

Appendix C

Statutory compliance table

Table C.1 NSW Statutory compliance

Statutory reference	Consideration	Section of EIS
EP&A Act		
Section 1.3	Objects of the Act	Section 6.1.1
Section 4.36	State Significant Development (1) For the purposes of this Act, State significant development is development that is declared under this section to be State significant development. (2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development. (3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development. (4) A State environmental planning policy that declares State significant development may extend the provisions of the policy relating to that development to State significant development declared under subsection (3).	Section 6.1.1,
Section 4.38	Consent for State significant development	Section 6.1.1, 6.1.1.3
Section 4.39	Regulations – state significant development	This EIS, Appendix A
Section 4.63(3)	If a development consent is to be surrendered as a condition of a new development consent and the development to be authorised by that new development consent includes the continuation of any of the development authorised by the consent to be surrendered: a) the consent authority is not required to re-assess the likely impact of the continued development to the extent that it could have been carried out but for the surrender of the consent, and b) the consent authority is not required to re-determine whether to authorise that continued development under the new development consent (or the manner in which it is to be carried out), and c) the consent authority may modify the manner in which that continued development is to be carried out for the purpose of the consolidation of the development consents applying to the land concerned.	Section 6.1.1.2
EP&A Regulation		
Section 190	Form of an environmental impact statement	
(1)	An environmental impact statement must contain the following information:	
(a)	The name, address and professional qualifications of the person by whom the statement is prepared,	Declaration
(b)	The name and address of the responsible person,	Declaration
(c)	The address of the land: In respect of which the development application is to be made, or On which the activity or infrastructure to which the statement relates is to be carried out,	Section 2.4
(d)	A description of the development, activity or infrastructure to which the statement relates,	Section 5
(e)	An assessment by the person by whom the statement is prepared of the environmental impact of the development, activity or infrastructure to which the statement relates, dealing with the matters referred to in this Schedule,	Section 8 and 9
(2)	The person preparing the statement must consider—	
(a)	For State Significant Development – the State Significant Development Guidelines or	Declaration
(b)	For State Significant Infrastructure – the State Significant Infrastructure Guidelines	Not applicable

Statutory reference	Consideration	Section of EIS
(3)	<i>An environmental impact statement must also contain a declaration by the person who prepared the statement of the following—</i>	Declaration
(a)	<i>The statement has been prepared in accordance with this Division and.</i>	Declaration
(b)	<i>The statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and</i>	Declaration
(c)	<i>That the information contained in the statement is neither false nor misleading.</i>	Declaration
Section 192	Content of an environmental impact statement	-
(1)	<i>An environmental impact statement must contain the following:</i>	-
(a)	<i>A summary of the environmental impact statement,</i>	Executive summary
(b)	<i>A statement of the objectives of the development, activity or infrastructure,</i>	Section 1.3
(c)	<i>An analysis of the 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,</i>	Section 4.2
(d)	<i>An analysis of the development, activity or infrastructure, including:</i>	-
(d)(i)	<i>A full description of the development, activity or infrastructure, and</i>	Section 5.2
(d)(ii)	<i>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</i>	Section 8 and 9
(d)(iii)	<i>The likely impact on the environment of the development, activity or infrastructure, and</i>	Section 8 and 9
(d)(iv)	<i>A full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and</i>	Section 8 and 9
(d)(v)	<i>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,</i>	Section 6.4
(e)	<i>A compilation (in a single section of the environmental impact statement) of the measures referred to in item (d) (iv),</i>	Section 9
(f)	<i>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 Section 193</i>	Section 10
(2)	<i>This section is subject to the environmental assessment requirements that relate to the environmental impact statement.</i>	Appendix A
(3)	Not applicable	-
(4)	<i>A document adopted or referred to by an environmental impact statement is taken to form part of the statement.</i>	This document
Relevant considerations under EPIs		
Planning Systems SEPP	Division 4.36 of the EP&A Act enables an EPI to declare a development to be SSD. The project has been declared SSD as it is listed in Schedule 1.	Section 6.1.2.1
T&I SEPP	The construction and operation of the landfill is permissible with consent pursuant to clause 2.152 of T&I SEPP. Waste or resource management facilities of any size or capacity are listed in Schedule 3 of T&I SEPP, therefore the components of the project that are related to the landfill would be defined as a traffic-generating development under Clause 2.121.	Section 6.1.2.2
R&H SEPP	A Preliminary Hazard Analysis (PHA) has been undertaken in accordance with the R&H SEPP.	Section 6.1.2.3 and Section 0

