



# Preparing an Amendment Report

State Significant Development Guide

Exhibition Draft

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# 1. Introduction

## 1.1 Amending an SSD Application

Under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), the applicant for a State significant development (SSD) project may - with the agreement of the Planning Secretary - amend or vary an application at any time before it is determined<sup>1</sup>.

This applies to development applications (DA) for consent as well as to applications seeking to modify a development consent.

Amendments to an SSD DA or modification application are only required if the applicant wants to change what it is seeking approval for and needs to amend the project description in the relevant Environmental Impact Statement (EIS) or Modification Report.

These amendments may be necessary to improve the design of the project, respond to issues raised by the community in public submissions or further mitigate the impacts of the project.

To seek the Planning Secretary's agreement for any proposed amendments to a State significant application, the applicant must submit the approved form to the Department of Planning, Industry and Environment (Department) on the Major Projects website<sup>2</sup>.

If the Planning Secretary agrees to the proposed amendments, the Applicant must then submit an Amendment Report to the Department.

## 1.2 Purpose of an Amendment Report

The purpose of the Amendment Report is to assess the economic, environmental and social impacts of the amended project and to help the community, local councils, agencies and the consent authority to get a better understanding of the proposed amendments and their impacts so they can make informed submissions (if the report is exhibited) or decisions on the merits of the amended project.

## 1.3 Assessing and Determining an Amended Application

As soon as it is received, the Department will publish the Amendment Report on the Major Projects website<sup>3</sup> and proceed to complete its assessment of the application.

If the amendments involve greater than minimal environmental impact, the Department will publicly exhibit the Amendment Report for at least 14 days before completing its assessment. This is to give the community a chance to read the Amendment Report and make a submission on the merits of the amended project.

If the Amendment Report is exhibited, the Department will publish all the submissions it receives during exhibition on the Major Projects website and ask the applicant to respond to the issues raised in submissions<sup>4</sup>. The applicant must document its response to submissions in a Submissions Report.

As soon as it is received, the Department will publish the Submissions Report on the Major Projects website and complete its assessment of the amended DA or modification application.

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<sup>1</sup> See clause 55 of the EP&A Regulation.

<sup>2</sup> See proposed 55B of the EP&A regulation in the *Environmental Planning and Assessment (Major Projects) Regulation 2020*.

<sup>3</sup> See clause 82(3) of the EP&A Regulation.

<sup>4</sup> See proposed clause 82A of the EP&A Regulation in the *Environmental Planning and Assessment (Major Projects) Regulation 2020*.

Prior to determining the DA or modification application, the consent is required to evaluate the merits of the amended project, having regard to the economic, environmental and social impacts of the amended project and the principles of ecologically sustainable development<sup>5</sup>.

After determining the application, the consent authority is required to publish a notice setting out the reasons for the decision and how community issues were taken into account during the making of the decision<sup>6</sup>.

## 1.4 Purpose of this Guide

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

It seeks to ensure that the Amendment Reports submitted to the Department to support amendments to an SSD application are prepared to a high standard and consistent. It also seeks to ensure that all Amendment Reports are:

- as succinct as possible and easy to understand
- clearly describe the proposed amendments
- reflect community view
- contain a technically robust assessment of the impacts of the amendments
- evaluate the amended project as a whole, having regard to the economic, environmental and social impacts of the amended project and the principles of SSD

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

## 1.5 Application of this Guide

Under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), the Amendment Report for an SSD project must be prepared having regard to the SSD guidelines prepared by the Planning Secretary<sup>7</sup>.

This guide forms part of the relevant SSD guidelines, and applicants must have regard to the requirements in this guide when they prepare an Amendment Report for an SSD project.

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<sup>5</sup> See sections 1.7 and 4.15 of the EP&A Act, in particular.

<sup>6</sup> See clause 20 of schedule 1 of the EP&A act.

<sup>7</sup> 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 Amendment Report to a high standard and comply with the following general requirements.

### 2.1 Form

The Amendment Report must be divided into two parts<sup>8</sup>:

- the main report, which describes the proposed amendments, summarises the findings of any community engagement and the detailed assessment of the impacts of the amendments, and evaluates the amended project as a whole having regard to the economic, environmental and social impacts of the amended project and the principles of ecologically sustainable development
- the appendices to the main report, which should include:
  - an updated project description, incorporating the proposed amendments
  - an updated statutory compliance table
  - an updated table of the approved mitigation measures for the project (excluding any measures that form part of the physical design and layout of the project)
  - 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 Amendment Report.

### 2.2 Structure and Length

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

While the length of the Amendment Report 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 Amendment Report provides a serious evaluation of the amended project as a whole.

### 2.3 Presentation

The Amendment Report must make it easy for people to understand the proposed amendments, community views on the amendments and the likely impacts of the amendments so they can make informed submissions or decisions on the merits of the amendments.

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

- ensure the Amendment Report has a clear narrative, clearly explaining why the proposed amendments are necessary through the findings of any community engagement and the detailed assessment of the potential impacts of the amendments to the evaluation of the amended project as a whole;

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<sup>8</sup> Despite the division of the Modification Report into two parts, the appendices form part of the Modification Report.

- structure the information in the Amendment Report 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 Amendment Report, and between these findings and the evaluation of the amended project as a whole
- use objective analysis and provide reasons and evidence to support any conclusions reached
- 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 two presentations are located close to one other
- ensure the Amendment Report does not contain any false or misleading information<sup>9</sup>.

## 2.4 GIS Data Specifications

The applicant must:

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

Maps in the Amendment 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).

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<sup>9</sup> See section 10.6 of the EP&A Act.

