Preparing a Scoping Report

State Significant Development Guide

Exhibition Draft

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1. Introduction

1.1 Proportionate Assessment

State significant development (SSD) is important to the State for economic, environmental or social reasons

While all SSD projects are subject to the same comprehensive assessment with extensive community engagement under the *Environmental Planning and Assessment Act 1979* (EP&A Act), the scale and impacts of these projects can vary significantly.

Consequently, it is important to ensure that the level of assessment and community engagement carried out for each project is proportionate to the scale and likely impacts of the project.

Under the EP&A Act, the development application (DA) for an SSD project must be accompanied by an Environmental Impact Statement (EIS) that complies with the Planning Secretary's Environmental Assessment Requirements (SEARs) for the project[1].

The SEARs identify the information that must be provided in the EIS, including the matters that require further assessment in the EIS and the community engagement that must be carried out during the preparation of the EIS.

The SEARs seek to ensure that the level of assessment and community engagement required for each project is proportionate to the scale and likely impacts of the project. They also seek to ensure the EIS focuses on the key matters for decision-making.

1.2 Applying for SEARs

To obtain the SEARs for an SSD project, the applicant must submit an application to the Department of Planning, Industry and Environment (Department) in the approved form on the Major Projects website[2].

The Planning Secretary is required to issue the SEARs within 28 days after the application is made[3].

Once the SEARs are issued, the applicant must prepare the EIS in accordance with the SEARs.

The SEARs will expire if the EIS is not submitted to the Department within 2 years of the setting of the SEARs. If the SEARs expire, the applicant must reapply for the SEARs for the project.

1.3 Industry-specific SEARs

If an SSD project is wholly permissible on the site, would not meet the criteria for designated development (if it was not SSD) [4], and is not for a concept DA[5], the Department will issue industry-specific SEARs for the project within 7 days after the application is made.

Industry-specific SEARs are tailored to the specific industry and focus on the key assessment matters that are common to that industry. They also require applicants to engage with the community, local councils and key agencies during the preparation of the EIS.

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[1] See section 4.12 of the EP&A Act and clause 3(8) of schedule 2 of the EP&A Regulation.
[2] See clause 3(2) of schedule 2 of the EP&A Regulation.
[3] See clause 3(5) of the EP&A Regulation. This timing will be extended if the Planning Secretary requires the applicant to provide further particulars on the SSD project – see clause 10 of schedule 2 of the EP&A Regulation.
[4] Development may be declared designated development by an environmental planning instrument or the EP&A Regulation. For examples of development being declared designated development by an environmental planning instrument, see clause 10 of the *Coastal Management SEPP 2018*, clauses 22 and 30 of the *Kurnell Peninsula SEPP 1989*, and division 3 of the *Primary Production and Rural Development SEPP 2019*. For development being declared designated development by the EP& A Regulation, see schedule 3.
[5] A concept DA sets out concept proposals for the development of a site. The detailed development of the site will then be the subject of a subsequent DA or DAs.

1.4 Project-specific SEARs

All other SSD projects will require project-specific SEARs. These SEARs are set by the Planning Secretary having regard to the specific circumstances of the project.

To inform the setting of SEARs for these projects, the applicant must submit a Scoping Report to the Department on the Major Projects website with its SEARs application.

The Scoping Report must:

- describe the project in simple terms
- include a high level analysis of the feasible alternatives to the proposed manner of carrying out of the project and identify the alternatives that will be investigated further in the EIS
- give an early indication of community views on the project and identify what engagement will be carried out during the preparation of the EIS
- identify the key matters requiring further assessment in the EIS and the proposed approach to assessing each of these matters having regard to any relevant Government legislation, plans, policies or guidelines.

Following receipt, the Department will publish the Scoping Report on the Major Projects website.

This is will give the community a chance to read the Scoping Report and get a good understanding of the project. It will also allow the community to identify how it can engage with the applicant during the preparation of the EIS.

During the preparation of the SEARs, the Department will consult with key agencies, including the local council, and may also visit the site and surrounds.

Once completed, the Department will publish the SEARs on the Major Projects website.

1.5 Purpose of this Guide

This guide provides a detailed explanation of the Department's form and content requirements for Scoping Reports.

It seeks to ensure that all Scoping Reports submitted to the Department are prepared to a high standard and consistent. It also seeks to ensure that they are as succinct as possible and easy to understand, and that they clearly identify the matters that the applicant proposes to assess in the EIS and the community engagement that the applicant proposes to carry out during the preparation of the EIS.

This guide will improve the setting of SEARs for SSD projects and help to ensure that all SEARs are proportionate to the scale and likely impacts of the project.

1.6 Application of this Guide

Under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), an application for SEARs for an SSD project must be prepared having regard to the SSD guidelines prepared by the Planning Secretary[6].

This guide forms part of the relevant SSD guidelines and requires the applicant of an SSD project to submit a Scoping Report with an application for SEARs if the project requires project-specific SEARs. It also requires the applicant to prepare the Scoping Report having regard to this guide.

