

APPENDIX C Statutory Context

1.0 Commonwealth Legislation

Table 1 Commonwealth Legislation Considerations Table

Statutory Context	Response
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	
The <i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i> is administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW). The <i>EPBC Act</i> provides a framework for the protection of the Australian environment, including its biodiversity, natural resources and culturally significant places. Nine Matters of National Environmental Significance (Matters of NES) are identified under the act. An action that “has, will have or is likely to have a significant impact on a Matters of NES “may not be undertaken without prior approval of the Commonwealth Minister, as provided under Part 9 of the <i>EPBC Act</i>. Approval under the <i>EPBC Act</i> is also required where actions are proposed on, or will affect, Commonwealth land and its environment. A Protected Matters Search was performed via the DCCEEW website to ascertain if any Matters of NES protected by the <i>EPBC Act</i> have been identified as occurring in, or close to, the site. A summary of the findings is presented below.	
World Heritage Properties	There are no world heritage properties listed within proximity of the Development Footprint.
National Heritage	There are no national heritage places listed within proximity of the Development Footprint.
Wetlands of International Significance (RAMSAR Wetlands)	There are no Ramsar Wetlands within close proximity to the Development Footprint.
Commonwealth Marine Areas	The Development Footprint is not located within proximity to the Commonwealth marine area.
Great Barrier Reef Marine Park	The Development Footprint is not located within proximity to the Great Barrier Reef marine park.
Threatened Ecological Communities (TEC)	Three <i>EPBC Act</i> listed TEC were associated with the Plant Community Types (PCTs) present within the Development Footprint.
Threatened Species	A total of 39 threatened species listed under the <i>EPBC Act</i> have habitats which may occur within the locality, none of which have been historically recorded within the Development Footprint.

Statutory Context	Response
Nationally Listed Migratory Species	A total of 8 migratory species listed under the <i>EPBC Act</i> have habitats which may occur within the locality, none of which have been historically recorded within the Development Footprint.
All Nuclear Actions	Not proposed.
Water Triggers	Not proposed.
Native Title Act 1993	
The <i>Native Title Act 1993 (NT Act)</i> recognises the interests and rights Aboriginal people have to land and aims to provide recognition and protection of common law native title rights.	A search of the Register of Native Title Claims (4 March 2025) shows no active claims within the Cabonne Shire Council LGA.

2.0 State Requirements

2.1.1 State Legislation

Table 2 State Legislation Considerations Table

Statutory Reference	Consideration	Response
Environmental Planning and Assessment Act 1979		
1.3 Objects of Act	(a) <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>	The BESS is considered to improve social and economic welfare by enhancing providing large scale investment in the Central West and Orana region and more locally to the Cabonne local government area. The development for a zero-emission energy storage facility will assist in manage electrical supply providing stability in the supply network and enhance economic benefits of renewable energy generation leading to overall benefits for the community.



Statutory Reference	Consideration	Response
	(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposed BESS will provide an energy storage facility to support grid stability in the larger region and provide zero emission dispatchable power during peak periods and times of low/no power generation by other energy sources.
	(c) <i>to promote the orderly and economic use and development of land,</i>	The proposed BESS is a permissible land use on the RU1 Primary Production site and will occupy a small portion of the Project Lots, allowing for the continuation of existing agricultural use.
	(d) <i>to promote the delivery and maintenance of affordable housing,</i>	The Project does not include residential development. The Project will enhance economic benefits of dispatchable energy generation leading to overall benefits for the community.
	(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The Project has been located as to avoid vegetated areas and watercourses as much as practicable to protect native flora and fauna, and ecological communities. Appropriate mitigation measures are to be in place to further protect the environment during construction and operations, refer to Appendix E for list of proposed mitigation measures.
	(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The Development Footprint is not identified as a heritage item and is not located in a heritage conservation area per the Cabonne LEP 2012. An ACHAR (Virtus Heritage, 2025) is contained in Appendix G with a detailed summary of the findings contained in Section 6.2 of the EIS.



Statutory Reference	Consideration	Response
		The ACHAR concluded that any potential impacts on potential Aboriginal or archaeological sites can be appropriately managed, subject to adherence to the proposed management measures.
	(g) <i>to promote good design and amenity of the built environment,</i>	The Project involves the construction and operation of specifically designed electrical infrastructure. Mitigation of potential visual impacts are proposed to ensure the amenity of the surrounding area is retained.
	(h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The Project involves the construction and operations of electrical infrastructure.
	(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Consultation with relevant stakeholders including various public agencies and local Council has been undertaken. The formal exhibition will also allow the range of public agencies and local Council to provide input on the development during the assessment process.
	(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	Consultation with the local community has been undertaken as part of the preparation of this EIS. Formal exhibition to be undertaken during the assessment of the application will also allow for the community to provide input on the Project.
4.10 Designated development	(1) <i>Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.</i> (2) <i>Designated development does not include State significant development despite any such declaration.</i>	The Project is State Significant Development.
4.12 Application	(7) <i>A development application cannot be made in respect of land that is, or is part of, a wilderness area (within the meaning of the</i>	The Project is not located within a Wilderness Area.



Statutory Reference	Consideration	Response
	<i>Wilderness Act 1987) unless any consent to the development required under that Act has been obtained.</i> (8) <i>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>	An EIS has been provided as part of the application package.
4.14 Consultation and development consent – certain bushfire prone land	4.14 Consultation and development consent—certain bush fire prone land (cf previous s 79BA) (1) <i>Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—</i> (a) <i>is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or</i> (b) <i>has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.</i> (1A) <i>If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning</i>	Subclause 1B excludes this control from SSD, notwithstanding a Bushfire Risk Assessment Report is provided at Appendix S.



Statutory Reference	Consideration	Response
	<i>measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.</i> (1B) <i>This section does not apply to State significant development.</i> (1C) <i>The regulations may exclude development from the application of this section subject to compliance with any requirements of the regulations. The regulations may (without limiting the requirements that may be made)—</i> (a) <i>require the issue of a certificate by the Commissioner of the NSW Rural Fire Service or other qualified person in relation to the bush fire risk of the land concerned, and</i> (b) <i>authorise the payment of a fee for the issue of any such certificate.</i> (2) <i>In this section—</i> <i>special fire protection purpose has the same meaning as it has in section 100B of the Rural Fires Act 1997.</i>	
4.15 Evaluation (1) Matters for Consideration - General	(a) the provisions of— (i) any environmental planning instrument, and	The provision of relevant environmental planning instrument (EPIs) are in Table 3 of this Appendix.
	(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Discussion of draft EPIs in which public consultation has occurred has been undertaken at Table 3 of this Appendix.
	(iii) any development control plan, and	As the the Project triggers SSD, the DCP does not require consideration. Regardless, consideration has been afforded to the Cabonne DCP where relevant.
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Stor will enter into a VPA with Cabonne Shire Council.



