NSW GOVERNMENT

Preparing an Environmental Impact Statement

State Significant Development Guide

Exhibition Draft

Contents

1. Introduction

1.1 Comprehensive Assessment

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

All SSD projects require development consent under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) from either the Independent Planning Commission or Minister for Planning and Public Spaces (Minister) before they may proceed[1].

Prior to determination, they are subject to comprehensive assessment with extensive community participation.

This includes requiring the applicant of an SSD project to prepare a detailed Environmental Impact Statement (EIS)[2] for the project in accordance with the Planning Secretary's environmental assessment requirements (SEARs).

The EIS is exhibited for at least 28 days[3]. This gives the community a chance to read the EIS and a make a submission on the merits of the project.

Prior to determining the development application (DA) for the project, the consent authority is required to evaluate the merits of the project as a whole, having regard to the economic, environmental and social impacts of the project, the issues raised in submissions, and the principles of ecologically sustainable development[4].

After determining the DA, the consent authority is required to publish a notice setting out the reasons for the decision and how community views were taken into account in making the decision[5].

1.2 Purpose of the EIS

The purpose of the EIS is to assess the economic, environmental and social impacts of the project and to help the community, local councils, agencies and the consent authority to get a better understanding of the project and its impacts so they can make informed submissions or decisions on the merits of the project.

1.3 Purpose of this Guide

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

It seeks to ensure that the EISs submitted to the Department for all SSD projects are prepared to a high standard and consistent. It also seeks to ensure that these EISs are:

- as succinct as possible and easy to understand
- clearly describe the project
- reflect community views
- contain a technically robust assessment of the impacts of the project

[1] See section 4.38 of the EP&A Act and clause 8 of the *State and Regional Development SEPP*.
[2] See section 4.12 of the EP&A Act and clause 55 of the EP&A Regulation.
[3] See the community participation requirements in schedule 1 of the EP&A Act.
[4] See sections 1.7 and 4.15 of the EP&A Act, in particular.
[5] See clause 20 of schedule 1 of the EP&A Act.

- evaluate the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development.

This guide sets clear expectations for the preparation of all EISs for SSD projects and will help to promote robust debate on the merits of these projects.

1.4 Application of this Guide

Under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), the EIS 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 applicants must have regard to the requirements in this guide when they prepare an EIS for an SSD project.

[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 EIS to a high standard and comply with the following general requirements.

2.1 Form

The EIS must be divided into two parts[7]:

- the main report, which clearly describes the project, summarises the findings of any community engagement and the detailed assessment of the impacts of the project, and evaluates the project as a whole having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development[8]
- the appendices to the main report, which should include:
    - a SEARs compliance table, which identifies where each of the SEARs has been addressed in the EIS
    - detailed maps and plans of the project
    - a statutory compliance table
    - a community engagement table
    - a table of the proposed mitigation measures (excluding any measures that are part of the physical design and layout of the project and included in the project description)
    - 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 EIS.

2.2 Structure and Length

The structure for an EIS is shown in Appendix A and must be used in all EISs for SSD projects[9]. If some sections are not relevant, the applicant should adjust the structure of the EIS accordingly.

While the length of the EIS will vary depending on the scale and nature of the matters requiring detailed assessment, the main report must be as succinct as possible.

To assist in this regard, the Department has set indicative page limits for each section of the main report in Appendix A. These limits should only be used as a guide, as the primary objective is to ensure the EIS provides a comprehensive evaluation of the project as a whole.

2.3 Presentation

The EIS must make it easy for people to understand what is proposed and identify community views on the project and the likely impacts of the project so they can make informed submissions or decisions on the project.

[7] Despite the division of the EIS into two parts, the appendices form part of the EIS - see clause 9 of schedule 2 of the EP&A Regulation.
[8] See proposed clause 7(1)(f) of schedule 2 of the EP&A Regulation.
[9] The Department has developed the structure for an EIS shown in Appendix A to improve the narrative, presentation of information and consistency of EISs, and also to make them easier to read and understand. While the structure differs slightly from the order of the mandatory requirements for an EIS listed in clause 7 of schedule 2 of the EP&A Regulation, all of these requirements have been incorporated into the required structure of the EIS and the information that must to be included in each section of the EIS under this guide.