[6] See proposed clause 3(2) of schedule 2 of the EP&A Regulation in the *Environmental Planning and Assessment Amendment (Major Projects) Regulation 2020.*

2. General requirements

The applicant must prepare the Scoping Report to a high standard and comply with the following general requirements.

2.1 Form

The Scoping Report must be divided into two parts:

- the main report, which describes the project in simple terms, identifies the matters that will require further assessment in the EIS - including the proposed approach to assessing each of these matters - and describes the community engagement that will carried out during the preparation of the EIS
- the appendices to the main report, which should include:
    - a scoping summary table
    - any supporting information, including any detailed community engagement or technical reports.

The main report must contain an accurate summary of the detailed reports in the appendices and use suitable cross-referencing to reduce repetition between the two parts of the Scoping Report.

2.2 Structure and Length

The structure for a Scoping Report is shown in Appendix A and must be used to prepare all Scoping Reports for SSD projects. If some sections are not relevant, the applicant should adjust the structure of the report accordingly.

Further, the Scoping Report is not required to provide extensive information on the project or to carry out a detailed assessment of any of the key issues in each section of the report. This should be left to the EIS for the project.

Instead, it should be specifically targeted towards informing the setting of the SEARs for the project and identifying the key issues that must be considered in detail in the EIS.

While the length of the Scoping Report will vary depending on the scale and nature of the project and the sensitivity of the receiving environment, the main report must be as succinct as possible.

2.3 Presentation

The Scoping Report must make it easy for people to understand what is proposed and identify what matters should be considered in detail in the EIS.

To ensure the Scoping Report is prepared to a high standard, the applicant should:

- ensure the Scoping Report has a clear narrative, explaining the need for the project, how the site was selected, what alternatives were considered, what strategies will be used to avoid or minimise impacts, the key matters requiring further assessment, and how these issues will be addressed in the EIS
- structure the information in a clear and logical way, making it easy for readers to draw a clear link between the summary of the findings in the main report and any detailed appendices
- use objective analysis and provide reasons and evidence to support any conclusions
- use plain English to explain complex information simply
- avoid using jargon

- use maps, photographs, interactive digital tools, figures, graphics and tables to improve the presentation of information where possible
- ensure the visual presentation of material is consistent with the text presentation of the same material and that both presentations are located close to each other
- ensure the Scoping Report does not contain any false or misleading information[7].

2.4 GIS Data Specifications

The applicant must:

- maintain appropriate geo-referenced file formats of all the maps in the Scoping Report
- supply the relevant GIS data to the Department as polygon datasets in one of the following file formats:
    - shapefile
    - file geodatabase or
    - MapInfo TAB.
- use the following coordinate system details:
    - Datum: GDA 1994
    - Projection: GCS GDA 1994.

2.5 General Map Requirements

The maps in the Scoping Report must build on a standard base-map for the project and include:

- a north arrow (for maps in plan-view)
- a scale (or where a cross section is not to scale, an indication of the elevation of key features and vertical exaggeration)
- a legend clearly indicating each line type that is not labelled on the map
- the source data of the base map (where applicable).

2.6 Accessibility and Navigation

The Scoping Report must generally conform with the *Web Content Accessibility Guidelines (WCAG) 2.0 Level AA* and relevant material about creating accessible documents on the NSW Government's website.

In particular, the Scoping Report must:

- be provided as accessible PDF files[8] (commonly referred to as "tagged" PDF files)
- have a navigable table of contents
- present information in a linear and easy to follow format
- use headings – in Microsoft Word this means using heading styles (e.g. Heading 1, Heading 2, Normal)
- use captions for tables, pictures and figures

[7] See section 10.6 of the EP&A Act.
[8] An accessible PDF file provides hidden, structured, textual representation of the PDF content that is presented to screen readers.

- include a header row in any tables
- provide alternate text descriptions for all images (except for images that are decorative) - preferably under 100 characters
- use text to convey information rather than, or in addition to, images where possible
- use a contrast ratio of 3:1 for large text (18+ points or 14+ points bold) and at least 4.5:1 for text and images of text, unless the text is decorative or unimportant (use the Vision Australia colour contrast analyser to check the contrast ratio of colour combinations
- not rely on colour to convey information and instead use text labels, patterns and symbols to supplement colour.

3. Content of a Scoping Report

The Scoping Report must contain the following information in each section of the main report.

3.1 Introduction

This section must provide a simple introduction to the project, which includes:

- the applicant's details
- a simple description of the project, including:
    - a statement of the objectives of the development[9]
    - a map of the site in its regional setting
- the background to the project, including:
    - any relevant history
    - a high level analysis of any feasible alternatives to the proposed manner of carrying out the development having regard to its objectives, including the consequences of not carrying out the development[10]
    - key strategies that will be adopted to avoid or minimise the impacts of the project
- a description of any related development, including any:
    - existing or approved development (including any existing use rights or continuing use rights[11]) that will be:
        - incorporated into the project, allowing some or all of the existing development consents or rights for this development to be surrendered if the SSD project is approved and the approved project to operate under a single SSD development consent[12]
        - operated in conjunction with the project under a separate development consent or approval
    - development that is required for the project but will be subject to a separate assessment (e.g. upgrades to ancillary infrastructure, approvals for subsequent stages of the project).

