Section 4

Statutory Context

PREAMBLE

This section identifies the relevant legislation and planning instruments that have guided the approach to the design of the Project and the environmental assessments and identifies the relevant statutory requirements that must be considered by the consent authority before the development application may be determined.

4.1 Introduction

This section identifies the relevant statutory requirements that must be considered by the consent authority before the development application may be determined. The relevant statutory requirements are described in terms of power to grant approval, permissibility, and other required approvals. The section concludes with the statutory compliance matters that must be considered by the consent authority.

An overview of existing approvals and licences held by the Applicant is provided in Section 1.5.3.

4.2 Statutory Requirements for the Project

4.2.1 Power to Grant Approval

The Project is considered State Significant Development (SSD) as the $214 million estimated development cost exceeds the $30 million threshold identified in Clause 5(1)(c) of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). Therefore, the Project requires an application for development consent under Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

As SSD, the application will be assessed by the Department of Planning, Housing and Infrastructure (DPHI) with the consent authority being the Minister for Planning and Public Spaces (or delegate).

Alternatively, under Section 2.7 of the Planning Systems SEPP, the Independent Planning Commission will be the consent authority should any of the following criteria be met.

- Glen Innes Severn Council provides a submission objecting to the Project.
- There are more than 50 individual, unique submissions objecting to the Project.
- The Applicant has made a reportable political donation.

4.2.2 Permissibility

The Mine Site and Mine Camp would be located wholly on land zoned under the *Glen Innes Severn Local Environmental Plan 2012* (Glen Innes LEP) as RU1 – Primary Production (see **Figure 1.1.2**). Open Cut mining is permissible with consent in this zone.

Road works associated with the proposed upgrades to Grampians Road and its intersections with Schroders and Gulf Roads would occur within RU1 zoned lands. Roads are permissible without consent under the Glen Innes LEP.

The relevant objectives and requirements of the Glen Innes LEP are outlined in Section 7.3.3 and are addressed throughout this EIS.

4.2.3 Other Approvals

4.2.3.1 Approvals that Cannot be Refused if Consent is Granted

The Project requires the following approvals that cannot be refused under Section 4.42 of the EP&A Act.

- A mining lease issued under Part 5 of the *Mining Act 1992* to permit mining of minerals.
- An Environment Protection Licence issued under Chapter 3 of the *Protection of the Environment Operations Act 1997* (POEO Act) for the purposes of mining for minerals as the Project would exceed the 4ha disturbance threshold under Clause 29(2) of Schedule 1 of the POEO Act.
- A consent under Section 138 of the *Roads Act 1993* issued by Glen Innes Severn Council for works within the reserve of the Council controlled Grampians Road.

4.2.3.2 Approvals that are Not Required if Consent is Granted

The following presents the approvals which would otherwise be required but are not required for the Project under Section 4.41 of the EP&A Act.

- A permit under Section 219 of the *Fisheries Management Act 1994*.
- An Aboriginal Heritage Impact Permit under section 90 of the *National Parks and Wildlife Act 1974*.
- A water use approval under section 89 of the *Water Management Act 2000* (WM Act).
- A water management work approval under section 90 of the WM Act.
- An activity approval (other than for aquifer interference) under section 91 of the WM Act.

4.2.3.3 Other Approvals

The following presents other approvals that are required to carry out the Project that have not been addressed above.

- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)

  The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) details the general obligations regarding the management of biodiversity and conservation under Commonwealth legislation.

  The *Biodiversity Development Assessment Report* (BDAR) prepared by GeoLink (2025) indicates that the Project would require clearing of land containing threatened flora (*Acacia pubifolia*) and threatened fauna (*Uvidicolus sphyrurus*) species listed under the EPBC Act. The Applicant submitted a referral under that Act on 21 July 2025 to determine whether the Project is a controlled action, thus requiring approval under the EPBC Act. The referral outcome, confirming that the Project is considered a controlled action, was provided on 4 September 2025 and the Project's assessment under the EPBC Act will proceed under the provisions of the Bilateral Agreement between NSW and the Commonwealth.

