

APPENDIX C

Statutory compliance table



C.1 Statutory compliance table

A summary of the requirements of section 190 and 192 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and where they are addressed in this EIS is provided in Table C.1. A list of all relevant statutory requirements for the Project is provided in Table C.2.

Table C.1 EP&A Regulation section 190 and 192 requirements of an EIS

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
d) the name, address and professional qualifications of the person who prepared the statement,	Certification page at the front of this EIS
e) the name and address of the responsible person (the applicant),	Certification page at the front of this EIS
f) the address of the land: <ul style="list-style-type: none"> i) to which the development application relates, or ii) on which the activity or infrastructure to which the statement relates will be carried out, 	Certification page at the front of this EIS
g) a description of the development, activity or infrastructure,	Chapter 4
h) 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.	Chapters 7 of this EIS and the technical studies appended to the EIS. REAP declaration is also included at the front of this EIS.
(2) The person preparing the statement must have regard to — <ul style="list-style-type: none"> i) for State significant development—the State Significant Development Guidelines, or j) for State significant infrastructure—the State Significant Infrastructure Guidelines. 	This EIS has been prepared having regard to the <i>State significant development guidelines – preparing an environmental impact statement (Appendix B, DPIE 2021)</i>
(3) An environmental impact statement must also contain a declaration by the person who prepared the statement of the following— <ul style="list-style-type: none"> k) the statement has been prepared in accordance with this Regulation, and l) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and m) the information contained in the statement is not false or misleading, and n) for State significant development or State significant infrastructure—the statement contains the information required under the <i>Registered Environmental Assessment Practitioner Guidelines</i>. 	Certification page at the front of this EIS
Section 192 – content of environmental impact statement	
(1) An environmental impact statement must contain the following —	
o) a summary of the EIS,	Executive summary
p) a statement of the objectives of the development, activity or infrastructure,	Chapter 1 – Introduction, Chapter 8 - Justification
q) 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,	Chapter 2 – Strategic context

Table C.1 **EP&A Regulation section 190 and 192 requirements of an EIS**

Requirement	Where contained in the EIS
r) an analysis of the development, activity or infrastructure, including:	
i) a full description of the development, activity or infrastructure, and	Chapter 4 – Project description
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	Chapter 2 – Strategic context Chapter 7 – Impact assessment
iii) the likely impact on the environment of the development, activity or infrastructure, and	Chapter 7 – Impact assessment
iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Section 7.18 – Management and mitigation measures
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 5, and this Appendix C
s) a compilation, in a single section of the EIS, of the measures referred to in paragraph (d)(iv),	Appendix D
t) 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 8 – Justification

Table C.2 **List of statutory considerations**

Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
Commonwealth Legislation			
<i>Biosecurity Act 2015</i>	<ul style="list-style-type: none"> Weeds have been recorded within the Project area and construction of the Project has potential to spread weeds if not appropriately managed. A variety of feral animals are also found within the Project area. 	<ul style="list-style-type: none"> A biodiversity assessment has been prepared to determine impacts to biodiversity values and considered the key threatening processes associated with feral species and introduction and spread of weeds. This assessment is documented in a biodiversity development assessment report (BDAR). The BDAR is provided in Appendix J of this EIS. 	<ul style="list-style-type: none"> Section 7.4 – Terrestrial ecology
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<ul style="list-style-type: none"> The project may interact with or affect a number of Matters of National Significance, which relate to listed species, communities and habitats. 	<ul style="list-style-type: none"> The EIS has addressed the assessment requirements under the EPBC Act as attached to the SEARs for the Project. Compliance with these requirements is provided in Appendix A of this EIS. A biodiversity assessment has been prepared to determine impacts to biodiversity values, including to the MNES which are the subject controlled action decision. This assessment is documented in the BDAR. The BDAR includes relevant assessment of species and impacts under the EPBC Act. The BDAR is provided in Appendix J of this EIS. 	<ul style="list-style-type: none"> Section 7.4 – Terrestrial ecology
<i>Native Title Act 1993</i>	<ul style="list-style-type: none"> Native title is the recognition that Aboriginal and Torres Strait Islander people have rights and interests to land and waters according to their traditional law and customs as set out in Australian Law. 	<ul style="list-style-type: none"> The EIS has addressed Native Title issues in the ACHA in Appendix L. A request to search the National Native Title Tribunal was made on 7 March 2022. There are no active Native Title claims which interact with the Project area. 	<ul style="list-style-type: none"> Section 7.6 – Aboriginal cultural heritage

