Appendix B
Statutory Compliance table

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Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
Commonwealth Acts			
Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	-	The EPBC Act provides the legal basis to protect and manage internationally and nationally important flora, fauna, ecological communities, heritage places and water resources which are deemed to be MNES. MNES, as defined under the EPBC Act, are: 1. world heritage properties 2. places listed on the National Heritage Register 3. wetlands of international significance listed under the Ramsar Convention 4. threatened flora and fauna species and ecological communities 5. migratory species 6. Commonwealth marine areas 7. Great Barrier Reef Marine Park 8. nuclear actions (including uranium mining) 9. water resources, in relation to coal seam gas or large coal mining development. Under the EPBC Act, actions that will, or are likely to, have a significant impact on a MNES are deemed to be controlled actions and can only proceed with the approval of the Commonwealth Minister for the Environment. An action that may potentially affect a MNES has to be referred to the Department of Climate Change, Energy the Environment and Water for determination as to whether it is a controlled action.	Section 4.4.1 Appendix F
Native Title Act 1993 (NT Act)	-	The NT Act recognises and protects native title rights in Australia. It allows a native title determination application (native title claim) to be made for land or waters where native title has not been validly extinguished, for example, extinguished by the grant of freehold title to land. Applications for compensation for extinguishment or impairment of native title rights can also be made. All native title claims are subjected to a registration test and will only be registered if claimants satisfy a number of conditions. A register of native title claims is maintained by the National Native Title Tribunal. Proposed activities or development that may affect native title are called 'future acts'. Claimants whose native title claims have been registered have the right to negotiate about some future acts, including mining and granting of a mining lease over the land covered by their native title claim. Where a native title claim is not registered, a development can proceed through mediation and determination processes, though claimants will not be able to participate in future act negotiations.	Section 4.4.1

Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
NSW Acts			
Environmental Planning and Assessment Act 1979 (EP&A Act)	Section 1.3	Relevant objects of the Act	Chapter 7
	Section 4.15(1)	**(1) Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of— i) any relevant environmental planning instruments, and 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 … iii) 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 iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), … That apply to the land to which the development application relates,	Chapter 4
		(b) the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Chapter 6
		(c) the suitability of the site for the development	Section 2.5.1
		(e) the public interest	Chapter 5
Biodiversity Conservation Act 2016 (BC Act)		(2) The Minister for Planning, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.	Appendix F
Protection of the Environment Operations Act 1997 (POEO Act)		The POEO Act aims to protect, restore and enhance the environment in NSW and to promote public access to information and involvement in environment protection. Under Section 48 of the POEO Act, an Environment Protection Licence (EPL) is required from the NSW EPA for activities listed in Schedule 1.	Section 4.4.1

Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
Water Act 1912 and *Water Management Act 2000*		The NSW Water Act 1912 (Water Act) and WM Act regulate the management of water by granting licences, approvals for taking and using water, and trading groundwater and surface water. The WM Act applies to those areas where a water sharing plan has commenced. Alternatively, if a water sharing plan has not yet commenced, the Water Act applies. The WM Act is progressively replacing the Water Act as relevant water sharing plans are introduced across the State. Water sharing plans have commenced for most of NSW. Licensing of monitoring bores continues under the Water Act until a regulation for aquifer interference gives a mechanism to approve these activities.	Section 4.4.1
Contaminated Land Management Act 1997 (CLM Act)		The CLM Act aims to promote the better management of contaminated land. The objectives of this Act are to establish a process for investigating and, where appropriate, remediating land areas where contamination presents a significant risk of harm to human health or some factor of the environment.	Section 4.4.1 Section 6.9 Appendix R
Roads Act 1993	Section 138	Approval will be required under Section 138 of the Roads Act from the Council for works in, on or over a public road, or to connect a road to a classified road.	Section 4.4.1
NSW Regulations			
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)	Section 24	(1) A development application must— a) be in the approved form, and b) contain all of the information and documents required by: i. the approved form, and ii. the Act of this Regulation, and c) be submitted on the NSW planning portal	This EIS has been prepared in accordance with these requirements
	Section 190	(1) An environmental impact statement must contain the following information— (a) the name, address and professional qualifications of the person who prepared the statement,	EIS Declaration page
		(b) the name and address of the responsible person,	EIS Declaration page
		(c) the address of the land— (i) to which the development application relates, or (ii) on which the activity or infrastructure to which the statement relates will be carried out,	Chapter 1 Chapter 3
		(d) a description of the development, activity or infrastructure,	Chapter 3
		(e) 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	EIS Declaration page

Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
		(2) The person preparing the statement must have regard to— (a) for State significant development—the State Significant Development Guidelines	This EIS has been prepared in accordance with the State significant development guidelines – preparing and environmental impact statement (DPIE, 2021)
		(3) An environmental impact statement must also contain a declaration by a relevant person that— (a) the statement has been prepared in accordance with this Regulation, and (b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and (c) the information contained in the statement is not false or misleading, and (d) for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines	EIS Declaration page
	Section 192	(a) a summary of the environmental impact statement,	Summary
		(b) a statement of the objectives of the development, activity or infrastructure,	Section 2.1
		(c) 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,	Section 2.6
		(d) an analysis of the development, activity or infrastructure, including:	
		(i) a full description of the development, activity or infrastructure, and	Chapter 3
		(ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and	Section 3.2 Chapter 6
		(iii) the likely impact on the environment of the development, activity or infrastructure, and	Chapter 6
		(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Appendix C
		(v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out	Chapter 4
		(e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),	Appendix C

Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
		(f) the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in Section 193.	Chapter 7
NSW *Biodiversity Conservation Act 2016*	Section 7.14	(2) The Minister for Planning, when determining in accordance with the NSW *Environmental Planning and Assessment Act 1979* any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver request has been submitted for the Project. Appendix F
Environmental Planning Instruments			
State Environmental Planning Policy (Planning Systems) 2021	Schedule 1, Section 20	The project is SSD as it is a type of electricity generating works that has an estimated development cost of more than $30 million.	Section 4.4
State Environmental Planning Policy (Resilience and Hazards) 2021	Section 3.7	In determining whether a development is— (a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or (b) an offensive storage establishment, offensive industry or other potentially offensive industry, consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.	Section 6.6 Appendix L
	Section 4.6	A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Section 6.9 Appendix R

Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 2.118(2)	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) 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	Section 6.3 Appendix I
	Section 2.48	Before determining a development application for development immediately adjacent to an electricity substation, the consent authority must— (a) 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 (b) take into consideration any response to the notice that is received within 21 days after the notice is given.	Section 2.1
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Section 6.3(1)	Development consent must not be granted to development on land to which this Chapter applies unless the consent authority is satisfied that the development is designed, sited and will be managed to minimise the impacts on the environment, and will have a neutral or beneficial effect on the quality of water in the Hawkesbury-Nepean Catchment.	Section 6.10 Appendix N
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3	Chapter 3 of the *State Environmental Planning Policy (Sustainable Buildings)* outlines the standards for non-residential development, which include: *(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials* *(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,* *(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design* *(d) the generation and storage of renewable energy* *(e) the metering and monitoring of energy consumption,* *(f) the minimisation of the consumption of potable water*	Section 6.13 Appendix Q

Statutory Document	Section of the Statutory Document	Requirement	Where addressed in EIS
Cumberland Local Environmental Plan 2021	Section 1.4	The Project meets the definition of 'electricity generating works' under the Cumberland LEP 2021 as the Project is being used for the purpose of electricity storage.	Section 4.5
Cumberland Development Control Plan 2021	Part 2.2	The Cumberland DCP applies to the same area as the Cumberland LEP 2021 and came into effect on 5 November 2021. The Cumberland DCP is Council's current plan that provide development controls for development permitted under the Cumberland LEP 2021. Specifically, the Cumberland DCP 2021 sets out the objectives and development controls for built form and environmental outcomes that are acceptable for different land uses and development types. Applicants must demonstrate compliance with these controls when they propose new developments. Part 2.2 of the Planning Systems SEPP states that DCPs do not apply to SSDs. As this project is considered SSD, the Cumberland DCP would not apply. As such, this EIS does not require an assessment against section 4.15(1)(a)(iii) of the EP&A Act.	Section 4.5
Cumberland Plain Conservation Plan (CPCP)	Section 2	The CPCP identifies strategically important biodiversity areas within the Cumberland subregion to offset biodiversity impacts of future urban development. The CPCP includes 26 commitments and 131 actions over 35 years.	Section 4.5 Appendix F