

## Statutory Planning – Summary of Key Outcomes

The Dalton Power Project is subject to the development and assessment processes and requirements of Part 3A of the EP&A Act. A Project Application was accepted by the Department of Planning (now Department of Planning and Infrastructure) on 25 March 2010 including a supporting Preliminary Environmental Assessment. On 19 April 2010 the Director-General issued Environmental Assessment Requirements.

The Project also triggers the Commonwealth EPBC Act. The potential impacts to Endangered Ecological Communities were the focus of an EPBC referral submitted for determination by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities. On 15 June 2010, the Project was determined to be a Controlled Action by the Minister for Sustainability, Environment, Water, Population and Communities. (EPBC 2010/5484). Supplementary Director-General Requirements for the Project were provided on 5 July 2010.

Other licences and approvals required for the Dalton Power Project include:

- Environment Protection Licence under the provisions of the *Protection of the Environment Operations Act 1997*;
- Notification to WorkCover to Keep Dangerous Goods under the *Occupational Health and Safety Regulation 2001* for the storage and handling of notifiable quantities of dangerous goods; and
- Pipeline licence under the *Pipelines Act 1967*.

The Development footprint encompasses and traverses land which is zoned RU2 Rural landscape and RU1 Primary Production under the Upper Lachlan Local Environment Plan 2010. The Dalton Power Project is permissible within these zones with development consent.

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### 5.1 Introduction

A number of statutory planning controls need to be addressed for the purposes of the Dalton Power Project. This chapter reviews Commonwealth, State and local planning legislation and policies that apply to the Dalton Power Project to determine approvals required to allow the proposed development to proceed.

### 5.2 State Legislation

#### 5.2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), provide the framework for development and environmental assessment in NSW. Part 3A of the EP&A Act provides for a category of development known as Major Projects. *State Environmental Planning Policy 2005 (Major Development)* (SEPP Major Development) identifies categories of development which are considered to be Major Projects to which Part 3A of the EP&A Act applies.

The Dalton Power Project is considered to be a Major Project pursuant to clause 24 of Schedule 1 of the SEPP Major Projects entitled '*Electricity Generation*' as it is development for the purpose of electricity generation with a capital investment value of more than \$30 million.

