



Appendix 15

Statutory Compliance Table

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ENVIRONMENTAL IMPACT STATEMENT

Tomingley Gold Operations Pty Ltd
Tomingley Gold Extension Project

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Table A15.1
Pre-conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	EIS Section
Biodiversity Conservation Act 2016 (BC Act)			
Section 7.14	If the Minister for Planning is of the opinion that proposed SSD is likely to have serious or irreversible impacts on biodiversity values, the Minister: (a) is required to take those impacts into consideration, and (b) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is granted.	The Project would result in the removal of native vegetation. The consent authority may form the opinion that the Project is likely to have serious or irreversible impacts on biodiversity values. AREA (2021) presents <i>Biodiversity Development Assessment Report</i> prepared in accordance with in accordance with the requirements of Section 7.9 of the <i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Assessment Method</i> (DPIE, 2020a)	6.10
Narromine Local Environmental Plan 2011 (Narromine LEP)			
Clause 2.3(2)	Zone objectives and Land Use Table 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.	An assessment of the Project against the objectives of each zone is presented.	7.3.3
Clause 6.1(3)	Earthworks Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The Project would result in ground disturbing activities, including earthworks. Each of the matters identified have been addressed in this document.	6.3 6.4 6.5 6.6 6.7 6.9 6.11 6.12 Appendix 18

Table A15.1 (Cont'd)
Pre-conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	EIS Section
Narromine Local Environmental Plan 2011 (Narromine LEP) (Cont'd)			
Clause 6.3(3)	Stormwater Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) 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 (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	The Project would result changed surface water flows, including the diversion, collection and re-direction of surface water both within and around the Project Disturbance Footprint.	6.6
Clause 6.4(3) and (4)	Terrestrial Biodiversity Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development— (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.	The Project would result in the removal of native vegetation, including within areas shown as sensitive land on the Narromine LEP Terrestrial Biodiversity Map .	6.10
	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	The design of the Project has been significantly designed around the avoidance or minimisation of environmental impacts, particularly for impacts to biodiversity.	2.5 and 6.10





Table A15.1 (Cont'd)
Pre-conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	EIS Section
Narromine Local Environmental Plan 2011 (Narromine LEP) (Cont'd)			
Clause 6.5(3)	<p>Riparian land and watercourses</p> <p>Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development—</p> <p>(a) is likely to have any adverse impact on the following—</p> <ul style="list-style-type: none"> (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) any future rehabilitation of the watercourse and its riparian areas, and <p>(b) is likely to increase water extraction from the watercourse.</p>	The Project would result changed surface water flows, including the diversion, collection and re-direction of surface water both within and around the Project Disturbance Footprint.	6.6
Clause 6.8(3)	<p>Essential services</p> <p>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 proposed development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. 	The Project would result in the relocation of electrical supply infrastructure, installation of waste water treatment facility and realignment of public roads	3.3.2, 3.4 and 3.11.5

Table A15.1 (Cont'd)
Pre-conditions to Granting Approval

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Statutory Reference	Pre-condition	Relevance	EIS Section
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)			
Clause 12AB	Consent authority must be satisfied that consideration is given to development standards on particular matters related to mining that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.	Each of the non-discretionary standards are addressed by the specialist assessments	6.4, 6.5 and 6.7
Clause 12	Consent authority must be satisfied that <ul style="list-style-type: none"> proper consideration is given to the existing and approved land uses in the vicinity of the development, whether or not the development is likely to have a significant impact on the uses and any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses the respective public benefits of the development and the land uses are evaluated measures proposed by the applicant to avoid or minimise any incompatibility	The Project Site is surrounded by agricultural land and is bisected by the Newell Highway. Existing landuses are described and considered in the EIS.	2.2.2 and 6 (generally)
Clause 12A	Consent authority must be satisfied that proper consideration is given to any applicable provisions of the voluntary land acquisition and mitigation policy	The Voluntary Land Acquisition and Mitigation Policy has been addressed in relation to noise and air quality.	6.4 and 6.5
Clause 13	Consent authority must be satisfied that proper consideration is given to; <ul style="list-style-type: none"> the existing uses and approved uses of land in the vicinity of the development, and whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery and, evaluation of the respective public benefits of the development and the uses, extraction and recovery	The Project would not be incompatible with surrounding land uses and would result in substantial additional public benefit when compared with the existing and potential future public benefit that may be obtained from the existing uses.	2.2.2, 6 (generally), 7.5
Clause 14	Consent authority must consider whether or not impacts on significant water resources and threatened species and biodiversity are avoided or minimised and that greenhouse gas emissions are minimised to the greatest extent practicable	Specialist assessments have been prepared for groundwater, biodiversity and air quality and the relevant impacts have been minimised to the greatest extent practicable	6.5, 6.7 and 6.10