Statutory Reference	Consideration	Response
	(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The EP&A Regulation 2021 has been addressed at Table 2 of this Appendix.
	(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Impacts on natural and built environments along with social and economic impacts for the area have been addressed as part of the larger EIS.
	(c) <i>the suitability of the site for the development,</i>	The suitability of the site for the Project has been address in Section 2.6.1 of the EIS.
	(d) <i>any submissions made in accordance with this Act or the regulations,</i>	A Response to Submissions (RTS) will be prepared post exhibition of the EIS to address any submissions received.
	(e) <i>the public interest.</i>	The public interest has been discussed at Chapter 7 of the EIS.
4.36 Development that is State significant development	(1) <i>For the purposes of this Act, State significant development is development that is declared under this section to be State significant development.</i> (2) <i>A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.</i> (3) <i>The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.</i> <i>Editorial note—</i> <i>For orders under this subsection, see the Historical notes at the end of this Act.</i> (4) <i>A State environmental planning policy that declares State significant development may extend the provisions of the policy relating to that development to State significant development declared under subsection (3).</i>	The proposed development holds an EDC exceeding \$30 million and as such triggers SSD via Schedule 1 Item 20 <i>Electricity generating works and heat or co-generation.</i>



Statutory Reference	Consideration	Response
4.38 Consent for State significant development	4.38 Consent for State significant development (cf previous s 89E) (1) The consent authority is to determine a development application in respect of State significant development by— (a) granting consent to the application with such modifications of the proposed development or on such conditions as the consent authority may determine, or (b) refusing consent to the application. Note— Section 380AA of the Mining Act 1992 provides that an application in respect of State significant development for the mining of coal can only be determined if it is made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned. (2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument. (3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument. (4) If part of a single proposed development that is State significant development requires development consent to be carried out and the other part may be carried out without development consent— (a) Division 5.1 does not apply to that other part of the proposed development, and (b) that other part of the proposed development is taken to be development that may not be carried out except with development consent. (5) A development application in respect of State significant development that is wholly or partly prohibited may be considered in accordance with Division 3.5 in conjunction with a proposed environmental planning instrument to permit the carrying out of the development. The Planning Secretary may (despite anything to the contrary in section 3.32) undertake the functions of the planning proposal authority under Part 3 for a proposed instrument if it is initiated for the purpose of permitting the carrying out of the development (whether or not it contains other provisions).	The Minister for Planning and Public Spaces will be the consent authority for the Project in accordance with Section 4.5 of the EP&A Act. The requirement for the IPC to be the determining authority is to be confirmed following the completion of the EIS public exhibition. The proposed development is not partly or wholly prohibited in the Project Lots' RU1 zone.



Statutory Reference	Consideration	Response
	(6) <i>If the determination under section 3.34 (Gateway determination) for a planning proposal declares that the proposed instrument is principally concerned with permitting the carrying out of State significant development that would otherwise be wholly prohibited—</i> (a) <i>the proposed instrument may be made only by the Independent Planning Commission under a delegation from the Minister, and</i> (b) <i>the development application for the carrying out of that development may be determined only by the Independent Planning Commission under a delegation from the Minister.</i>	
4.39 <i>Regulations—State significant development</i>	<i>In addition to any other matters for or with respect to which regulations may be made under this Part, the regulations may make provision for or with respect to the procedures and other matters concerning State significant development, including the following—</i> (a) <i>the environmental impact statements to accompany development applications in respect of State significant development,</i> (b) <i>the requirements for the preparation of those environmental impact statements, including consultation requirements with respect to government agencies and other affected persons,</i> (c) <i>the making of orders under section 4.36(3) declaring specified development to be State significant development,</i> (d) <i>the making of information publicly available relating to development applications in respect of State significant development and the determination of those applications,</i> (e) <i>requiring applicants to provide responses to submissions made on development applications in respect of State significant development.</i>	The relevant items required per the EP&A Regulation has been considered as part of this EIS.
4.41 <i>Approvals etc legislation that does not apply</i>	(1) <i>The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—</i> (a) <i>(Repealed)</i>	Noted, the listed authorisation is not required for SSD.



Statutory Reference	Consideration	Response
	(b) permit under section 201, 205 or 219 of the Fisheries Management Act 1994, (c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977, (d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974, (e) (Repealed) (f) a bush fire safety authority under section 100B of the Rural Fires Act 1997, (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000. (2) Division 8 of Part 6 of the Heritage Act 1977 does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division. (3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.	
4.42 Approvals etc legislation that must be applied consistently	(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent— (a) an aquaculture permit under section 144 of the Fisheries Management Act 1994, (b) an approval under the Coal Mine Subsidence Compensation Act 2017, section 22, (c) a mining lease under the Mining Act 1992,	Noted, the listed authorisation cannot be refused subject to SSD approval.



Statutory Reference	Consideration	Response
	<i>Note—</i> <i>Under section 380A of the Mining Act 1992, a mining lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.</i> <i>(d) a production lease under the Petroleum (Onshore) Act 1991,</i> <i>Note—</i> <i>Under section 24A of the Petroleum (Onshore) Act 1991, a production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.</i> <i>(e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act),</i> <i>(f) a consent under section 138 of the Roads Act 1993,</i> <i>(g) a licence under the Pipelines Act 1967.</i> <i>(2) This section does not apply to or in respect of—</i> <i>(a) an application for the renewal of an authorisation or a renewed authorisation, or</i> <i>(b) an application for a further authorisation or a further authorisation following the expiry or lapsing of an authorisation, or</i> <i>(c) in the case of an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997—any period after the first review of the licence under section 78 of that Act.</i> <i>(3) A reference in this section to an authorisation or development consent includes a reference to any conditions of the authorisation or consent.</i> <i>(4) This section applies to a person, court or tribunal that deals with an objection, appeal or review conferred on a person in relation to an authorisation in the same way as it applies to the person giving the authorisation.</i>	



Statutory Reference	Consideration	Response
<i>Division 4.8 Integrated development</i>	Integrated development is defined under Section 4.46 of the <i>EP&A Act</i>. It includes development proposals that require development consent and one or more specific approvals under the following Acts: • <i>Fisheries Management Act, 1994</i> • <i>Heritage Act, 1977</i> • <i>Mine Subsidence Compensation Act, 1961</i> • <i>National Parks and Wildlife Act, 1974</i> • <i>Protection of the Environment Operations Act, 1997</i> • <i>Roads Act, 1993</i> • <i>Rural Fires Act, 1997</i> • <i>Water Management Act, 2000.</i>	As the proposal is SSD, no integrated development approvals are required. Certain approvals which would ordinarily apply to integrated development do not apply to SSD per Section 4.41 of the <i>EP&A Act 1979</i>.
<i>Division 4.8 Integrated development (cont.)</i>	Where one of these approvals or permits is required the development application must be submitted to the relevant approval body, for the purposes of obtaining the General Terms of Approval (GTA) from that approval body which may include any conditions to be imposed on any development consent issued by the consent authority. Whether any of these approvals are triggered is discussed in the following pages. It is noted that pursuant to Section 4.41 of the <i>EP&A Act 1979</i> the following authorisation are not required for SSD applications: • A permit under section 201, 205 or 219 of the <i>Fisheries Management Act 1994</i> • An approval under Part 4, or an excavation permit under section 139, of the <i>Heritage Act 1977</i> • An Aboriginal heritage impact permit under section 90 of the <i>National Parks and Wildlife Act 1974</i> • A bush fire safety authority under section 100B of the <i>Rural Fires Act 1997</i> • A water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the <i>Water Management Act 2000</i>.	



