



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>	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. The Project has avoided as much as possible the biodiversity values of the land and has a limited footprint on the present native vegetation. 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 management and conservation of natural resources. The residual biodiversity values impacted by the Project will be offset through ecosystem credits.	Section 7.3

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	<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 storage.	
	<i>To promote the orderly and economic use and development of land</i>	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. The Project is permissible with consent under the T&I SEPP and consistent with statutory and strategic planning controls. As detailed in Section 6, the Project will be result in a positive economic benefit, with appropriate mitigation and management measures to reduce adverse environmental and social impacts.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	Not applicable. The project is not for the purpose of housing.	
	<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	

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		design phase, resulting in significant avoidance of the existing biodiversity values. 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. All of the sensitive areas will be avoided. No unavoidable impacts are foreseen as a result of the Project.	
	<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.	
	<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	

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		responsibility for the environmental planning of the Project.	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	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. 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.	
Section 4.15	▪ Relevant environmental planning instruments: ▪ Planning Systems SEPP ▪ T&I SEPP ▪ R&H SEPP ▪ B&C SEPP ▪ I&E SEPP ▪ Deniliquin LEP 2013. ▪ 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
	Relevant planning agreement or draft planning agreement.	Proposed benefit sharing rate of \$150 per MW.	Section 6.2.3

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	Voluntary planning agreement for the site entered into between the applicant and another party.		
	Development control plans: Deniliquin DCP 2016.	See details below under development control plan.	Section 7.3
	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 7.6
	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
Part 3, Division1, Section 24	(1) A development application must—	The EIS has been prepared in accordance with these controls.	Signed Declaration

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	(a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.		
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 approximately \$118,000,000 and accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP.	Appendix T
<i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP)	The Site is zoned <i>RU1 – Primary Production</i> and <i>SP2 – Infrastructure</i> under the Deniliquin LEP. Electricity generating works are permitted with consent in the RU1 and SP2 zones under the Deniliquin LEP. In addition, section 2.6(1)(a) of the Planning Systems SEPP identifies that electricity generating works are permitted with consent within any land in prescribed zones under the T&I SEPP, which states in Part 2.3 Development Controls, division 4, section 2.35 that: <i>Electricity generating works means a building or place used for the following purposes -</i> (1) <i>Making or generating electricity,</i>	The RU1 and SP2 zones are prescribed non-residential zones. The Project is therefore permissible with consent under section 2.36 (1) of the T&I SEPP.	Section 4

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	(2) <i>Electricity storage</i> The T&I SEPP, states in section 2.36: ▪ <i>Development for the purpose of electricity generating works may be carried out by any person with consent on the following land –</i> (a) <i>In the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides, or aquatic thermal as the relevant fuel source-on any land,</i> (b) <i>In any other case – any land in a prescribed non-residential zone.</i>		
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Section 3.7 In determining whether a development is— (a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or (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.	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
<i>State Environmental Planning Policy (Resilience</i>	Clause 3.11 of the R&H SEPP applies to any proposals which fall under the policy's definition of	A Preliminary Hazard Analysis has been undertaken as part of this EIS.	Section 6.1.9 and Appendix O

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<i>and Hazards) 2021 (R&H SEPP)</i>	'potentially hazardous industry' or 'potentially offensive industry'.		
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	A consent authority must be 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.	The Project involves a change of use from agricultural activities to electricity generation works. No potentially contaminative locations or activities have been identified to date. An assessment of land use and soils has been conducted by Premise as part of the EIS – no historic potentially contaminating land uses or activities have been identified as part of this assessment.	Section 6.1.3
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	Clause 2.122 (4) Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (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 (ii) the accessibility of the site concerned, including—	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

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	(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (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 (iii) any potential traffic safety, road congestion or parking implications of the development.		
Deniliquin Local Environmental Plan 2013			
<i>Deniliquin LEP Clause 6.1 (3) (Earthworks)</i>	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material,	The Project includes minor earthworks for site preparation. The impacts of the earthworks have been devised with consideration of the environment, managing stormwater and minimising the likelihood of disturbing relics. Mitigation measures to avoid and minimise erosion are outlined in Appendix I and Appendix N.	Section 6.1.3 and 6.1.7

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	(f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
<i>Deniliquin LEP, Clause 6.3(4)</i> <i>(Terrestrial Biodiversity)</i>	(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (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 (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	The Project footprint has been designed to avoid all Biodiversity Sensitivity as identified in the Deniliquin LEP.	Section 6.1.1 and Appendix F
<i>Deniliquin LEP, Clause 6.7</i> <i>(Essential services)</i>	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— (a) the supply of water,	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. The supply of potable water and disposal and management of sewage are proposed to be arranged on a regular basis by independent	Section 3.2

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	(b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.	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 Construction Environmental Management Plan prior to construction due to the high level of uncertainty regarding the extent of these services at this stage.	
Development Control Plans			
Deniliquin DCP 2016	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD.	As such, there is no requirement for assessment of the Project against the Deniliquin DCP 2016 for this SSDA. Notwithstanding this, best-practice consideration has been given to the DCP.	Section 7
Considerations under other legislation			
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	Under the EPBC Act any action (which includes a development, the 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. If an action is considered likely to have significant impact on any MNES, it is declared a "Controlled Action" for which formal Commonwealth approval is required.	As outlined in the BDAR (Appendix F) 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 on any threatened species. A protected matters search within 10km of the Site was undertaken to identify potential EPBC Act listed TECs that may occur on-site	Section 6.1.1 and 7.1 and Appendix F

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		and wider area. The following TECs were identified for consideration: ▪ Natural Grasslands of the Murray Valley Plains. PCT 44, which is the only PCT impacted by the Project, is associated with the abovementioned EPBC-listed TECs 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 Natural Grasslands of the Murray Valley Plains TEC. No other EPBC-listed MNES were identified as potentially occurring on the Site. Accordingly, a referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water is not required for the Project.	
Biodiversity Conservation Act 2016 Section 7.14	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.	A BDAR has been undertaken as part of this EIS.	Section 6.1.1 and Appendix F

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Native Title Act 1993	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.	There are currently no native title determinations over the Site. A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 28 February 2024. The search identified no pending Native Title claims or Native Title registrations for the subject area. The NNTT was also contacted by email on 28 February 2024 to request a formal search of the NNTT Register. A reply was received on 28 February 2024 indicating that although there is one Native Title claim (VC2021/001) which intersects with the subject area, this claim was not accepted for registration. Therefore, there are no Native Title matters overlapping with the subject area.	Section 6.1.2 and Appendix G