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Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
NSW Legislation			
<i>Biodiversity Conservation Act 2016</i>	<ul style="list-style-type: none"> Section 7.14(2) of the BC Act states 'that the Minister for Planning, when determining in accordance with the EP&A Act any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values'. 	<ul style="list-style-type: none"> As SSD, the Project is subject to the Biodiversity Offsets Scheme, including assessment of the project using the biodiversity assessment method (BAM), and is also stipulated as a requirement in the SEARs. The Project will impact threatened ecological communities, species and their habitats listed under the BC Act and impacts require offsetting. A biodiversity assessment has been prepared to determine impacts to biodiversity values. This assessment has been undertaken using the BAM and is documented in a BDAR, which has been prepared by accredited persons under the BC Act. The BDAR is provided in Appendix J of this EIS. 	<ul style="list-style-type: none"> Section 7.4 – Terrestrial ecology
<i>Crown Land Management Act 2016</i>	<ul style="list-style-type: none"> The CGO site contains portions of Crown land, which relate to former road reserves. 	<ul style="list-style-type: none"> Appropriate authorisations are in place under the <i>Crown Land Management Act 2016</i> to use the Crown land. 	<ul style="list-style-type: none"> Chapter 4 – Project description Chapter 5 – Statutory context

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Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>	<ul style="list-style-type: none"> The Project is SSD and subject to the relevant content and form provisions of the EP&A Regulation. 	<ul style="list-style-type: none"> Consistency with the objects of the Act is discussed in Chapter 8 – Justification. An assessment of the Project against the principles of ESD is also provided in Chapter 8. The matters for consideration under section 4.15 of the Act are addressed in this EIS as follows: <ul style="list-style-type: none"> relevant environmental planning instruments ; any development control plan – (not applicable due to section 2.10 of the Planning Systems SEPP); any planning agreement that has been entered into, or any draft planning agreement; the regulations; the likely impacts of the development; the suitability of the site; any submissions made in accordance with the Act of regulations – comments received on the EIS during the public exhibition period will be responded to in a Submissions Report; and the public interest. 	<ul style="list-style-type: none"> This EIS Chapter 4 – Project description Chapter 5 – Statutory context Chapter 7 – Impact assessment Chapter 8 - Justification
<i>Fisheries Management Act 1994</i>	<ul style="list-style-type: none"> Key fish habitat requires to be considered in accordance with the <i>Fisheries Management Act 1994</i> 	<ul style="list-style-type: none"> CGO is within the catchment of Bland Creek An aquatic ecology assessment has been undertaken for the project and is attached at Appendix K The study shows that the Project is unlikely to significantly affect key fish habitat 	<ul style="list-style-type: none"> Section 7.5 – Aquatic ecology
<i>Heritage Act 1977</i>	<ul style="list-style-type: none"> Historic heritage items need to be considered in accordance with the <i>Heritage Act 1977</i> 	<ul style="list-style-type: none"> No listed items of historic heritage significance occur within the additional disturbance areas associated with the Project. No direct impacts to listed items of historic heritage significance will occur as a result of the Project. A historic heritage assessment has been prepared for the Project and is summarised in Section 7.9 of this EIS and presented in full in Appendix S. 	<ul style="list-style-type: none"> Section 7.14 – Historic heritage

