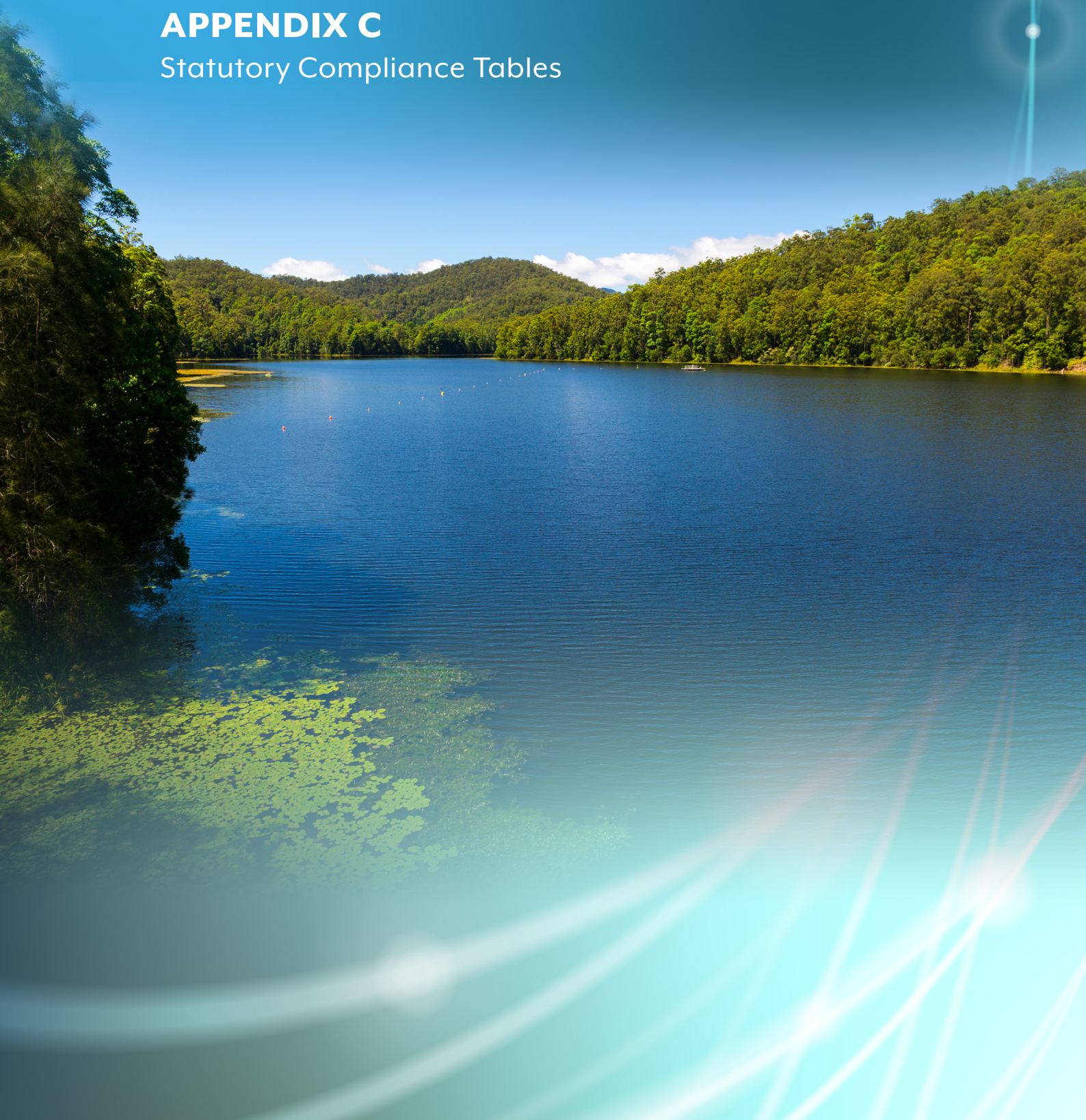


APPENDIX C

Statutory Compliance Tables



A summary of the requirements of sections 190, 191 and 192 of the EP&A Regulation and where they are addressed in this EIS is provided in Table C-1. Table C-2 provides a summary of the statutory considerations of the Proposal.