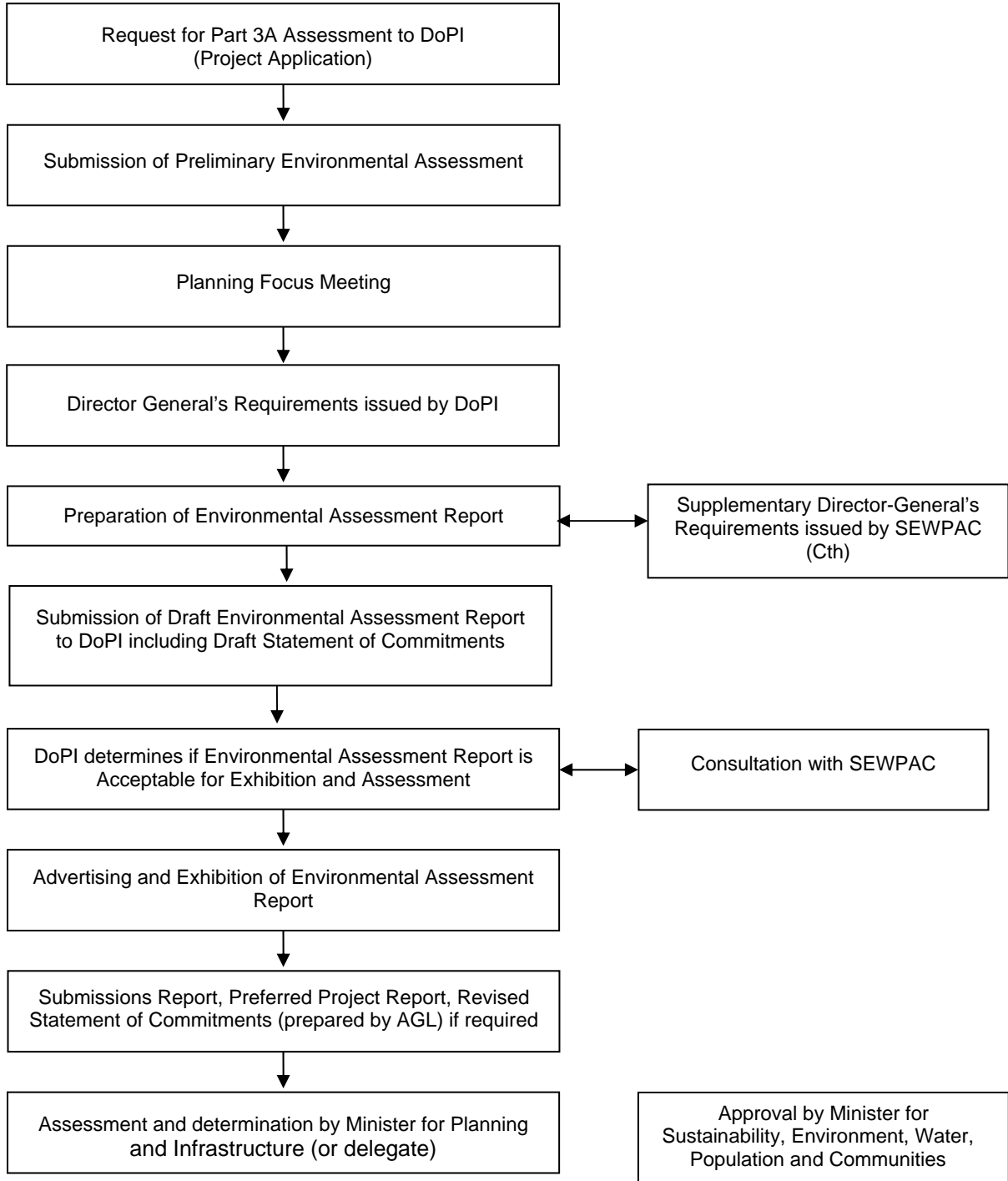
In February 2008, the Minister for Planning also declared development subject to Part 3A and also a power generation project over 250 MW to be a "critical infrastructure project". The Dalton Power Project is therefore subject to the development and assessment processes and requirements of Part 3A of the EP&A Act. **Figure 5-1** illustrates the development and approvals process under Part 3A for the Dalton Power Project.

A Planning Focus Meeting (PFM) was held at Upper Lachlan Shire Council's Gunning office on 25 March 2010 and included an inspection of the Development Site. The PFM was attended by representatives of Department of Planning and Infrastructure (DoPI), Office of Water (formerly Department of Environment, Climate Change & Water) and Upper Lachlan Shire Council.

The PFM provided a forum for discussion and consideration of issues to be addressed by AGL when considering planning approvals for the Dalton Power Project. The Project Application was accepted by the DoPI on 25 March 2010 with the supporting updated Preliminary Environmental Assessment (PEA), requesting that the Dalton Power Project be assessed under the provisions of Part 3A.

On 19 April 2010 the Director-General of DoPI issued to AGL Environmental Assessment Requirements pursuant to section 75F(2) of the EP&A Act (**Appendix A**).

Figure 5-1 Approvals Process for Dalton Power Project



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The *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011* (Part 3A Repeal Act) was given assent on 27 June 2011. Part 3A Repeal Act will commence on a date yet to be proclaimed.

Clause 2 of Schedule 6A of the Part 3A Repeal Act states that a Part 3A Project for which Environmental Assessment Requirements were notified or adopted before the repeal of Part 3A, is a transitional Part 3A Project. Schedule 6A sets out the transitional arrangements. Section 3 of Schedule 6A provides that Part 3A continues to apply to transitional Part 3A Projects.

As Environmental Assessment Requirements were notified for the Project on 19 April 2010, the Project is a transitional Part 3A Project for the purpose of the Part 3A Repeal Act and Part 3A will continue to apply.

