



# Preparing a Modification Report

State Significant Infrastructure Guide

Exhibition Draft

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# 1. Introduction

## 1.1 Modifying an SSI approval

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act) <sup>1</sup>, an approval authority may modify a State significant infrastructure (SSI) approval, however, this approval is not required if the infrastructure as modified will be consistent with the existing approval.

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

To seek approval for modifications to a SSI approval, the proponent must submit an application to the Department on the Major Projects website in the form approved by the Planning Secretary along with a Modification Report<sup>2</sup>.

Prior to preparing the application and Modification Report, the proponent should discuss the modification with the Department to identify the issues to be addressed and the need for any community engagement. The Department may issue environmental assessment requirements<sup>3</sup> to make clear the information to be provided by the proponent.

## 1.2 Purpose of a modification report

The purpose of a Modification Report is to assess the economic, environmental and social impacts of the modified project. It also helps the community, local councils, agencies and the approval 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<sup>4</sup> the Modification Report on the Major Projects website 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 proponent to respond to the issues raised in submissions. The proponent 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 approval authority is required to evaluate the merits of the modified project, having regard to the economic, environmental

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<sup>1</sup> See section 5.25(2) of the EP&A Act.

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

<sup>3</sup> See section 5.25(3) of the EP&A Act.

<sup>4</sup> See section 5.28(1)(g) of the EP&A Act.

and social impacts of the modified project and the principles of ecologically sustainable development.

After determining the modification application, the approval 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.

## 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 SSI 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 SSI 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 SSI modification application must be prepared having regard to the SSI guidelines prepared by the Planning Secretary<sup>5</sup>.

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

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<sup>5</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 proponent must prepare the Modification Report to a high standard and comply with the following general requirements.

### 2.1 Form

The Modification Report must be divided into two parts:

- 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 set out in Appendix A, and should be used all Modification Reports. If some sections are not relevant, the proponent 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 should be as succinct as possible.

To assist in this regard, the Department has included 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 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 proponent 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 and the evaluation of the modified project as a whole
- 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 information<sup>6</sup>.

## 2.4 GIS data specifications

The proponent must:

- maintain appropriate geo-referenced file formats of all the maps used in the Modification Report
- supply all 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 presented in the Modification Report should build on a standard base map for the project and include:

- a north arrow (for maps in plan view)

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<sup>6</sup> See section 10.6 of the EP&A Act.

- 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.

In particular, the Modification Report must:

- be provided as accessible PDF files<sup>9</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.

## 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 proponent's details
- a short summary of the approved project, including a map of the site / corridor 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.

It should also identify whether any environmental assessment requirements were issued for the project.

### 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 proponent 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 proponent 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 Engagement

If community engagement was carried out for the modifications, this section should 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 should be prepared having regard to the relevant guidance in the *Preparing an Environmental Impact Statement* guide.

Any detailed engagement reports should be included as an appendix to the Modification Report.

## 3.6 Assessment of impacts

This section should provide a summary of the findings of any further assessment of the impacts of the proposed modifications, including details about the impacts of the proposed modifications and any changes to the impacts of the modified project.

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

In preparing the summary in this section, the proponent must consider:

- any relevant:
  - strategic issues
  - statutory requirements
  - 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. *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.

The proponent 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 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

Amendment	A change in what the proponent is seeking approval for during the assessment process. It requires changes to the project description in the EIS or Modification Report and amendments to the associated infrastructure application or modification application. Applications can only be amended with the agreement of the Planning Secretary.
Amendment Report	A report prepared by the proponent to support amendments to an infrastructure application or modification application (see the <i>Preparing an Amendment Report</i> guide).
Approval authority	The approval authority for an SSI application or SSI modification application. This will be the Minister or the Minister's delegates in the Department.
Certify	A REAP may certify an EIS for an SSI project and other environmental assessment reports required for SSI 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 an approval authority for an SSI application to either approve the application subject to modifications or conditions or refuse to approve the application.
EIS	An Environmental Impact Statement prepared by the proponent to support an SSI application (see the <i>Preparing an EIS</i> guide).
Environmental assessment reports	Reports required to be submitted to the Department by a proponent seeking approval for an SSI application or modification application. These reports include Scoping Reports, EISs, Submissions Reports, Amendment Reports, Preferred Infrastructure Reports and Modification Reports.
Environmental planning instrument	Means 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 SSI (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 SSI approval, including revoking or varying a condition of approval. A modification requires approval under the EP&A Act.

