



STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>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</i>	<p>Resources within the Project area include both the land that is being used for agricultural production and land with biodiversity, hydrology and Aboriginal Cultural Heritage values. This constitutes the <i>natural resources</i> that must be properly managed, developed or conserved.</p> <p>The Project has avoided as much as possible the biodiversity values of the land. The Project is also proposing the use of agrivoltaics on-site, by allowing sheep grazing during the operational phase. This will provide the double benefit of retaining part of the agricultural value of the land while assisting with the grassland maintenance.</p> <p>The development footprint can be returned to its original agricultural land use at the completion of the Project's operation. Measures to avoid and minimise will be implemented during the construction and operational phases to ensure the appropriate</p>	Section 7.3

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>management and conservation of natural resources.</p> <p>The residual biodiversity values impacted by the Project will be offset through ecosystem credits. Revegetation works are proposed to restore and rehabilitate some portions of both avoided and impacted areas to ensure a nature-positive outcome.</p>	
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The EIS describes the economic, environmental and social context of the Project as well as its potential impacts, which would allow informed consideration of these aspects in determining the application. The Project will contribute to the sustainable and continued production of net-zero and clean energy generation and storage.	
	<i>To promote the orderly and economic use and development of land</i>	<p>The orderly and economic use of the land can be best achieved by development that is permissible by the relevant environmental planning instruments in accordance with prevailing controls.</p> <p>The Project is permissible with consent and consistent with statutory and strategic planning controls.</p> <p>As detailed in Section 6, the Project will be result in a positive economic benefit, with appropriate mitigation and management</p>	

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		measures to reduce adverse environmental and social impacts.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	The Project will incorporate a temporary workforce accommodation, which in turn will reduce the pressure onto the housing stock of the region, assisting with its continued affordability.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	Measures to avoid and minimise impacts to native vegetation and threatened species' habitat have been considered during the design phase, resulting in significant avoidance of the existing biodiversity values. The road upgrades on Jacksons Lane have been designed to avoid more valuable vegetation areas and minimise, to the maximum feasible extent, any residual impacts. All unavoidable impacts will be offset in accordance with NSW Government Policy.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Avoidance of Aboriginal Cultural Heritage has been a key aspect of the Project refinement and design. Most of the sensitive areas will be avoided. Unavoidable impacts (one Aboriginal Scatter and three Isolated Findings) are proposed to be mitigated through pre-construction salvaging in collaboration with relevant stakeholders and	

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		the implementation of an Aboriginal Cultural Heritage Management Plan.	
	<i>To promote good design and amenity of the built environment,</i>	The Project will incorporate measures to avoid and minimise potential visual and noise impacts on sensitive receivers, residential or otherwise. These impacts and proposed measures have been fully addressed in Section 6 of the EIS.	
	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	Over the operational life of the Project, all infrastructure will be maintained or upgraded for a safe and effective operation. All construction associated with the Project (such as the workforce accommodation camp) will comply with the Building Code of Australia and other statutory requirements.	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	A wide range of government agencies, federal, State and local have been consulted throughout the Scoping and EIS phase. Their feedback has been incorporated where feasible during the design and planning phases. As such, it is considered that all levels of government have been provided with sufficient opportunities to share the responsibility for the environmental planning of the Project.	

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	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	<p>There have been an extensive range of community consultation activities and resources to provide the community with the information about the Project and seek feedback.</p> <p>The EIS provides further information about the Project, potential impacts and mitigation measures. The EIS will go through an Exhibition period once accepted during which the community will be able to place formal submissions about the Project.</p>	
Section 4.15	<ul style="list-style-type: none"> ▪ Relevant environmental planning instruments: ▪ Planning Systems SEPP ▪ T&I SEPP ▪ R&H SEPP ▪ B&C SEPP ▪ I&E SEPP ▪ Mid-Western Regional LEP 2012. ▪ Relevant draft environmental planning instruments. 	See detail below under State Environmental Planning Policies (SEPPs) and Mid-Western Regional Local Environmental Plan 2012	Sections 6 and 7
	<p>Relevant planning agreement or draft planning agreement.</p> <p>Voluntary planning agreement for the site entered into between the applicant and another party.</p>	Proposed benefit sharing rate of \$850 per MW.	Section 2.5

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	
	Development control plans: <i>Mid-Western Regional Development Control Plan 2013.</i>	See details below under development control plan.	Section 6
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7
	Any submissions made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	The project is considered to be in the public interest due to its contribution towards energy security, economic benefit and the tackling of climate change.	Section 7.7
Environmental Planning and Assessment Regulation 2021			
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Throughout EIS and Appendix A