Statutory Reference	Consideration	Response
Environmental Planning and Assessment Regulation 2021		
<i>Clause 51 Concurrence under Biodiversity Conservation Act 2016</i>	(1) <i>This section applies if concurrence may be required under the Biodiversity Conservation Act 2016, Part 7 from a person (the biodiversity concurrence authority) because the development application indicates that a reduction is being sought in the number of biodiversity credits required to be retired under the biodiversity development assessment report.</i> (2) <i>The development application must be given to the biodiversity concurrence authority within 10 days, instead of 14 days, after the development application is lodged.</i> (3) <i>The consent authority must, within 30 days after the application is lodged, notify the biodiversity concurrence authority—</i> (a) <i>whether it proposes to reduce the number of biodiversity credits required to be retired, and</i> (b) <i>if so, the amount of and the reasons for the reduction, as referred to in the Biodiversity Conservation Act 2016, section 7.13(4).</i> (4) <i>If the concurrence of the biodiversity concurrence authority is required because the consent authority proposes to reduce the number of biodiversity credits, the reference in section 53(1)(a) to a concurrence authority giving notice of its decision to a consent authority within 40 days after receiving the development application is taken to be a reference to giving notice within 50 days after the development application is lodged.</i>	No reduction in required biodiversity credits is proposed.
<i>190 Form of environmental impact statement</i>	(1) <i>An environmental impact statement must contain the following information—</i> (a) <i>the name, address and professional qualifications of the person who prepared the statement,</i> (b) <i>the name and address of the responsible person,</i> (c) <i>the address of the land—</i> (i) <i>to which the development application relates, or</i> (ii) <i>on which the activity or infrastructure to which the statement relates will be carried out,</i>	This EIS has been prepared in accordance with the requirements of Clause 190 of the EP&A Regulation 2021 and follows the <i>State Significant Development Guidelines</i> published by the NSW DPHI. The EIS has been prepared in accordance with the Project SEARs (as assessed in Appendix A). The structure and content of this EIS has been designed with consideration of the recommendations of <i>Appendix B to the State</i>



Statutory Reference	Consideration	Response
	(d) <i>a description of the development, activity or infrastructure,</i> (e) <i>an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i> (2) <i>The person preparing the statement must have regard to—</i> (a) <i>for State significant development—the State Significant Development Guidelines, or</i> (b) <i>for State significant infrastructure—the State Significant Infrastructure Guidelines.</i> (3) <i>An environmental impact statement must also contain a declaration by a relevant person that—</i> (a) <i>the statement has been prepared in accordance with this Regulation, and</i> (b) <i>the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and</i> (c) <i>the information contained in the statement is not false or misleading, and</i> (d) <i>for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.</i> (4) <i>In this section—</i> <i>registered environmental assessment practitioner means a person who is registered or certified under a professional scheme that is specified as a registered environmental assessment practitioner scheme in the Accredited Registered Environmental Assessment Practitioner (REAP) Schemes published on the NSW Planning Portal on 1 July 2021.</i> <i>Registered Environmental Assessment Practitioner Guidelines means the Registered Environmental Assessment Practitioner Guidelines prepared by the Planning Secretary as in force from time to time and published on the Department’s website.</i>	<i>Significant Infrastructure Guidelines – Preparing Environmental Impact Statement.</i> Assessment of the Project against the principles of ESD has been assessed in Section 7.8 of the EIS.



Statutory Reference	Consideration	Response
	<i>relevant person means—</i> (a) <i>for State significant development or State significant infrastructure—a registered environmental assessment practitioner, or</i> (b) <i>otherwise—the person who prepares the environmental impact statement.</i>	
192 Content of environmental impact statement	(1) <i>An environmental impact statement must contain the following—</i> (a) <i>a summary of the environmental impact statement,</i> (b) <i>a statement of the objectives of the development, activity or infrastructure,</i> (c) <i>an analysis of 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,</i> (d) <i>an analysis of the development, activity or infrastructure, including—</i> (i) <i>a full description of the development, activity or infrastructure, and</i> (ii) <i>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</i> (iii) <i>the likely impact on the environment of the development, activity or infrastructure, and</i> (iv) <i>a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and</i> (v) <i>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,</i> (e) <i>a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),</i>	All required information listed in Section 192 has been included within this EIS. a) See Executive Summary b) The objectives of the project have been discussed within the Statutory Compliance Assessment in Appendix C. c) An analysis of alternatives has been discussed within Section 2.6 and Section 7.10 of the EIS. d) A Project description has been provided in Chapter 3. i. Environmental impacts of the project have been discussed within Chapter 6. ii. Along with the discussion of environmental impacts, mitigation measures are addressed in Section 6 and Appendix E. iii. Assessment of impacts in Chapter 6 and Appendix E. iv. A list of other approvals is in Section 4.2.1.1. e) A list of all proposed mitigation measures at Appendix E.



Statutory Reference	Consideration	Response
	(f) <i>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.</i> Note— <i>A cost benefit analysis may be submitted or referred to in the reasons justifying the carrying out of the development, activity or infrastructure.</i> (2) <i>This section is subject to the environmental assessment requirements that relate to the environmental impact statement.</i> (3) <i>This section does not apply if—</i> (a) <i>the Planning Secretary has waived the requirement for an application for environmental assessment requirements in relation to an environmental impact statement for State significant development, and</i> (b) <i>the conditions of the waiver specify that the environmental impact statement must instead comply with requirements set out or referred to in the conditions.</i> (4) <i>A document adopted or referred to by an environmental impact statement is taken to form part of the statement.</i>	f) Justification for the Project along with consideration of the principles of ESD has been provided in Chapter 7.
193 Principles of ecologically sustainable development	(1) <i>The principles of ecologically sustainable development are the following—</i> (a) <i>the precautionary principle,</i> (b) <i>inter-generational equity,</i> (c) <i>conservation of biological diversity and ecological integrity,</i> (d) <i>improved valuation, pricing and incentive mechanisms.</i> (2) <i>The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</i> (3) <i>In applying the precautionary principle, public and private decisions should be guided by—</i>	The Principles of ESD have been addressed at Section 7 of the EIS.



Statutory Reference	Consideration	Response
	(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (b) an assessment of the risk-weighted consequences of various options. (4) The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. (5) The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration. (6) The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as— (a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and (b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and (c) established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	
Biodiversity Conservation Act 2016		
7.9 Biodiversity assessment for State significant development or infrastructure	(1) This section applies to— (a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and	A BDAR has been provided at Appendix F, with discussion provided within the EIS within Section 6.1.