The high level analysis of alternatives in this section should explain how the project has ended up in its current form, summarising the key alternatives that have been considered and rejected (e.g. alternative ways of achieving the objectives of the development; and alternative sites, designs, mitigation measures) and the reasons why they were rejected.

If there are any detailed studies supporting the analysis of alternatives, or if the related development is complex and requires a detailed explanation, then this material should be included in the appendices of the Scoping Report.

[9] See clause 7(1)(b) of schedule 2 of the EP&A Regulation.
[10] See proposed clause 7(1)(c) of the EP&A Regulation in the *Environmental Planning and Assessment (Major Projects) Regulation 2020.*
[11] See division 4.11 of the EP&A Act.
[12] See section 4.63 of the EP&A Act, in particular section 4.63(3) which says a consent authority is not required to re-assess the likely impact of this development to the extent it could have been carried out under existing development consents or to redetermine whether to authorise this development under the new development consent.

3.2 Strategic Context

This section must identify at a high level the key strategic issues that are likely to be relevant to the assessment and evaluation of the project and will be investigated in more detail in the EIS.

The level of detail included in this section should be proportionate to the importance of the strategic context to the project and tailored towards informing the setting of the SEARs for the project.

Key strategic issues may include:

- the justification of the project, including whether any government strategies, policies or plans (such as environmental planning instruments) provide strategic support for the project
- key features of the site or surrounds that could affect or be affected by the project, including:
    - the local and regional community, having regard to land ownership and uses in the area and the proximity of any population centres or residences to the site
    - important natural or built features, such as National Parks, scenic landscapes, conservation areas, culturally important landscapes, and major infrastructure (e.g. roads, railway lines, airports, ports, pipelines, transmission lines)
    - key risks or hazards for the project, such as flooding, bushfire prone land, contaminated land, steep slopes and potential landslips, mine subsidence prone land, coastal hazards and climate change
- whether the project is likely to generate cumulative impacts with other relevant future projects in the area (see the Department's *Assessing Cumulative Impacts* guide);
- identifying whether the applicant has entered into any agreements with other parties to mitigate or offset the impacts of the project, such as:
    - voluntary planning agreements[13]
    - negotiated agreements with landowners, including any terms of these agreements that are relevant to the assessment of the impacts of the project (see the Department's *Voluntary Land Acquisition and Mitigation Policy*)
    - any benefit-sharing schemes.

3.3 Project

This section must provide a simple overview of the project using suitable maps, plans, figures and tables.

This overview must provide further detail on the following key aspects of the project[14]:

- the project area, including the area likely to be physically disturbed by the project
- the conceptual physical layout and design of the project, including any mitigation measures that will be built into the design of the project (e.g. a noise barrier)
- the main uses and activities that will be carried out on site as well as the materials and products that will be transported to and from the site
- the likely timing of the delivery of the project, including:
    - any stages of the project

[13] See part 7 of the EP&A Act.
[14] For further guidance on how to describe these aspects of the project, see the *Preparing an Environmental Impact Statement* guide.

- the phases of the project (e.g. site preparation, construction, operations, decommissioning and rehabilitation)
- the sequencing of any stages and phases of the project over time, identifying the periods when the greatest impacts are likely to occur.

While detailed information is unlikely to be available at this stage on all four of the key aspects of the project, the applicant must provide enough detail in the Scoping Report to allow the Department to get a good understanding of the project and identify its likely impacts.

The overview in this section must also clearly identify:

- the key alternatives to the proposed manner of carrying out the project that will be investigated further during the preparation of the EIS (e.g. alternative layouts, designs, uses and activities, and mitigation measures)
- those aspects of the project where some flexibility may need to be incorporated into the design of the project to allow the final design of the project to be refined or changed over time within any strict limits set by the project description in the EIS, and without further approval.

3.4 Statutory Context

This section must provide a simple overview of the key statutory requirements[15] for the project, having regard to:

- the EP&A Act and EP&A Regulation
- other relevant legislation (e.g. *Biodiversity Conservation Act 2016, Fisheries Management Act 1994, Protection of the Environment Operations Act 1997, Water Management Act 2000, Mining Act 1992, Mine Subsidence Compensation Act 1961, Petroleum (Onshore) Act 1991, Pipelines Act 1967, Roads Act 1993* and Commonwealth *Environment Protection and Biodiversity Conservation* (EPBC) *Act 1999)*
- relevant environmental planning instruments, planning agreements and coastal management programs under the *Coastal Management Act 2016*
- relevant approvals (e.g. concept plan approvals, staged DA consents).

These statutory requirements must be grouped into the categories listed in Table 1 and summarised in a table (see examples in the Department's *Preparing an Environmental Impact Statement* guide).