Table A15.1 (Cont'd)
Pre-conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	EIS Section
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) (Cont'd)			
Clause 15	Consent authority must consider whether the Project will be carried out in such a way as to optimise the efficiency of recovery of minerals and to minimise the creation of waste in association with the extraction, recovery or processing of minerals.	The Project has been designed to extract the known resource in the most efficient manner practicable, with waste rock to be placed back in-pit and sections of the final voids to be backfilled.	1.4.2 and 3.5
Clause 16(1)	Consent authority consider whether the Proposal is subject to any conditions that; require all or some of the transport of materials to not be by public road, limit or preclude truck movements and/or require the preparation of a code of conduct for the transport of materials on public roads.	The Project would involve limited transportation on public roads and transportation of waste rock on an internal Haul Road.	3.10 and 6.2
Clause 17	Consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.	The Proponent would backfill the Caloma 1 and 2 Open Cuts and the SAR Open Cut South and Central Pits and rehabilitate all areas of proposed disturbance. A Rehabilitation Management Plan would be prepared prior to commencement of site establishment activities.	2.14
State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)			
Clause 13	In determining an application to carry out development to which this Part applies, the consent authority must consider: <ul style="list-style-type: none"> (a) current circulars or guidelines relating to hazardous or offensive development, and (b) whether any public authority should be consulted concerning any environmental and land use safety requirements, and (c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and (d) any feasible alternatives to the carrying out of the development, and (e) any likely future use of the land surrounding the development. 	A preliminary Hazard Analysis has been undertaken for the Project.	6.13 and Appendix 17



Table A15.1 (Cont'd)
Pre-conditions to Granting Approval

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Statutory Reference	Pre-condition	Relevance	EIS Section
State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)			
Clause 16(1)	Consultation with Public Authorities other than Councils A public authority, or a person acting on behalf of a public authority, must not carry out <i>specified development</i> that this Policy provides may be carried out without consent unless the authority or person has- <ul style="list-style-type: none"> (a) given written notice of the intention to carry out the development (together with a scope of works) to the <i>specified authority</i> in relation to the development, and (b) taken into consideration any response to the notice that is received from that authority within 21 days after the notice is given. 	The Director of the Observatory was provided with a copy of the Light and Sky Glow Assessment on 21 September 2021 and feedback was received on 21 September 2021. No objections were made.	6.3 and Annexure C of Part 2 of SCSC
Clause 16(2)	For the purposes of subclause (1), the following development is <i>specified development</i> and the following authorities are <i>specified authorities</i> in relation to that development- <ul style="list-style-type: none"> (g) development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map—the Director of the Observatory, 	The results of the Light and Sky Glow assessment were provided to the Director of the Siding Spring Observatory for consultation who did not raise any objection or comment regarding the potential impact of the Project on the operation of Siding Spring Observatory	6.3.5.4
Clause 45(2)	Electricity Transmission or Distribution Networks Before determining a development application for development to which this clause applies, the consent authority must— <ul style="list-style-type: none"> (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. 	This is a matter for the Consent Authority.	NA





Table A15.1 (Cont'd)
Pre-conditions to Granting Approval

Statutory Reference	Pre-condition	Relevance	EIS Section
State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) (Cont'd)			
Clause 101(2)	<p>Roads and Traffic</p> <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> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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 	<p>The Project Site would not be accessed via the Newell Highway. Rather access would continue to be via Tomingley West Road and the realigned Kyalite Road.</p> <p>The realigned Newell Highway has been designed and would be constructed in consultation with Transport for NSW.</p>	3.4, 6.2, 6.3 and 6.5
Clause 104(3)	<p>Before determining a development application for development to which this clause applies, the consent authority must—</p> <ul style="list-style-type: none"> (a) give written notice of the application to TfNSW , and (b) take into consideration any submission that TfNSW provides 	This is a matter for the consent authority.	NA



Table A15.2
Mandatory Considerations

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Statutory Reference	Mandatory Consideration	EIS Section
Considerations under the EP&A Act		
Section 1.3	<p>Relevant objects of the Act:</p> <ul style="list-style-type: none"> to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, to promote the orderly and economic use and development of land, to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, to provide increased opportunity for community participation in environmental planning and assessment. 	7.3.2
Section 4.15	• Relevant environmental planning instruments.	See above
	• Proposed planning instrument	NA
	• Development Control Plan	NA
	• The EP&A Regulation – to the extent that it prescribes matters for the purposes of Section 4.15(1)(a)(iv) of the EP&A Act.	See below
	• The likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality.	6 (generally)
	• The suitability of the site for the development.	6 (generally)
	• Any submissions made in accordance with the EP&A Act or the regulations.	NA
	• The public interest.	7.9
Considerations under the EP&A Reg.		
Clause 7 of Schedule 2	An environmental impact statement must also include each of the following-	Executive Summary
	(a) a summary of the environmental impact statement,	1.5
	(b) a statement of the objectives of the development, activity or infrastructure,	2.5
	(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,	



Table A15.2 (Cont'd)
Mandatory Considerations

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Statutory Reference	Mandatory Consideration	EIS Section
Considerations under the EP&A Reg. (Cont'd)		
Clause 7 of Schedule 2 (Cont'd)	(d) an analysis of the development, activity or infrastructure, including— (i) a full description of the development, activity or infrastructure, and	3 generally
	(ii) a general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and	6 generally
	(iii) the likely impact on the environment of the development, activity or infrastructure, and	6 generally
	(iv) a full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and	6 generally
	(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,	4.3.3
	(e) a compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),	Appendix 18
	(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).	7
Clause 92(1)	For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, the following matters to be taken into consideration be a consent authority in determining a development application-	
	(d) in the case of the following development, the <i>Dark Sky Planning Guideline</i> -	6.3
	(ii) development of a class or description included in Section 4A of the EP&A Act, State Significant Development or designated development on land less than 200km from the Siding Spring Observatory	
Considerations under Environmental Planning Instruments		
See Table A15.1		



ENVIRONMENTAL IMPACT STATEMENT

Tomingley Gold Operations Pty Ltd
Tomingley Gold Extension Project

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