Statutory Reference	Consideration	Response
	(b) <i>an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.</i> (2) <i>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.</i> (3) <i>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.</i>	
Contaminated Land Management Act 1997		
Part 5 Information	The Contaminated Land Management Act 1997 (CLM Act) establishes a system for investigating and remediating land that the EPA considers to be contaminated significantly enough to require regulation. Section 5 of the CLM Act defines “contamination” of land as: <i>“the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.”</i>	A review of the NSW EPA Contaminated Land Record and the List of Notified Contaminated Sites (as of 10 June 2025) was undertaken on 26 June 2025 and identified two contaminated sites in the Cabonne LGA. The Cabonne BP Service Station located and Former Gasworks, both located approximately 2km east of the Project Area in the Molong Township. A review of the NSW Department of Regional NSW Naturally Occurring Asbestos (NOA) map, hosted on the Sharing and Enabling Environmental Data (SEED) was undertaken on 11 June 2025. The review indicated that the Project Lots were not on the register and was in an area of known geological unites with low asbestos potential. Based on this review, there are no known contaminated sites on or near the Project Lots and, based on a desktop investigation and inspection, there is nothing to indicate the



Statutory Reference	Consideration	Response
		Development Footprint would be contaminated.
Crown Land Management Act 2016		
<i>Part 5 Dealings involving Crown land and other related land</i>	The primary purpose of the Crown Land Management Act 2016 (CLM Act) is to provide for the effective management of Crown land in New South Wales, ensuring its use, ownership, and management are aligned with environmental, social, cultural, and economic considerations.	The Project does not involve Crown Land.
Coal Mine Subsidence Compensation Act 2017		
<i>20 Mine subsidence districts</i>	The purpose of the Coal Mine Subsidence Compensation Act 2017 is to establish a framework for providing fair, efficient, and sustainable compensation for damage caused by subsidence related to coal mining operations in New South Wales.	The Project Lots are not mapped within a mine subsidence area.
Fisheries Management Act 1994		
<i>201 Circumstances in which a person (other than a public or local government authority) may carry out dredging or reclamation</i>	(1) <i>A person must not carry out dredging work or reclamation work except under the authority of a permit issued by the Minister.</i>	The Development Footprint is not in the vicinity of any mapped key fish habitat (KFH) and the Project does not require an approval under the <i>FM Act</i> . Regardless, no dredging, reclamation work, impacts on mangroves or seagrasses or impedance to fish passage is proposed as part of the development.
<i>205 Marine vegetation—regulation of harm</i>	(1) <i>This section applies to— (a) mangroves, or (b) seagrasses, or (c) any other marine vegetation declared by the regulations to be marine vegetation to which this section applies, but does not apply to protected marine vegetation under section 204A.</i>	
<i>219 Passage of fish not to be blocked</i>	(1) <i>A person who— (a) sets a net, netting or other material, or (b) constructs or alters a dam, floodgate, causeway or weir, or</i>	



Statutory Reference	Consideration	Response
	(c) <i>otherwise creates an obstruction, across or within a bay, inlet, river or creek, or across or around a flat, so that—</i> (d) <i>fish will or could be blocked or left stranded, or</i> (e) <i>immature fish will or could be destroyed, or</i> (f) <i>the free passage of fish will or could be obstructed, is guilty of an offence.</i>	
	(5) <i>This section does not apply to or in respect of the following—</i> (a) <i>any activity that is otherwise permitted by or under this Act or any other Act,</i> (b) <i>any activity that is done in accordance with a permit issued by the Minister under this Part,</i> (c) <i>any activity or waters of a kind exempted from the operation of this section by the regulations.</i>	
Heritage Act 1977		
57 <i>Effect of interim heritage orders and listing on State Heritage Register</i>	(1) <i>When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval granted by the approval body under Subdivision 1 of Division 3—</i> (a) <i>demolish the building or work,</i> (b) <i>damage or despoil the place, precinct or land, or any part of the place, precinct or land,</i> (c) <i>move, damage or destroy the relic or moveable object,</i> (d) <i>excavate any land for the purpose of exposing or moving the relic,</i> (e) <i>carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct,</i> (f) <i>alter the building, work, relic or moveable object,</i> (g) <i>display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,</i>	The <i>Heritage Act 1977</i> aims to protect and conserve the natural and cultural history of NSW, including scheduled heritage items, sites and relics. The Project does not involve any impacts on heritage features. Approvals under Part 4 or an excavation permit under Section 139 of the <i>Heritage Act 1977</i> are not required for SSD by virtue of Section 4.41 of the <i>EP&A Act</i>.



Statutory Reference	Consideration	Response
	(h) <i>damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.</i>	
Local Land Services Act 2013		
60H Category 1 – exempt land mapping	(1) <i>Land is to be designated as category 1-exempt land if the Environment Agency Head reasonably believes that—</i> (a) <i>the land was cleared of native vegetation as at 1 January 1990, or</i> (b) <i>the land was lawfully cleared of native vegetation between 1 January 1990 and the commencement of this Part.</i>	The Project Lots have areas of 'category 1 – exempt land', 'category 2 – regulated land' and 'category 2 – vulnerable regulated land' mapped under the Draft Native Vegetation Regulatory mapping. As the proposal is SSD, impacts are not excluded and are assessed under the Biodiversity Assessment Method (BAM) addressed in the BDAR. Based on detailed vegetation surveys and the occurrence of TECs within the Development Footprint, the Native Vegetation Regulatory map does not apply with the proposed vegetation clearance not needing approval under the LLS Act.
	(2) <i>Land is to be designated as category 1-exempt land if the Environment Agency Head reasonably believes that—</i> (a) <i>the land contains low conservation value grasslands, or</i> (b) <i>the land contains native vegetation that was identified as regrowth in a property vegetation plan referred to in section 9 (2) (b) of the Native Vegetation Act 2003, or</i> (c) <i>the land is of a kind prescribed by the regulations as category 1-exempt land.</i>	
	(3) <i>Land is to be designated as category 1-exempt land if the land is biodiversity certified under Part 8 of the Biodiversity Conservation Act 2016 or under any Act repealed by that Act.</i>	
	(4) <i>However—</i> (a) <i>land described in subsection (1) or (2) is not to be designated as category 1-exempt land if section 60I (2) requires the land to be designated as category 2-regulated land, and</i> (b) <i>land described in subsection (1) (a) is not to be designated as category 1-exempt land if the land was unlawfully cleared of native vegetation after 1 January 1990, and</i> (c) <i>land described in subsection (2) (a) is not to be designated as category 1-exempt land if the land was unlawfully cleared of native vegetation after 1 January 1990.</i>	



Statutory Reference	Consideration	Response
	(5) <i>The regulations may make provision for the purposes of determining whether grasslands are low conservation value grasslands for the purposes of this Division.</i>	
Mining Act 1992		
<i>Part 3 Exploration licences</i>	The purpose of the <i>Mining Act 1992</i> is to promote the discovery and responsible development of mineral resources in NSW, while ensuring environmental sustainability. It seeks to balance economic and social benefits with strong regulatory oversight, including compensation for landholders, fair returns to the State, environmental protection, and the rehabilitation of mined land and water.	The Project does not involve the extraction of mineral resources. There is a mineral exploration and mining title over the site, EL6391 – Golden Cross Operations Pty Ltd, which expired on 23 August 2025. A letter was issued to Golden Cross Operations Pty Ltd on 15 April 2025 and no response has been received to date.
National Parks and Wildlife Act 1974		
<i>Part 6 Aboriginal objects and Aboriginal places</i>	The National Parks and Wildlife Act 1974 (NPW Act) provides for the protection of Aboriginal objects (sites, objects and cultural material) and Aboriginal places. Under the Act (Part 6), an Aboriginal object is defined as: <i>“any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises NSW, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction, and includes Aboriginal remains”.</i> <i>An Aboriginal place is defined under the NPW Act as an area which has been declared by the Minister administering the Act as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects.</i> <i>Identified Aboriginal items and sites are registered on Aboriginal Heritage Information Management System (AHIMS).</i>	An ACHAR is provided at Appendix G with a detailed summary of the findings contained in Section 6.2 of the EIS. The ACHAR has identified various features near or within the Development Footprint that will be managed and protected via methods set out in the ACHAR including salvaging, recording and protection protocols. An Aboriginal Heritage Impact Permit (AHIP) under section 90 of this Act is not required for SSD.
Protection of the Environment Operations Act 1997		
Chapter 3 Environment Protection Licences		
<i>43 Types of licences</i>	<i>Environment protection licences may be issued for the following purposes—</i>	Per Schedule 1, the Project does not involve the generation of electricity. The Project