Table 1. Categories to be used to identify the statutory requirements for a project

Matter	Guidance
Power to grant consent	Identify the legal pathway under which consent is to be sought, why the pathway applies, and who the consent authority is.
Permissibility	Identify the relevant provisions affecting the permissibility of the project, including any land use zones. If there are inconsistencies in these provisions, identify the inconsistencies and explain which provisions prevail to the extent of any inconsistency. If the project is partly or wholly prohibited, identify any provisions or actions being taken that would allow the project to be considered on its merits (e.g. making a concurrent amendment to the relevant environmental planning instrument)[16].

[15] See www.legislation.nsw.gov.au.
[16] See section 4.38 of the EP&A Act.

Other approvals	Identify any other approvals that are required to carry out the project and why they are required. These approvals should be grouped into the following categories: • *Consistent approvals:* approvals that cannot be refused if the project is approved and must be substantially consistent with the approval[17] • *EPBC Act approval*, and whether the bilateral agreement[18] applies • *Other approvals:* approvals that are not expressly integrated into the SSD assessment under the EP&A Act (e.g. water access licenses under the Water Management Act 2000, leases under the *National Parks and Wildlife Act 1974*). Also identify the approvals that would have been required if the project was not an SSD project[19].
Pre-conditions to exercising the power to grant approval	Identify pre-conditions to exercising the power to grant consent for the project that may be relevant to setting the SEARs. These will include mandatory conditions that must be satisfied before the decision-maker may grant approval (e.g. under the *Sydney Drinking Water SEPP*, a consent authority must be satisfied before granting consent that the carrying out of the proposed development would have a neutral or beneficial effect on water quality).
Mandatory matters for consideration	Identify matters that the consent authority is required to consider in deciding whether to grant consent to any development application for the project that may be relevant to setting the SEARs.

3.5 Engagement

This section must explain what engagement has been carried out for the project, give an early indication of community views on the project, and describe what community engagement will be carried out during the preparation of the EIS.

Engagement carried out

In this section, the applicant must identify any engagement that has been carried out that is relevant to setting the SEARs for the project.

This may include:

- community engagement that has been carried out by other parties that is relevant to the project (e.g. engagement undertaken by agencies to rezone and set planning controls for the site, or to prepare a strategy or plan for the development of a specific region, industry or sector)
- any actions taken to identify key groups or individuals within the community that may have an interest in the project (e.g. local councils, special interest groups, and individuals living close to the site)
- any actions taken to inform, consult or engage with the community during the development of the project or preparation of the Scoping Report to:
    - get an early indication of community views on the project and what are likely to be the key matters requiring further assessment

[17] See section 4.42 of the EP&A Act.
[18] See https://www.environment.gov.au/protection/environment-assessments/bilateral-agreements/nsw.
[19] See section 4.41 of the EP&A Act.

- determine what community engagement should be carried out during the preparation of the EIS.

This engagement should be proportionate to the scale and nature of the project and the likely level of community interest in the project. It should also be undertaken having regard to the community participation objectives in the Department's *Undertaking Engagement* guide.

For some projects, this may only involve informing the community about the project and seeking written feedback on key issues.

For complex projects though, it may involve targeted engagement with key groups and individuals, including getting an independent facilitator to hold a workshop with key community representatives to get an early indication of community views on the project and what community engagement should be carried out during the EIS.

If any detailed community engagement reports are prepared during scoping, the applicant must include copies of the reports in the appendices of the Scoping Report.

Community views

In this section, the applicant must summarise the key findings of any community engagement carried out to date and give an early indication of community views on the project using suitable maps, graphics and tables.

It must also identify the likely level of community interest in the project and the geographic extent of this interest (e.g. local: < 5 km from the site; regional: 5-100 km from the site or state: > 100 km from the site).

In summarising the findings of the community engagement, the applicant must categorise the key issues raised by the community in a systematic and impartial way and avoid oversimplifying or misrepresenting these issues.

For consistency, the applicant must group the community views on the project into one of the following categories:

- the strategic context, including identifying the key natural and built features that are valued by the community and could either affect or be affected by the project and the potential cumulative impacts of the project combined with other relevant future projects in the area
- the project and the key alternatives to the proposed manner of carrying out the project that should be considered further in the EIS (e.g. the changes to the physical layout and design, uses and activities or timing of the project)
- any relevant statutory issues
- the community engagement that should be carried out during the preparation of the EIS
- the key matters that should be assessed further in the EIS (e.g. amenity, air, biodiversity, heritage) having regard to the requirements in relevant Government plans, policies and guidelines
- issues that are either beyond the scope of the project (e.g. broader policy issues) or not relevant to the project.

This will make it easier for the Department to link the key issues raised by the community with the other information in the Scoping Report and inform the setting of the SEARs for the project.

Engagement to be carried out

In this section, the applicant must summarise the community engagement that will be carried out during the preparation of the EIS, having regard to the findings of any community engagement carried out during scoping and the community participation objectives in the Department's *Undertaking Engagement* guide.