- *Water Management Act 2000*

  The *Water Management Act 2000* (WM Act) provides arrangements for controlling land-based activities that affect the quality and quantity of water resources in NSW.

  WM Act approvals required for the Project that are not otherwise exempted (see Section 4.2.3.2) include Water Access Licences issued under the *Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020* (NSW MDB Fractured Rock WSP). These approvals would account for groundwater inflows to the open pit, associated losses (operations and evaporative) and groundwater extraction to support processing activities.

  The Applicant holds Water Access Licence 44962 issued under the NSW MDB Fractured Rock WSP and entitling it to 636 share components. This volumetric entitlement is sufficient to account for the maximum predicted Project-related groundwater inflows and extraction.

- *Crown Land Management Act 2016*

  The *Crown Land Management Act 2016* (CLM Act) provides a framework for the care, control and management over Crown reserves within NSW. Section 5.3 of the CLM Act gives the Minister the power to grant easements, rights of way, leases, licences or permits over Crown land.

  Some sections of the Mine Site are situated within Crown Land (Lot 7001 DP92662, Lot 7317 DP1166299 and a Crown Road (providing access from Grampians Road to Lot 7317 DP1166299) (**Figure 3.2.1**). A Crown waterway is also included within the proposed access road, being the Grampians Road crossing of Vegetable Creek. Crown land Lot 7316 DP1166316, while outside the Mine Site, would be enclosed by Applicant-owned land that would be used to establish a Biodiversity Offset Area.

  One or more licences or leases under the CLM Act would be required to occupy these lots for the Project.

  Lot 7001 DP92662, Lot 7317 DP1166299 and Crown roads within the Mine Site are the subject of a Section 265 Compensation Agreement between the Applicant and Crown Land NSW. This agreement was executed on the 26 March 2025. All Crown roads impacted by Project-related activities within the Mine Site are the subject of a 26 March 2025 deed agreement and works consent that was issued by Crown Land NSW under Sections 138 and 71 of the *Roads Act 1993*.

- Construction Certificates, Occupation Certificates, etc.

  All necessary approvals under Division 6.3 of the EP&A Act would be obtained from Glen Innes Severn Council for the construction, erection and/or placement of buildings, structures and appropriate sewage treatment systems for the Project.

4.3 Preconditions to Exercising the Power to Grant Approval

Table 4.1 presents the pre-conditions to granting approval for the Project.

Table 4.1
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
Biodiversity Conservation Act 2016 (BC Act)			
Section 7.9	An SSD application is to be accompanied by a biodiversity development assessment report (BDAR) 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.	A BDAR has been prepared and accompanies this application.	Appendix 6
Section 7.16(3)	If the Minister for Planning is of the opinion that a proposed SSD is likely to have serious or irreversible impacts on biodiversity values, the Minister: a) is required to take those impacts into consideration, and b) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted.		
Glen Innes Severn Local Environmental Plan (Glen Innes LEP) 2012			
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.	Open cut mining is permissible with consent on land zoned as RU1.	4.2.2
Clause 5.21(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— (a) is compatible with the flood function and behaviour on the land, and (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 (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 (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	The proposed open cut pits and principal mining components are situated in elevated catchment headwater settings which suggest that flooding, and any resulting flood risk, is considered low.	6.6.2.4, 6.6.5.6
Clause 7.3	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 development are available or that adequate arrangements have been made to make them available when required— a) the supply of water,	The Project would require the essential services listed in this clause, which are each addressed in this EIS.	6.6, 6.7, Appendix 10 (Surface Water) Appendix 11 (Groundwater)
	b) the supply of electricity,		3.3.3 (Mine Site), 3.9 (Mine Camp)
	c) the disposal and management of sewage,		