### 5.3 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) relates to the management of pollution and waste disposal in NSW and is administered by the NSW Office of Environment and Heritage (OEH). Under section 48 of the POEO Act, premises-based scheduled activities (as defined in Schedule 1 of the POEO Act) require an Environment Protection Licence (EPL). It is expected that the Dalton Power Project would require licensing under the provisions of Schedule 1 the POEO Act as it is a scheduled activity (No. 17) being “electricity generation” that supplies or is able to supply, more than 30 MW of electrical power. A licence would be required for operation.

#### 5.3.1 Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* (TSC Act) provides for the conservation of threatened species, populations and ecological communities of animals and plants. It provides a framework for the assessment of any action that may impact on threatened species.

Section 5A of the EP&A Act lists seven factors that must be taken into account in the determination of the significance of potential impacts of a proposed development on threatened species, populations or ecological communities (or their habitats) listed under the TSC Act. The so-called seven part test is used to determine whether a proposed development is likely to impose ‘a significant effect’ on threatened biota and thus whether a Species Impact Statement (SIS) is required to accompany a development application. Under Part 3A of the EP&A Act, however, there is no requirement for Section 5A of the EP&A Act to be addressed; hence there is no requirement for an SIS. Instead, the flora and fauna assessment must be prepared according to the Environmental Assessment Requirements, which refer to the draft *Guidelines for Threatened Species Assessment* (DECC 2005).

Notwithstanding the statutory requirements for Part 3A of the EP&A Act, the approach in this assessment has been to address Section 5A and complete the seven part test as a guide to assessing impacts on threatened biota that could be affected by the Project. This assessment is discussed further in **Chapter 13 Flora and Fauna** and presented in **Appendix H**. The assessment addresses the principles stated in DECC (2005) guidelines for Part 3A biodiversity assessments. A number of mitigation measures have been incorporated into this Environmental Assessment to minimise the

potential impact of this project on the native biota within the AGL owned land. In addition, a biodiversity offset will be provided by AGL. This offset will ensure that any loss of EEC vegetation and threatened species habitat is appropriately managed and matched with the conservation of land containing similar vegetation and habitat resources that is acceptable to all parties.

Under Section 75U of the EP&A Act, the following Orders and Notices cannot be issued against the project, as it has been declared to be critical infrastructure project:

- an interim protection order (within the meaning of the TSC Act); and
- Division 1 (Stop work orders) of Part 7 of the TSC Act.

### 5.3.2 Water Management Act 2000

Currently, two different Acts administer access to water resources, the *Water Management Act 2000* and the *Water Act 1912*, and impose different access and licensing requirements.

The *Water Management Act 2000* (WM Act) provides for the protection of river and lakeside land in NSW, formerly held under the *Rivers and Foreshore Improvements Act 1948* for areas covered by a Water Sharing Plan. For water sources in NSW where Water Sharing Plans have not been gazetted and commenced, the *Water Act 1912* still governs the issue of new water licences and the trade of water licences and allocations.

The Lachlan River, to the north of the site, is subject to a Water Sharing Plan. Under the *Water Management Act 2000*, there are three types of approvals that, but for the operation of Section 75U(1) of the EP&A Act, would likely apply to the proposal. Under Section 75U(1) of the EP&A Act, projects approved under Part 3A do not require a water use approval under Section 89, a water management work approval under Section 90 or an activity approval under Section 91 of the *Water Management Act 2000*.

As the proposal does not impact on this river to the north of the site, the licence and approval provisions under the WM Act do not apply,

### 5.3.3 Water Act 1912

The *Water Management Act 2000* only applies to the extent that a water sharing plan under the *Water Management Act 2000* has commenced in relation to a water source.

Surface water is administered under Part 2 of the *Water Act 1912*. An embargo presently applies to the making of applications for new licences under Part 2. Groundwater is administered under Part 5 of the *Water Act 1912*. In contrast to the *Water Management Act 2000*, from which Section 75U of the EP&A Act provides exemptions for Part 3A projects, there are no exemptions under the *Water Act 1912* (either under Part 2 or Part 5).

