)*
- *Social Impact Assessment Guideline (DPIE, 2021) Undertaking Engagement Guidelines for State Significant Projects (DPIE, 2021)*
- *Interim Construction Noise Guideline (DECC, 2009)*
- *NSW Noise Policy for Industry (EPA, 2017)*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011)*
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010)*
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)*
- *NSW Heritage Manual (NSW Heritage Office, 1996)*
- *Land Use Conflict Risk Assessment Guide (DPI, 2011)*
- *Australian Guide to Agrisolar for Large-scale Solar (CEC, 2021).*