Statutory reference	Consideration	Section of EIS
Consideration under other NSW legislation		
POEO Act	LPS is operated under EPL 2122. A variation of this licence would be required to incorporate any new or discontinued activities at the site. A variation of the licence would also be required if activities currently occurring at LPS were to be transferred to BPS upon decommissioning of LPS. Section 4.42 of the EP&A Act provides that an EPL cannot be refused if it is necessary for carrying out an approved SSD project and is consistent with the development consent.	Section 6.2.1.1
BC Act	An assessment of the project's impacts on biodiversity, including any offsetting requirements, has been completed as part of the EIS in accordance with the requirements of the BC Act.	Section 6.2.1.2. Section 8.2 and Appendix D
NPW Act	Under section 4.41 of the EP&A Act, an AHIP under Section 90 of the NPW Act is not required for approved SSD. An Aboriginal Heritage Cultural Assessment Report (ACHAR) was prepared for the project.	Section 6.2.1.4 and Section 8.4 and Appendix F
Heritage Act	The project is not expected to impact upon any identified heritage item or relic. Under section 4.41 of the EP&A Act, approval under Part 4 or Section 139 is not required for approved SSD	Section 6.2.1.5 and 0
CLM Act	The LPS site is listed as a contaminated site by the EPA. Regulation under the CLM Act is not required.	Section 6.2.1.6 and Section 8.3
Roads Act	Section 4.42 of the EP&A Act stipulates that a consent under section 138 cannot be refused for SSD and must have terms that are substantially consistent with the development consent for the SSD. Nevertheless, a referral to TfNSW would be required as the Project is classified a ' <i>traffic generating development</i> ' pursuant to clause 104 and Schedule 3 of the ISEPP.	Section 6.2.1.7 and 6.4
WM Act	Under section 4.41(1)(g) of the EP&A Act, if the project is approved as SSD, water use approvals under section 89, water management works approvals under section 90, or activity approvals (excluding aquifer interference approvals) under section 91 of the Water Management Act 2000 would not be required for the project. Discussion of the impact on water resources has been included in this EIS.	Section 6.2.1.8 and 0
Dams Safety Act	The LAD is currently listed as a 'declared dam' by Dams Safety NSW under the Dams Safety Act. The closure and rehabilitation activities approved under DA 1/2011 and to be consolidated as part of the project will ensure that the capped and rehabilitated LAD forms a relatively inert structure which is safe and stable. The level of detail required to manage, operate, maintain and rehabilitate dams to satisfy the Dam Safety Act is based on a risk-approach. AGLM will continue to liaise with Dams Safety to facilitate de-listing of the LAD as a 'declared dam'.	Section 6.2.1.9
WARR Act	Waste generation and disposal reporting would be carried out during the construction and operation of the project. Procedures would be implemented during construction in an attempt to promote the objectives of the WARR Act.	Section 6.2.1.10 and 8.14
CMSC Act	The project is not within a mine subsidence district, and therefore the provisions of this act do not apply.	Section 6.2.1.11
ALR Act	The project would not impact Crown Land and therefore the provisions of this act do not apply.	Section 6.2.1.12

Statutory reference	Consideration	Section of EIS
Consideration under Commonwealth legislation		
EPBC Act	An assessment of whether the project would have a significant impact on MNES was undertaken as part of the environmental assessment process. A referral to DCCEEW has been prepared to determine if the project is a controlled action under the EPBC Act.	Section 6.2.2.1
Native Title Act	Under the Native Title Act, the valid grant of a freehold estate on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area and native title claimants can not include this land in their applications. The project is located on freehold land and therefore native title does not exist within the project area.	Section 6.2.2.2

Table C.1 details the information to be contained in an EIS that addressed potential impacts to matter of national environmental significance.

Table C.2 EPBC compliance

Statutory reference	Section of EIS
Environment Protection and Biodiversity Conservation Regulations 2000 - Schedule 4 Matters to be addressed by draft public environment report and environmental impact statement	
1 General information	-
1.01 The background of the action including: (a) the title of the action; (b) the full name and postal address of the designated proponent; (c) a clear outline of the objective of the action; (d) the location of the action; (e) the background to the development of the action; (f) how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action; (g) the current status of the action; (h) the consequences of not proceeding with the action.	Section 1, Section 2 and Section 3.
2 Description	-
2.01 A description of the action, including:	-
(a) all the components of the action; (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts; (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts; (d) relevant impacts of the action; (e) proposed safeguards and mitigation measures to deal with relevant impacts of the action; (f) any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action;	Section 5
(g) to the extent reasonably practicable, any feasible alternatives to the action, including: (i) if relevant, the alternative of taking no action; (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action; (iii) sufficient detail to make clear why any alternative is preferred to another;	Section 4

Statutory reference	Section of EIS
(h) any consultation about the action, including: (i) any consultation that has already taken place; (ii) proposed consultation about relevant impacts of the action; (iii) if there has been consultation about the proposed action--any documented response to, or result of, the consultation;	Section 5
(i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.	Section 8.13
3 Relevant impacts	-
3.01 Information given under paragraph 2.01(d) must include: (a) a description of the relevant impacts of the action; (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts; (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible; (d) analysis of the significance of the relevant impacts; (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.	Section 8
4 Proposed safeguards and mitigation measures	-
4.01 Information given under paragraph 2.01(e) must include: (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures; (b) any statutory or policy basis for the mitigation measures; (c) the cost of the mitigation measures; (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing; (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.	Section 9
5 Other approvals and conditions	-
5.01 Information given under paragraph 2.01(f) must include: (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including: (i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts; (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action; (c) a statement identifying any additional approval that is required; (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.	Section 3 and Section 6
6 Environmental record of person proposing to take the action	-
6.01 Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against: (a) the person proposing to take the action; and (b) for an action for which a person has applied for a permit, the person making the application.	Section 1.2

Statutory reference	Section of EIS
6.02 If the person proposing to take the action is a corporation--details of the corporation's environmental policy and planning framework.	Section 9.1
7 Information sources	-
7.01 For information given in a draft public environment report or environmental impact statement, the draft must state: (a) the source of the information; and (b) how recent the information is; and (c) how the reliability of the information was tested; and (d) what uncertainties (if any) are in the information.	Section 11