Table C-1 Requirements of an EIS under sections 190, 191 and 192 of the EP&A Regulation

Requirement	Where contained in the EIS
Section 190 – Form of EIS	
1. An environmental impact statement must contain the following information—	Certification page at the front of this EIS
a) the name, address and professional qualifications of the person who prepared the statement	
b) the name and address of the responsible person	
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	
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	Chapter 6
2. The person preparing the statement must have regard to—	This EIS has been prepared having regard to the <i>State Significant Infrastructure Guidelines – preparing an Environmental Impact Statement</i> (Appendix B) (DPE 2022)
a) for State significant development— the State Significant Development Guidelines, or	
b) for State significant infrastructure— the State Significant Infrastructure Guidelines	
3. An environmental impact statement must also contain a declaration by the person who prepared the statement of the following—	Certification page at the front of this EIS
a) the statement has been prepared in accordance with this Division, 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	
d) for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.	
Section 191 – Compliance with environmental assessment requirements	
The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).	This EIS has been prepared in accordance with SEARs. Refer to Appendix A.
Section 192 – Content of EIS	
1. An environmental impact statement must contain the following—	

Requirement	Where contained in the EIS
a) a summary of the EIS,	Executive summary
b) a statement of the objectives of the development, activity or infrastructure,	Chapters 1 and 3
c) an analysis of feasible alternatives to the carrying out the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure	Section 2.4
d) an analysis of the development, activity or infrastructure, including: i. a full description of the development, activity or infrastructure, and 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 iii. the likely impact on the environment of the development, activity or infrastructure, and iv. a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and 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 3 Section 3.4, Chapters 6 and 7 Chapter 6 Chapter 6 and Appendix E Chapter 4 and Appendix C
e) a compilation, in a single section of the EIS, of the measures referred to in paragraph (d)(iv),	Appendix E
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

Table C-2 List of statutory considerations

Legislation	Relevance	Compliance / Consistency of Proposal
NSW		
<i>Aboriginal Land Rights Act 1983</i>	The <i>Aboriginal Land Rights Act 1983</i> establishes the NSW Aboriginal Land Council and local Aboriginal land councils (LALCs) and requires these bodies to: - take action to protect the culture and heritage of Aboriginal persons in the LALC's area, subject to any other law - promote awareness in the community of the culture and heritage of Aboriginal persons in the LALC's area. Under this Act, LALCs can claim Crown Land. If the claim is determined in favour of the LALC, the relevant land is transferred as freehold title to the LALC. 'Claimable Crown lands' includes Crown Lands that are not lawfully used or occupied and that are not needed, nor likely to be needed, for an essential public purpose.	There are Aboriginal Land Claims on three parcels of land within the Proposal area. These parcels of land would require temporary access to complete the installation of new overhead cables along Doon Doon Road. An Aboriginal Cultural Heritage Assessment Report is provided in Appendix J and summarised in section 6.5. Further discussion is provided in section 6.7.
<i>Biodiversity Conservation Act 2016</i> (BC Act)	The BC Act aims to conserve threatened species, populations and ecological communities through ensuring appropriate assessment, management and regulation of actions that may damage critical or other habitat for a listed threatened species, or may otherwise significantly affect a threatened species, population or ecological community. Under the BC Act, SSI projects are required to prepare a biodiversity development assessment report (BDAR) to identify and assess biodiversity impacts under the provisions of the Act and offset those impacts by retiring biodiversity credits, determined using the Biodiversity Assessment Methodology (BAM).	Biodiversity impacts associated with the Proposal have been assessed in accordance with the BC Act. The results of this assessment are presented in section 6.2. The BDAR has been prepared by accredited persons under the BC Act. A copy of the BDAR is provided in Appendix H of this EIS.
<i>Biosecurity Act 2015</i> (Biosecurity Act)	The Biosecurity Act provides for the prevention, elimination, minimisation and management of biosecurity risks in NSW posed by biosecurity matter, which is defined in section 10 of the Biosecurity Act. Under the Act, weeds are defined as a plant that is a pest and a biosecurity risk exists where invasive weeds, now termed priority weeds under the Biosecurity Act, have the potential to negatively impact on the environment. The Act introduces a responsibility for landowners or land managers to control and prevent the introduction and spread of these priority weeds, which is to be known as a General Biosecurity Duty.	The BDAR (Appendix H) and aquatic ecology assessment (Appendix I) have been prepared to determine impacts to biodiversity and considered the key threatening processes associated with feral species and introduction and spread of weeds. The results of this assessment are presented in sections 6.2 and 6.3.