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### 5.3.4 National Parks and Wildlife Act 1974

The NSW *National Parks and Wildlife Act 1974* (NPW Act) is administered by the NSW Office of Environment and Heritage (OEH) and provides the basis for the legal protection of flora and fauna in NSW. Unless a licence is obtained under the NPW Act (or TSC Act) it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat. However, under section 118A(3)(b)(iv) of the NPW Act, these provisions do not apply for a project approved under Part 3A of the EP&A Act. Impacts to endangered ecological communities are described in detail in **Chapter 13 Flora and Fauna**.

The NPW Act also provides for the conservation of objects, places or features (including biological diversity) of cultural value within the landscape. A person who, without first obtaining the consent of the Director-General, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence. However, under section 75U(d) of the EP&A Act, an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the National Parks and Wildlife Act 1974 is not required. Impacts to Aboriginal heritage are detailed in **Chapter 15 Heritage**.

### 5.3.5 Native Vegetation Act 2003

The NSW *Native Vegetation Act 2003* (NV Act) was established to prevent broad scale clearing, protect native vegetation of high conservation significance, improve the condition of existing native vegetation and encourage the regeneration of native vegetation in NSW. In assessing applications, consent authorities apply the 'maintain improve test', which means assessing how the proposal maintains or improves environmental values such as salinity, water, soils and biodiversity.

The NV Act requires approval from the relevant Council or Catchment Management Authorities (CMA) (in this case, the Lachlan CMA) for the clearing of native vegetation (with the exception of land listed in Schedule 1 of the Act). CMAs administer property vegetation plans under the NV Act.

According to section 75U(e) of the EP&A Act, an authorisation under section 12 of the NV Act to clear native vegetation or State protected land is not required for a project approved under Part 3A. Hence, the NV Act does not apply to this Project.

### 5.3.6 Heritage Act 1977

The aim of the Heritage Act 1977 is to conserve the environmental heritage of NSW. It details statutory responsibilities for (non-Aboriginal) historic buildings, places and objects and archaeological sites. 'Environmental heritage' refers to items or places of state and/or local significance, e.g., buildings, relics, etc. Under section 57 of the Heritage Act, it is an offence to damage, modify, etc, items without approval of the Heritage Council. However, the proposed works would not impact any items of heritage significance. Therefore the Heritage Act 1977 does not apply to this Project.

### 5.3.7 Waste Avoidance and Resource Recovery Act 2001

The objectives of the *Waste Avoidance and Resource Recovery Act 2001* are to encourage the most efficient use of resources, to reduce environmental harm, and to provide for the continual reduction in waste generation in line with the principles of ecologically sustainable development (ESD). To meet the objectives of the Act, a resource management hierarchy has been established, comprising:

- avoiding unnecessary resource consumption;
- recovering resources (including reuse, reprocessing, recycling and energy recovery); and
- disposal (as a last resort).

These measures would be incorporated into both the construction and operation of the proposed Dalton Power Project and are discussed further in **Chapter 4** and **14**.

### 5.3.8 Occupational Health & Safety Regulation 2001

Chapter 6A of the *Occupational Health & Safety Regulation 2001* (OHS Regulation) provides the requirements covering the premises where substances classified as Dangerous Goods are kept. These requirements include placarding of Dangerous Goods depots, annual notification requirements to NSW WorkCover Authority and requirements for a manifest.

AGL would be required to notify WorkCover NSW of Dangerous Goods stored and handled above “manifest quantities” as listed in Schedule 5 of the OHS Regulation.

### 5.3.9 Soil Conservation Act 1938

The *Soil Conservation Act 1938* (SC Act) administered by the Department of Lands is aimed at encouraging landholders to take soil conservation and erosion prevention measures and, where this fails, for the Department of Lands to order action to be taken. The SC Act is also important for the management of riparian vegetation. These matters are addressed in **Chapter 8 Soils, Geology and Groundwater**. The construction and operation of the proposed development would be undertaken pursuant to an approved Environmental Management Plan (EMP) which would manage riparian vegetation and the potential for soil erosion.

### 5.3.10 Contaminated Land Management Act 1997

The *Contaminated Land Management Act 1997* (CLM Act) has been established to control the risk of harm to human health and the environment, and sets out criteria to determine whether these risks exist. It provides the Office of Environment and Heritage with the authority to declare sites for investigation and remediation or voluntary management agreements. The potential for contamination of the site is discussed in **Chapter 8 Soils, Geology and Groundwater**. The proposed development would operate in accordance with the relevant requirements established in the CLM Act.