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
Glen Innes Severn Local Environmental Plan (Glen Innes LEP) 2012 (Cont'd)			
Clause 7.3 (Cont'd)	d) stormwater drainage or on-site conservation,		3.10, 6.6 Appendix 10 (Surface Water)
	e) suitable road access.		3.8
Clause 7.4(2)	If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.	The Project would require development of the Mine Camp on Lot 1 DP 1187809 that is adjacent to Glen Innes Airport. The proposed Mine Camp would be generally consistent with an accommodation facility that was historically approved for this lot under DA 9/12-13 (but never constructed) that was deemed as not penetrating the Obstacle Limitation Surface. No infrastructure associated with the proposed Mine Camp would penetrate the Obstacle Limitation Surface.	3.9
Clause 7.7(3)	In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider— a) whether the development is likely to have an adverse impact on the following— i) the water quality and water flows within the watercourse, ii) aquatic and riparian species, habitats and ecosystems of the watercourse, iii) the stability of the bed and banks of the watercourse, iv) the free passages of fish and other aquatic organisms within or along the watercourse, v) the future rehabilitation of the watercourse and riparian areas, and b) whether the development is likely to increase water extraction from the watercourse, and c) appropriate measures to avoid, minimise or mitigate the impacts of the development.	One watercourse within the Mine Site, Little Plant Creek, is identified on the Riparian lands and Watercourses Map (WCL_002) of the Glen Innes LEP. Potential Project-related impacts to this watercourse have been considered in the BDAR and Surface Water Impact Assessment appended to this EIS.	6.2, 6.6, Appendix 6 (BDAR) Appendix 10 (Surface Water)

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
Glen Innes Severn Local Environmental Plan (Glen Innes LEP) 2012 (Cont'd)			
Clause 7.7(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 a significant adverse environmental impact, or b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.	One watercourse within the Mine Site, Little Plant Creek, is identified on the Riparian lands and Watercourses Map (WCL_002) of the Glen Innes LEP. The Project's proposed water management system has been designed to avoid direct impact upon this watercourse and reduce, to the extent practical, potential Project-related impacts.	3.10, 6.6, Appendix 10 (Surface Water)
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP)			
Section 2.9(1)	Development for any of the following purposes may be carried out only with development consent- b) mining carried out - i) on land where development for the purposes of agriculture or industry may be carried out (with or without development consent).	Open cut mining is permissible with consent on land zoned as RU1 within the Glen Innes LEP.	4.2.2
Section 2.16	Consent authority must be satisfied that consideration is given to development standards on particular matters related to mining that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.	Each of the non-discretionary standards are addressed in the EIS.	6.3, 6.4, 6.5, Appendices 7 (Air Quality), 8 (Noise), 9 (Blasting)
Section 2.17	Before determining an application for consent for development for the purposes of mining, the consent authority must: a) consider: i) the existing uses and approved uses of land in the vicinity of the development, and 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 iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and b) evaluate and compare the respective public benefits of the development and the land uses referred to above, and c) evaluate any measure proposed by the applicant to avoid or minimise any incompatibility.	These matters are addressed in the EIS. It is considered that, with the implementation of appropriate management measures, the Project would be compatible with the surrounding land uses (principally agricultural).	6.18, Appendix 21 (Agricultural Impact Statement)

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (Cont'd)			
Section 2.18(2)	Before determining an application for consent for SSD for the purposes of mining, the consent authority must consider any applicable provisions of the voluntary land acquisition and mitigation policy, and, in particular: 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 b) any applicable provisions of the policy relating to the developer making an offer to acquire land affected by those impacts.	The Voluntary Land Acquisition and Mitigation Policy does not apply as neither the Air Quality nor the Noise Impact Assessments predict exceedances of the relevant and applicable assessment criteria.	6.3, 6.4, Appendices 7 (Air Quality), 8 (Noise)
Section 2.19(2)	Before determining an application to which this clause applies, the consent authority must: a) consider: i) the existing uses and approved uses of land in the vicinity of the development, and ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to above, and c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility.	The Project would not be incompatible with surrounding land uses and would result in substantial additional public benefit when compared with the existing and potential future public benefit that may be obtained from the existing uses.	2.2, 3.13, 6, 7.5, 7.9
Section 2.20(1)	Before granting consent for development for the purposes of mining, 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, b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable, c) that greenhouse gas emissions are minimised to the greatest extent practicable.	An assessment of water resources, threatened species and biodiversity, and greenhouse gas emissions has been provided.	6.2, 6.6, 6.7, 6.11 Appendices 6 (BDAR), 10 (Surface Water), 11 (Groundwater) 15 (Greenhouse Gas)