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

- ensure the EIS has a clear narrative, taking readers from the development of the project (including the consideration of any feasible alternatives) through the findings of any community engagement and the detailed assessment of its potential impacts to the evaluation of the project as a whole
- structure the information in the EIS in a clear and logical way, making it easy for readers to draw a clear link between the summary of the findings of the detailed assessment in the main report and the appendices of the EIS, and between these findings and the evaluation of the project as a whole
- 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 EIS does not contain any false or misleading information[10].

2.4 GIS Data Specifications

The applicant must:

- maintain appropriate geo-referenced file formats of all the maps in the EIS
- 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

Maps in the EIS 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).

[10] See section 10.6 of the EP&A Act.

2.6 Accessibility and Navigation

The EIS 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 EIS must:

- be provided as accessible PDF files[11] (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
- 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.

2.7 Certification

To ensure the EIS is prepared to a high standard, it must be certified by a registered environmental assessment practitioner (REAP) before it is submitted to the Department[12].

Under the *Registered Environmental Assessment Practitioners* guide, the REAP must certify that the EIS:

- complies with the relevant EIS requirements in schedule 2 of the EP&A Regulation
- has been prepared having regard to this guide
- contains all available information relevant to the assessment of the project
- contains no false or misleading information
- contains a consolidated description of the project in a single chapter of the EIS
- addresses the SEARs for the project
- identifies and addresses the relevant statutory requirements for the project, including the relevant matters for consideration in environmental planning instruments
- contains an accurate summary of the findings of any community engagement and the detailed technical assessment of the impacts of the project

[11] An accessible PDF file provides hidden, structured, textual representation of the PDF content that is presented to screen readers.
[12] See proposed clause 6(f) of the EP&A Regulation in the *Environmental Planning and Assessment (Major Projects) Regulation 2020.*

- contains a comprehensive evaluation of the impacts of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development.

3. Content of an EIS

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

3.1 Introduction

This section must set the context for detailed assessment and evaluation of the project in the next sections of the EIS, and include:

- the applicant's details
- a simple description of the project, including:
  - a statement of the objectives of the development[13]
  - a map of the site in its regional setting
- the background to the project, including:
  - any relevant history
  - an analysis of any feasible alternatives to the proposed manner of carrying out the development having regard to the objectives of the development, including the consequences of not carrying out the development[14]
  - key strategies that have been 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[15]) that will be:
    - incorporated into the project, allowing some or all of the existing development consent or rights for this development to be surrendered if the SSD project is approved and the project to operate under a single SSD development consent[16]
    - 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 approval process (e.g. upgrades to ancillary infrastructure, approvals for subsequent stages of the project).

The 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 EIS.

[13] See clause 7(1)(b) of schedule 2 of the EP&A Regulation.
[14] See clause 7(1)(c) of the EP&A Regulation.
[15] See division 4.11 of the EP&A Act.
[16] 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 the key strategic issues that are relevant to the assessment and evaluation of the project.

If the strategic context for the project is complex, this section should contain a simple summary of the key strategic issues and include a detailed analysis of the strategic context in the appendices of the EIS.

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 and 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 population centres and 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 landslips, mine subsidence prone land, coastal hazards and climate change
- whether the project is likely to generate cumulative impacts with other development 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[17]
    - negotiated agreements with any 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 Description

This section must provide a comprehensive and consolidated description of the project that the applicant is seeking development consent for[18], using suitable maps, plans, figures and tables.

The importance of the project description

The project description is very important because it sets out exactly what the applicant is seeking development consent for in a single section of the EIS and will provide the basis for the Department's detailed assessment of the project and the consent authority's evaluation of the merits of the project.

[17] See part 7 of the EP&A Act.
[18] See clause 7(1)(d) of schedule 2 of the EP&A Regulation.

Further, if the SSD project is approved, the applicant will be required to carry out the project in accordance with the project description in the EIS rather than the whole EIS. Consequently, the project description coupled with the conditions of consent for the project will become the primary reference point for checking compliance if the project proceeds.

If the development application is amended during the assessment process, the Department will require the applicant to submit an Amendment Report for the amendments, having regard to the Department's *Preparing an Amendment Report* guide.

The Amendment Report will contain a detailed description of the amended project and the amended project description will be used as the basis to complete the assessment and evaluation of the amended project. Also, if the amended project is approved, the applicant will be required to carry out the project in accordance with the amended project description in the Amendment Report in the conditions of consent for the project rather than the project description in the EIS.

