

Other Relevant NSW Legislation

Other legislation also provides a framework for assessment of the project, either requiring specific action, such as approvals, and/or guiding the objectives of the proposed development.

Threatened Species Conservation (TSC) Act, 1995

The functions of the TSC Act are to identify and list threatened species populations and ecological communities, vulnerable species and ecological communities and key threatening processes. The Act contains provisions for the identification and declaration of critical habitat and other protective measures.

Flora and fauna studies of the Stage 3 release area, including the subject site, were undertaken as part of the preparation of the Precinct Plan. These studies are reflected in the Provisions of Section 8 of the Precinct Plan and, in particular, Figure 15. The areas of the site subject to Stages 1 and 2 of the project represent a highly disturbed landscape and are not identified as being of any ecological significance. No threatened species, population or ecological community was identified as being present within the Stage 1 and Stage 2 areas of the site.

Flora and Fauna is discussed further at **Section 6.8** to this report.

National Parks and Wildlife (NP&W) Act, 1974

The NP&W Act is administered by the Department of Environment and Conservation. The objectives of the NP&W Act include conservation of nature, objects, places or features (including biological diversity) of cultural value within the landscape.

The NP&W Act and related policies provide the framework for legal protection and management of Aboriginal sites within NSW and establish the requirement for a licence prior to knowingly disturbing an Aboriginal artefact and archaeological survey and assessment prior to action which may disturb an 'object' (such as land surface disturbance).

Studies of the potential Indigenous heritage value of the Stage 3 release area, including the subject site, were undertaken as part of the preparation of the Precinct Plan. These studies are reflected in the Provisions of Section 9 of the Precinct Plan and, in particular, Figure 21. The areas of the site subject to Stages 1 and 2 of the project represent a highly disturbed landscape and are identified as being of the lowest classification of sensitivity for Indigenous heritage values.

Occupational Health and Safety Act 2000 and the OHS Amendment (Dangerous Goods) Act 2003

The Dangerous Goods Act 1975 has been repealed and on 1 September 2005, new laws were introduced relating to dangerous goods and explosives and licensing schemes aimed at minimising hazard risk, including the OHS Amendment (Dangerous Goods) Act 2003 and supporting Occupational Health and Safety Regulation 2001.

A licence from NSW WorkCover, or notification to NSW WorkCover may be required if the quantities of dangerous goods to be handled or stored on site exceed the quantities specified in Schedule 5 to the Occupational Health and Safety Regulation 2001. This will be determined during the detailed design phase of the proposed development. The issue of hazards is addressed at **Section 6.9**.

Roads Act 1993

Section 75V of the Environmental Planning & Assessment Act provides that certain authorisations and approvals required under other legislation apply to approved projects. These approvals include consent of the RTA under s138 of the Roads Act 1993 for the following works:

- (a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road.*

The access roads proposed within the site are not dedicated public roads. The proposal does not preclude the upgrade of the road along the northern boundary to the standard of a standard industrial collector road in accordance with the Precinct Plan.

Waste Avoidance and Resource Recovery Act 2003

This Act relevantly:

- promotes waste avoidance and resource recovery;
- repeals and replaces the **Waste Minimisation and Management Act 1995**; and
- establishes a scheme to promote extended producer responsibility in place of industry waste reduction plans.

The proposed development is consistent with the objectives of this Act. Waste management is addressed in detail in **Section 6.7** to this report.

Commonwealth Legislation

Environment Protection and Biodiversity Conservation (EPBC) Act, 1999

The EPBC Act is administered by the Federal Department of Environment and Heritage and aims to protect the environment, with respect to matters of National Environmental Significance. Under the EPBC Act approval is required for activities that are likely to have a significant impact on a matter of national environmental significance relevantly including listed threatened species and communities and listed migratory species.

As discussed, previous flora and fauna studies undertaken of the Stage 3 release area and subject site did not result in the identification of any threatened species, population or ecological communities within the Stage 1 and Stage 2 areas of the site. These areas represent a highly disturbed landscape and are not identified as being of any ecological significance.

The proposed development will not significantly impact nationally listed threatened species and ecological communities or migratory species listed under the EPBC Act. In the context of the EPBC Act, the proposed development will not have a significant impact on matters of national environmental significance, thus a Commonwealth referral and approval is not required.