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (Cont'd)			
Section 2.20(2)	In determining a development application for development for the purposes of mining, 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.	An assessment of greenhouse gas emissions has been provided.	6.11, Appendix 15 (Greenhouse Gas)
Section 2.21	1) Before granting consent for development for the purposes of mining, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery. 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. 3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.	An assessment of the efficiency of the recovery of the resource and reuse of materials has been provided.	3.4, 3.6
Section 2.22(1)	Before granting consent for development for the purposes of mining 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: a) require that some or all of the transport of materials in connection with the development is not to be by public road, b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools, 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.	The Project would despatch produced tin concentrate, receive deliveries and transport personnel via the public road network and as such, a Traffic Impact Assessment has been prepared to assess the anticipated Project-related impacts. A Driver's Code of Conduct would be prepared for the Project.	3.8, 6.8, Appendix 12 (Traffic)

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) (Cont'd)			
Section 2.23	1) Before granting consent for development for the purposes of mining, 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. 2) In particular, the consent authority must consider whether conditions of the consent should: a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or 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 EP&A Act and the *Contaminated Land Management Act 1997*), or 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.	The Applicant would rehabilitate the Mine Site to provide landforms suitable for the proposed post-mining land uses. The Project would require the preparation of a Rehabilitation Management Plan and associated rehabilitation security in accordance with the conditional requirements of a Mining Lease issued under the *Mining Act 1992*. Matters related to waste, contaminated soil management and public safety are also addressed within the EIS.	3.14
State Environmental Planning Policy Resilience and Hazards (Resilience and Hazards SEPP)			
Section 3.12	In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the EP&A Act or in an environmental planning instrument applying to the development): a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and e) any likely future use of the land surrounding the development.	A preliminary hazard analysis has identified the Project is a potentially hazardous industry due to the storage, handling and use on dangerous goods.	2.5, 3.14, 6.10, Appendix 14

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
State Environmental Planning Policy Resilience and Hazards (Resilience and Hazards SEPP) (Cont'd)			
Section 4.6(1)	A consent authority must not consent to the carrying out of any development on land unless: a) it has considered whether the land is contaminated, and 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 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.	The Project would not be situated on contaminated land and contamination levels within the Mine Site would be compatible with the final land uses of agriculture and nature conservation.	3.14
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)			
Section 3.6	1) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat. 2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification. 3) If the council is satisfied— a) that the land is not a potential koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application, or b) that the land is a potential koala habitat, it must comply with section 3.7.	GeoLink (2025) have identified that Koala are known to occur in the locality of the Project and evidence of Koala presence has been observed within the Mine Site. However, GeoLINK (2025) concluded the Mine Site is not core Koala habitat.	6.2, Appendix 6 (BDAR)
Section 3.7	1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies that it is satisfied is a potential koala habitat, it must satisfy itself as to whether or not the land is a core koala habitat. 2) The council may be satisfied as to whether or not land is a core koala habitat only on information obtained by it, or by the applicant, from a person with appropriate qualifications and experience in biological science and fauna survey and management. 3) If the council is satisfied— a) that the land is not a core koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application, or b) that the land is a core koala habitat, it must comply with section 3.8.	GeoLink (2025) concluded that the Mine Site is not core Koala habitat.	6.2, Appendix 6 (BDAR)