Finally, if the applicant subsequently seeks to modify the development consent for the project, the Department will require the applicant to submit a Modification Report for the modifications, having regard to the Department's *Preparing a Modification Report* guide.

The Modification Report will contain a detailed description of the modified project and the modified project description will be used as the basis to complete the assessment and evaluation of the modified project. Also, if the modification application is approved, the applicant will be required to carry out the project in accordance with the modified project description in the Modification Report in the modified conditions of consent for the project.

This will ensure that the conditions of consent always accurately reflect what is approved and refer to a single, up-to-date, and consolidated description of the approved project.

Project overview

The project description must start with a simple overview of the project, including a table that captures the main elements of the project (see examples in Appendix B).

Detailed description

Due to the diversity in the scale and nature of State significant development, it is difficult to adopt a one-size-fits-all approach to the detailed description of projects.

Consequently, the applicant must tailor the detailed description of the project to fit the specific characteristics of the project. Nevertheless, to ensure consistency between the description of different SSD projects, the applicant must ensure the detailed description addresses each of the key aspects in Table 1.

Table 1. Key aspects of the detailed project description

Key aspects	Description
Project area	The description must include: • the land on which the project will be located, including any land required as a buffer area • the land that will be physically disturbed within the project area, and any changes to this disturbance area over time • the land within the project area with environmental constraints (e.g. high conservation value, subject to flooding) where no development will occur, or development will be minimised • plans showing the project area, disturbance area and any constraints in plan-view and cross section.

Physical layout and design		The description must include the following for both the construction and operation of the project: • the layout of all the physical elements of the project within the project area, including all buildings, structures, works, landscaping, open space and biodiversity offsets (if applicable) • all mitigation measures that will be built into the physical layout and design of the project (such as noise walls)[19] • any ancillary infrastructure for which approval is being sought (such as upgrades to utilities or surrounding roads)[20] • the design of the various physical elements of the project, including the form, materials and finishes • identify those components of the physical layout and design that may change during the detailed design of the project, and set clear limits within which this change may occur without requiring amendments to the DA or modifications to the development consent if the project is approved (see discussion below) • plans showing the layout and design in plan-view and cross section.
Uses and activities		The description must include: • the land uses e.g. (residential, commercial, mixed use, mining, waste, warehouses, schools, hospitals, intensive agriculture) that characterise the project • the activities (e.g. demolition, cut and fill, resource extraction, processing, storage and handling of materials, waste disposal, parking) that will be carried out on site • the scale and intensity of these activities (e.g. extraction rates, rates of production, hours of operation) • the transport of materials and people to and from the site (e.g. raw materials, equipment, products, waste, employees) • • process flow diagrams of these uses and activities.
Timing	**Stages**	Describe each stage of the project if the delivery of the project is to be staged.
	Phases	Describe each phase (e.g. demolition, construction, operation, decommissioning and rehabilitation) of the project. However, if the delivery of the project is to be staged, then describe the phases of each stage.
	Sequencing	Describe the order in which the stages and phases of the project will be carried out and identify snapshots of the project at key points in time that will be used to assess the impacts of the project (see discussion below). This description should be supported by a simple graphic showing the planned sequencing of the project, and concurrent delivery of the various stages and phases of the project.

The detailed project description must include suitable maps and plans. However, overly large or detailed maps and plans should be referenced in the detailed description of the project and included in an appendix of the EIS.

These maps and plans will be taken to be part of the description of the project, even though they are in an appendix to the EIS.

[19] All other mitigation measures (e.g. the choice of mobile equipment, dust suppression, pre-clearing biodiversity surveys, monitoring and adaptive management) must be described in the assessment section of the EIS and incorporated into a consolidated table of the proposed mitigation measures for the project in an appendix of the EIS.
[20] All other related development (e.g. development that is required for the project but is not included in the development application for the project) must be described in the introduction of the EIS.

Allowing flexibility in the description of a project

The detailed project description in the EIS must contain enough information on each of the key aspects in Table 1 to enable a detailed assessment of the likely impacts of the development.

However, the Department accepts that in some circumstances applicants may need to build some flexibility into the project description to allow the design of certain components of the project to be refined or changed over time within clear limits set by the detailed project description, and without requiring amendments to the development applicant or modifications to the development consent of the project if it is approved.

In fact, with some large, complex projects this flexibility is often essential as it is difficult, if not impossible, to deal with all aspects of the detailed design of these projects at the EIS stage.