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### 5.3.11 Noxious Weeds Act 1993

The *Noxious Weeds Act 1993* (NW Act) defines the roles of government, departments and private landholders in the management of noxious weeds. The NW Act establishes categorisation and controls actions for the various listed noxious weeds according to their potential to cause harm to the local environment. Weeds are categorised in Control Classes 1 through 4 and managed accordingly.

The environmental assessment considers these management measures in **Chapter 13** *Flora and Fauna* and any mitigation measures would be included in the EMP for the construction and operation phases of the development.

### 5.3.12 Pipelines Act 1967

The *Pipelines Act 1967* sets out the approvals system for the construction and operation of cross-country transmission pipelines in NSW. Under the *Pipelines Act 1967* any person who wishes to construct and operate a pipeline for the purposes of any substance requires an authorisation or licence. A Licence would be required for the gas pipeline.

## 5.4 Environmental Planning Instruments

Under section 75J(3) of the EP&A Act, approval for a project may (but is not required to) take into account the provisions of any environmental planning instrument for projects subject to Part 3A of the Act.

This section considers the provisions of such environmental planning instruments in relation to the Project.

### 5.4.1 State Environmental Planning Policies

Below is a discussion of the State Environmental Planning Policies with respect to the Project.

#### ***SEPP No. 33 – Hazardous and Offensive Development (SEPP 33)***

SEPP 33 applies to development for the purpose of potentially hazardous industries and potentially offensive industries. The proposed gas-fired power station constitutes a potentially hazardous and offensive industry as defined under Clauses 3 and 4 of SEPP 33 on the basis that if no measures were to be employed, the development would pose a significant risk to property and would emit polluting discharges. A Preliminary Hazard Analysis has been prepared which found that with the proposed mitigation measures the risk associated with this development would be very low. This is discussed in **Chapter 18** *Preliminary Hazard Analysis* and presented in **Appendix J**. As such the Dalton Power Project would not be considered potentially hazardous or offensive under the provision of SEPP 33.



**SEPP No. 44 – Koala Habitat Protection (SEPP 44)**

SEPP 44 applies to the Dalton Power Project because the Development Site is located within the Upper Lachlan Shire Local Government Area (listed in Schedule 1 of SEPP 44 as land to which SEPP 44 applies).

A flora and fauna assessment has been prepared (refer **Chapter 13 Flora and Fauna** and presented in full in **Appendix H**) for the site, however no evidence of koalas or koala habitat were recorded within the Development Site.

Where potential habitat is identified, the area must be investigated for core koala habitat, defined as an area of land with a resident breeding population of koalas, evidenced by attributes such as breeding females and recent sightings and historical records of a population. Where core koala habitat is found to occur, SEPP 44 requires that a site-specific Koala Plan of Management is prepared. The potential koala habitat is reviewed in **Chapter 13 Flora and Fauna** and as core koala habitat was not identified within the Development Site, a Koala Management Plan is not required under SEPP 44.

**SEPP (Major Development) 2005**

According to the SEPP Major Development, development categorised as a 'major project' requires assessment and approval of the Minister for Planning in accordance with Part 3A of the EP&A Act. The SEPP Major Development defines certain types of development as comprising major projects. The Dalton Power Project comprises a major project under the requirements of the SEPP Major Development, namely Schedule 1, Clause 24 *"Development for the purpose of a facility for the generation of electricity or heat or their co-generation (using any energy source, including gas, coal, bio-fuel, distillate and waste and hydro, wave, solar or wind power), being development that (a) has a capital investment value of more than \$30 million..."*.

Accordingly, the proposed development will be subject to assessment by the Director-General of the DoPI and determination by the Minister for Planning (or delegate) in accordance with Part 3A of the EP&A Act.

