



Appendix B  
**STATUTORY COMPLIANCE TABLE**

The relevant statutory requirements for the project and where they have been addressed in the EIS is provided in Table B.1.

**Table B.1** Statutory compliance table

Statutory instrument	Reference	Requirement	Chapter/Section
<b>Commonwealth legislation</b>			
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) including consideration of Schedule 4 of EPBC Regulation 2000	Part 7 Schedule 4	<p>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 matters of national environmental significance (MNES).</p> <p>Under the EPBC Act, an action that will, or is likely to have a significant impact on a MNES is determined to be a controlled action and can only proceed with the approval of the Commonwealth Minister for the Environment. MNES relevant to the project are threatened flora and fauna species and ecological communities.</p> <p>As described in Chapter 6.1, the project was referred to the then Department of Agriculture, Water and the Environment as a controlled action in July 2022. The Minister for the Environment declared the project to be a controlled action on 30 August 2022 and the MNES matters will be assessed by the NSW Government under the assessment bilateral agreement</p>	Chapter 6.1 Biodiversity Appendix C Biodiversity Development Assessment Report
<i>Native Title Act 1993</i> (NT Act)	Division 3	<p>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.</p> <p>A search of the Native Title Tribunal Claims Register on 10/05/2021 identified one active (ie non determined) claim encompassing the project area – for the Gomerioi People (NC2011/006), registered from 20/01/2012. The claim covers an area of 111,317 km<sup>2</sup> across eighteen local government areas including Inverell Shire Council.</p> <p>Representatives of the Gomerioi People were consulted on the project during the preparation of the ACHA.</p>	Chapter 6.2 Aboriginal heritage Appendix D Aboriginal Cultural Heritage Assessment

**Table B.1**      **Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
<b>NSW legislation</b>			
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	Section 1.3	Consistency with the relevant objects of the EP&A Act	Chapter 6 Assessment of impacts Chapter 7 Justification
	Section 4.15(1)	<p>(1) Matters for consideration—general</p> <p>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—</p> <p>(a) the provisions of—</p> <p style="padding-left: 20px;">(i) any relevant environmental planning instruments, and</p> <p style="padding-left: 20px;">(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</p> <p style="text-align: center;">...</p> <p style="padding-left: 20px;">(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),</p> <p style="text-align: center;">...</p> <p>That apply to the land to which the development application relates.</p> <p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</p> <p>(c) the suitability of the site for the development.</p> <p>(e) the public interest.</p>	<p>Chapter 4 Statutory context</p> <p>Chapter 6 Assessment of impacts</p> <p>Chapter 6 Assessment of impacts</p> <p>Section 2.6 Site suitability</p> <p>Chapter 7 Justification</p>

**Table B.1**      **Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
<i>Biodiversity Conservation Act 2016</i> (BC Act)	Section 7.14	<p>(2) The Minister for Planning, when determining in accordance with the <i>Environmental Planning and Assessment Act 1979</i> 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.</p> <p>(3) If the Minister for Planning decides to grant consent or approval and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent or approval may require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values (whether of the number and class specified in the report or other number and class). The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent or approval to avoid or minimise the impact on biodiversity values of the proposed development.</p> <p>(4) A condition to retire biodiversity credits is required to be complied with before any development is carried out that would impact on biodiversity values. If the retirement of particular biodiversity credits applies to a stage of the development, compliance with the condition for their retirement is postponed until it is proposed to carry out that stage of the development.</p>	<p>Chapter 6.1 Biodiversity</p> <p>Appendix C Biodiversity Development Assessment Report</p>
<i>Crown Land Management Act 2016</i>	Section 5.21	The NSW <i>Crown Lands Management Act 2016</i> administers Crown land in the eastern and central divisions of NSW. Crown land may not be occupied, used, sold, leased, dedicated, reserved, or otherwise dealt with unless authorised by this Act. Crown land has been identified on the access road and at the intersection of Spring Mountain Road and Gwydir Highway where intersection upgrades are proposed.	<p>Chapter 4 Statutory context</p> <p>Chapter 3 Project description</p>
<i>Water Act 1912</i> and <i>Water Management Act 2000</i>	Section 89	<p>The NSW <i>Water Act 1912</i> (Water Act) and <i>Water Management Act 2000</i> regulate water use 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.</p> <p>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.</p> <p>Clause 4.41 (1g) of the EP&amp;A Act exempts an SSD authorised by a development consent from requiring 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 WM Act. These exemptions apply to the project as it has been declared an SSD and therefore there is no requirement to obtain approvals under the WM Act, including water use, water management work or controlled activity approvals.</p>	<p>Section 6.8 Water</p> <p>Appendix J Water Assessment</p>