Examples of where such flexibility is commonly used include allowing applicants to:

- change the detailed design or layout of components of the project within a defined development footprint following further technical investigations and approval (e.g. variations to underground mine layouts, which are subject to the further approval of Extraction Plans following granting of development consent)
- micro-site certain components of the project to reduce the impacts of the project without further approval (e.g. micro-siting turbines at wind farms to minimise the biodiversity, heritage and visual impacts of the project)
- use different technologies or plant to achieve the same outcome or to accommodate improvements in technology over time (e.g. industrial facilities; pollution control plant)
- vary production rates to meet market demand
- revise the precise staging or sequencing of projects during the delivery of the project.

While the Department acknowledges the benefits of allowing applicants to incorporate some flexibility in the design of SSD projects, it believes this flexibility must be justified on a case-by-case basis and should only be allowed to occur within strict limits.

Consequently, if applicants are seeking to incorporate some flexibility into the design of their projects, the detailed project description must:

- identify the specific aspects or components of the project that require flexibility
- give reasons why this flexibility is required
- set clear limits for this flexibility, so it is clear what change may occur within the limits set by the project description and what change would require further approval
- assess the impacts of the project within the limits set by the project description, using conservative assumptions.

This will ensure the consequences of incorporating any flexibility into the design of the project are fully assessed in the EIS and allow the consent authority to decide whether to grant this flexibility or not if the project is approved.

Describing changes to the project over time

If the implementation of the project will change over time, the detailed description of the project must identify snapshots of the project at key points in time and use these snapshots to assess the impacts of the project in the EIS.

For some projects (e.g. schools, warehouses, urban development, cultural facilities), that may be as simple as assessing the impacts of the project during construction and operation.

However, for complex projects with multiple stages and phases (e.g. mines, extractive industries, hazardous waste facilities, major industrial complexes) this may be more complicated. For these projects, the applicant must identify several snapshots of the project at key points in time in the detailed description of the project. It must then assess the impacts of each of these snapshots in the EIS, using suitably conservative assumptions.

3.4 Statutory Context

This section must identify the relevant statutory requirements[21] 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 program under the *Coastal Management Act 2016*
- relevant approvals (e.g. concept plan approvals, staged DA consents).

It is not necessary to provide an overview of the NSW planning regime or any other legislative regimes in this section. Nor is it necessary to cut and paste the relevant statutory provisions as they are readily available on the NSW Legislation website.

Instead, the main purpose of this section is to make the consent authority aware of all the relevant statutory requirements that must be considered before the DA may be determined[22].

In this section, the applicant must:

- only focus on the statutory requirements that are relevant to the assessment and evaluation of the project, not the administrative requirements for the project (e.g. providing landowners consent, paying fees, including a Biodiversity Development Assessment Report in the EIS) which will be captured in the approved DA form
- group all the relevant statutory requirements for the project into a table, using the categories listed in Table 2
- only identify the relevant statutory requirements for the project, leaving the detailed assessment and evaluation of these requirements to the relevant section of the EIS
- use tables to simplify the presentation of the material in this section, having regard to the examples in Appendix C and Appendix D of this guide.

[21] See www.legislation.nsw.gov.au.
[22] See sections 1.7 and 4.15 of the EPA& Act, in particular.

Table 2. Categories to be used to identify the statutory requirements for a project

Category	Action required
Power to grant approval	Identify the legal pathway under which consent is sought, why the pathway applies, and who the consent authority is. If permissibility is relevant to this section, the discussion here should be cross-referenced rather than repeated.
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[23], 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). The rationale for allowing the project to be carried out on this land should be discussed in more detail in the assessment and evaluation sections of the EIS.
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[24] • *EPBC Act approval*, and whether the bilateral agreement[25] applies • *Other approvals:* approvals that are not expressly integrated into the SSD assessment under the EP&A Act (e.g. water access licences 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[26].
Pre-condition to exercising the power to gran approval	Identify any pre-conditions to exercising the power to grant approval for the project. These will include mandatory conditions that must be satisfied before the decision-maker may grant approval. Each pre-condition should be summarised in a table with cross-references to the relevant sections of the EIS where it is addressed in more detail (see example in Appendix C).
Mandatory matters for consideration	Identify the matters that the decision-maker is required to consider in deciding whether to grant approval. Each mandatory matter should be summarized in a table with cross-references to the relevant sections of the EIS where it is addressed in more detail (see example in Appendix D).