Legislation	Relevance	Compliance / Consistency of Proposal
<i>Crown Land Management Act 2016</i> (Crown Land Act)	The Crown Land Act sets out the requirements for the management of Crown Land in NSW. This includes the permissions and authorisations needed when planning the development of activities on Crown Land as well as the process for the acquisition of Crown Land. The Proposal footprint includes 5 parcels of Crown Land Council are liaising with Crown Lands to purchase a parcel of land that is not the subject of an ALC and also the acquisition of part of a lot associated with the intersection of Kyogle Rd and Clarrie Hall Dam Road	Impacts to Crown Land have been discussed in greater detail in section 6.7.
<i>Contaminated Land Management Act 1997</i> (CLM Act)	The CLM Act outlines the circumstances in which notification to the EPA is required in relation to the contamination of land. The study area is mostly used for agricultural purposes, and the risk of encountering and disturbing contaminated soils is generally low for most the construction area.	A contamination assessment (preliminary site investigation) has been prepared (Appendix N) to determine if historic land uses have contaminated land within the Proposal area. The contamination assessment is summarised in section 6.8.
Dams Safety Act 2015 and Dams Safety Regulation 2019	Clarrie Hall Dam is a declared dam and subject to the Dams Safety Act 2015 and Dams Safety Regulation.	Dam safety requirements were considered throughout the concept design (PWA 2018) and will continue to be considered during detailed design, construction and operation of the raised dam wall. Further information is provided in section 6.13.
<i>Dangerous Goods (Road and Rail Transport) Act 2008</i>	Transport of dangerous and hazardous goods is required for the construction phase of the Proposal. The dangerous goods include explosives and chemicals for activities such as concrete production or hard rock extraction.	The safety requirements for and potential impacts of transport of dangerous goods to the Proposal construction site are reviewed in sections 6.13 and 6.14.
<i>Electricity Supply Act 1995</i>	The Proposal requires relocation of electricity distribution lines to ensure continued electricity network supply to residents of Doon Doon Road and Commissioners Creek Road.	Realignment of the overhead power cable infrastructure is required to ensure continued electricity supply to residents in the southern portion of the dam.