Statutory Reference	Consideration	Response
	(a) <i>to authorise the carrying out of scheduled development work at any premises, as required under section 47,</i> (b) <i>to authorise the carrying out of scheduled activities at any premises, as required under section 48,</i> (c) <i>to authorise the carrying out of scheduled activities not related to premises, as required under section 49,</i> (d) <i>to control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity, as referred to in section 122.</i>	stores and releases electricity that has already been generated. As such, Clause 17 does not apply to the Project, and an Environmental Protection Licence (EPL) is not required.
Roads Act 1993		
138 Works and structures	(1) A person must not— (a) <i>erect a structure or carry out a work in, on or over a public road, or</i> (b) <i>dig up or disturb the surface of a public road, or</i> (c) <i>remove or interfere with a structure, work or tree on a public road, or</i> (d) <i>pump water into a public road from any land adjoining the road, or</i> (e) <i>connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.</i> (2) <i>A consent may not be given with respect to a classified road except with the concurrence of TfNSW.</i>	An approval under s138 from Council will be required for all works within Back Saleyards Road or any other public road. Consideration of the access is provided within Chapter 6 of the EIS and within the TIA at Appendix L. Back Saleyards Road is not a classified road.
Rural Fires Act 1997		
100B Bush fire safety authorities	(1) The Commissioner may issue a bush fire safety authority for— (a) <i>a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or</i> (b) <i>development of bush fire prone land for a special fire protection purpose.</i>	The Development Footprint is identified as bushfire prone land. A bushfire safety authority under section 100B of the <i>Rural Fires Act 1997</i> will not be required pursuant to Section 4.41 of the <i>EP&A Act</i>, as it is not identified as a use to which this section relates.



Statutory Reference	Consideration	Response
Water Management Act 2000		
89 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.	Potable water tank storage facilities are proposed and will be serviced by water trucks during construction and operation. A water use approval is not required.
90 Water management work approvals	(1) There are three kinds of water management work approvals, namely, water supply work approvals, drainage work approvals and flood work 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.	As above.
91 Activity approvals	(1) There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference 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.	As the Project is classified as an SSD under Part 4 of the <i>EP&A Act</i>, approvals under section 91 (controlled activity) of the <i>WM Act</i> are not required. While s91 does not apply to SSD, the impacts to watercourses have been assessed within this EIS and associated technical studies. Notably, appropriate erosion and sediment controls will be in place throughout the works period to ensure any impacts on surrounding watercourse are minimised.



2.2 Environmental Planning Instruments

Table 3 Environmental Planning Instruments Assessment

Statutory Reference	Consideration	Response
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)		
Chapter 2 Vegetation in non-rural areas		
2.3 Land to which Chapter applies	Clause 2.3 outlines LGAs and land zonings, to which Chapter applies.	The Project Lots are not located in any of the listed LGA's nor within any of the listed land zones.
Chapter 3 Koala Habitat Protection 2020		
3.3 Land to which Chapter applies	(1) <i>This Chapter applies to land in the following land use zones, or an equivalent land use zone, in a local government area specified in Schedule 2, but not if the local government area is marked with an * in that Schedule—</i> (a) <i>Zone RU1 Primary Production,</i> (b) <i>Zone RU2 Rural Landscape,</i> (c) <i>Zone RU3 Forestry.</i> (1A) <i>This Chapter does not apply to certified urban capable land within the meaning of Chapter 13.</i> (2) <i>In this section—</i> <i>equivalent land use zone has the same meaning as it has in Chapter 4.</i>	Chapter 3 of the Biodiversity and Conservation SEPP applies to the development as the subject site is zoned RU1 pursuant to the LEP 2012 with the Cabonne LGA is identified within Schedule 2, without an asterisk.
3.5 Land to which this Part applies	<i>This Part applies to land—</i> (a) <i>that is land to which this Chapter applies, and</i> (b) <i>that is land in relation to which a development application has been made, and</i> (c) <i>that, whether or not the development application applies to the whole, or only part, of the land—</i> (i) <i>has an area of more than 1 hectare, or</i> (ii) <i>has, together with adjoining land in the same ownership, an area of more than 1 hectare.</i>	The Project Lots are greater than 1ha.



Statutory Reference	Consideration	Response
3.6 Step 1—Is the land potential koala habitat?	(1) <i>Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.</i> (2) <i>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.</i> (3) <i>If the council is satisfied—</i> (a) <i>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</i> (b) <i>that the land is a potential koala habitat, it must comply with section 3.7.</i>	'Potential koala habitat' is defined as an area of native vegetation where trees of the types listed in Schedule 1 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. One specimen of a tree was surveyed in the BDAR, that is listed type listed in Schedule 1. However, this tree comprised less than 15% of the total number of trees. Accordingly, the Development Footprint is not defined as 'potential koala habitat' in accordance with this clause. Notwithstanding, site surveys undertaken as part of the BDAR considered the potential for the presence of Koalas.
3.7 Step 2—Is the land core koala habitat?	(1) <i>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.</i> (2) <i>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.</i> (3) <i>If the council is satisfied—</i> (a) <i>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</i> (b) <i>that the land is a core koala habitat, it must comply with section 3.8.</i>	As noted above, the site is not defined as 'potential koala habitat'. Notwithstanding, site surveys undertaken as part of the BDAR considered the potential for the presence of Koalas. 'Core koala habitat' is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population. As outlined in the BDAR, there is no evidence of koalas using the site.
3.8 Step 3—Can development consent be granted	(1) <i>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</i>	As noted above, the Development Footprint is not considered to be core koala habitat in accordance with the (Biodiversity and Conservation SEPP).



Statutory Reference	Consideration	Response
in relation to core koala habitat?	<i>be a plan of management prepared in accordance with Part 3 that applies to the land.</i> (2) <i>The council's determination of the development application must not be inconsistent with the plan of management.</i>	
3.9 Guidelines—matters for consideration	<i>Without limiting section 3.15, a council must take the guidelines into consideration in determining an application for consent to carry out development on land to which this Part applies.</i>	Noted, the consent authority must take into account any relevant guidelines for assessment.
Chapter 4 Koala Habitat Protection 2021		
4.4 Land to which Chapter applies	(1) <i>This Chapter applies to each local government area listed in Schedule 2.</i> (2) <i>The whole of each local government area is—</i> (a) <i>in the koala management area specified in Schedule 2 opposite the local government area, or</i> (b) <i>if more than 1 koala management area is specified, in each of those koala management areas.</i> (3) <i>Despite subsection (1), this Chapter does not apply to—</i> (a) <i>land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i> (b) <i>land dedicated under the Forestry Act 2012 as a State forest or a flora reserve, or</i> (c) <i>land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016, or</i> (d) <i>land in the following land use zones, or an equivalent land use zone, unless the zone is in a local government area marked with an * in Schedule 2—</i> (i) <i>Zone RU1 Primary Production,</i> (ii) <i>Zone RU2 Rural Landscape,</i> (iii) <i>Zone RU3 Forestry.</i>	This chapter does not apply, as the Cabonne LGA is listed in Schedule 2, without an asterisk.