It is noted that, in deciding whether or not to approve the carrying out of a project, the legislation states (Section 75J(3)(b) of the EP&A Act) that the Minister may (but is not required to) take into account the provisions of any environmental planning instrument that would not (because of section 75R) apply to the project if approved. The development footprint of the proposed development traverses land zoned as RU2 Rural Landscape and RU1 Primary Production, where the proposed development is permissible with consent under the provisions of the Upper Lachlan LEP. Hence, the proposed development is not prohibited under the LEP.

It is noted that although there have been recent amendments to the SEPP Major Development regarding Part 3A Projects, as Director-General's Requirements had already been issued for the Project prior to 8 April 2011, from the Project remains under the Part 3A regime, and will continue to be assessed under Part 3A of the EP&A Act.

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### *SEPP (Infrastructure) 2007*

*State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

Section 34(1) of SEPP Infrastructure provides that development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone.

### *Critical Infrastructure Projects*

On 26 February 2008 the Minister for Planning declared certain power generating facilities to be 'critical infrastructure projects' being development that:

- has capacity to generate at least 250 MW; and
- is the subject of an application lodged pursuant to section 75E or section 75M of the EP&A Act prior to 1 January 2013.

The Project has the capacity to generate in excess of 250 MW and as noted above, an application has been lodged for the Project pursuant to section 75M prior to 1 January 2013.

Therefore the Project is considered to fall within the definition of a critical infrastructure project.

### **5.4.2 Local Environmental Planning Instruments**

#### *Upper Lachlan Local Environmental Plan 2010*

The Project is subject to the provisions of the Upper Lachlan Local Environmental Plan 2010. The aims of the Upper Lachlan Local Environmental Plan 2010 and the assessment of how the Project demonstrates consistency with these aims is detailed in **Table 5-1** below.

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Table 5-1 Assessment of Project against Upper Lachlan Shire LEP 2010 aims

LEP objective	Project Consistency	Location within EA
a) to provide planning controls for Upper Lachlan and to update and consolidate into one instrument the various planning controls that currently apply to Upper Lachlan	N/A	N/A
b) to encourage the sustainable management, development and conservation of natural resources	Natural gas is a clean burning fuel and has comparatively low greenhouse gas emissions. In terms of alternate power generation technologies, open cycle gas turbines present the best balance of outcomes between the imperatives of climate change mitigation and meeting peak electricity demand while managing the price of electricity for end use consumers.	<b>Chapter 3</b> Alternatives
c) to promote the use of rural resources for agriculture and primary production including fishing, forestry, mining and related processing, service and value adding industries	The Project benefits broader community services through the supply of electricity to the state of NSW and the National Electricity Market, and is expected to have positive economic and social impacts during both construction and operation phases with potential for a positive effect on the regional economy.	<b>Chapter 3</b> Alternatives <b>Chapter 16</b> Land Use and Property Impacts <b>Chapter 17</b> Socio Economic Assessment
d) to protect and conserve the environmental and cultural heritage of Upper Lachlan	Having regard to the Environmental Assessment findings and the principles of ESD, environmental issues associated with the proposed development of the Project have been fully considered.  Potential impacts identified are capable of being mitigated and the proposed development does not represent a threat of serious or irreversible environmental damage.	<b>Chapters 7 - 18</b>
e) to encourage new residents to Upper Lachlan by providing a range of housing opportunities in the main towns and villages	The Project is expected to have positive economic and social impacts during both construction and operation phases with potential for a positive effect on the regional economy through contribution to GDP, income and employment, which may indirectly stimulate growth within the LGA	<b>Chapter 17</b> Socio Economic Assessment
f) to allow development only if it occurs in a manner that minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality	A Preliminary Hazard Analysis was undertaken for the Project as part of the Environmental Assessment. Despite the fact that many of the assumptions in the PHA are highly conservative, the results show that the risk associated with this development is very low.  Chapter 14 Water Management includes mitigation measures to reduce the potential impacts of the Project on water quality.	<b>Chapter 18</b> Preliminary hazard Analysis  <b>Chapter 14</b> Water management