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Part 3, Division 1, Section 24	<p>(1) A development application must—</p> <p>(a) be in the approved form, and</p> <p>(b) contain all the information and documents required by—</p> <p>(i) the approved form, and</p> <p>(ii) the Act or this Regulation, and</p> <p>(c) be submitted on the NSW planning portal.</p>	The EIS has been prepared in accordance with these controls.	Signed Declaration
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP)	Clause 3 of Schedule 1 of the Planning Systems SEPP provides that development for the purpose of electricity generating works that has a CIV of more than \$30 million is classified as SSD.	The proposed works have an estimated development cost of \$207,635,086 and accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP.	EDC Report
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (R&H SEPP)	<p>Section 3.7</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>	A Preliminary Hazard Analysis has been developed as part of this EIS. The assessment has been undertaken in accordance with all relevant guidelines.	Section 6.1.9 and Appendix O

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Clause 3.11 of the R&H SEPP applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.	A Preliminary Hazard Analysis has been undertaken as part of this EIS.	Section 6.1.9 and Appendix O
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	<p>The project involves a change of use from agricultural activities to electricity generation works (renewable). No potentially contaminative locations or activities have been identified to date.</p> <p>An assessment of land use and soils has been conducted as part of the EIS – no contamination traces or activities have been identified as part of this assessment.</p>	Section 6.1.3 and Appendix I
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	<p>Clause 2.122</p> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</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>	A Transport Impact Assessment has been undertaken as part of this EIS and will be referred to TfNSW for their review as part of the SSDA assessment process.	Section 6.1.6 and Appendix M

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<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 (Industry and Employment) 2021 (E&I SEPP)</i></p>	<p>Schedule 5 Assessment Criteria:</p> <p>1 – Character of the area</p> <p>2 – Special Areas</p> <p>3 – Views and Vistas</p> <p>4 – Streetscape, setting or landscape</p> <p>5 – Site and Building</p> <p>6 – Associated devices and logos with advertisements and advertising structures</p> <p>7 – Illumination</p> <p>8 - Safety</p>	<p>1 – The proposed signage is for business identification signage. The scale and location of the signage are consistent with the scale of similar renewable energy projects.</p> <p>2 – The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, natural or other conservation areas, open space area, waterways or rural landscapes. The proposed signage will not adversely impede the visibility of other signage within the surrounding area.</p> <p>3 – The proposed signage will not obscure or compromise any important private or public views.</p> <p>4 – The proposed signage will incorporate quality materials and finishes and provide a coherent and integrated colour scheme based on the Applicant's branding. The proposed</p>	<p>Section 4.3</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>signage is compatible with the scale of the setting.</p> <p>5 – The signage will be of suitable scale and design for its intended purpose. The signage will only occupy a small proportion of the external fencing of the Site. The signage will not be a dominant visual feature of the Site.</p> <p>6 – The signage will not have any associated devices.</p> <p>7 – The signage will not have any illumination.</p> <p>8 – The proposed signage will not distract motorists. No safety implications for pedestrians or vehicular users are envisaged.</p>	
Mid-Western Regional Local Environmental Plan 2012			
Zoning and Land Use	<p>The proposed development involves electricity generating works which is a permissible use with consent in the RU1 Primary Production Zone.</p> <p>The relevant objectives for the zone include:</p> <ul style="list-style-type: none"> ▪ 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. 	<p>The Project is appropriately defined as 'electricity generating works' and is permitted with consent in the RU1 Primary Production zone. The Project accords with the zone objectives in that it:</p> <ul style="list-style-type: none"> ▪ Will provide economic diversification to the region based on a primary resource, while keeping a sustainable and nature-positive outcome for the region. 	Section 4.1

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ To minimise the fragmentation and alienation of resource lands. ▪ To minimise conflict between land uses within this zone and land uses within adjoining zones. ▪ To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values. 	<ul style="list-style-type: none"> ▪ Will keep the integrity of the resource lands and will be rehabilitated following decommissioning. ▪ Will undertake all needed mitigation measures to minimise all conflict between surrounding land uses. ▪ Will include visual amelioration to maintain the visual amenity and landscaping quality of MWR and minimise any residual visual impacts from the Project, 	
4.1 E Subdivision of land in RU1 for non-agricultural purposes	<p>(3) Development consent must not be granted for the subdivision of land in Zone RU1 Primary Production unless the consent authority is satisfied that—</p> <p>(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and</p> <p>(b) the subdivision is necessary for the ongoing operation of the permissible use, and</p> <p>(c) the subdivision will not increase rural land use conflict in the locality, and</p> <p>(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.</p>	Subdivision is not considered as part of this project.	Section 4
4.3 Height of Buildings	No control.	N/A	