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Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
<i>Mining Act 1992</i>	<ul style="list-style-type: none"> The <i>Mining Act 1992</i> facilitates the development of mineral resources in NSW. Mining authorisations are required in accordance with Part 5. 	<ul style="list-style-type: none"> The site operates in accordance with two mining leases. CGO will seek authorisation for an Ancillary Mining Activity lease to undertake Project activities. 	<ul style="list-style-type: none"> Chapter 4 – Project description
<i>National Parks and Wildlife Act 1974</i>	<ul style="list-style-type: none"> The NPW Act regulates the conservation of places, objects or features of significance to Aboriginal people. 	<ul style="list-style-type: none"> An assessment of potential impacts on Aboriginal cultural heritage has been undertaken for the project, as required by the SEARs. The Aboriginal cultural heritage assessment is included as Appendix L. The results and conclusions of the ACHA show that the project is unlikely to significantly impact Aboriginal cultural heritage sites, objects or places. Management measures will be implemented to minimise impacts. 	<ul style="list-style-type: none"> Section 7.6 – Aboriginal cultural heritage
<i>Protection of the Environment Operations Act 1997</i>	<ul style="list-style-type: none"> The Protection of the Environment Operations Act regulates pollution from industrial premises. 	<ul style="list-style-type: none"> GCO currently operates under one Environment Protection Licence (EPL) 11912, which regulates pollution control Evolution will consult with EPA in relation to whether EPL 11912 requires to be varied for the Project. 	<ul style="list-style-type: none"> Section 7.9 – Noise and vibration Section 7.10 – Air Quality
<i>Rural Fires Act 1997</i>	<ul style="list-style-type: none"> Statutory obligations under the <i>Rural Fires Act 1997</i> details the duty to prevent bushfire, to manage and mitigate the risks associated with bushfire. Land managers are required to take practical steps to prevent the occurrence of and to minimise the spread of bushfires on, or from, land under their control. 	<ul style="list-style-type: none"> Consideration of bushfire risk and management has been undertaken and provided in Section 7.14 of this EIS. Evolution has appropriate fire-fighting equipment on site and has an established bushfire management plan that will continue to be applied to the site. 	<ul style="list-style-type: none"> Section 7.18 - Hazards
<i>Water Management Act 2000</i>	<ul style="list-style-type: none"> Water is regulated under the WM Act in accordance with Water Sharing Plans, for which the water intercepted requires authorisations and licensing. 	<ul style="list-style-type: none"> CGO holds appropriate Water Access Licences (WALs) under the Water Sharing Plan (WSP) for the Lachlan Alluvial Groundwater Sources 2020, the WSP for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020, the WSP for the Lachlan Regulated River Water Source 2016, and the Lachlan Unregulated River Water Sources 2012. The predicted impacts of the Project on water resources is provided in the water assessment reports in Appendix G and Appendix H. No new WALs will be required for the Project. 	<ul style="list-style-type: none"> Section 7.2 – Surface water Section 7.3 – Groundwater
<i>Work Health and Safety (Mines and</i>	<ul style="list-style-type: none"> A range of duties and obligations relating to ensuring workplace safety are conferred by the WHS Act. 	<ul style="list-style-type: none"> Assessment of safety risks to workers during construction and operational activities will form part of the management measures and plans to be prepared and must comply with the WHS Act and Regulations. 	<ul style="list-style-type: none"> Section 7.18 - Hazards

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Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
<i>Petroleum Sites) Act 2013</i>		<ul style="list-style-type: none"> Consideration of <i>Applying SEPP 33</i> (DPIE 2011) has been undertaken and an assessment of public safety risks is provided in Section 7.14. 	
Environmental Planning Instruments			
State Environmental Planning Policy (Resources and Energy SEPP) 2021	<ul style="list-style-type: none"> Section 2.16 – non-discretionary development standards for mining, relating to: 	<ul style="list-style-type: none"> Assessment outcomes against the non-discretionary standards are as follows: 	
	<ul style="list-style-type: none"> 2.16(3) Cumulative noise levels: The development does not result in a cumulative amenity noise level greater than the recommended amenity noise levels, as determined in accordance with Table 2.2 of the Noise Policy for Industry, for residences that are private dwellings. 	<ul style="list-style-type: none"> The noise impact assessment found that cumulative amenity noise levels are predicted to comply with the recommended cumulative amenity noise levels listed in Table 2.2 of the NPfI, The full noise impact assessment is provided in Appendix O. 	<ul style="list-style-type: none"> Section 7.9 – Noise and vibration
	<ul style="list-style-type: none"> 2.16(4) Cumulative air quality levels: The development does not result in a cumulative annual average level greater than 25 µg/m³ of PM₁₀ or 8 µg/m³ of PM_{2.5} for private dwellings. 	<ul style="list-style-type: none"> The air quality impact assessment shows that the air quality impacts are predicted to generally comply with all recommended cumulative criteria, - noting the high background concentrations The full air quality assessment is provided in Appendix P. 	<ul style="list-style-type: none"> Section 7.10 – Air quality
	<ul style="list-style-type: none"> 2.16(5) Airblast overpressure: Airblast overpressure caused by the development does not exceed: <ul style="list-style-type: none"> a) 120 dB (Lin Peak) at any time, and b) 115 dB (Lin Peak) for more than 5% of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver. 	<ul style="list-style-type: none"> The blast assessment undertaken for the Project confirms that airblast overpressure levels can be managed effectively to ensure the non-discretionary airblast overpressure criteria is not exceeded at any private residences or potentially sensitive receivers. Any overpressure levels more than the criteria would only occur subject to a negotiated agreement with the owner of the residence or sensitive receptors. The full blast and vibration assessment is provided in Appendix I. 	<ul style="list-style-type: none"> Section 7.9 – Noise and vibration

