

Appendix D

Statutory Compliance Table

Legislation	Relevant provision	Approval / action required	Where addressed in the Modification Report
<i>Biodiversity Conservation Act 2016</i> (BC Act)	Section 7.9(2) - A development application for SSD is to be accompanied by a BDAR, unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	Given that the proposed modification is not likely to have a significant impact on biodiversity values, a BDAR is not required.	Section 5.2 and Appendix G.1
<i>National Parks and Wildlife Act 1974</i> (NPW Act)	The NPW Act aims to conserve nature, objects, places or features of cultural value within the landscape, and provides for the management of land reserved under the Act.	While permits under the NPW Act are not required for a State significant development project, the assessment of potential impacts to Aboriginal heritage associated with the proposed works have been considered.	Section 5.3 and Appendix G.2
<i>Native Title Act 1993</i> (Commonwealth)	The main objective of the Native Title Act 1993 (Commonwealth) is to recognise and protect native title. Section 8 states that the Native Title Act 1993 is not intended to affect the operation of any law of a State or a Territory that is capable of operating concurrently with the Act.	An initial review of the National Native Title Tribunal Register did not identify any Native Title determinations (under the <i>Native Title Act 1993</i>)	Appendix G.2
Water Management Act 2000 (WM Act)	Section 91 of the WM Act defines that approvals are required for controlled activities or aquifer interference from the NSW Office of Water. A controlled activity means: <i>the erection of a building or the carrying out of a work; or</i> <i>the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or</i> <i>the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or</i>	The Modified development is not expected to undertake a controlled activity	Section 5.8

	<i>the carrying out of any other activity that affects the quantity or flow of water in a water source.</i>		
<i>Roads Act 1993</i>	Under Section 138, consent of the roads authority is required to: • Erect a structure or carry out a work in, on or over a public road • Dig up or disturb the surface of a public road • Remove or interfere with a structure, work or tree on a public road • Pump water into a public road from any land adjoining the road • Connect a road (whether public or private) to a classified road.	No works would be required within public or classified road for the Modified development.	Section 5.7 and Appendix G.7
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	Under Part 3 of the EPBC Act, referral for approval from the Australian Minister for the Environment is required for an action that: • Has, will have, or is likely to have a significant impact on a matter of national environmental significance • Is undertaken on Commonwealth land and has, will have, or is likely to have a significant impact on the environment • Is undertaken by the Commonwealth and has, will have or is likely to have a significant impact on the environment • Is undertaken outside Commonwealth land and has, will have or is likely to have a significant impact on the environment of Commonwealth land	The Modified development is not likely to have a significant impact on a threatened species, ecological community or its habitat listed under the EPBC Act. Accordingly, any decision to voluntarily refer the proposed modification would be made under Section 68(2) of the EPBC Act with conclusion presented being the proposed modification is not considered a controlled action.	Section 5.2 and Appendix G.1