The engagement proposed must be proportionate to the scale and nature of the project and the likely level of community interest in the project.

The summary in this section must:

- identify the key stakeholders (local councils, special interest groups, people living close to the site) for further engagement, to the extent that this will be known at the scoping stage
- describe what actions will be taken to identify and engage with other interested stakeholders during the preparation of the EIS
- describe the key actions that will be carried out to:
    - keep the community informed about the project
    - obtain feedback from the community on the project
    - engage with certain stakeholders on the detailed assessment of key matters (e.g. Aboriginal cultural heritage, biodiversity, water, noise, air quality, social)
- demonstrate that these actions are consistent with the community participation objectives in the *Undertaking Engagement* guide;
- describe how the effectiveness of this engagement will be monitored, reviewed and adapted over time to encourage community participation in the project.

For complex projects with a high level of community interest, the proposed engagement may include:

- establishing a Community Consultative Committee for the project, in accordance with the Department's *Community Consultative Committee* guide
- setting up a website for the project
- publishing regular updates on the project on the website
- seeking feedback from the community on the project in general
- carrying out targeted engagement with certain stakeholders on the detailed assessment of key matters
- providing feedback to the community on the findings of any community engagement and the detailed assessment of the impacts of the project.

3.6 Proposed Assessment of Impacts

In this section, the applicant must identify the matters requiring further assessment in the EIS and the proposed approach to assessing each of these matters, having regard to key findings in each section of the Scoping Report and the guidance below.

This information is critical for setting the SEARs for the project and ensuring that the EIS will focus on the key matters for decision-making. It will also help to ensure that the assessment of each matter is proportionate to the likely impacts of the project on that matter.

Categorising assessment matters

For consistency, the Department has grouped the matters that may be affected by a project into 11 broad categories (see Appendix B) and published a list of relevant government plans, policies and guidelines that aligns with these categories on the Major Projects website[20].

The applicant must use these categories to scope the assessment of the impacts of the project.

These broad categories can be divided into specific matters within each category (see Appendix B), and these specific matters can then be divided further into different components of the specific matter.

For example, noise may be a specific matter within the broader category of amenity, and noise can be divided further into the different types of noise (e.g. construction noise, operational noise, road noise and rail noise).

There may also be clear links between the specific matters of different categories of impacts. For instance, the noise impacts of a project may be a key factor for assessing the social impacts of the project.

To inform the setting of the SEARs, the applicant must:

- structure the discussion in this section of the Scoping Report in a clear and logical way, starting with the key matters requiring further assessment in the EIS and ending with those matters that require no further assessment
- group the matters having regard to the specific characteristics of the project
- highlight any key linkages between the assessment of different matters.

Key factors to consider during scoping

To identify the matters requiring further assessment in the EIS and the level of assessment that should be carried out for each matter, the applicant must consider the following key factors:

- the scale and nature of the likely impacts of the project and the sensitivity of the receiving environment, having regard to the factors in Appendix C
- whether the project is likely to generate cumulative impacts with other relevant future projects in the area (see the Department *Assessing Cumulative Impacts* guide)
- the ability to avoid, mitigate and/or offset the impacts of the project having regard to:
    - factors that can be incorporated into the detailed design of the project (e.g. changes to the project area, project layout and design, key uses and activities carried out on site, timing)
    - whether reasonable and feasible mitigation measures are readily available for the project or will require detailed investigation
    - whether the use of negotiated agreements or offsets is feasible and appropriate to address any residual impacts of the project following mitigation

[20] See www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines.

- the complexity of the technical assessment of the project having regard to the:
    - data requirements for assessment (e.g. baseline data, the availability of data from other projects for cumulative impact assessment)
    - investigations required to identify the specific mitigation measures or offsets for the project
    - methods available for predicting the impacts of the project
    - criteria for evaluating the acceptability of the impacts of the project
    - uncertainties relating to all of the above
    - ability to deal with these uncertainties (e.g. further monitoring, review, technical investigations, adaptive management).

It is important to stress that the applicant is only required to consider these factors to determine the key matters for further assessment in the EIS and the proposed approach to assessing each of these matters. It is not required to carry out a detailed assessment of each factor and document this assessment in the Scoping Report.

This must be done in the detailed assessment of the project in the EIS.

Further, in some cases it may be quite simple to determine that something will be a key matter for assessment and require a detailed technical assessment in the EIS - in accordance with the relevant government plans, policies and guidelines governing this sort of assessment – even though the actual assessment of these matters may be complex.

For instance, little analysis is required to determine that the noise impacts of a proposed expansion of a large open cut mine in the Hunter Valley will be a key issue requiring detailed assessment in the EIS, and that this assessment will need to consider the likely cumulative noise impacts of the project operating in conjunction with the surrounding mines. Also, the noise impacts of the project are likely to be a key factor to consider in the assessment of the social impacts of the project. In this case, the government has clear policies and guidelines governing how these impacts must be assessed - such as the *NSW Noise Policy for Industry* - and the applicant will need to ensure the detailed noise assessment of the project in the EIS is carried out in accordance with these policies and guidelines.