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4.4 Floor Space Ratio	Not adopted.	N/A	
4.6 Exemptions to development standards	<p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p>	Subdivision is not considered as part of this project.	Section 4
5.10 Heritage Conservation	<p>Development consent is required to</p> <p><i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p>	An Aboriginal Cultural Heritage Assessment and a Historical Impact Statement have been undertaken as part of this EIS.	Section 6.1.2 and 6.2.1; Appendices G and H

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
5.21 Flood Planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p>	<p>A Flood Risk and Impact Assessment has been undertaken as part of this EIS. The Project includes measures to avoid and minimise any flooding impacts. A Flooding Evacuation Plan will be prepared to manage risk to life in the event of a flood.</p>	Section 6.1.7 and Appendix N
6.3 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 of the development,</p>	<p>The proposed development includes minor earthworks for site preparation and stormwater retention infrastructure. The location and extent of the earthworks have been devised with consideration of the environment, managing stormwater and minimising the likelihood of disturbing relics.</p>	Section 3 and 6.1.7

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	<p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
6.4 Groundwater Vulnerability	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The totality of the subject site is identified as 'groundwater vulnerable' in the MWR LEP. However, groundwater is not anticipated to be impacted by the proposed development, nor groundwater abstraction will be required during its construction. Monitoring measures will be implemented as part of the CEMP to ensure no significant impacts will occur as a result of the Project during construction.</p>	<p>Section Error! Reference source not found.</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
6.5 Terrestrial Biodiversity	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The project footprint has been designed to avoid all areas of ‘Moderate’ and ‘High’ Biodiversity Sensitivity as identified in the MWR LEP.</p>	Section 6.1.1
6.9 Essential services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p>	<p>The supply of electricity, stormwater drainage and suitable road access have been considered and are described within the Detailed Description of this EIS and relevant technical assessments.</p> <p>The supply of water and disposal and management of sewage are proposed to be arranged on a regular basis by independent contractors. Water is proposed to be trucked from an off-site source, while sewage will be collected on-site and treated off-site. The logistic details of these arrangements are subject to the detailed design phase and are proposed to be submitted as part of the</p>	Section 3

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		Construction Environmental Management Plan prior to construction.	
6.11 Temporary worker's accommodation	<p>(2) Development consent must not be granted to development for the purposes of temporary workers' accommodation unless the consent authority is satisfied of the following—</p> <p>(a) the development is to be located—</p> <p>(i) if the development relates to a mine—within 5 kilometres of the relevant mining lease under the Mining Act 1992, or</p> <p>(ii) in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed,</p> <p>(b) there is a need to provide temporary workers' accommodation due either to the large-scale infrastructure or because of the remote or isolated location of the land on which the large-scale infrastructure is being carried out,</p> <p>(c) the development will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,</p> <p>(d) water reticulation systems and sewerage systems will be provided to adequately meet the requirements of the development,</p>	A Workforce Accommodation Plan has been prepared as part of this EIS. Relevant technical assessments have regarded consideration of the proposed workforce accommodation and have been evaluated against the cumulative impacts within the region.	Section 6.1.11

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(e) when the development is no longer in use, the land will, as far as practicable, be restored to the condition in which it was before the commencement of the development.</p> <p>(3) In this clause—</p> <p>temporary workers' accommodation means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.</p>		
Mid-Western Regional Council Development Control Plan 2013			
Part 5 Development Standards			
5.1 Carparking	The minimum amount of carparking spaces shall be assessed individually with regard to the expected traffic generation.	Appropriate carparking will be provided for the temporary workforce accommodation.	Section 6.1.6 and 6.1.11
5.2 Flooding	<p>(a) The proposed development should not result in any increased risk to human life.</p> <p>(b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.</p>	A Flood Impact and Risk Assessment has been undertaken as part of this EIS. Appropriate measures and management plans will be incorporated to avoid any increased risk.	Section 6.1.7