Table 4.1 (Cont'd)
Pre-Conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	Section in EIS
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) (Cont'd)			
Section 3.8	1) Before granting consent to a development application for consent to carry out development on land to which this Part applies that it is satisfied is a core koala habitat, there must be a plan of management prepared in accordance with Part 3 that applies to the land. 2) The council's determination of the development application must not be inconsistent with the plan of management.	GeoLink (2025) concluded that the Mine Site is not core Koala habitat.	6.2, Appendix 6 (BDAR)
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)			
Section 2.119(2)	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of — i) the design of the vehicular access to the land, or ii) the emission of smoke or dust from the development, or iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.	Grampians Road, which would be used to directly access the Mine Site, is not a classified road. Notwithstanding, the EIS includes an assessment of Project-related impacts to the local transport network.	6.8, Appendix 12 (Traffic)
Section 2.122(4)	Before determining a development application for development to which this clause 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) 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.	This is a matter for the consent authority.	Not applicable

4.4 Mandatory Matters for Consideration

Table 4.2 presents the mandatory matters for consideration by the consent authority.

Table 4.2
Mandatory Matters for Consideration

Page 1 of 5

Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under the EP&A Act		
Section 1.3	Relevant objects of the Act: • 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, • to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, • to promote the orderly and economic use and development of land, • to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, • to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), • to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State • to provide increased opportunity for community participation in environmental planning and assessment.	7.3.2
Section 4.15(1)	(a)(i) Relevant environmental planning instruments – Resources and Energy SEPP – Resilience and Hazards SEPP – Biodiversity and Conservation SEPP – Transport and Infrastructure SEPP – Glen Innes LEP	Table 4.1, Section 7
	iii) Development Control Plan – Glen Innes DCP	2.1.4.2
	iv) The *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) – to the extent that it prescribes matters for the purposes of this paragraph.	7.3.2
	b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	6 generally
	c) The suitability of the site for the development.	3, 6 generally
	d) Any submissions made in accordance with the EP&A Act or the regulations.	Submissions Report
	e) The public interest.	7.2, 7.9
Considerations under other Acts		
Mining Act 1992	The *Mining Act 1992* (Mining Act) is administered by NSW Resources within the Department of Primary Industries and Regional Development (DPIRD). The Mining Act provides the framework for exploration, development, operation and closure of mines, and provides for the management of exploration licences and mining leases to allow access to mineral resources. The Project would require a mining lease under the Mining Act prior to the commencement of operations. The Applicant currently holds Mining Lease (ML) 1774. In December 2023, the Applicant submitted Mining Lease Application (MLA) 642 for an area which encompasses the proposed Mine Site and ML 1774. Should the Project be approved, MLA 642 would be converted to a Mining Lease and the Applicant would surrender ML 1774.	3.1.2

Table 4.2 (Cont'd)
Mandatory Matters for Consideration

Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under other Acts		
Fisheries Management Act 1994	The *Fisheries Management Act 1994* (FM Act) is administered by NSW Department of Primary Industries and Regional Development (DPIRD). Part 7 of the FM Act relates to the protection of fish and aquatic habitats and provides for the management of certain works located on land that is permanently or intermittently submerged by water. Pursuant to sections 201, 205 and 219 of the FM Act, works and activities such as those required for the Project, may be undertaken under the authority of a permit. However, as the Project has been declared as SSD under the Planning Systems SEPP, a permit under section 201, 205 or 219 or the FM Act is not required in accordance with section 4.41(1b) of the EP&A Act. Nevertheless, this EIS addresses biodiversity matters relating to threatened aquatic entities listed under the FM Act. The Project is considered unlikely to lead to a significant impact on any threatened aquatic species, ecological communities or their habitats. However, mitigation to support mapped areas of key fish habitat has been incorporated into the nominal design of the Grampians Road upgrades.	6.2.6
Commonwealth Airports Act 1996	The Airports Act 1996 (the Act) establishes regulatory arrangements which apply to the airports formerly owned and operated on behalf of the Commonwealth by the Federal Airports Corporation, and Sydney West Airport. Section 68(1) of the Act states that Part 5 – Land use, planning and building controls, applies to: a) a core regulated airport if there is an airport lease for the airport; and b) an airport prescribed in the regulations, if there is an airport lease for the airport. Section 180(1) of the Act states that Part 12 – Protection of airspace around airports applies to: a) a core regulated airport, where the site of the airport is a Commonwealth place; and b) an airport specified in the regulations, where the site of the airport is a Commonwealth place; and c) an airport specified in the regulations, where the site of the airport is not a Commonwealth place. Under the Airport Regulations 2024, Clauses 6, 14 and 32 identify the airports of which the Act applies to, and Glen Innes Airport is not listed. Additionally, the Glen Innes Airport is not a core regulated airport. Therefore, Part 5 – Land use, planning and building controls, and Part 12 – Protection of airspace around airports of the Act do not apply to the proposed development of the Mine Camp at Glen Innes Airport.	Not applicable