While there are several methodologies that could be used during scoping to help identify the key matters for further assessment in the EIS (e.g. risk assessment in accordance with the Australian standard), the Department is not requiring the use of any specific methodology. Applicants should ensure that any methods used are fit for purpose.

Matters requiring further assessment in the EIS

For each matter requiring further assessment in the EIS, the applicant must document the following in the Scoping Report:

- the proposed level of assessment (e.g. minor, standard and detailed – see Appendix D)
- the proposed approach to this assessment, having regard to:
    - the key factors to consider during scoping (see above)
    - relevant government plans, policies and guidelines
- whether any specific community engagement will be carried out on the matter during the preparation of the EIS.

In relation to the proposed approach to assessment, if the government has clear guidance in place governing how the impacts of the project on the matter (e.g. biodiversity, heritage, noise, air quality, traffic, water) must be assessed, the applicant must simply identify the relevant guidance documents in the Scoping Report.

However, if there is no clear guidance in place or there are gaps in the existing guidance (e.g. how to assess cumulative impacts) or there are matters requiring clarification in the existing guidance (e.g. what projects to include in the cumulative impact assessment), the applicant must describe the proposed approach to addressing each of these issues in more detail in the Scoping Report.

If the approach to addressing these issues is complex, the applicant should summarise the proposed approach in the Scoping Report and include a detailed explanation of the proposed approach in the appendices of the Scoping Report.

Finally, the applicant must include a scoping summary table (see example in Appendix E) for the project as an appendix to the Scoping Report. This table must group the matters requiring further assessment in the EIS by the level of assessment required, and identify:

- whether any cumulative impact assessment is required, and the likely level of this assessment (e.g. standard or detailed)
- whether any specific community engagement will be carried out on the matter during the preparation of the EIS
- the relevant government plans, policies and guidelines that will considered during the assessment of the impacts of the project on the matter
- the relevant section of the Scoping Report where the assessment of the impacts on the matter are discussed in more detail.

Matters requiring no assessment in the EIS

The applicant must document the matters requiring no further assessment in the EIS in a table in the Scoping Report. This table should identify the matter and explain why no further assessment is necessary.

4. Glossary

Applicant	The applicant of an SSD project seeking consent for a DA or modification application.
Consent authority	The consent authority for a DA or modification application. This will be the Independent Planning Commission, the Minister, or the Minister's delegates in the Department.
Concept DA	A DA that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent DA or DAs.
Cumulative Impacts	The combined impacts of the project on a matter with other relevant future projects (see the Department's *Assessing Cumulative Impacts Guide)*
Department	Department of Planning, Industry and Environment.
Determination	A decision by the consent authority of an SSD application to either grant consent to the application subject to modifications or conditions or refuse to consent to the application.
Designated development	Development declared to be designated development by an environmental planning instrument or the EP&A Regulation. In general, it is development that could result in significant environmental impacts. In particular, see schedule 3 of the EP&A Regulation.
DA	A development application seeking consent for SSD under division 4.7 of the EP&A Act.
EIS	An Environmental Impact Statement prepared by or on behalf of the applicant to accompany an SSD DA (see the *Preparing an Environmental Impact Statement Guide*).
Environmental planning instrument	An environmental planning instrument (including a SEPP or Local Environmental Plan) made under part 3 of the EP&A Act.
EP&A Act	*Environmental Planning and Assessment Act 1979*.
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*.
Industry-specific SEARs	SEARs issued for SSD projects that are wholly permissible with development consent, would not meet the criteria for designated development (if they were not SSD), and are not for a concept DA. These SEARs have been tailored to the specific industry and identify the information that must be included in the EIS for these projects and the community engagement that must be carried out during the preparation of the EIS.
Local Environmental Plan	An environmental planning instrument made under part 3 of the EP&A Act.
Major Projects website	www.majorprojects.planningportal.nsw.gov.au

Matter	An element of the environment that may be affected by an SSD (e.g. air, amenity, biodiversity, economic, social).
Minister	The Minister for Planning and Public Spaces
Mitigation	Actions or measures to reduce the impacts of a project.
Planning proposal	A document that explains the intended effect of making an environmental planning instrument under division 3.4 of the EP&A Act and sets out the justification for making the instrument.
Planning Secretary	The Planning Secretary of the Department
Project	An SSD development proposal, which is the subject of a development application or modification application.
Project-specific SEARs	SEARs issued for SSD projects which are wholly or partly prohibited, would meet the criteria for designated development (if they were not SSD), or are for a concept DA having regard to the specific circumstances of the project.
Scoping	The process of identifying the matters that require further assessment in an EIS.
Scoping Report	A report prepared by the applicant to inform the setting of project-specific SEARs for an SSD project (see the *Preparing a Scoping Report Guide*).
SEARs	The Planning Secretary's environmental assessment requirements for the preparation of an EIS for an SSD project.
SSD	Development that is declared to be State significant development under section 4.36 of the EP&A Act.
SEPP	State Environmental Planning Policy.