Legislation	Relevance	Compliance / Consistency of Proposal
		Consultation with Essential Energy has been undertaken for the Proposal and during the detailed design of the Proposal and is ongoing. Powerline relocation will occur in consultation and with approval from the electricity supply authority. The details of the realignment are discussed in Chapter 3.
Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)	The Proposal is SSI and subject to the relevant content and form provisions of the EP&A Regulation.	Consistency with the form and contents required by the EP&A Regulation is provided in Table C1. An assessment of the Proposal with regard to the principles of ESD is provided in section 6.11. As the proponent, Tweed Shire Council, in accordance with section 181(6) of the EP&A Regulation, will give notice of the Proposal to landowners or advertise in the local newspaper.
<i>Fisheries Management Act 1994</i> (FM Act)	The FM Act lists the threatened species, populations and ecological communities that must be considered when assessing the effects of an activity under the EP&A Act. A Species Impact Statement (SIS) is required if there is likely to be a significant impact on a threatened species, population or ecological community or its habitat. The FM Act also regulates dredging work and reclamation work carried out by or on behalf of public authorities in Division 3 of Part 7. This includes any work that involves excavating water land, or using material to fill on or reclaim water land. The Department of Primary Industries (DPI) Fisheries regulates compliance with the FM Act. Threatened species under the FM Act have been recorded during aquatic surveys for the Proposal.	An assessment of aquatic impacts including consideration of the FM Act has been undertaken for the Proposal and is included as Appendix I to this EIS and section 6.3. Meetings with DPI Fisheries were held on 16 February 2023 and 9 March 2023 to discuss the hydrology modelling and the aquatic ecology assessment. DPI Fisheries provided comments on the proposed aquatic ecology assessment. A meeting was also held on 9 February 2024 to discuss construction impacts and management of water quality downstream of the construction site.

Legislation	Relevance	Compliance / Consistency of Proposal
		Correspondence was received from DPI Fisheries dated 14 July 2023 regarding the section 218 determination for the proposed raising of Clarrie Hall Dam. The correspondence advised that DPI Fisheries has assessed the scope of the raising of the Clarrie Hall Dam Proposal and has recommended the application of section 218, which requires the provision of suitable fish passage. As part of the determination, DPI Fisheries proposes that section 218 fish passage requirements for Clarrie Hall Dam be transferred to the construction of suitable fish passage at Bray Park Weir. Further offsets for impacts to key fish habitats is required and would be negotiated with DPI Fisheries after approval. Permits and notifications required under the FM Act are identified in section 6.3 of the EIS.
<i>Heavy Vehicle (Adoption of National Law) Act 2013</i>	Heavy vehicles (including overmass vehicles) will be needed for transporting plant and materials to and from site.	An assessment of traffic and transport impacts has been undertaken for the Proposal, summarised in section 6.14. It is included as Appendix S to this EIS.
<i>Heritage Act 1977</i>	Section 139 of the Heritage Act specifies that a person must not disturb or excavate land knowing, or suspecting, that the action may result in the discovery, exposure, movement, damage or destruction of a relic, unless the work is undertaken in accordance with an excavation permit. Additionally, section 146 of the Heritage Act requires that the discovery or location of a relic must be notified to the Heritage Council of NSW unless the Heritage Council of NSW is aware of the relic's location. The Heritage Council of NSW must be notified if a relic is uncovered during construction and if it is reasonable to believe that the Heritage Council of NSW is unaware of the location of the relic.	An assessment of potential impacts on historical heritage has been undertaken for the Proposal, as required by the SEARs. The Historic Archaeological Assessment is summarised in section 6.6 and is included as Appendix K to the EIS.