Statutory Reference	Consideration	Response
State Environmental Planning Policy (Planning Systems) 2021		
2.6 Declaration of State significant development: section 4.36	(1) Development is declared to be State significant development for the purposes of the Act if— (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	Per Item 20 of Schedule 1, the Project triggers SSD.
	(2) If a single Project the subject of one development application comprises development that is only partly State significant development declared under subsection (1), the remainder of the development is also declared to be State significant development, except for— (a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and (b) coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007), and (c) development specified in Schedule 1 to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.	Noted, all ancillary elements which do not meet the trigger for SSD have been included within this application.
	(3) This section does not apply to development that was the subject of a certificate in force under clause 6C of State Environmental Planning Policy (Major Development) 2005 immediately before the commencement of this Chapter.	Development does not hold a certificate under Clause 6C of the State Environmental Planning Policy (Major Development) 2005.
2.10 Application of development control plans to State significant development	(1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to— (a) State significant development, or (b) development for which a relevant council is the	The Project is classified as SSD, and accordingly the DCP does not apply.



Statutory Reference	Consideration	Response
	<i>consent authority under section 4.37 of the Act.</i>	
<i>Schedule 1 State significant development—general</i>	<i>20 Electricity generating works and heat or co-generation Development for the purpose of electricity generating works or heat or their co-generation (using any energy source, including gas, coal, biofuel, distillate, waste, hydro, wave, solar or wind power) that—</i> <i>(a) has an estimated development cost of more than \$30 million, or</i> <i>(b) has an estimated development cost of more than \$10 million and is located in an environmentally sensitive area of State significance.</i>	The project exceeds \$30 million in EDC and is therefore considered SSD.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)		
Chapter 3 Hazardous and offensive development		
Part 3 Potentially hazardous or potentially offensive development		
<i>3.11 Preparation of preliminary hazard analysis</i>	<i>A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.</i>	Chapter 3 of the Resilience and Hazards SEPP establishes a comprehensive test by way of a preliminary screening assessment and preliminary hazard analysis (PHA) to determine the risk to people, property, and the environment. As the BESS is considered a 'potentially hazardous or potentially offensive development' under Part 3, a PHA in accordance with the current circulars or guidelines published by DPHI must be prepared. A PHA has been completed in the Hazard Risk Assessment (HRA) at Appendix N.
<i>3.12 Matters for consideration by consent authorities</i>	<i>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 Act or in an environmental planning instrument applying to the development)—</i>	
	<i>(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and</i> <i>(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and</i>	



Statutory Reference	Consideration	Response
	(c) <i>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</i> (d) <i>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</i> (e) <i>any likely future use of the land surrounding the development.</i>	
Chapter 4 Remediation of land		
4.1 Object of this Chapter	(1) <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i> (2) <i>In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i> (a) <i>by specifying when consent is required, and when it is not required, for a remediation work, and</i> (b) <i>by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i> (c) <i>by requiring that a remediation work meet certain standards and notification requirements.</i>	Chapter 4 of the Resilience and Hazards SEPP aims to provide a state-wide planning approach to contaminated land remediation and to promote the remediation of contaminated land to reduce the risk of harm. A review of the NSW EPA Contaminated Land Record and the List of Notified Contaminated Sites (as of 10 June 2025) was undertaken on 26 June 2025 and identified two contaminated sites in the Cabonne LGA. The Cabonne BP Service Station located and Former Gasworks, both located approximately 2km east of the Project Lots in the Molong Township. A review of the SEED was undertaken on 11 June 2025. The review indicated that the Project Lots are not on the register and were in an area of known geological unites with low asbestos potential.
4.6 Contamination and remediation to be considered in determining	(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i> (a) <i>it has considered whether the land is contaminated, and</i>	



Statutory Reference	Consideration	Response
development application	(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	Based on this review, there are no known contaminated sites on or near the Project Lots and, based on a desktop investigation and inspection, there is nothing to indicate the Development Footprint would be contaminated.
	(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.	
State Environmental Planning Policy (Primary Production) 2021		
Part 2.2 State significant agricultural land		
2.8 State significant agricultural land	(1) Land is State significant agricultural land if it is listed in Schedule 1. (2) The provisions in Schedule 1 relating to the carrying out of development on State significant agricultural land have effect. Note— At the commencement of this Chapter, there were no areas listed in Schedule 1 to which this Chapter applies.	There are no areas listed in Schedule 1 to which this Chapter applies.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)		
Division 4 Electricity generating works or solar energy systems		
2.36 Development permitted with consent	1) Development for the purpose of electricity generating works may be carried out by any person with consent on the following land— a) 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, b) in any other case—any land in a prescribed non-residential zone.	The Project is a permissible land use under the Transport and Infrastructure SEPP.
	2) Development for the purpose of a back-up electricity	



Statutory Reference	Consideration	Response
	<i>generating plant that operates for not more than 200 hours in any year may be carried out by any person with consent on any land.</i> 3) <i>Development for the purpose of the expansion of existing electricity generating works may be carried out by or on behalf of a public authority with consent on any land that is adjacent to the existing works.</i> 4) <i>Consent is not required to carry out any such development on land if the development could, but for subsection (3), be carried out on that land without consent.</i> 5) <i>Development for the purpose of, or resulting in, a change of fuel source of an existing coal or gas fired generating works by a proportion of more than 5 per cent in any 12 month period may only be carried out with consent.</i> 6) <i>If, under any environmental planning instrument (including this Chapter), development for the purpose of—</i> a) <i>industry, or</i> b) <i>a waste or resource management facility,</i> <i>may be carried out on land with consent, development for the purpose of electricity generating works that generate energy from waste, or from gas generated by waste, may also be carried out by any person with consent on that land.</i> 7) <i>Without limiting subsection (1), development for the purpose of a small wind turbine system may be carried out by any person with consent on any land.</i> 8) <i>However, subsection (7) only applies in relation to land in a prescribed residential zone if—</i> a) <i>the small wind turbine system has the capacity to generate no more than 10kW, and</i> b) <i>the height of any ground-mounted small wind turbine in the system from ground level (existing) to the topmost point of the wind turbine is no more than 18m.</i>	



Statutory Reference	Consideration	Response
	9) <i>Solar energy systems Development for the purpose of a solar energy system may be carried out by any person with consent on any land.</i>	
Division 5 Electricity transmission or distribution		
Subdivision 2 Development likely to affect an electricity transmission or distribution network		
Section 2.48 <i>Determination of development applications—other development</i>	(1) <i>This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i> <i>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i>	The Project involves works in the vicinity of power lines and easements and works to the existing substation.
	<i>(b) development carried out—</i> <i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> <i>(ii) immediately adjacent to an electricity substation, or</i> <i>(iii) within 5m of an exposed overhead electricity power line,</i>	The Project involves works in the vicinity of power lines and easements and works to the existing substation.
	<i>(c) installation of a swimming pool any part of which is—</i> <i>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> <i>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i>	No swimming pools are proposed.
	<i>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i>	The proposed power lines are aboveground and may involve an underground connection near the Transgrid substation.
	(2) <i>Before determining a development application (or an</i>	The Project will be referred to the relevant authority



Statutory Reference	Consideration	Response
	<i>application for modification of a consent) for development to which this section applies, the consent authority must—</i> (a) <i>give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i> (b) <i>take into consideration any response to the notice that is received within 21 days after the notice is given.</i>	during the formal assessment period, noting discussions with TransGrid have occurred during the EIS and design process.
	(3) <i>Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—</i> (a) <i>internal alterations to a building,</i> (b) <i>a change of use of an existing building,</i> (c) <i>a change to the hours of operation specified in the development consent,</i> (d) <i>a subdivision that does not involve construction work.</i>	Noted.
Division 17 Roads and road infrastructure facilities		
Subdivision 2 Development in or adjacent to road corridors and road reservations		
2.119 <i>Development with frontage to classified road</i>	(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i> (a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i> (b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i>	Access is not proposed from a classified road.