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(c) The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required.</p> <p>(d) Development should not detrimentally increase the potential flood affectation on other development or properties.</p>		
5.3 Stormwater Management	<p>All other types of development including Council development that required approval under the EP&A Act must achieve:</p> <ul style="list-style-type: none"> ▪ Quality Management During Construction ▪ Quality management During Operation ▪ Water Conservation and, ▪ Salinity prevention only where applicable 	<p>A Flood Impact and Risk Assessment has been undertaken as part of this EIS. Appropriate monitoring measures and management plans will be incorporated to avoid any impacts on water quality and conservation.</p>	Section 6.1.7
5.4 Environmental Controls	<p>The Environmental Controls concern:</p> <ul style="list-style-type: none"> ▪ Protection of Aboriginal Archaeological Items ▪ Bushfire Management ▪ Riparian and drainage line Environments ▪ Pollution and Waste Management ▪ Threatened Species and Vegetation ▪ Building in Saline Environments ▪ House slabs and Footings ▪ Brickwork 	<p>All relevant Environmental Controls have been assessed in the technical reports lodged with the SSDA and addressed within the EIS.</p>	Addressed throughout EIS

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> Controls for All buildings and, Alterations and Additions 		
Part 6 Development in Rural Areas			
6.2 Temporary workers accommodation	<p>The development is to be located:</p> <p>(ii) in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed.</p>	The proposed workers accommodation is located within the subject site.	6.1.11
6.5 Solar Energy Farms	<p>Objectives</p> <ul style="list-style-type: none"> To minimise potential land use conflicts. To ensure that there is no unreasonable interference with the comfort or response of adjoining land users. To ensure that impacts on agricultural land, businesses and tourism are appropriately considered. To ensure road access, visual impacts, noise, health, waste, construction management and environmental constraints are identified, and sufficient information is included with each development application to enable proper assessment; and To ensure that adequate provisions are made to restore developed land at the end of the life of the development. 	The proposal is consistent with the objectives of this section of the DCP.	Addressed throughout EIS
Considerations under other legislation			

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<p><i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i></p>	<p>Under the EPBC Act any action (which includes a development, Project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species), must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on Matters of National Environmental Significance (MNES), it is declared a “Controlled Action” for which formal Commonwealth approval is required.</p>	<p>As outlined in the BDAR several MNES were assessed. After careful assessment, no threatened flora or fauna species were identified as occurring on the Site; The BDAR concluded that the Project will not result in a significant impact to any threatened species.</p> <p>A protected matters search within 10km of the Site was undertaken to identify potential EPBC Act listed TECs that may occur on-site and wider area. The following TECs were identified for consideration:</p> <ul style="list-style-type: none"> ▪ Endangered: Coolibah – Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions; ▪ Endangered: Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of south-eastern Australia; ▪ Endangered: Weeping Myall Woodlands; and ▪ Critically Endangered: White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box Gum Woodland). <p>PCT 201, which is the only PCT impacted by the Project, is not associated with any EPBC listed TECs, and there is no federal equivalent of Fuzzy Box Woodland TEC.</p>	<p>Section 6.1.1 and 7.1; and Appendix F</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>During the determination of vegetation communities, one of the PCTs considered, PCT 277, is associated with the EPBC listing of Box Gum Woodland.</p> <p>As such, consideration is provided to the EPBC listing advice to determine if assessed vegetation meets the relevant criteria. As outlined in Appendix F, no assessed vegetation meets the key diagnostic characteristics required for the EPBC listing of Box Gum Woodland TEC.</p> <p>No other EPBC-listed MNES were identified as potentially occurring on the Site.</p> <p>Accordingly, a referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water is not required for the proposed development.</p>	
<p>Biodiversity Conservation Act 2016</p> <p>Section 7.14</p>	<p>The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.</p>	<p>A BDAR has been undertaken as part of this EIS.</p>	<p>Section 6.1.1 and Appendix F</p>

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Native Title Act 1993	<p>The Native Title Act 1993 recognises and protects native title rights to the Aboriginal and Torres Islander people of Australia. It allows a native title determination application to be made for land and/or waters where native title has not been previously and validly extinguished. A native title grants rights to certain uses and negotiations over the land.</p>	<p>There are currently no native title determinations over the study area.</p> <p>A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 10 November 2023. The search identified one undetermined Native Title claim within which the subject area is located, being Warrabinga-Wiradjuri #7 (NC2018/002). The NNTT was also contacted by email on 10 November 2023 to request a formal search of the NNTT Register. A reply was received on 13 November 2023 indicating that the subject area is located within the Warrabinga-Wiradjuri #7 Native Title Claim (NC2018/002). A review of the application details was undertaken on 25 June 2024, revealing that no determinations of Native Title have been made for this application.</p>	<p>Section 6.1.2 and Appendix G</p>