Legislation	Relevance	Compliance / Consistency of Proposal
	Under the SSI provisions for the Proposal, exemptions and permits that would otherwise be required under Part 4 and section 139 of the Heritage Act are not required for approved SSI projects by reason of section 5.23 of the EP&A Act.	
<i>Land Acquisition (Just Terms Compensation) Act 1991</i> (Land Acquisition Act)	The Land Acquisition Act applies to the acquisition of land (by agreement or compulsory process) by a public authority authorised to acquire the land. It sets out the process for land acquisition and the matters that must be taken into account in determining compensation payable to a landowner for the acquisition of the relevant interest in land. The provisions of the Land Acquisition Act would apply to the acquisition of land (and interests in land) by Tweed Shire Council for the Proposal.	A summary of land acquired to date and further discussion of potential land acquisition associated with the Proposal is discussed in Chapter 5 and section 6.7.
<i>National Parks and Wildlife Act 1974</i> (NP&W Act)	The NP&W Act establishes statutory provisions for the preservation and management of national parks, historic sites, state conservation areas and certain other areas, as well as the protection of certain Aboriginal objects. The NP&W Act provides for the conservation of elements of the natural environment, as well as the conservation of objects, places or features of cultural value to Aboriginal people and the people of NSW. The Proposal operational area intersects with portions of Mount Jerusalem National Park, which has been revoked and transferred to Tweed Shire Council pending subdivision, land title registration and the transfer of compensatory land. Under the provisions of section 86 of the NP&W Act, a person must not harm or desecrate a known Aboriginal object unless authorised by an Aboriginal heritage impact permit issued under section 90 of that Act. Under the provisions of section 5.23(1) of the EP&A Act, a permit that would otherwise be required under section 90 of the NP&W Act is not required for approved SSI Proposals.	An assessment of potential impacts on Aboriginal cultural heritage has been undertaken for the Proposal, as required by the SEARs. The Aboriginal cultural heritage assessment is summarised in section 6.3 and is included as Appendix J to the EIS. Consideration of the potential impacts on biodiversity values of national park areas have been included in section 6.2 as included as Appendix H to the EIS and also section 6.4.
<i>Native Title New South Wales Act 1994</i> (Native Title (NSW) Act)	The Native Title (NSW) Act provides for the recognition of native title in relation to land or waters in NSW in accordance with the Commonwealth <i>Native Title Act 1993</i> (section C1.5). The Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010) stipulates that, where relevant, consultation must be conducted with native title holders or registered native title claimants in accordance with the Native Title (NSW) Act.	An assessment of impacts to Aboriginal Heritage and consultation with relevant Aboriginal groups has been undertaken as part of the preparation of the Aboriginal Cultural Heritage Assessment Report (Appendix J). Hydrology modelling completed for the Proposal shows that there will not be any less water available as per the Water Sharing Plan 2023 in regard to access to water for Native title rights,

Legislation	Relevance	Compliance / Consistency of Proposal
		due to the Proposal. This is discussed in section 6.1.
<i>Protection of the Environment Operations Act 1997</i> (POEO Act)	The POEO Act establishes, among other things, pollution management, pollution incident reporting and the procedures for issuing licences for environmental protection on aspects such as waste, air, water and noise pollution control. An EPL is required under Chapter 3 of the POEO Act to undertake a scheduled activity (listed in Schedule 1 of the Act) or scheduled development work (outlined in section 47 of the Act).	Appropriate management and mitigation measures have been identified in relation to these aspects, including in section 6.9, section 6.12 and section 6.13. Water discharges have been assessed in Appendix G1 this EIS. This information is also summarised in section 6.1.
<i>Roads Act 1993</i> (Roads Act)	The principal object of the Roads Act of relevance to the Proposal is the regulation of the carrying out of various activities on public roads. Part 9 of the Roads Act nominates the requirements for undertaking works within a public road, including the requirement to obtain consent under section 138 for carrying out works in, on or over a public road (this includes the erection of structures), and the digging up or disturbance of the surface of a public road. With respect to road occupancy licences, the Proposal would potentially require temporary/partial closure(s) of classified and unclassified roads for the construction of the Proposal (during, for example, stringing of transmission lines over public roads). Road works may also be required on unclassified roads as part of the Proposal to establish new access points for the transmission line alignment. Tweed Shire Council would require consent from the relevant roads authority under section 138 of the Roads Act to undertake work on or over classified roads. However, by reason of clause 5(1) of Schedule 2 of the Roads Act, Tweed Shire Council, as a public authority, is not required to obtain approval to carry out work on unclassified roads other than a Crown Road (subject to that clause ceasing to have effect by proclamation).	The relevant road works would be occurring on in the following ancillary construction activities: • realignment of Commissioners Creek Road and Clarrie Hall Dam Road • upgrade of intersection of Clarrie Hall Dam Road and Kyogle Road. Consideration of road impacts has been undertaken and is provided in a traffic impact assessment in Appendix S and summarised in section 6.14 of this EIS.
<i>Rural Fires Act 1997</i> (RF Act)	The objects of the RF Act are focused on the prevention, mitigation and suppression of bushfires and other fires in rural fire districts, and the coordination of firefighting and prevention across NSW. Section 100B applies to bushfire prone land and empowers the Commissioner of the NSW Rural Fire Service to issue a bushfire safety authority. The bushfire safety authority authorises certain types of development, subject to compliance with matters considered by the Commissioner to be necessary to protect persons, property and/or the environment.	The Proposal occurs within bushfire prone land. The potential hazards associated with bushfire risk to the Proposal (including during construction) has been summarised in section 6.13 and provided Appendix R of this EIS.