Table 4.2 (Cont'd)
Mandatory Matters for Consideration

Page 3 of 5

Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under other Acts (Cont'd)		
Protection of the Environment Operations Act 1997	The *Protection of the Environment Act 1997* (POEO Act) is administered by the Environment Protection Authority (EPA) within the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), which issues environment protection licences (EPLs) for wide-ranging scheduled activities, including mining. The POEO Act also requires immediate reporting of pollution incidents, which cause or threaten to cause material harm to the environment. All holders of EPLs are required to prepare, implement and regularly test pollution incident response management plans. The Applicant holds Environmental Protection Licence (EPL) 21160 that was issued in December 2018 to permit, up to a maximum of 30 000tpa, the following scheduled activities on Lot 12 DP 1292270: • Crushing, grinding or separating; • Mineral processing; and • Mining for minerals. Should the Project be approved, the Applicant would submit a request to the EPA to vary EPL 21160 to reflect approved, Project-related activities.	3.1.2
Water Management Act 2000	The *Water Management Act 2000* (WM Act) is administered by the Division of Water within the NSW DCCEEW. The WM Act provides arrangements for controlling land-based activities that affect the quality and quantity of the State's water resources. WM Act approvals required for the Project that are not otherwise exempted (see Section 4.2.3.2) include Water Access Licences (WAL) issued under the Water Sharing Plan for the *NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020*, and an aquifer interference approval under section 91 of the WM Act. These approvals would account for groundwater inflows to the open pit, associated losses (operations and evaporative) and groundwater extraction to support processing activities. <u>Water Access Licences</u> The WM Act requires that all extraction of surface water or groundwater must be accounted for under the rules of any relevant water sharing plans. Water Sharing Plans specify the rules and limitations on water use in the region that is the subject of the plan and provide for equitable distribution of water in accordance with the limits of the setting, taking into account environmental requirements. The use (or 'take') of water under a Water Sharing Plan must be approved and the volume (or 'share) of that use limited through a water access licence. The Applicant holds WAL 44962 which entitles the Applicant to 636 unit shares of groundwater from the New England Fold Belt Murray Darling Basin (MDB) Groundwater Source of the NSW MDB Fractured Rock Groundwater Sources. It is noted that water capture, storage and use of surface water is permitted provided it is in accordance with either: • the harvestable rights provisions allowed under Section 53 of the WM Act, which is directly related to the location and size of the land; of • the construction and use of water management infrastructure on minor streams to prevent contamination of a water source is considered "excluded works" under Section 39 of the *Water Management (General) Regulation 2018*.	3.1.2, 6.6, 6.7, Appendix 10 (Surface Water), Appendix 11 (Groundwater)