**Table B.1**      **Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
<i>Roads Act 1993</i>	Section 138	<p>The <i>Roads Act 1993</i> describes the framework under which the classified and local road networks are intended to operate. Approvals are required under Section 138 of the Roads Act where works are proposed on the classified and local road networks.</p> <p>A Section 138 approval will be required for the proposed intersection works at the Gwydir Highway, and from Inverell Shire Council for works in, on or over a public road, or to connect a road to a classified road.</p>	<p>Chapter 4 Statutory context</p> <p>Section 6.7 Traffic and transport</p> <p>Appendix I Traffic Impact Assessment</p>
<i>NSW Waste Avoidance and Resource Recovery Act 2001 (WARR Act)</i>	Section 3	<p>The WARR Act promotes waste avoidance and resource recovery with the objective of minimising waste generation and disposal, and sets out objectives to ensure that resource management considers the following hierarchy:</p> <ol style="list-style-type: none"> <li>1. Avoid unnecessary resource consumption.</li> <li>2. Resource recovery (reuse, reprocessing, recycling, energy recovery).</li> <li>3. Disposal.</li> </ol> <p>The project aligns with the objects of the WARR Act.</p>	Section 6.12
<b>NSW Regulations</b>			
Environmental Planning and Assessment Regulation 2021(EP&A Regulation)	Section 24	<p>(1) A development application must—</p> <ol style="list-style-type: none"> <li>(a) be in the approved form, and</li> <li>(b) contain all the information and documents required by—               <ol style="list-style-type: none"> <li>(i) the approved form, and</li> <li>(ii) the Act or this Regulation, and</li> </ol> </li> </ol> <p>Example—</p> <p>The Act, Section 4.12(8) requires a development application for State significant development or designated development to be accompanied by an environmental impact statement.</p> <ol style="list-style-type: none"> <li>(c) be submitted on the NSW planning portal.</li> </ol> <p>(2) The fees payable for a development application are specified in Schedule 4 and determined in accordance with Part 13, including additional fees for integrated development, development requiring concurrence and designated development.</p>	This EIS

**Table B.1 Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
	Section 190	<b>Form of environmental impact statement</b>	
		(1) An environmental impact statement must contain the following information—	
		(a) the name, address and professional qualifications of the person who prepared the statement,	Certification page
		(b) the name and address of the responsible person,	Chapter 1 Introduction
		(c) the address of the land—	Chapter 1 Introduction
		(i) to which the development application relates, or	
		(ii) on which the activity or infrastructure to which the statement relates will be carried out,	
		(d) a description of the development, activity or infrastructure,	Chapter 3 Project description
		(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.	Chapter 6 Assessment of impacts
		(2) The person preparing the statement must have regard to—	This EIS
		(a) for State significant development—the State Significant Development Guidelines	
		(3) An environmental impact statement must also contain a declaration by a relevant person that—	Certification page
		(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.	
	Section 192	<b>Content of environmental impact statement</b>	
		(1) An environmental impact statement must also include each of the following—	
		(a) a summary of the environmental impact statement,	Executive Summary

**Table B.1**      **Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
		(b) a statement of the objectives of the development, activity or infrastructure,	Section 1.3 Project objectives
		(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure,	Section 2.11 Feasible alternatives to the project
		(d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and	Chapter 3 Project description
		(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	Chapter 2 Strategic context Chapter 3 Project description Chapter 6 Assessment of impacts
		(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	Chapter 6 Assessment of impacts Appendix N Summary of mitigation measures
		(v) a list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,	Chapter 4 Statutory context
		(e) a compilation (in a single Section of the environmental impact statement) of the measures referred to in item (d)(iv),	Appendix N Summary of mitigation measures
		(f) the reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4).	Chapter 7 Justification