Amendment	A change in what the proponent is seeking approval for during the assessment process. It requires changes to the project description in the EIS or Modification Report and amendments to the associated infrastructure application or modification application. Applications can only be amended with the agreement of the Planning Secretary.
Modification application	An application seeking to modify an SSI approval under section 5.25 of the EP&A Act.
Modification Report	A report prepared by the proponent to support a modification application (see the <i>Preparing a Modification Report</i> guide).
Planning Secretary	The Planning Secretary of the Department.
Preferred Infrastructure Report	A report prepared by an SSI proponent at the request of the Planning Secretary that outlines any proposed changes to the SSI to minimise its environmental impact or to deal with any other issue raised during the assessment of the application concerned (see the <i>Preparing a Preferred Infrastructure Report</i> guide).
Project	An SSI proposal, which is the subject of an infrastructure application or modification application.
Proponent	The proponent seeking approval for an SSI 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 SSI projects and other documents required for SSI projects before they are submitted to the Department (see the <i>Registered Environmental Assessment Practitioner</i> guide).
Refinement	A change that fits within the limits set by the project description and does not change what the proponent is seeking approval for or require an amendment to the infrastructure application for the project.
Scoping	The process of identifying the matters that require further assessment in an EIS.
Scoping Report	A report prepared by the proponent to inform the setting of SEARs for an SSI project (see the <i>Preparing a Scoping Report</i> guide).
SEARs	The Planning Secretary's environmental assessment requirements for the preparation of an EIS for an SSI project.
SSI / CSSI	Development that is declared to be State significant infrastructure under section 5.12 of the EP&A Act and critical State significant infrastructure under section 5.13 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, Preferred Infrastructure Report or Modification Report for State significant infrastructure.
Submissions Report	A report prepared by the proponent to respond to the issues raised in submissions (see the <i>Preparing a Submissions Report</i> guide).

# Appendix A – Recommended structure of a Modification Report

<b>Modification report</b>	
<b>Section</b>	<b>Indicative page limit*</b>
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	
<b>Appendices</b>	
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 – Examples of a comparison table

The following table provides an example of how the modified project could be compared to the original project.

Project Element	Summary of the approved project	Summary of the proposed modifications	Fig ref
<b>Operations</b>			
Description	New dual carriageway motorway between XX – YY, approximately 16 kms, two lanes in each direction with capacity to expand to three lanes in each direction	Change of alignment at location XX	Fig XX
Operational footprint	Approximately 285 ha	Approximately 290 ha	Fig XX
Intersections	Three intersections / interchanges		Fig XX
Bridge structure / creek crossings	19 bridge structure crossing Creeks 1, 2, 3 and local roads A, B, C...	Additional crossing at local road D	Fig XX
Active transport	Pedestrian and cyclist facilities through the provision of pedestrian bridges and off road shared user paths		Fig XX
Local road network	Modifications to the local road network including local road 1, local road 2, local road 3		Fig XX
Utilities	Adjustment, protection or relocation of existing utilities		
Ancillary facilities	Ancillary facilities to support motorway operations, smart motorways operation in the future and the existing M7 Motorway operation, including gantries, electronic signage and ramp metering		
Roadside furniture	Other roadside furniture including safety barriers, signage and street lighting		
Waterways	Adjustments of waterways, where required, including Creeks 1, 2, 3		Fig XX
Permanent water Management	Permanent water quality management measures including swales and basins		
<b>Construction</b>			
Construction footprint	Approximately 350 ha	Approximately 360 ha	Fig XX

Workforce	Average of 400 per year over a three year construction period		
Cut / fill	Net deficit of fill material of approximately 2 million cubic metres	Reduction in net deficit to 1.8 million cubic metres	
Ancillary facilities	Various locations: material and earthworks stockpiling areas (including early stockpiling), construction support areas for bridges, a main project office and compound area, material testing laboratories, secondary offices located as needed along the length of the construction footprint, workshops for servicing plant and equipment, double-handling and laydown areas, concrete precast elements casting yards and concrete and/or asphalt batching plants		Fig XX
Temporary facilities	Establishment and use of temporary ancillary facilities, temporary construction sedimentation basins, access tracks and haul roads during construction		Fig XX
Dewatering	Dewatering of up to 15 farm dams		
Property	Permanent and temporary property adjustments and property access refinements		Fig XX
Capital Investment	\$1.75 bn		
Construction footprint	Approximately 350 ha	Approximately 360 ha	Fig XX
Workforce	Average of 400 per year over a three year construction period		
Cut / fill	Net deficit of fill material of approximately 2 million cubic metres	Reduction in net deficit to 1.8 million cubic metres	
Ancillary facilities	Various locations: material and earthworks stockpiling areas (including early stockpiling), construction support areas for bridges, a main project office and compound area, material testing laboratories, secondary offices located as needed along the length of the construction footprint, workshops for servicing plant and equipment, double-handling and laydown areas, concrete precast elements casting yards and concrete and/or asphalt batching plants		Fig XX

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