Table 4.2 (Cont'd)
Mandatory Matters for Consideration

Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under other Acts (Cont'd)		
Water Management Act 2000 (Cont'd)	Aquifer Interference Policy The NSW Government's Aquifer Interference Policy has been established under the WM Act to manage the water licensing and assessment processes for aquifer interference activities. The WM Act defines an aquifer interference activity as that which involves the: • penetration of an aquifer; • interference with water in an aquifer; • obstruction of the flow of water in an aquifer; • taking of water from an aquifer in the course of carrying out mining or any other activity prescribed by the regulations; or • disposal of water taken from an aquifer in the course of carrying out mining or any other activity prescribed by the regulations. The Project would involve aquifer interference activities through the take of water through dewatering activities and groundwater inflows into the open cut pits, as well as the extraction of groundwater from production bores. The Policy defines an agreed set of 'minimal impact' considerations that have been taken into account when assessing the Project and the potential for harm to occur to an aquifer and its dependent ecosystems, culturally significant sites, connected surface water sources and to existing water users. The Policy requires that the aquifer impact assessment consider potential impacts on water table levels, water pressure, and water quality in different types of groundwater systems. The Project has been assessed against the Aquifer Interference Policy in Section 6.7 and **Appendix 11** (Groundwater).	6.7
Roads Act 1993	The *Roads Act 1993* (Roads Act) applies to public roads in NSW, and depending upon the type of road, is administered by Transport for NSW (TfNSW) or local council. Consent is required under Section 138 of the Roads Act for works or structures that disturb the surface of a public road, connect a road to a classified road or any other activity in a road reserve managed by the TfNSW or Council. A consent issued under Section 138 of the Roads Act would be required from Council for upgrades to Wellington Vale Road, Grampians Road, and associated intersections, where required. As Wellington Vale Road is a classified road, any such Section 138 consent would require concurrence from TfNSW.	3.1.2, 3.8, 6.8
Biodiversity Conservation Act 2016	The *Biodiversity Conservation Act 2016* (BC Act) establishes a framework for assessing and offsetting biodiversity impacts from proposed development in NSW. The Act establishes through the Biodiversity Assessment Method a systematic methodology for determining the biodiversity values in the vicinity of a proposed development and the nature and scale of potential impacts. The Act also establishes a scheme to offset residual biodiversity impacts through establishment of Stewardship Sites to be managed in perpetuity for biodiversity purposes. Such Stewardship Sites generate biodiversity credits which may be purchased and / or retired by developers, such as the Applicant, of offset residual biodiversity impacts associated with projects. Alternatively, developers may pay into the Biodiversity Conservation Trust to offset anticipated biodiversity impacts. The biodiversity aspects of the Project are assessed in Section 6.2.	6.2

Table 4.2 (Cont'd)
Mandatory Matters for Consideration

Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under other Acts (Cont'd)		
Crown Land Management Act 2016	The *Crown Land Management Act 2016* (CLM Act) provides a framework for the care, control and management over Crown reserves within NSW. Section 5.3 of the CLM Act gives the Minister the power to grant easements, rights of way, leases, licences or permits over Crown land. Some sections of the Mine Site, including the internal Mine Site access road, haul road, Southern open cut pit, Solar Farm and Administration Area are situated within Crown Land or a Crown road (within Lot 7001 DP92662, Lot 7317 DP1166299, and Lot 12 DP1292270). A Crown waterway is also included within the proposed access road, being the Vegetable Creek crossing of Grampians Road. Crown land and Crown roads within the Mine Site are the subject of a Section 265 Compensation Agreement between the Applicant and Crown Land NSW. This agreement was executed on the 26 March 2025. All Crown roads impacted by Project-related activities within the Mine Site are the subject of a 26 March 2025 deed agreement and works consent that was issued by Crown Land NSW under Sections 138 and 71 of the *Roads Act 1993*.	3.1.2, 4.2.3.3
Considerations under the EP&A Regulation		
Section 78	A development consent may only be granted subject to a condition referred to in Section 4.17(4A) or (4B) of the Act if the development is SSD.	4.2.1
Section 192	An environmental impact statement must contain the following-	
	a) a summary of the environmental impact statement,	Executive Summary
	b) a statement of the objectives of the development, activity or infrastructure,	1.4
	c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure,	2.5
	d) an analysis of the development, activity or infrastructure, including— i) a full description of the development, activity or infrastructure, and	3 generally
	ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and	6 generally
	iii) the likely impact on the environment of the development, activity or infrastructure, and	6 generally
	iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	6 generally
	v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out,	3.1.2, 4.2.3
	e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),	Appendix 4
	f) the reasons justifying the carrying out of the development, activity or infrastructure considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.	7.5, 7.8