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LEP objective	Project Consistency	Location within EA
g) to promote and coordinate the orderly and economic use and development of land in Upper Lachlan	The use of natural gas for the Project results in efficient use of resources for electricity generation. The Project benefits broader community services through the supply of electricity to the state of NSW and the National Electricity Market, and is not considered to represent an incompatible land use within the surrounding landscape. The Site has been chosen because of the significant buffer which exists around it, and the Project would also include a significant environmental offset to be managed for conservation purposes.	<b>Chapter 17</b> Socio Economic Assessment <b>Chapter 16</b> Land Use and Property Impacts
h) to protect and enhance watercourses, riparian habitats, wetlands and water quality within Upper Lachlan's drinking water catchments so as to enable the achievement of the water quality objectives	Having regard to the Environmental Assessment findings, environmental issues associated with the proposed development have been fully considered. Potential impacts identified are capable of being mitigated. Given the significant buffer which exists around the area of the Site as well as the design considerations and mitigation measures proposed for the construction and operation stages, the proposed development does not represent a threat of serious or irreversible environmental damage.	<b>Chapters 7 - 18</b>

All land within the AGL Site Boundary is zoned RU2 Rural Landscape, with parts of the proposed Gas Pipeline (northern section) and Access Road, as well as the Gas Pipeline (southern section) zoned RU1 Primary Production. Zoning RU1 Primary Production and RU2 Rural Landscape, provide that "power generation" facilities are permissible with Council consent.

The Dalton Power Project falls within the definition of "*electricity generating works*" contained in the Upper Lachlan LEP. Accordingly, the Dalton Power Project falls within the list of permissible uses of the zoning in the Upper Lachlan LEP. The Project is consistent with the aims and objectives of the LEP.

## 5.5 Commonwealth Legislation

### ***Environment Protection and Biodiversity Conservation Act 1999***

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), approval from the Commonwealth Minister for the Environment, Water, Heritage and the Arts is required for an action that is:

- likely to have a significant impact on a "matter of national environmental significance";
- carried out on Commonwealth land and is likely to have a significant impact on the environment;
- carried out outside of the Commonwealth land and is likely to have a significant impact on the environment on Commonwealth land; or

- carried out by the Commonwealth government.

A Flora and Fauna assessment was undertaken as part of the Environmental Assessment for the Project, and is presented in **Appendix H**. The Flora and Fauna assessment found that there are important ecological values on the site. One Endangered Ecological Community (EEC) 'Natural Temperate Grassland of the southern Tablelands of NSW and the ACT' (referred to as Natural Temperate Grasslands) was found to occur within the development footprint. This community is listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act (EPBC) 1999*.

The potential impacts to this EEC were the focus of an EPBC referral submitted for determination by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities. On 15 June 2010, the Project was determined as a Controlled Action by the Minister for Sustainability, Environment, Water, Population and Communities (EPBC 2010/5484). Supplementary DGRs for the Project were provided on 5 July 2010 (refer to **Appendix A**).

Department of Planning and Infrastructure confirmed (refer to **Appendix A**) that the interim procedures in relation to an accredited assessment process will apply to the assessment of this project under the EPBC Act so that the Department of Planning and Infrastructure can undertake an environmental impact assessment of the project to satisfy the requirements of both NSW and Commonwealth legislation.

Assessment required under the EPBC Act is addressed throughout this Environmental Assessment and specifically within **Chapter 13 Flora and Fauna** and **Appendix H**. **Chapter 1 Introduction** presents a table cross-referencing the supplementary DGRs addressing the EPBC Act noting where each issue is addressed.

### **Native Title Act 1993**

Native title is concerned with the rights and interests of Aboriginal and Torres Strait Islander peoples in relation to land and water in Australia and its territories. The Act is administered by the Commonwealth Department of Sustainability, Environment, Water, Populations and Communities. The *Native Title Act 1993* administers processes relating to the recognition, protection and determination of native title and dealings with native title land.

The Dalton gas pipeline study area is located within a broad area included in an active Native Title Claim by the Gundungurra Tribal Council Aboriginal Corporation (*reference NC977*). As noted within the Heritage Assessment (refer to **Chapter 15** and **Appendix I**), the claim does not apply to freehold estate and accordingly does not directly apply to the Dalton Power Project. It is noted that consultation with the Gundungurra Tribal Council Aboriginal Corporation has been progressed during the Environmental Assessment process.