Finally, the applicant must include a statutory compliance table as an appendix to the EIS, which identifies all the relevant statutory requirements for the project and indicates where they have been addressed in the EIS or approved DA form for the project.

[23] See section 4.38 of the EP&A Act.
[24] See section 4.42 of the EP&A Act.
[25] See https://www.environment.gov.au/protection/environment-assessments/bilateral-agreements/nsw.
[26] See section 4.41 of the EP&A Act.

3.5 Engagement

This section must summarise the findings of the community engagement that was carried out for the project during the preparation of the EIS and describe what community engagement will be carried if the project is approved.

Engagement carried out

In this section, the applicant must describe the community engagement that was carried out during the preparation of the EIS.

This description must:

- identify the key stakeholders for the project (e.g. local councils, special interest groups and individuals who may be affected by the project)
- describe what actions were taken 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
- demonstrate that this engagement was consistent with the community participation objectives in the *Undertaking Engagement* guide and complied with the community engagement requirements in the SEARs.

Community views

In this section, the applicant must summarise the key findings of the community engagement that was carried out during the preparation of the EIS and identify community views on the project using suitable maps, figures, graphics and tables.

It must also give an indication of the level of community interest in the project and the geographic extent of this interest (local: < 5 km from the site; regional: 5-100 km from the site; 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 any of these issues.

This will make it easier for the Department to link the key issues raised by the community with the other information in the EIS and inform the detailed assessment and evaluation of the project.

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 in the area and could be affected by the project
- the design of the project and any alternatives considered
- any relevant statutory issues
- community engagement (e.g. the level or quality of engagement carried out during the preparation of the EIS, the community engagement that should be carried out if the project is approved)
- the economic, environmental and social impacts of the project

- the evaluation of the project as a whole (e.g. justification for the project; consistency of project with Government plans, policies or guidelines; merits of the project)
- issues that are either beyond the scope of the project (e.g. broader policy issues) or not relevant to the project.

Each of these categories can then be divided into sub-categories. For example, the broad category of economic, environmental and social impacts can be divided into more specific matters (e.g. noise, water, visual, social).

These sub-categories can then be broken down further according to the characteristics of the matter. For instance, noise can be broken down into construction noise, industrial noise, rail noise and road noise and then grouped according to the key issues associated with assessing that matter (e.g. background noise levels, mitigation measures, predictions of impact, evaluation of impacts against criteria, proposed measures to monitor impacts).

In some cases, however, it may be better to group issues by location. For example, where the issues raised by the community varied from one area to the next, it may be better to group the issues by the area they came from (e.g. region A, B and C) or relative to a specific component of the project (e.g. intersection upgrade, ventilation stack).

In this section, the applicant is only required to identify the key issues raised during community engagement. The detailed consideration of these issues must be integrated into the assessment and evaluation of the project in the other sections of the EIS.

However, the appendices of the EIS must include a detailed community engagement table for the project that identifies the key issues that were raised during community engagement and indicates where these issues have been addressed in the EIS.

Engagement carried out

In this section, the applicant must summarise the community engagement that will be carried out if the project is approved, having regard to the findings of the community engagement during the preparation of the EIS and the community participation objectives in the *Undertaking Engagement* guide.

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

The summary in this section must:

- identify the key stakeholders (e.g. local councils, special interest groups, people living close to the site) for engagement
- describe the key actions that will be carried out to inform, consult and engage with the community during the implementation of the project
- 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.

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* guidelines

- appointing community representatives to technical advisory groups that will provide advice on the preparation and implementation of management plans for key assessment matters (e.g. air quality, water, noise)
- setting up an effective complaints handling system
- maintaining a website for the project, and providing regular updates on the progress, performance and compliance of the project on the website
- regularly monitoring, reviewing and adapting the community engagement strategy over time to ensure it remains effective and encourages community participation.

3.6 Assessment of Impacts

This section must provide a detailed summary of the results of the comprehensive assessment impacts of the project.