Legislation	Relevance	Compliance / Consistency of Proposal
	Under the provisions of section 5.23(1) of the EP&A Act, this authority that would otherwise be required under section 100B of the RF Act is not required for approved SSI Proposals.	
<i>Waste Avoidance and Resource Recovery Act 2001</i> (WARR Act)	The WARR Act aims to encourage the most efficient use of resources to reduce environmental harm in accordance with the principles of ESD.	The Proposal would involve the consumption of natural resources and would involve the reuse of suitable waste on site and the disposal of waste offsite. Consideration of the waste hierarchy and resource impacts associated with the Proposal has been summarised in section 6.9.
<i>Water Management Act 2000</i> (WM Act)	The overarching objective of the WM Act is to provide for the sustainable and integrated management of the water resources of the State and including the application of the principles of ESD. The Tweed River Area Unregulated and Alluvial Water Sources 2023 WSP is applicable to the Proposal. Section 90 of the WM Act identifies three kinds of water management works approvals – that is, a water supply work approval, a drainage work approval and a flood works approval. All three of these approvals confer a right on the holder of the approval to construct and use the specified works at a specified location. There are two kinds of activity approvals that are dealt with in section 91 of the WM Act – a controlled activity and aquifer interference – both of which confer a right on the holder to carry out the specified activity at the specified location. Under the provisions of section 5.23(1) of the EP&A Act, a water use approval pursuant to section 89 of the WM Act, a water management work approval pursuant to section 90 of the WM Act, and an activity approval (other than an aquifer interference approval) pursuant to section 91 of the WM Act are not required and accordingly, do not apply to approved SSI projects. Under the WM Act, a water access licence is required where water is taken for consumptive use or incidentally by an aquifer interference activity from a water source (rivers, lakes, estuaries and groundwater) where a water sharing plan has commenced, unless an exemption applies. Exemptions from water licence and approval requirements are outlined in Schedule 4 of the Water Management (General) Regulation 2018.	The hydrology assessment in section 6.1 and Appendix G1 discusses the application of the WM Act. An assessment of groundwater impacts, consideration of the NSW Aquifer Interference Policy and groundwater licensing requirements is provided in detail in the groundwater impact assessment, summarised in section 6.1 and provided at Appendix G1 of this EIS.

Legislation	Relevance	Compliance / Consistency of Proposal
	Exemptions that apply to public authorities (such as Tweed Shire Council) for requiring an access licence include: - dust suppression (Schedule 4 1(5)) - the taking of up to three megalitres of groundwater from a groundwater source in a water year when groundwater is intercepted during excavation required for the construction of a building, road or infrastructure, if the taking of that groundwater is not for the purpose of its consumption or supply (Schedule 4 1 (7)). The NSW Aquifer Interference Policy (DPI, 2012) provides a framework for the regulation, licencing and assessment of groundwater activities to meet the requirements of the WM Act to ensure that the granting of water licences and approvals results in 'no more than minimal harm' to any water source or dependent ecosystem.	
<i>Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017</i> (WHS Act and WHS Regulation)	The WHS Act provides a framework to protect the health, safety and welfare of all workers and others in relation to NSW workplaces and work activities. Hazards and risks associated with construction of the Proposal to the safety of workers and hazards and risks to the public associated with the transport of hazardous goods.	Consideration of DPIE's guideline <i>Applying SEPP 33</i> (2011) has been undertaken and an assessment of public safety risks is summarised in section 6.13. Assessment of safety risks to construction personnel will form part of the management measures and plans to be prepared and must comply with the WHS Act and Regulations.
NSW environmental planning instruments		
<i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP)	The Planning Systems SEPP is a strategic and inclusive planning system for the community and environment which identifies State or regionally significant development, State significant Infrastructure and critical State significant infrastructure. This policy provides the assessment processes for development that complies with specified development standards listed within the policy. The Proposal is considered to be SSI under the Planning Systems SEPP, which states: 'Part 2.3 State significant infrastructure 2.13 Declaration of State significant infrastructure: section 5.12(2): (1) Development is declared, pursuant to section 5.12(2) of the Act, to be State significant infrastructure for the purposes of the Act if— (a) the development on the land concerned is, by the operation of a State environmental planning policy, permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 3.'	The Proposal is considered to be SSI under the Planning Systems SEPP. Relevant requirements of the SEPP are summarised in Chapter 4 of this EIS.