Statutory Reference	Consideration	Response
	(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i>	
2.120 <i>Impact of road noise or vibration on non-road development</i>	(1) <i>This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i> (a) <i>residential accommodation,</i> (b) <i>a place of public worship,</i> (c) <i>a hospital,</i> (d) <i>an educational establishment or centre-based child care facility</i>	The Project Lots are not adjacent to the identified roads.
2.122 <i>Traffic-generating development</i>	(1) <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i> (a) <i>new premises of the relevant size or capacity, or</i> (b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i>	The Project is described as ‘any other purpose’ under Schedule 3 with ‘access to a road (generally)’. The Project will not generate 200 or more vehicle movements per hour, during operation or construction, and therefore is not considered traffic generating development.
	(2) <i>In this section, relevant size or capacity means—</i> (a) <i>in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</i> (b) <i>in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the</i>	The Project does not have direct access to a classified road.



Statutory Reference	Consideration	Response
	<i>access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</i>	
	(3) <i>A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</i> (a) <i>given written notice of the intention to carry out the development to TfNSW in relation to the development, and</i> (b) <i>taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</i>	This section does not apply, as the Project is not traffic generating development as defined.
	(4) <i>Before determining a development application for development to which this section applies, the consent authority must—</i> (a) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i> (b) <i>take into consideration—</i> (i) <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</i> (ii) <i>the accessibility of the site concerned, including—</i> (A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> (B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i> (iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i>	This section does not apply, as the Project is not traffic generating development.



Statutory Reference	Consideration	Response
	(5) <i>The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</i>	This section does not apply, as the Project is not traffic generating development.
Draft State Environmental Planning Policies		
Draft State Environmental Planning Policy (Remediation of Land)	The Draft State Environmental Planning Policy (Remediation of Lands) intends to supersede Chapter 4 of the Resilience and Hazards SEPP. The new draft SEPP will retain elements of the Resilience and Hazards SEPP and add new provisions to establish a modern approach to the management of contaminated land.	
Cabonne Local Environmental Plan 2012 (LEP 2012)		
Part 1 Preliminary		
1.2 Aims of Plan	(2) <i>The particular aims of this Plan are as follows—</i>	
	(aa) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	The Project will not prejudice the use or development of land for arts and cultural activities in the Cabonne LGA.
	(a) <i>to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas</i>	The Project will not prejudice the unique character and amenity of the Cabonne LGA, through appropriate siting and minimisation of environmental impacts while supporting dispatchable energy generation.
	(b) <i>to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,</i>	The Project will contribute to the social, economic and environmental resources of Cabonne by providing employment opportunities and supporting dispatchable energy generation for future generations. The Project is overall considered consistent with the principles of ESD as it does not exploit natural resources unsustainably, has been based soundly on economic and environmental considerations, and the likely environmental impacts of the Project have been identified and are predictable and able to be managed effectively.



Statutory Reference	Consideration	Response
	(c) <i>to facilitate and encourage sustainable growth and development that achieves the following—</i> (i) <i>contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,</i> (ii) <i>allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,</i> (iii) <i>encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,</i> (iv) <i>promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,</i> (v) <i>protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,</i> (vi) <i>avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,</i> (vii) <i>protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,</i> (viii) <i>protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.</i>	The Project will contribute to sustainable growth and development as it will: • Provide for employment opportunities and support dispatchable energy use in the area. • Enable an appropriate land use on a rural zoned site while not reducing the agricultural productivity of the land or conflicting with surrounding land uses. • Minimise impact on drinking water catchments, noting that the Project is not located within one. • Appropriately protect and manage all impacts on archaeological, cultural and heritage features. • Appropriately retain the biodiversity, scenic and landscape values of the Project Lots and surrounding environment.
1.3 Land to which Plan applies	This Plan applies to the land identified on the Land Application Map.	The Project Lots are located within the Cabonne LGA as identified within the Land Application Map.
1.9A Suspension of covenants, agreements and	(1) <i>For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of</i>	Lot 1 contains an easement relating to the existing transmission lines in favour of Transgrid. This easement will not restrict the implementation of the



Statutory Reference	Consideration	Response
<i>instruments</i>	<i>that development does not apply to the extent necessary to serve that purpose.</i> (2) <i>This clause does not apply—</i> (a) <i>to a covenant imposed by the Council or that the Council requires to be imposed, or</i> (b) <i>to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or</i> (c) <i>to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or</i> (d) <i>to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or</i> (e) <i>to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or</i> (f) <i>to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or</i> (g) <i>to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.</i> (3) <i>This clause does not affect the rights or interests of any public authority under any registered instrument.</i> (4) <i>Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</i>	Project.
Part 2 Permitted or prohibited development		
2.2 Zoning of land to which Plan applies	<i>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</i>	The site is zoned RU1 Primary Production.
Land Use Table – Zone RU1 Primary Production		
1 Objectives of zone	<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	While the Project will marginally reduce the overall primary production land available, the Development Footprint is minimal in the context of the size of the overall Project Lots and adjoining existing substation.



Statutory Reference	Consideration	Response
		The provision of sustainable and reliable energy storage in the region will assist in the ongoing success and growth of primary production in the Cabonne area.
	To encourage diversity in primary industry enterprises and systems appropriate for the area.	The Project directly contributes to the diversity of uses within the rural area.
	To minimise the fragmentation and alienation of resource lands.	The Project adjoins an existing electrical substation to minimise potential fragmentation.
	To minimise conflict between land uses within this zone and land uses within adjoining zones.	The Project adjoins an existing substation, which will minimise potential land use conflict between primary production and the electrical infrastructure. Refer to the LUCRA in Appendix I.
	To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses	The identified uses are not proposed.
2 Permitted without consent	Building identification signs; Environmental protection works; Extensive agriculture; Home occupations; Viticulture	'Electricity Generating Works' are not listed within Item 2.
3 Permitted with consent	Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries;	'Electricity Generating Works' are not listed within Item 3.



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	<i>Truck depots; Veterinary hospitals; Water recreation structures; Water storage facilities</i>	
4 Prohibited	Any development not specified in item 2 or 3	<i>Electricity Generating Works</i> are not specified within Item 2 or 3, the proposed development is prohibited under the LEP 2012. Permissibility is obtained via the Transport and Infrastructure SEPP.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	(1) <i>Objectives</i> The objectives of this clause are as follows— (a) <i>to conserve the environmental heritage of Cabonne.</i> (b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i> (c) <i>to conserve archaeological sites,</i> (d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance.</i> 5) <i>Heritage assessment</i> The consent authority may, before granting consent to any development— (a) <i>on land on which a heritage item is located, or</i> (b) <i>on land that is within a heritage conservation area, or</i> (c) <i>on land that is within the vicinity of land referred to in paragraph (a) or (b),</i> <i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i> 6) <i>Heritage conservation management plans</i> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	The Project Lots are not identified as a listed heritage item nor is it located within a heritage conservation area. The nearest listed heritage item is <i>Gamboola Homestead, Woolshed & Historic Wire Fence (#1202)</i> located approximately 1.2 km southeast of Development Footprint. Due to the distance between the Development Footprint and the listed heritage item, the proposed development is considered to have negligible impact on the heritage significance of all items. An ACHAR has been prepared for the Project, and includes extensive survey and consultation has been undertaken and further archaeological assessment and methodology has been detailed at Appendix G.