To give readers a full appreciation of the impacts of the project, the applicant must:

- structure the summary in this section in a clear and logical way, starting with the key matters requiring detailed assessment in the SEARs and ending with a summary table of the matters requiring minor assessment
- ensure the summary of the impacts of the project on each matter is proportionate to the likely scale and nature of the impacts of the project on the matter
- accurately summarise the key findings of the detailed technical studies in the appendices of the EIS and use suitable cross-referencing to reduce repetition between the two parts of the EIS
- focus on the key findings of the assessment (e.g. compliance with the relevant standards or performance measures, exceedances of the cumulative noise impact standards, potentially serious and irreversible impacts on a specific fauna species, significant economic benefits for the region), leaving any detailed explanation of the methods used to arrive at these findings to the technical studies in the appendices of the EIS
- give detailed reasons to justify any predicted exceedances of relevant standards or performance measures
- identify key uncertainties associated with the assessment and what action will be taken to address these uncertainties
- highlight any key linkages between the assessment of different matters or likely cumulative impacts of the project.

Key factors to consider in summary

In preparing the summary, the applicant must consider the following key factors:

- the SEARs.
- any relevant:
    - strategic issues (e.g. key natural and built features that may affect or be affected by the project, potential cumulative impacts, agreements with other parties to mitigate or offset the impacts of the project)
    - statutory requirements relating to the assessment of the impacts of the project (e.g. the pre-conditions to exercising the power to grant consent, the mandatory matters for consideration in environmental planning instruments)

- community views
- government plans, policies and guidelines, particularly governing the assessment of key matters and setting relevant standards and performance measures for evaluating the acceptability of the impacts of the project (e.g. *Noise Policy for Industry, Approved Methods for the Modelling and Assessment of Air Pollutants, Water Sharing Plans*)
- the Department's *Assessing Cumulative Impacts* guide

- the findings of any specialist studies or investigations undertaken for the project.

Where statutory requirements apply to the assessment of a matter, the applicant must specifically address these requirements in the detailed summary of the matter in this section of the report.

Key content of the assessment summary

For matters requiring *detailed assessment* in the EIS, the summary in this section may discuss:

- the condition of the existing environment
- the ability to avoid, mitigate and/or offset the impacts of the project having regards to:
  - mitigation measures 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)
  - the other reasonable and feasible mitigation measures that will be implemented
  - any negotiated agreements or offsets proposed to address any residual impacts of the project following mitigation
- the scale and nature of the predicted impacts, including any cumulative impacts, and whether these impacts will comply with the relevant statutory requirements, standards or performance measures
- key uncertainties associated with the assessment (e.g. lack of baseline data, doubts about the effectiveness of the proposed mitigation measures, limitations of the methodology used to predict impacts, lack of agreed criteria for evaluating impacts)
- the proposed measures to deal with these uncertainties (e.g. monitoring, review, further technical investigation, staging, adaptive management).

However, the summary must only discuss these issues if they are relevant. Also, the discussion should be structured in a clear a logical way with a clear narrative that leads readers to the key findings of the detailed assessment, rather than providing a detailed commentary on each of the issues listed above.

For matters requiring *standard assessment* in the EIS, the discussion in this section must simply set out the findings of the assessment and identify the key mitigation measures that will be used to ensure compliance with the relevant standards or performance measures.

For matters requiring *minor assessment* in the EIS, the findings should be summarised in a simple table at the end of the section.

Key appendices

This section should be supported by the following appendices of the EIS:

- a SEARs compliance table, identifying where the SEARs have been addressed in the EIS
- a statutory compliance table, identifying where the relevant statutory requirements have been addressed in the EIS
- a community engagement table, identifying where the issues raised by the community during engagement have been addressed in the EIS
- a table of the proposed mitigation measures for the project (excluding any mitigation measures that are built into the physical layout and design of the project and captured in the project description)
- any supporting information, including any detailed technical reports prepared by specialists.

3.7 Evaluation of the Project

This section must provide a comprehensive evaluation of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development.

It is the most important section of the EIS and must integrate the findings of each section of the EIS and objectively weigh up both the positive and negative impacts of the project. It must also consider the interaction between these different findings and whether the project will comply with the standards and performance measures in any relevant government legislation, plans, policies and guidelines.

Key issues to consider in this section may include:

- the design of the project and what action has been taken to avoid or minimise the impacts of the project (e.g. objectives of the project, alternatives considered, project area, physical layout and design, uses and activities, timing, proposed mitigation measures)
- the consistency of the project with the strategic context (e.g. supported by Government policy, consistent with regional plans, avoids impacts on key natural and built features with significant conservation value, provides economic benefits to regional community, the site is suitable for the project)
- compliance with any relevant statutory requirements
- community views about the project and how they have been addressed in the design of the project or the assessment of the impacts of the project
- the scale and nature of the economic, social and environmental impacts of the project, including any cumulative impacts
- key uncertainties associated with this impact assessment and the actions proposed to address these uncertainties.