## 2.6 Accessibility and Navigation

The Amendment 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 Amendment Report must:

- be provided as accessible PDF files<sup>10</sup> (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.

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<sup>10</sup> An accessible PDF file provides hidden, structured, textual representation of the PDF content that is presented to screen readers.

## 3. Content of an Amendment Report

The Amendment Report must contain the following information in section of the report.

### 3.1 Introduction

This section must set the context for the assessment and evaluation of the amended project in the next sections of the Amendment Report, and include:

- the applicant's details
- an explanation of the previous steps in the assessment
- a short summary of the project in the original application, including a map of the site in its regional setting
- a simple description of the proposed amendments, including:
  - the background to the amendments
  - why the amendments are required.

### 3.2 Strategic Context

This section must describe the strategic context for the amendments.

In most cases, this will involve summarising the description of the strategic context in the original EIS or Modification Report for the project.

However, if the strategic context has changed since the original application was submitted, the changes should be described in detail in this section of the Amendment Report. This detailed description must be prepared having regard to the relevant guidance in the *Preparing an Environmental Impact Statement* guide.

### 3.3 Description of the Amendments

This section must describe the proposed amendments to the project using suitable maps, plans, figures and tables.

This description must include:

- a simple overview of the amendments, including a table comparing the amended project to the original project (see example in Appendix B)
- a detailed description of each of the amendments, having regard to the relevant guidance in the Department's *Preparing an Environmental Impact Statement* guide.

A consolidated, detailed description of the amended project must be included in the appendices of the Amendment Report.

### 3.4 Statutory Context

This section must identify the relevant statutory requirements for assessing and evaluating the proposed amendments to the project, having regard to the relevant guidance in the Department's *Preparing an Environmental Impact Statement* guide.

If the statutory context has changed since the original application was submitted or the amendments trigger new statutory requirements, these changes must be highlighted in this section of the report.

Finally, the applicant must include an updated statutory compliance table for the amended project as an appendix to the Amendment Report. This table must identify all the relevant statutory requirements for the amended project and indicate where they have been addressed either in the Amendment Report or the associated EIS or Modification Report.

### 3.5 Engagement

If community engagement was carried out for the amendments, this section must summarise the:

- engagement that was carried out
- key issues raised during this engagement
- engagement to be carried out if the amended project is approved

This summary must be prepared having regard to the relevant guidance in the Department's *Preparing an Environmental Impact Statement* guide.

Any detailed community engagement reports must be included as an appendix to the Amendment Report.

### 3.6 Assessment of Impacts

This section must provide a detailed summary of the findings of any further assessment of the impacts of the proposed amendments, including details about the impacts of the amendments and the impacts of the amended project.

This summary must be prepared having regard to the relevant guidance in the Department's *Preparing and Environmental Impact Statement* guide.

In preparing the summary in this section, the applicant must consider

- any relevant:
  - strategic issues
  - statutory requirements.
  - community views
  - government plans, policies and guidelines governing the assessment of key matters and setting standard or performance measures for evaluating the acceptability of any impacts of the amended project (e.g. *NSW 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.

Finally, the applicant must include an updated table of the proposed mitigation measures for the amended project and any detailed technical reports as appendices to the Amendment Report.

## 3.7 Evaluation of the Amended Project

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

The evaluation must be prepared having regard to the relevant guidance in the Department's *Preparing an Environmental Impact Statement*. It must summarise the relevant findings from the EIS or Modification Report and incorporate any new findings relating to the amendments.

## 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 <i>Preparing an Amendment Report</i> 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 <i>Registered Environmental Assessment Practitioner</i> guide before they are submitted to the Department.
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.
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 <i>Preparing an EIS</i> 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	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i> .
Major Projects website	<a href="http://www.majorprojects.planningportal.nsw.gov.au">www.majorprojects.planningportal.nsw.gov.au</a>
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 <i>Preparing a Modification Report</i> guide).
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 <i>Registered Environmental Assessment Practitioner guide</i> ).
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.
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 <i>Preparing a Submissions Report</i> guide).

# Appendix A – Structure of an Amendment Report

<b>Submissions report</b>	
<b>Section</b>	<b>Indicative page limit*</b>
Executive summary	3
1 Introduction	3
2 Strategic context	3
3 Description of amendments	10
4 Statutory context	3
5 Engagement	5
6 Assessment of impacts	1-10** per issue
7 Evaluation of merits	5
8 References	
<b>Appendices</b>	
A Updated project description	
B Updated statutory compliance table	
C Updated mitigation measures table	
D Supporting information, including any detailed engagement or technical reports	

\* Indicative page limits do not include maps, plans and figures

\*\* Limits apply to individual matter (for example, it may be possible to report the findings of a simple standard assessment in 1 page whereas a more complex, detailed assessment may require 10 pages)

## Appendix B – Amended Project Summary Table

Element	Original project	Amended project
<b>Project area</b>		
Project footprint	33ha	50ha
Excavation depth	30m	25m
<b>Physical layout and design</b>		
Building height	28m	31m
Gross floor area	202 000m <sup>2</sup>	250 000m <sup>2</sup>
Site access	Site access from Water Road	Site access from River Road
Parking spaces	50	45
<b>Key uses and activities</b>		
Land Use	Industrial	Industrial + commercial
Annual waste generated	90 000 tonnes per annum	100 000 tonnes per annum
Rate of production	50 000 tonnes per annum	60 000 tonnes per annum
Spoil exported	15 000 tonnes per annum	12 500 tonnes per annum
<b>Related development</b>		
Energy generation facility	Seek approval following project approval	Seek approval under amended project
Road upgrade	No upgrade proposed	Road upgrade to River Road
<b>Project sequencing</b>		
	Construct Building A before Building B	Construct Building A and B at same time