

STATUTORY COMPLIANCE TABLE

APPLICATION NUMBER: SSD-70557215 – HILLVIEW HARD ROCK QUARRY

Consideration		Relevance	EIS Section/Appendix Reference
FEDERAL LEGISLATION			
Environment Protection and Biodiversity Conservation Act 1999			
<i>Where there is potential for a proposal to have a significant impact on any Matters of National Environmental Significance (MNES), a referral under the EPBC Act can be submitted to the Department of the Environment for consideration.</i>		Considering the nature and duration of the potential impacts, the presence or likely occurrence of threatened and migratory species on the site and the nature and condition of the habitats for the TEC present on the project site, the proposed development is not likely to have a significant impact on: listed threatened species; listed migratory species and listed threatened ecological communities. Notwithstanding this assessment, referral of the development application to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) has been made. If deemed a controlled action, the application should be assessed under the bilateral agreement (between NSW Government and DCCEEW).	Section 4.2 & Appendix F
STATE LEGISLATION			
Environmental Planning and Assessment Act 1979			
Section 1.3	<i>The Objects of the Act</i>	The proposed quarry meets the relevant objectives of the EP&A Act.	Section 4.3
Section 4.12	<i>(8) A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.</i>	This EIS has been prepared by ADW Johnson on behalf of Coastwide Materials Pty Limited, in the form prescribed by the regulations and guidelines for preparing and EIS.	N/A
Section 4.15	<i>The provisions of any Environmental Planning Instruments</i>	The provisions of all relevant environmental planning instruments have been addressed within the statutory context of the proposed quarry.	Section 4
	<i>Any proposed instruments</i>	N/A	N/A
	<i>Any development control plan</i>	In accordance with Clause 2.10, Part 2.2 of SEPP (Planning Systems) 2021, development control plans do not apply to State Significant Development. As such, the Great Lakes DCP does not apply to the proposed State Significant Development.	Section 4.20
	<i>Any planning agreements</i>	N/A	N/A

	<i>The Regulations</i>		
	<i>Likely impacts including environmental on both the natural and built environments, and social and economic impacts in the locality</i>	Impacts of the proposed quarry have been assessed within the EIS and appended specialist assessment reports.	Section 6
	<i>The suitability of the site for the development</i>	The site is entirely suitable for the proposed quarry given its zoning, strategic location in relation to its proximity to key markets and existing road infrastructure, previous clearing and shallow depth of the available resource.	Section 7.7
	<i>Any submissions made in accordance with the Act or the regulations</i>	Submissions will be addressed as received during the EIS exhibition.	N/A
	<i>The public interest</i>	The proposal is in the greater public interest as it will provide a guaranteed supply of construction materials for major/critical infrastructure projects of local, state and national significance.	Section 7.8
Section 7.11	<i>Contribution toward provision or improvement or amenities or services</i>	MidCoast Council contributions plans include the ability to levy contributions for the upkeep of roads which will be impact as a result of increased vehicle movements. Federal government funding is also available for upgrades to The Buckets Way.	Section 4.21
Environmental Planning and Assessment Regulation 2021			
Clause 190	<i>Form of an environmental impact statement</i>	This EIS has been prepared by ADW Johnson on behalf of Coastwide Materials Pty Limited, in the form prescribed by the regulations and guidelines for preparing and EIS.	N/A
	<i>Must have regard to State Significant Development Guidelines</i>		
	<i>Must contain a declaration, and for State Significant Development contain the information required under the Registered Environmental Assessment Practitioner Guidelines</i>	This EIS includes a declaration and all information required under the REAP Guidelines.	Page 2
Protection of the Environment Operations Act 1997			
Clause 48	<i>Licensing requirements – Scheduled activities (premises based): Schedule 1 Indicates a licence is required for premises at which the activity is carried on.</i>	The proposed quarry will require an EPL under Schedule 1, 19 – Extractive activities, as the development involves the extraction and processing of more than 30,000 tonnes of extractive material per year.	Section 4.4
Schedule 1, Clause 19	<i>Clause 19 of Schedule 1 states that EPA licencing is required where 30,000 tonnes are extracted per year.</i>	As the proposed development seeks to extract and process 1.5 million tonnes per year, and EPL will be required from the EPA. Where required, EPLs are to be obtained following development consent and the licence conditions must be complied with during all activities and operations.	Section 4.4