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	<ul style="list-style-type: none"> – 2.16(6) Ground vibration: Ground vibration caused by the development does not exceed <ul style="list-style-type: none"> a) 10 mm/sec (peak particle velocity) at any time, and b) 5 mm/sec (peak particle velocity) for more than 5% of the total number of blasts over any period of 12 months, measured at any private dwelling or sensitive receiver. 	<ul style="list-style-type: none"> – The blast assessment undertaken for the Project confirms that vibration levels can be managed effectively to ensure the non-discretionary airblast overpressure criteria is not exceeded at any private residences or potentially sensitive receivers. – The full blast and vibration assessment is provided in Appendix X 	<ul style="list-style-type: none"> • Section 7.9 - Noise
	<ul style="list-style-type: none"> – 2.16(7) Aquifer interference: Any interference with an aquifer caused by the development does not exceed the respective water table, water pressure and water quality requirements specified for item 1 in columns 2, 3 and 4 of Table 1 of the Aquifer Interference Policy for each relevant water source listed in column 1 of that Table. 	<ul style="list-style-type: none"> • A full assessment of the Project against the minimal impact consideration of the AIP is provided in the Groundwater Impact Assessment which is attached in Appendix H. • There is no predicted change to the water quality or beneficial use category of the alluvial groundwater or connected surface water sources. 	<ul style="list-style-type: none"> • Section 7.3 - Groundwater
	<ul style="list-style-type: none"> • Section 2.17 - Compatibility of proposed mine, petroleum production or extractive industry with other land uses 	<ul style="list-style-type: none"> • CGO is a well-established mining operation that has operated for over 20 years . • The general area surrounding the CGO contains agricultural land and Lake Cowal. The mine is compatible with these land uses and is permissible with development consent under the Bland LEP 2012. • Other land uses in the immediate vicinity include agriculture related uses (grazing and cropping). Further detail on the suitability of the site is provided in Chapter 8 of the EIS. 	<ul style="list-style-type: none"> • Chapter 2 – Strategic context • Chapter 8 – Justification
	<ul style="list-style-type: none"> • Section 2.18 – consideration of voluntary land acquisition and mitigation policy, and any applicable provisions of the policy relating to the acquiring of land affected by those impacts. 	<ul style="list-style-type: none"> • The VLAMP has been considered for the project. • Predicted noise exceedances are at property XXX, which already is subject to acquisition rights in accordance with DA14/98. • Cumulative noise impacts with the current operations have been assessed. • Air quality assessment found that the Project may contribute to an exceedance of the criteria for annual average PM₁₀ and PM_{2.5}, however the results are influenced by elevated background concentration levels 	<ul style="list-style-type: none"> • Section 7.9 – Noise and vibration • Section 7.10 – Air quality