Legislation	Relevance	Compliance / Consistency of Proposal
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP)	The Transport and Infrastructure SEPP aims to provide well-designed and well-located transport and infrastructure integrated with land use. This policy provides planning provisions for infrastructure in NSW, such as roads, emergency services, water supply and electricity delivery. The Proposal involves development for a ‘water storage facility’, which is a type of water supply system. The SEPP permits development for the purpose of a water storage facility to be carried out by or on behalf of a public authority on land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone SP1 Special Activities, Zone SP2 Infrastructure or an equivalent land use zone, without development consent. The Proposal is being carried out on land zoned RU2 Rural Landscape and SP2 Infrastructure. The works will impact electricity distribution lines and require relocation of powerlines.	The relevant requirements of the Transport and Infrastructure SEPP are summarised in Chapter 4 of this EIS. Powerline relocation will occur in consultation with, and with approval from, the electricity supply authority.
<i>State Environmental Planning Policy (Primary Production) 2021</i> (Primary Production SEPP)	The Primary Production SEPP aims to facilitate the orderly economic use and development of land for primary production and reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The SEPP is also intended to identify land that has been declared as State significant agricultural land (SSAL).	Impacts on agricultural productivity associated with the Proposal are negligible as the Proposal footprint is located on areas either unable to be developed, or already excluded from agricultural practices due to their location within the drinking water catchment. The impacts to agricultural land are summarised in section 6.8 and detailed in Appendix M of this EIS.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP)	The Biodiversity and Conservation SEPP contains provisions for the protection and preservation of bushland within public open space zones and reservations and provisions for conservation and management of areas of natural vegetation that provide habitat for koalas. The policy applies to a number of LGAs across NSW, including Tweed Shire. While the requirements of this SEPP would not apply to the Proposal, potential impacts on koala populations have been considered as part of the EIS.	A BDAR has been prepared to assess impacts to biodiversity. A copy of the BDAR is provided in Appendix H and is summarised in section 6.2 of this EIS.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP)	Chapter 3 of the Resilience and Hazards SEPP aims to impose conditions on potentially hazardous or offensive development to reduce or minimise any adverse impacts. During construction and operation of the Proposal, potentially dangerous goods and hazardous substances are likely to be transported to and from the Proposal and may be stored on site. Typically, the materials and chemicals would only be required in small amounts and below an amount that would trigger requirements for consideration as a hazardous or offensive industry under the Resilience and Hazards SEPP.	Historic agricultural activities have the potential to contaminate land within the Proposal area. Therefore, a preliminary site investigation has been prepared to determine if historic land uses have contaminated land within the Proposal area. A copy of the preliminary site