Biodiversity Conservation Act 2016			
Clause 7.9	(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. (3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.	Pursuant to Section 7.9 of the Biodiversity Conservation Act 2016 (BC Act), SSD applications require the application of the Biodiversity Assessment Method (BAM), established under Section 6.7, which is utilised to prepare a Biodiversity Development Assessment Report (BDAR), unless advised otherwise by the Chief Executive of the Biodiversity Conservation Division (BCD) and the Secretary of the Department of Planning, Industry and Environment (DPIE).	Section 4.5 & Appendix F
Water Management Act 2000 and Water Act 1912			
Section 89 WM Act	Water use approvals: (1) A water use approval confers a right on its holder to use water for a particular purpose at a particular location. (2) A water use approval may authorise the use within New South Wales of water taken from a water source outside New South Wales.	By the operation of Section 4.41 of the EP&A Act, the Development will not require a water use approval under Section 89 of the WM Act, a water management approval under Section 90.	Section 4.7
Section 90 WM Act	Water Management Works Approvals: (2) A water supply work approval authorises its holder to construct and use a specified water supply work at a specified location. (3) A drainage work approval confers a right on its holder to construct and use a specified drainage work at a specified location. (4) A flood work approval confers a right on its holder to construct and use a specified flood work at a specified location.		
Section 91 WM Act	Activity Approvals: (2) A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land. (3) An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.	By the operation of Section 4.41 of the EP&A Act, the Development will not require a controlled activity approval under Section 91. However, an aquifer interference approval under Section 91 of the WM Act will be required.	Section 4.7

<i>Section 10 W Act</i>	<i>Application for licences</i>	The subject land is located in lands managed under the Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009 and the Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016, administered under the Water Management Act 2000, and it therefore does not require a license under the Water Act 1912.	Section 4.7
Roads Act 1993			
<i>Section 138</i>	<i>Consent of Council (and TfNSW if applicable) required for works in the road reserve</i>	A S138 approval will be required for works to Maytoms Lane and intersection upgrades to The Bucketts Way and Maytoms Lane	Section 4.8
Local Government Act 1993			
<i>Section 68 and Section 68A</i>	<i>68(1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.</i> <i>68A (1) In this Part, operate a system of sewage management means hold or process, or re-use or discharge, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated).</i>	In accordance with Section 68 of the LG Act, an approval to operate a system of sewer management will be required from Mid Coast Council for the proposed onsite sewer management system.	Section 4.9
Contaminated Land Management Act 1997			
<i>Section 60</i>	Section 60 of the CLM Act imposes a duty on landowners to notify DPIE, and potentially investigate and remediate land if contamination is above EPA guideline levels.	A contaminated land search and a search of the PoEO public register was conducted as part of this EIS which indicated no contamination or notices on the site. As such, the site has not been declared as significantly contaminated under the CLM Act. However, should contaminants be unearthed on the site during construction works, an assessment would be carried out to determine if notification of the contamination under Section 60 of the CLM Act to the NSW EPA is required. All remediation, if required, would be carried out in accordance with the CLM Act.	Section 4.10

Heritage Act 1977			
Section 139	<i>Excavation permit required in certain circumstances</i>	There are no items of State or Local heritage significance located within the subject site, and as such, an excavation permit under Section 139 (to disturb or excavate any land containing or likely to contain a relic) of the Heritage Act 1977 would not be required. Regardless, pursuant to Section 4.41 of the EP&A Act, an approval under Part 4, or an excavation permit under Section 139 of the Heritage Act 1977 is not required for SSD as part of the application process.	Section 4.11
National Parks and Wildlife Act 1979			
Section 90	<i>Aboriginal Heritage Impact Permits: (3) An Aboriginal heritage impact permit may be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.</i>	An AHIP for disturbing an Aboriginal item or place is not required if the proposed development is permitted as SSD under the EP&A Act.	Section 4.12
Fisheries Management Act 1994			
Section 201	<i>Circumstances in which a person (other than a public or local government authority) may carry out dredging or reclamation: (1) A person must not carry out dredging work or reclamation work except under the authority of a permit issued by the Minister.</i>	Although, Double Creek is identified as a Key Fish Habitat by the NSW Department of Primary Industries (DPI) under Section 4.4.1 of the EP&A Act an approval under Section 201 is not required for an SSD project. Nonetheless, the potential aquatic ecological impacts have been considered.	Section 4.13
Rural Fires Act 1997			
Section 100B	<i>(1) The Commissioner may issue a bush fire safety authority for— a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or development of bush fire prone land for a special fire protection purpose.</i>	This requirement does not apply to State Significant Development (Section 4.41 of the EP&A Act) and the development does not involve subdivision of residential land or any special fire protection purposes. A Bushfire Assessment has however, been prepared for the proposed quarry.	Section 4.14 & Appendix Q
State Environmental Planning Policy (Planning Systems) 2021			
Clause 7 of Schedule 1	<i>State Significant Development relates to Extractive Industries and includes triggers for extractive industries as SSD</i>	The proposal triggers SSD as consent is sought to extract >500,000 tonnes of materials per year, and to extract a total resource of more than 5 million tonnes total.	Section 4.15