Appendix A – Structure of a Scoping Report

Scoping report	
Section	
1	Introduction
2	Strategic context
3	Project
4	Statutory context
5	Engagement
6	Proposed assessment of impacts
7	References
Appendices	
A	Scoping summary table
B	Supporting information, including any detailed engagement or technical reports

Appendix B – Categories of Assessment Matters

Group	Specific matters	
Access	Access to property	Port and airport facilities
	Traffic and parking	Road and rail facilities
Air	Atmospheric emissions	Particulate matter
	Gases	
Amenity	Noise	Vibration
	Odour	Visual
Biodiversity	Conservation areas	Aquatic flora and fauna
	Terrestrial flora and fauna	
Built environment	Private property	Public infrastructure
	Public land	
Economic	Natural resource use	Opportunity cost
	Livelihood	
Hazards and risks	Biosecurity	Flooding
	Bushfire	Groundwater contamination
	Coastal hazards	Hazardous and offensive development
	Dams safety	Land contamination
	Dangerous goods	Land movement
	Environmental hazards	Waste
Heritage	Aboriginal	Natural
	Historic	
Land	Stability	Land capability
	Soil chemistry	Topography
Social	Community services and facilities	Safety
	Health	Social cohesion
	Housing availability	
Water	Hydrology	Water availability
	Water quality	

Appendix C – Key Factors for Scoping

Factor	Components of factor	Description and examples
Scale of the impact	Severity	The scale or degree of the impact relative to the current situation or adopted standards or performance measures. The severity may be measured quantitatively and compared to reference values (e.g. area of vegetation cleared, air and water quality, noise levels, change or disruption to ecological community function) or qualitatively.
	Geographical extent	The geographical reach of the impacts of the project or the range within which the impacts are observable.
	Duration	The timeframe over which the impact occurs (e.g. for a short period, during construction only; during operations; permanently). It may also refer to the period/s in which the impact is observable and the regularity of impact (e.g. irregular, intermittent, regularly during certain operations).
Nature of the impact	Direct impacts	Impacts caused directly by the project. They usually occur at the same time as the project and within the vicinity of the site (e.g. vegetation clearing, air emissions).
	Indirect impacts	Impacts that occur as a consequence of a project or the direct impacts of a project. They may be delayed and happen further away from the site (e.g. project changes water table, changes affect wetland and causes an impact on groundwater dependent ecosystems). They may also occur due to the growth or land use changes facilitated by the project (e.g. a new dam may open up an area for increased farming and urban development).
	Cumulative impacts	The combined impacts of the project on a matter combined with other relevant future project (e.g. the noise from several mines results in higher ambient noise levels in an area): see the Department's *Assessing Cumulative Impacts* guide.
	Perceived impacts	Different perceptions of the same impacts by people or groups.
Sensitivity of the receiving environment	Existing regulations and guidance	The degree of sensitivity expressed in legislation or relative to adopted standards and performance measures (e.g. *Biodiversity Conservation Act 2016*, *National Parks and Wildlife Act 1974*, *Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Noise Policy for Industry*)
	Value to society	• Economic value (e.g. water supply, critical transport routes). • Social value (e.g. community value, landscape, recreation, lifestyle disturbance). • Environmental value (e.g. natural habitat).
	Vulnerability to change	The degree to which the environment is vulnerable to the impacts of the project, having regard to the likely scale and nature of the impacts of the project and the sensitivity and adaptive capacity of the environment.

Appendix D – Levels of Assessment

Level of assessment	Explanation
Detailed	The project may result in significant impacts on the matter, including cumulative impacts. The assessment of the impacts of the project on the matter will require detailed studies and investigations to be carried out by technical specialists. During this assessment, these specialists may need to: • work closely with the specialists assessing the impacts of the project on other matters to determine the likely indirect impacts of the project • undertake a detailed cumulative impact assessment for the project. Also, the assessment is likely to involve several uncertainties in relation to one or more of the following: • data collection (e.g. baseline information, availability of data for cumulative impacts assessment) • identifying the specific mitigation measures or suitable offsets for the project • the methods available for predicting the impacts of the project, including the indirect and cumulative impacts • criteria for evaluating the acceptability of the impacts of the project. Consequently, specific strategies may be required to address these uncertainties (e.g. further monitoring, review, technical investigations and adaptive management).
Standard	The project is unlikely to result in significant impacts on the matter, including cumulative impacts. While the assessment of the impacts of the project on the matter will involve technical specialists, these impacts are likely to be: • well understood • relatively easy to predict using standard methods • capable of being mitigated to comply with relevant standards or performance measures Also, the assessment is unlikely to involve any significant uncertainties, or require any detailed cumulative impact assessment.
Minor	The project may result in minor impacts on the matter. These impacts can be avoided either during the design of the project or mitigated to comply with a relevant standard or performance measure using commonly used mitigation measures. Also, the assessment of these impacts is unlikely to require the use of technical specialists.
Not relevant	The project will have no impact on the matter, or the impacts of the project on the matter will be so small that they are not worth considering.