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Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
	<ul style="list-style-type: none"> • Section 2.20 – natural resource management and environmental management 	<ul style="list-style-type: none"> • The Project’s potential impact on natural resources is discussed in detail in Chapter 7 of this EIS. • This includes the potential effects to surface water and groundwater resources and biodiversity 	<ul style="list-style-type: none"> • Chapter 7 – Impact assessment
	<ul style="list-style-type: none"> • Section 2.21 – resource recovery 	<ul style="list-style-type: none"> • Significant ore resources remain across the Evolution mining leases in addition to that currently approved for extraction. The Project will enable the efficient recovery of ore from within existing tenements mostly using existing infrastructure. • The Project therefore represents a logical continuation of an existing efficient mine site. 	<ul style="list-style-type: none"> • Chapter 2 – Strategic context • Chapter 4 – Project description • Chapter 8 – Justification
	<ul style="list-style-type: none"> • Section 2.22 – Transport 	<ul style="list-style-type: none"> • The road traffic impacts will be limited to construction and operations traffic and service deliveries. The Project will make use of the existing classified and local road networks which do not need to be upgraded to accommodate the Project. • The traffic impacts have been assessed in Appendix R. 	<ul style="list-style-type: none"> • Section 7.13 – Traffic
	<ul style="list-style-type: none"> • Section 2.23 – Rehabilitation 	<ul style="list-style-type: none"> • The Project will provide the opportunity to augment the approved final landform by incorporating natural landform design principles. • A Rehabilitation and Mine Closure Strategy for the Project has been prepared and is presented in Appendix Z 	<ul style="list-style-type: none"> • Section 7.19 - Rehabilitation
	<ul style="list-style-type: none"> • Section 2.26 – Site verification certificates 	<ul style="list-style-type: none"> • The whole Project site has been verified and does not contain BSAL. Site verification certificates have been issued across all land covered by the Project. 	<ul style="list-style-type: none"> • Chapter 5 – Statutory context
State Environmental Planning Policy (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> • Development in or adjacent to road corridors and road reservations (Division 17 Subdivision 2) 	<ul style="list-style-type: none"> • The local and classified road network and the effects of the Project on these networks has been considered in the Project design • Traffic impacts have been comprehensively assessed in the EIS (Appendix X) 	<ul style="list-style-type: none"> • Section 7.13 - Traffic

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Legislation/Instrument	Relevance	Compliance/consistency of the Project	Section in EIS
State Environmental Planning Policy (Resilience and Hazards) 2021	<ul style="list-style-type: none"> Section 3.10 	<ul style="list-style-type: none"> Storage and transport of dangerous goods can occur during the construction and operation of the project. Consideration of DPIE's guideline <i>Applying SEPP 33</i> (2011) has been undertaken and review of previous contamination assessments was undertaken in the context of the Project. Dangerous goods are transported and handled on site in accordance with relevant Australian standards. The CGO site and the land that will be used for the Project are not contaminated lands. 	<ul style="list-style-type: none"> Section 7.18 - Hazards
Bland Local Environmental Plan 2011	<ul style="list-style-type: none"> RU1 zoning 	<ul style="list-style-type: none"> The Project is a permissible land use in the RU1 primary production zone 	<ul style="list-style-type: none"> Chapter 5 – Statutory context
	<ul style="list-style-type: none"> 5.21 Flood planning 	<ul style="list-style-type: none"> The impact of the development on projected changes to flood behaviour has been assessed. The study shows that flood behaviour is not expected to materially change in Lake Cowal over current flood conditions. The study is attached at Appendix G 	<ul style="list-style-type: none"> Section 7.2 – Surface water
	<ul style="list-style-type: none"> 6.4 Riparian land and watercourses 6.5 Wetlands 6.6 Groundwater vulnerability 	<ul style="list-style-type: none"> The LPB and UCDS have been designed, sited and will be managed to avoid any significant adverse environmental impact. The LPB will be rehabilitated to result in a natural wetland environment on the new lake edge. The designs will result in the long term stability of the LPB and the mutual protection of Lake Cowal and the mine. Groundwater drawdowns have been assessed in accordance with the AIP. The effects have been comprehensively assessed in the Surface water study (Appendix G), the Groundwater impact assessment (Appendix H) and the BDAR (Appendix J) 	<ul style="list-style-type: none"> Section 7.2 – Surface water Section 7.3 - Groundwater Section 7.4 – Terrestrial ecology Section 7.5 – Aquatic ecology