4. Glossary

Amendment	A change in what the applicant is seeking consent for during the assessment process. It requires changes to the project description in the EIS or Modification Report and amendments to the associated DA or modification application. Applications can only be amended with the agreement of the Planning Secretary.
Amendment Report	A report prepared by the applicant to support amendments to a development application or modification application (see the *Preparing an Amendment Report* guide).
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.
Certify	A REAP may certify an EIS for an SSD project and other environmental assessment reports required for SSD projects against the criteria in the *Registered Environmental Assessment Practitioner* guide before they are submitted to 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.
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 EIS* guide).
Environmental assessment reports	Reports required to be submitted to the Department by an applicant seeking consent for an SSD DA or modification application. These reports include Scoping Reports, EISs, Submissions Reports, Amendment Reports and Modification Reports.

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*.
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.
Modification	Changing the scope or terms of an SSD development consent, including revoking or varying a condition of consent. A modification requires consent under the EP&A Act.
Modification application	An application seeking to modify an SSD development consent under section 4.55 or section 4.56 of the EP&A Act.
Modification Report	A report prepared by the applicant to support a modification application (see the *Preparing a Modification Report* guide).
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.
REAP	A registered environmental assessment practitioner who is a member of a professional scheme that is accredited under the EP&A Regulation. REAPs may certify the EISs for SSD projects and other documents required for SSD projects before they are submitted to the Department (see the *Registered Environmental Assessment Practitioner guide*).
Refinement	A change that fits within the limits set by the project description and does not change what the applicant is seeking approval for or require an amendment to the DA for the project.
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.
Submission	A written response from an individual or organisation, which is submitted to the Department during the public exhibition of an EIS, Amendment Report or Modification Report for State significant development.

Submissions Report	A report prepared by the applicant to respond to the issues raised in submissions (see the *Preparing a Submissions Report* guide).

Appendix A – Structure of an EIS

EIS		Indicative page limit*
Sections		
Executive summary		24
1.	Introduction	10
2.	Strategic context	5
3.	Project description	20^
4.	Statutory context	10
5.	Engagement	15
6.	Assessment of impacts	2-12# per matter
7.	Evaluation of the project	20
8.	References	
Appendices		
A	SEARs compliance table	
B	Detailed maps and plans	
C	Statutory compliance table	
D	Community engagement table	
E	Mitigation measures table	
F	Supporting information, including any detailed engagement or technical reports	

* Indicative page limits do not include maps, plans, figures or tables

^ For complex projects, it may not be possible to describe the project in 20 pages. For these types of projects, discretion will be applied

Limits apply to each individual matter (for example, it may be possible to report the findings of a simple standard assessment in 2 pages whereas a more complex, detailed assessment may require 12 pages)

Appendix B – Project Summary Examples

Example 1. Mining project

Project element	Summary of the project
Mining Method	Open cut mining in three pit areas covering up to 1,000 hectares.
Resource	Mining of A1, B1 and B2 Seams to a depth of 200 m.
Disturbance Area	Disturbance of up to 1,200 hectares with no more than 600 hectares disturbed at any time.
Annual Production	Run-of-mine coal production up to 5 million tonnes per annum, up to 3 million tonnes saleable product.
Mine Life	21 years of mining.
Total Resource Recovered	Up to 95 million tonnes of run-of-mine (ROM) coal.
Beneficiation	Processing at a CHPP of up to 5 million tonnes per annum.
Management of Mining Waste	Emplacement of waste rock in in-pit and out-of-pit waste rock emplacements up to a height of approximately 150m above existing ground level.
General Infrastructure	Access roads, electricity supply and distribution, rail loop, CHPP, train loading infrastructure, ROM coal stockpiles, coal handling equipment, diesel storage, administration, workshop, stores and ablution buildings, heavy vehicle servicing, parking and wash-down facilities.
Product Transport	Transport of product coal by train with an average of 3 trains per day and a maximum of 5 trains per day during peak periods.
Water Management	Maximum water demand up to 500ML per annum in dry years. Water to be sourced from water sources A, B & C under the relevant water sharing plans. Water would be stored and used on site, although up to 300 ML of water may be transferred by pipeline to the adjoining mine each year for operational use. Excess water would be treated to a suitable standard and discharged to the Hunter River under the Hunter River Salinity Scheme.
Operational Workforce	Approximately 250 people (including contractor personnel and where appropriate split construction and operational staff).
Hours of Operation	Open cut mining, coal processing and rail load-out 24 hours per day, seven days a week.
Capital Investment	$500 million.