Appendix E – Scoping Summary Table

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
Detailed	Amenity - noise	N	General	• Construction Noise Strategy (Transport for NSW, 2012) • Interim Construction Noise Guideline (Department of Environment, Climate Change and Water, 2009) • NSW Industrial Noise Policy (Environment Protection Authority, 2000) • Rail Infrastructure Noise Guideline (Environment Protection Authority, 2013) • NSW Road Noise Policy (Environment Protection Authority, 2011) • Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006) • German Standard DIN 4150-3: Structural Vibration – Effects of Vibration on Structures • Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006) • Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (Australian and New Zealand Environment Council, 1990).	Section 7.1.2
	Social – community services / facilities	N	General	• Refer to Scoping Report	Section 7.10
	Heritage – historic (NAH)	Y	Specific	• Commonwealth EPBC 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (Commonwealth of Australia, 2013) • |Commonwealth EPBC 1.2 Significant Impact Guidelines – Actions on, or Impacting upon, Commonwealth Land and Actions by Commonwealth Agencies (Commonwealth of Australia, 2013) • NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998) • Criteria for the Assessment of Excavation Directors (NSW Heritage Council, 2011).	Section 7.1.5
	Built environment – private property	N	General	• Environmental Planning and Impact Assessment Practice Note: Socio-economic Assessment (Roads and Maritime Services, 2013). • Refer to Scoping Report for further discussion on approach to assessment	Section 7.1.3
	Amenity - visual	N	General	Refer to Scoping Report	Section 7.1.7
	Water – water quality	N	General	• Acid Sulphate Soils Assessment Guidelines (Department of Planning, 2008)	Section 7.1.9

				• |Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (Department of Urban Affairs and Planning and Environment Protection Authority, 1998) • Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom, 2004) • Managing Urban Stormwater: Soils and Construction Volume 2 (Department of Environment and Climate Change, 2008) • Guidelines for Consultants Reporting on Contaminated Sites (Office of Environment and Heritage, 2000) • Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (Department of Environment and Climate Change, 2009) • Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (Department of Environment and Climate Change, 2008) • Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC / ARMCANZ, 2000) • Using the ANZECC Guidelines and Water Quality Objectives in NSW (Department of Environment and Conservation, 2006).	
	Hazards and risk – land contamination	N	General		
Standard	Access – road/rail network	N	General	• Guide to Traffic Management – Part 3 Traffic Studies and Analysis (Austroads, 2013) • NSW Bicycle Guidelines (RTA, 2003) • Guide to Traffic Generating Developments Version 2.2 (RTA, 2002).	Section 7.1.1
	Water – hydrological flows (incl flooding)	N	General	• Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004) and Volume 2 (A. Installation of Services; B. Waste Landfills; C. Unsealed Roads; D. Main Roads; E. Mines and Quarries) (DECC 2008) • NSW Government's Floodplain Development Manual (2005).	Section 7.2.2
	Air – atmospheric emissions and particulate matter	N	General	• Refer to Scoping Report	Section 7.2.3
	Air - gases	N	General	• NSW's Sustainable Design Guidelines (Version 3.0) (Transport for NSW, 2013) • Greenhouse Gas Inventory Guide for Construction Projects (Transport for NSW, 2012).	Section 7.2.4
	Hazards and risks – dangerous goods	N	General	• Hazardous and Offensive Development Application Guidelines: Applying SEPP 33 (DoP 2011)	Section 7.2.6

				• International Standard (ISO / IEC 31010) Risk Management – Risk Assessment Technique • Australian Code for the Transport of Dangerous Goods by Road and Rail (7th edition) (National Transport Commission, 2007) • Code of Practice for the Safe Removal of Asbestos 2nd edition (National Occupational Health and Safety Commission, 2005) • Storage and Handling of Dangerous Goods Code of Practice (WorkCover, 2005).	
	Hazards and risks - waste	N	General	• Waste Classification Guidelines (DECCW, 2009) • Refer to Scoping Report	Section 7.2.7
Minor	Biodiversity – native vegetation and native fauna	N	General	• Commonwealth EPBC 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (Commonwealth of Australia, 2013) • Commonwealth EPBC 1.2 Significant Impact Guidelines – Actions on, or Impacting upon, • Commonwealth Land and Actions by Commonwealth Agencies (Commonwealth of Australia, 2013) • Commonwealth Department of the Environment – Nationally Threatened Ecological Communities and Threatened Species Guidelines (various) • Commonwealth Department of the Environment – Survey Guidelines for Nationally Threatened Species (various) • Threatened Species Survey and Assessment Guidelines at http://www.environment.nsw.gov.au/ threatenedspecies/surveyassessmentgdlns.htm • NSW Biodiversity Offsets Policy for Major Projects (Office and Environment and Heritage, 2014) • Framework for Biodiversity Assessment (Office and Environment and Heritage, 2014).	Section 7.2.1