**Table B.1**      **Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
<b>Environmental Planning Instruments</b>			
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Schedule 1, Section 20	The project is SSD as it is a type of electricity generating works that has a capital investment value greater than \$30 million.	Chapter 4. Statutory context
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Section 3.7	Consideration of Departmental guidelines 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 6.9 Hazards and risk Appendix K Hazard and Risk Assessment
	Section 3.12	Potentially hazardous development: <ul style="list-style-type: none"> <li>• Whether any public authority should be consulted.</li> <li>• A preliminary hazard analysis.</li> <li>• Any feasible alternatives.</li> <li>• Any likely future land use of surrounding land.</li> </ul>	Section 6.9 Hazards and risk
	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.	Chapter 3 Project description Chapter 4 Statutory context

**Table B.1 Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.48	<p>Before determining a development application for development immediately adjacent to an electricity substation, the consent authority must—</p> <p>(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</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> <p>There is electricity infrastructure within the vicinity of the development boundary and the project will require connection to the electricity transmission network. TransGrid is the relevant electricity supply authority</p>	<p>Consent authority to undertake consultation with the electricity supply authority.</p> <p>Chapter 2 Strategic context</p> <p>Chapter 5 Engagement</p>
	Section 2.118(2)	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p style="padding-left: 20px;">(i) the design of the vehicular access to the land, or</p> <p style="padding-left: 20px;">(ii) the emission of smoke or dust from the development, or</p> <p style="padding-left: 20px;">(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(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.</p> <p>The project will involve a relocation of site access and improvements to Goolma Road (an auxiliary short left turn bay and a channelised right turn bay) to facilitate the safe access of vehicles during construction.</p>	<p>Section 6.7 Traffic and transport</p> <p>Appendix I Traffic impact assessment</p>
<i>Inverell Local Environmental Plan 2012</i>	clause 2.3(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Chapter 4 Statutory context

**Table B.1**      **Statutory compliance table**

Statutory instrument	Reference	Requirement	Chapter/Section
	Clause 4.1B(2)	<p>(2) Land in Zone RU1 Primary Production may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, where the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under the existing development consent for the land.</p> <p>(3) Development consent must not be granted for the subdivision of land in Zone RU1 Primary Production unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and</li> <li>(b) the subdivision is necessary for the ongoing operation of the permissible use, and</li> <li>(c) the subdivision will not cause a conflict between the use of the land subdivided and the use of the surrounding land in the locality, and</li> <li>(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.</li> </ul>	<p>Chapter 3 Project description</p> <p>Chapter 4 Statutory context</p>
	clause 4.1B(3)	<p>Exceptions to minimum lot sizes for certain rural subdivisions</p> <p>(3) Development consent must not be granted for the subdivision of land in Zone RU1 Primary Production unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and</li> <li>(b) the subdivision is necessary for the ongoing operation of the permissible use, and</li> <li>(c) the subdivision will not cause a conflict between the use of the land subdivided and the use of the surrounding land in the locality, and</li> <li>(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.</li> </ul>	<p>Chapter 3 Project description</p> <p>Chapter 4 Statutory context</p>

## **Australia**

### **SYDNEY**

Ground floor 20 Chandos Street  
St Leonards NSW 2065  
T 02 9493 9500

### **NEWCASTLE**

Level 3 175 Scott Street  
Newcastle NSW 2300  
T 02 4907 4800

### **BRISBANE**

Level 1 87 Wickham Terrace  
Spring Hill QLD 4000  
T 07 3648 1200

### **CANBERRA**

Level 2 Suite 2.04  
15 London Circuit  
Canberra City ACT 2601

### **ADELAIDE**

Level 4 74 Pirie Street  
Adelaide SA 5000  
T 08 8232 2253

### **MELBOURNE**

Suite 8.03 Level 8 454 Collins  
Street  
Melbourne VIC 3000  
T 03 9993 1900

### **PERTH**

Suite 9.02 Level 9 109 St  
Georges Terrace  
Perth WA 6000

## **Canada**

### **TORONTO**

2345 Young Street Suite 300  
Toronto ON M4P 2E5

### **VANCOUVER**

60 W 6th Ave Suite 200  
Vancouver BC V5Y 1K1



[linkedin.com/company/emm-consulting-pty-limited](https://www.linkedin.com/company/emm-consulting-pty-limited)



[emmconsulting.com.au](http://emmconsulting.com.au)