State Environmental Planning Policy (Resources and Energy) 2021			
<i>Part 2.3 of Chapter 2</i>	<i>Development applications – matters for consideration</i>	This EIS has addressed all matters for consideration in relation to mining, petroleum production and extractive industries, in assessing the proposed quarry.	Section 4.16
State Environmental Planning Policy (Transport and Infrastructure) 2021			
<i>Section 2.122</i>	<i>Traffic Generating Development – requires referral to TfNSW</i>	The proposed development does not qualify as a traffic generating development with relevant size and/or capacity under Section 2.122 -Traffic Generating Development, as extractive industry is typically not considered to be the same class of development as “industry”.	Section 4.17 & Appendix L
State Environmental Planning Policy (Resilience and Hazards) 2021			
<i>Chapter 3</i>	<i>Hazardous or Offensive Development</i>	The proposed development was found to not be a ‘potentially hazardous industry’. The proposed development was however found to be a ‘potentially offensive industry’ under Schedule 1 of the PoEO Act, which requires a license under pollution control legislation.	Section 4.18 & Appendix P
Great Lakes Local Environmental Plan 2014			
<i>Clause 2.3</i>	<i>Zone objectives and Land Use Table</i>	The proposed quarry achieves the relevant objectives of the sites RU2 zoning.	Section 4.19.1
<i>Clause 4.3</i>	<i>Height of Building</i>	All future office buildings associated with the proposed operations of the quarry will be of demountable building form, and will not exceed 8.5m in height.	Section 4.19.2
<i>Clause 4.4</i>	<i>Floor Space Ratio</i>	All future office buildings associated with the proposed operations of the quarry will be of demountable building form, and will not exceed the maximum FSR for the site which equates to 160.12ha.	Section 4.19.3
<i>Clause 5.10</i>	<i>Heritage Conservation</i>	Two (2) test pits were therefore conducted within PAD1. No archaeological sites were identified. Soil horizon A and top of horizon B contained significant evidence of past land uses with the complete mixing of the A horizon with the clays of the B horizon. Very few rocks were present and there is no evidence of stratigraphy and the evidence indicates the PAD area has been subject to high intensity impacts and as such the PAD is identified as a highly disturbed deposit with little to no likelihood of in situ deposits. Due to the highly disturbed nature of the area, the area subject to test excavation cannot be reassessed or compared to other assessments.	Section 4.19.4 & Appendix K
<i>Clause 5.21</i>	<i>Flood Planning</i>	A Flood Assessment has been prepared as part of the	

		Surface Water Assessment. The proposed quarry will not affect the flood behaviour along Double Creek. The site would be unaffected by a 1% AEP (1 in 100), with the conveyance of Double Creek sufficient to convey the floodwaters downstream with very little surcharge of the overbanks.	Section 4.19.5 & Appendix J
<i>Clause 7.2</i>	<i>Earthworks</i>	The proposed quarry and associated earthworks will not have a detrimental impact on environmental functions and processes, neighboring uses, and cultural or heritage items. Additionally, appropriate measures are proposed to mitigate the identified impacts of the development.	Section 4.19.6
<i>Clause 7.5</i>	<i>Stormwater Management</i>	Stormwater associated with the proposed quarry will not significantly impact the site or adjoining properties, native bushland, groundwater, wetlands or receiving waters. Appropriate measures are proposed to mitigate the identified impacts of the development.	Section 4.19.7
<i>Clause 7.7</i>	<i>Riparian Lands and Watercourses</i>	Without appropriate controls there is potential for an increase in turbidity and nutrient loads in the receiving watercourses which may cause water quality and ecological impacts. With the implementation of standard erosion and sediment control measures in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) the potential environmental impact is considered very low and manageable.	Section 4.19.8
<i>Clause 7.21</i>	<i>Essential Services</i>	All essential services are available or will be made available as part of the proposed development.	Section 4.19.9