



Preparing a Modification Report

State Significant Development Guide

Exhibition Draft

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1. Introduction

1.1 Modifying an SSD Consent

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act)¹, a consent authority may modify a State significant development (SSD) consent provided the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted.

These modifications may be necessary to change the design of the approved project or the conditions of the development consent.

They will fall into one of the following three categories:

- modifications involving minor error, misdescription or miscalculation
- modifications involving minimal environmental impact
- modifications involving greater than minimal environmental impact.

To seek approval for modifications to an SSD consent, the applicant must submit an application to the Department of Planning, Industry and Environment (Department) in the approved form on the Major Projects website along with a Modification Report.

1.2 Purpose of a Modification Report

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

1.3 Assessing and Determining a Modification Application

As soon as it is received, the Department will publish the Modification Report on the Major Projects website² and proceed to complete its assessment of the application.

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

If the Modification Report is exhibited, the Department will publish all the submissions it receives during the exhibition on the Major Projects website and ask the applicant to respond to the issues raised in submissions³. 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 modification application.

Prior to determining the modification application, the consent authority is required to evaluate the merits of the modified project, having regard to the economic, environmental and social impacts of the modified project and the principles of ecologically sustainable development⁴.

¹ See sections 4.55 and 4.56 of the EP&A Act.

² See clause 82(3) of the EP&A Regulation.

³ See proposed clause 82A of the EP&A Regulation in the *Environmental Planning and Assessment (Major Projects) Regulation 2020*.

⁴ See sections 1.7 and 4.15 of the EP&A Act, in particular.

After determining the modification application, the consent authority is required to publish a notice setting out the reasons for the decision and how community issue were taken into account during the making of the decision⁵.

1.4 Purpose of this Guide

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

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

- as succinct as possible and easy to understand
- clearly describe the proposed modifications
- reflect community views
- contain a technically robust assessment of the impacts of these modifications
- evaluate the modified project as a whole, having regard to the economic, environmental and social impacts of the modified project and the principles of ecologically sustainable development.

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

1.5 Application of this Guide

Under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), the Modification Report submitted to the Department in support of an SSD modification application must be prepared having regard to the SSD guidelines prepared by the Planning Secretary⁶.

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

⁵ See clause 20 of schedule 1 of the EP&A act.

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 Modification Report to a high standard and comply with the following general requirements.

2.1 Form

The Amendment Report must be divided into two parts⁷:

- the main report, which describes the proposed modifications, summarises the findings of any community engagement and the detailed assessment of the impacts of the modifications, and evaluates the modified project as a whole having regard to the economic, environmental and social impacts of the modified project and the principles of ecologically sustainable development
- the appendices to the main report, which should include:
 - an updated project description, incorporating the proposed modifications
 - a 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 Modification Report.

2.2 Structure and Length

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

While the length of the Modification 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 Modification Report provides a serious evaluation of the modified project as a whole.

2.3 Presentation

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

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

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

⁷ Despite the division of the Modification Report into two parts, the appendices form part of the Modification Report.

- structure the information in the Modification 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 Modification Report, and between these findings and the evaluation of the modified 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 both presentations are located close to one other
- ensure the Modification Report does not contain any false or misleading information⁸.

2.4 GIS Data Specifications

The applicant must:

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

⁸ See section 10.6 of the EP&A Act.

In particular, the Modification Report must:

- be provided as accessible PDF files⁹ (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.

⁹ An accessible PDF file provides hidden, structured, textual representation of the PDF content that is presented to screen readers.

3. The Modification Report

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

3.1 Introduction

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

- the applicant's details
- a short summary of the approved project, including a map of the site in its regional setting
- a simple description of the proposed modifications, including:
 - the background to the proposed modifications
 - the reasons why the modifications are required.

3.2 Strategic Context

This section must describe the strategic context for the proposed modifications.

In most cases, this will involve summarising the description of the strategic context in the most recent Environmental Impact Statement (EIS), Amendment Report or Modification Report for the project.

However, if the strategic context has changed since the previous assessment of the project, these changes should be described in detail in this section of the Modification Report. The applicant must prepare this detailed description having regard to the relevant guidance in the Department's *Preparing an Environmental Impact Statement* guide.

3.3 Description of the Modifications

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

This description must include:

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

A consolidated, detailed description of the modified project must be included as an appendix to the Modification Report.

3.4 Statutory Context

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

The applicant must also include a detailed statutory compliance table for the modified project as an appendix to the Modification Report, which identifies all the relevant statutory requirements for the modified project and indicates where they have been addressed in the Modification Report.

3.5 Community Engagement

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

- the engagement that was carried out
- the key issues raised during this engagement
- any changes to the approved engagement that would be carried out if the modifications are 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 Modification 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 modifications, including details about the impacts of the modifications and the impacts of the modified project.

The 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 standards or performance measures for evaluating the acceptability of any impacts of the modified 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 modified project and any detailed technical reports as appendices to the Modification Report.

3.7 Evaluation of the Modified Project

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

It is the most important section of the Modification Report and must integrate the findings of each section of the Modification Report and weigh up the positive and negative impacts of the modifications. It must also consider the interaction between these different findings and whether the modified project will comply with any relevant government legislation, plans, policies and guidelines.

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

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.
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	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 <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.
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 modification application 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 a Modification Report

Submissions report	
Section	Indicative page limit*
Executive summary	3
1 Introduction	3
2 Strategic context	3
3 Description of modifications	10
4 Statutory context	3
5 Engagement	5
6 Assessment of impacts	1-10** per issue
7 Evaluation of merits	5
8 References	
Appendices	
A Updated project description	
B Updated mitigation measures table	
C 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 – Modified Project Summary Table

Element	Original project	Modified project
Project area		
Land clearance	33ha	50ha
Excavation depth	30m	25m
Native vegetation clearance	5ha	3ha
Physical layout and design		
Building height	28m	31m
Gross floor area	202 000m ²	250 000m ²
Site access	Site access from Water Road	Site access from River Road
Parking spaces	50	45
Uses and activities		
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
Related development		
Energy generation facility	Seek approval following project approval	Seek approval under amended project
Road upgrade	No upgrade proposed	Road upgrade to River Road
Project sequencing		
	Construct Building A before Building B	Construct Building A and B at same time