Legislation	Relevance	Compliance / Consistency of Proposal
	Chapter 4 of the Resilience and Hazards SEPP provides a statewide approach to the remediation of contaminated land for the purpose of minimising the risk of harm to the health of humans and the environment. In accordance with clause 4.6(1) of the Resilience and Hazards SEPP, a consent authority must not consent to the carrying out of development on any land unless: • it has considered whether the land is contaminated • if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or would be suitable, after remediation) for the purpose for which the development is proposed to be carried out • 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 would be remediated before the land is used for that purpose. A preliminary contamination investigation has been undertaken for the Proposal to inform the EIS process.	investigation is provided in Appendix N and is summarised in section 6.8 of this EIS.
<i>Tweed Local Environmental Plan 2014</i> (Tweed LEP)	The Tweed LEP provides guidance the planning framework and environmental provisions for local development in the local government area (LGA). Section 5.10 of the Tweed LEP identifies the need to conserve Aboriginal objects and Aboriginal places of heritage significance within the LGA. Section 5.10 of the Tweed LEP identifies the need to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views within the LGA. The Tweed LEP also identifies a schedule of registered heritage items and conservation areas. Part 2 of the Tweed LEP identifies the relevant land zonings for the LGA and the applicable permitted and prohibited development types. The zoning which is applicable to the Proposal includes the following: • SP2 Infrastructure • R2 Rural Landscape zone • C1 National Parks and Nature Reserves • DM – Deferred Matter. Section 5.21 of the Tweed LEP identifies flood-related planning controls relevant to the LGA, including allowance for development on land that is compatible with the flood function and behaviour on the land, taking into account proposed changes as a result of climate change.	The Proposal is being carried out on land within the Tweed Shire LGA. The potential Aboriginal heritage impacts associated with the Proposal are summarised in section 6.5 and the ACHAR is provided in Appendix J of this EIS. The potential historic heritage impacts associated with the Proposal have been summarised in section 6.6 and detailed in Appendix K of this EIS. Potential flooding impacts associated with the Proposal are summarised in Chapter 6.1 and detailed in Appendix G2 of this EIS.

Legislation	Relevance	Compliance / Consistency of Proposal
	While the Tweed LEP guides local development within the LGA, the EP&A Act states that LEPs do not apply to SSI and CSSI projects. However, the EIS has considered potential impacts to land use in Chapter 6.7 (Social, land use and property) of this EIS.	
Commonwealth legislation		
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	The EPBC Act and associated regulations are Australia's main national environmental legislation, which provides a legal framework to protect and manage unique plants, animals, habitats and places. This includes heritage sites, marine areas, some wetlands and listed threatened and migratory species. The Proposal is a controlled action under the EPBC Act for significant impacts to threatened species and communities. The Commonwealth Minister for the Environment and Water has accredited the NSW approval process, and assessment requirements under the EPBC Act have been included in the SEARs issued for the Proposal.	The EIS has addressed the assessment requirements under the EPBC Act as attached to the SEARs for the Proposal. Compliance with these requirements is summarised in sections 6.2, 6.3 and section 6.4. A biodiversity assessment has been prepared to determine impacts to biodiversity values. This assessment is documented in a biodiversity development assessment report (BDAR). The BDAR includes relevant assessment of species and impacts under EPBC Act. A copy of the BDAR is provided in Appendix H of this EIS.
<i>Native Title Act 1993</i>	The Proposal would not affect land to which an Indigenous Land Use Agreement applies. There are no active native title applications or determinations that encompass the Proposal area. An updated search of the National Native Title Tribunal registers was undertaken on 13 February 2024. The search identified that the Tweed River Bundjalung People lodged a native title claim (Tribunal No NC2020/002) on 04 August 2020 over a vast area of land that encompassed the Proposal area. This claim was not accepted for registration (dated 16 September 2020).	Consultation with relevant Aboriginal groups has been undertaken as part of the preparation of the Aboriginal Cultural Heritage Assessment (Appendix J). Hydrology modelling (Appendix G1) completed for the Proposal shows that there will not be any less water available as per the Water Sharing Plan 2023 in regard to access to water for native title rights, due to the Proposal. This is discussed in section 6.1.