Example 2. Residential project

Project element	Summary of the project	
Project Site Area	Application site area: 4,324 m²	Extent of basement works: 3,102 m²
Site Description	Lot and DP number	
GFA	Total: 36,200 m² Retail: 4,256 m²	Residential: 31,944 m²
Residential apartments	3 bedroom: 12 2 bedroom: 24	1 bedroom: 26 Studios: 14
Maximum Height	200m above existing ground level	40 storeys
Total parking spaces	4 retail parking spaces	50 residential parking spaces
Cycle Parking	50 bicycle spaces	
End of trip facilities	One shared shower for retail units	
Construction Hours	7am to 5pm (Monday to Saturday) 8am to 3pm (Saturday)	No work on Sundays and Public Holidays
Communal open space	152 m²	

Appendix C – Pre-conditions Table

Statutory reference	Pre-condition	Relevance	Section in EIS
State Environment Planning Policy (Sydney Drinking Water Catchment) 2011 (Drinking water SEPP) - clause 10(1)	A consent authority must be satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.	The project is located within the Sydney drinking water catchment. Sections A, B and C Appendix	Sections A, B and C Appendix Z
State Environmental Planning Policy No 55—Remediation of Land (Remediation of land SEPP) - clause 7(1)	A consent authority must be satisfied that the land is suitable in its contaminated state - or will be suitable, after remediation - for the purpose for which the development is proposed to be carried out.	Parts of the project land are contaminated, and/or the land requires remediation before it is used for the project.	
Concept development consent (see section 4.24 of the Act)	Determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.	Concept consent applies to the site	
State Environmental Planning Policy (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP) - clause 29(3)	The Planning Secretary must certify in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services	The land is not being used for industrial purposes	
Coastal Management Act 2016 - section 27(1)	The consent authority must be satisfied that: (a) over the life of the works they will not either unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or pose or be likely to pose a threat to public safety, and (b) satisfactory arrangements have been made for the following for the life of the works: (i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works, (ii) the maintenance of the works.	The development is for the purpose of coastal protection works	

Appendix D – Mandatory Considerations Table

Statutory reference	Mandatory consideration	Section in EIS
Consideration under the Act and Regulation		
Section 1.3	Relevant objects of the Act • to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources • to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment • to promote the orderly and economic use and development of land • to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	
Section 4.15	Relevant environmental planning instruments • *SEPP 33 – Hazardous and Offensive Development (see further detail below)* • *SEPP (Western Sydney Employment Area) 2009 (see further detail below)* • *SEPP (Sydney Drinking Water Catchment) 2011* • *SEPP 55 - Remediation of Land* • *Blacktown LEP 2015 (see detail below)*	
	Relevant proposed environmental planning instruments • draft SEPP – Strategic Transport Corridors	
	Relevant planning agreement or draft planning agreement • Voluntary Planning Agreement for the site entered into between the applicant and another party.	

	Development control plans • Blacktown Development Control Plan 2015 • the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality • the suitability of the site for the development • the public interest
Section 4.24	Relevant concept approval • Concept Approval 5654, granted 5 January 2018
Mandatory relevant considerations under EPIs	
Sydney drinking water SEPP – clause 9	Water NSW's current recommended practices and standards.
Mandatory relevant considerations under EPIs (continued)	
Remediation of land SEPP - clause 7	As the development will involve a change of use within an investigation area a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
SEPP 33 - clause 8	Departmental guidelines: • *Applying SEPP 33 (identify relevant requirements)* • *HIPAP No.3 – Risk Assessment (identify relevant requirements)* • *HIPAP No.12 – Hazards – related Conditions of Consent*
Blacktown LEP	Objectives and land uses for IN1 zone • Part 4 – Principal development standards • Clause 7.3 – Riparian land and watercourses
Considerations under other legislation	
Biodiversity Conservation Act 2016 – section 7.14	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.

Development Control Plans (DCPs)	
Blacktown DCP	• Part E Development in Industrial Zones • Part I Contaminated Land guidelines
Concept approval	
Concept Approval 5654	Consistency of project with concept approval