Statutory Reference	Consideration	Response
	(7) <i>Archaeological sites</i> The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)— (a) <i>notify the Heritage Council of its intention to grant consent, and</i> (b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i> (8) <i>Aboriginal places of heritage significance</i> The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance— (a) <i>consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i> (b) <i>notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i>	
5.21 Flood planning	(1) <i>The objectives of this clause are as follows—</i> (a) <i>to minimise the flood risk to life and property associated with the use of land,</i> (b) <i>to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</i> (c) <i>to avoid adverse or cumulative impacts on flood behaviour and the environment,</i> (d) <i>to enable the safe occupation and efficient evacuation</i>	Consideration of watercourses and potential flood impacts have been assessed as part of the Flood Impact Assessment at Appendix M and Surface and Groundwater Impact Assessment (SGIA) at Appendix V. The hydraulic flood modelling assessment indicated that neither the Development Footprint or the surrounding lands would be impacted by significant flooding as a result of the Project.



Statutory Reference	Consideration	Response
	<i>of people in the event of a flood.</i> (2) <i>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—</i> (a) <i>is compatible with the flood function and behaviour on the land, and</i> (b) <i>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</i> (c) <i>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</i> (d) <i>incorporates appropriate measures to manage risk to life in the event of a flood, and</i> (e) <i>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.</i> (3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i> (a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i> (b) <i>the intended design and scale of buildings resulting from the development,</i> (c) <i>whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i> (d) <i>the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i>	Mitigation measures are proposed to manage local changes to flood conditions. With these mitigations implemented, the development is considered to comply with the requirements of Clause 5.21.



Statutory Reference	Consideration	Response
	(4) <i>A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</i> (5) <i>In this clause—</i> <i>Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.</i> <i>flood planning area has the same meaning as it has in the Flood Risk Management Manual.</i> <i>Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.</i>	
Part 6 Additional local provisions		
6.2 Stormwater Management	1) <i>The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</i>	Stormwater management measures will be in place (e.g. bioretention basin) to ensure all stormwater is appropriately managed including those on nearby waterbodies, refer to SGIA to Appendix V.
	(2) <i>This clause applies to land in Zone RU5 Village and all land in residential and employment zones.</i>	The Project Lots are not in this zone.
	(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i>	
	(a) <i>is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</i>	Due to the nature of the Project and perceived risk of groundwater contamination, permeable surfaces are not proposed on the BESS footprint.
	(b) <i>includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</i>	Water will be supplied by water trucks and storage tanks with no supply needed or proposed by mains, groundwater or waterbodies.



Statutory Reference	Consideration	Response
	<i>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact</i>	The SGIA (Appendix V) concludes that the proposed stormwater quantity and quality will not significantly impact adjoining properties, native bushland or receiving waters.
6.3 Terrestrial biodiversity	<i>(1) The objective of this clause is to maintain terrestrial biodiversity by— (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats.</i>	Terrestrial biodiversity has been addressed as part of the BDAR provided at Appendix F. The development has been located and designed to minimise vegetation clearing as best as possible.
	<i>(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</i>	An area adjacent to the southern boundary of Lot 99 is mapped as Biodiversity on the LEP 2012 Terrestrial Biodiversity Map. However, this area is well separated from the Development Footprint.
	<i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i>	
	<i>(a) whether the development is likely to have— (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and</i>	Terrestrial biodiversity has been addressed as part of the BDAR provided at Appendix F. The BDAR addresses the impacts of the proposed development with all recommended mitigation measures to minimise impacts proposed to be implemented, refer to Appendix E.
	<i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	The Project has been located and designed to minimise vegetation loss and works within vegetated areas.



Statutory Reference	Consideration	Response
	(4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i>	
	(a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i>	The Project has been located and designed to minimise vegetation loss and works within vegetated areas.
	(b) <i>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</i>	The Project will require vegetation removal. The siting of the Project and the transmission line route minimise the amount of vegetation removed and is able to be compensated through appropriate measures.
	(c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	Appropriate mitigation and management measures are to be implemented to minimise impacts during construction, refer to Appendix E.
6.4 Groundwater Vulnerability	(1) <i>The objectives of this clause are as follows—</i> (a) <i>to maintain the hydrological functions of key groundwater systems,</i> (b) <i>to protect vulnerable groundwater resources from depletion and contamination as a result of development</i>	Impacts on groundwater is addressed in the Surface and Groundwater Impact Assessment (SGIA) in Appendix V. The assessment concludes that the groundwater system is unlikely to be affected by the construction activities, if standard environmental management practices are adhered to, and that an appropriate fire management plan is in place throughout the operational phase.
	(2) <i>This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</i>	The Project Lots are located in the Groundwater Vulnerability Map.
	(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</i> (a) <i>the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</i> (b) <i>any adverse impacts the development may have on groundwater dependent ecosystems,</i>	Impacts on Groundwater is addressed in the SGIA in Appendix V. The GRA addresses the impacts of the proposed development with all recommended mitigation measures to minimise impacts proposed to be implemented, refer to Appendix E.



Statutory Reference	Consideration	Response
	(c) <i>the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</i> (d) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	
	4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i> (a) <i>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i> (b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> (c) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact</i>	As noted, construction and operational measures will be in place to ensure all potential impacts on the groundwater resource are appropriately managed and minimised.
6.5 Drinking water catchments	(2) <i>This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.</i>	The Project Lots are not within a mapped drinking water catchment.
6.6. Riparian land and watercourses	(2) <i>This clause applies to all of the following—</i> (a) <i>land identified as “Waterways” on the Riparian Lands and Watercourses Map,</i> (b) <i>all land that is within 40 metres of the top of the bank of a watercourse on land identified as “Waterways” on that map.</i>	The Development Footprint is not within the vicinity of any mapped waterways on the relevant LEP mapping. Molong Creek is mapped as a watercourse, however is located approximately 1.3km south of the Development Footprint. Notwithstanding, all impacts on waterways have been assessed in the FIA (Appendix M) and SGIA (Appendix V).
6.8 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 development are available or that adequate arrangements have been made to make them available when required—</i>	The Project has access to essential services, or they are included in the Project, as outlined below: a) Water supply for construction and ongoing use will be service by water trucks and stored in tanks.



Statutory Reference	Consideration	Response
	(a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the disposal and management of sewage,</i> (d) <i>stormwater drainage or on-site conservation,</i> (e) <i>suitable vehicular access.</i>	b) Electricity supply will be provided on-site. c) Sewerage facilities on site will be collected within an in-ground storage tank and will be trucked, utilising locally sourced wastewater/septic removalist services. d) Stormwater will be managed with a bioretention basis and cut-of drains. e) Vehicle access is proposed from Back Saleyards Road and is shown on the site plan.

