# State significant infrastructure guidelines – preparing an environmental impact statement

## Appendix B to the state significant infrastructure guidelines

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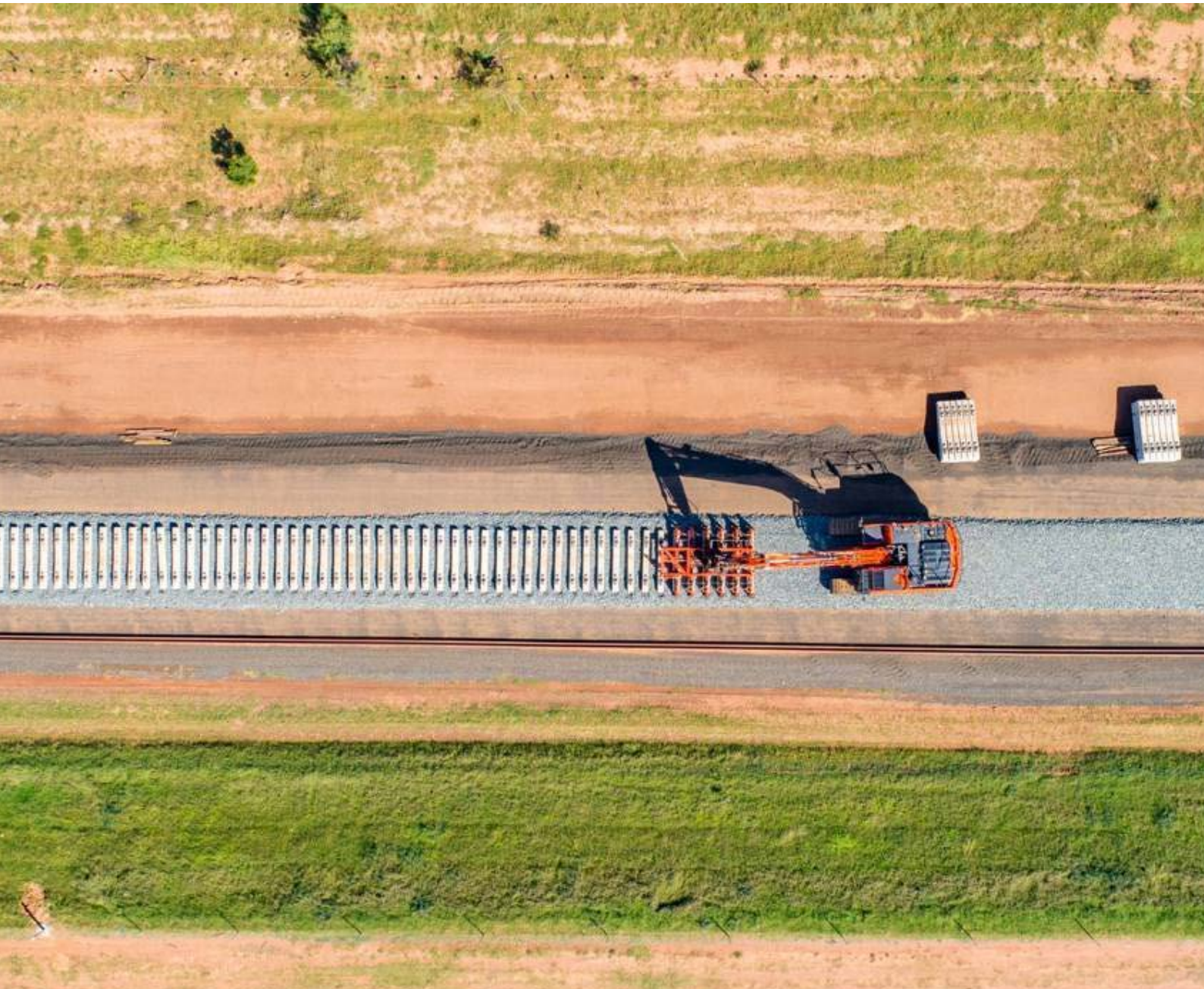

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# Contents

# Preface

## Purpose of the guidelines

These guidelines provide a detailed explanation of the form and content requirements for environmental impact statements (EIS) as set out by the Department of Planning and Environment (the Department).

They seek to ensure that the EISs submitted to the Department for all State significant infrastructure (SSI) projects are consistent and prepared to a high standard. They also seek to ensure that 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
- justify and 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.

These guidelines set clear expectations for the preparation of all EISs for SSI projects and will help to promote robust debate on the merits of SSI projects.

## Application of these guidelines

Under the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation), the EIS for an SSI project must be prepared having regard to the SSI Guidelines prepared by the Planning Secretary[1].

These guidelines form part of the relevant SSI Guidelines, and proponents must have regard to the requirements in these guidelines when they prepare an EIS for an SSI project.

# 1. Introduction

## 1.1 Comprehensive assessment

SSI is important to the State for economic, environmental or social reasons.

All SSI projects require approval under the *Environmental Planning and Assessment Act 1979* (EP&A Act) from the Minister for Planning (Minister) before they may proceed[2].

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

This includes requiring the proponent of an SSI project to prepare an EIS[3] for the project in accordance with the Planning Secretary's environmental assessment requirements (SEARs).

The EIS is exhibited for at least 28 days[4]. This gives the community an opportunity to read the EIS and make a submission on the merits of the project.

The approval authority evaluates the merits of the project as a whole, having regard to the economic, environmental and social impacts of the project, the issues raised during consultation and in submissions, and the principles of ecologically sustainable development.

After determining the project, the approval 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. It helps the community, councils, government agencies and the approval 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.

# 2. General requirements

The proponent should prepare the EIS to a high standard and comply with the following general requirements.

## 2.1 Form

The EIS should be divided into two parts[6].

The first part is made up of the main report. The main report clearly describes the project, summarises the findings of any community engagement and the detailed assessment of the impacts including mitigation measures. It provides a justification and evaluation of the project as a whole having regard to its economic, environmental and social impacts and the principles of ecologically development.

The second part is made up of the appendices to the main report. This should include:

- a SEARs table, which identifies where each of the SEARs has been addressed in the EIS including specialist assessment reports
- supporting maps or graphics that illustrate 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.

In addition, the Summary of the EIS (see section 3.1) should be provided as part of the main report and be made available as a separate document so that it can be downloaded or accessed easily.

The main report should contain an accurate summary of the specialist assessment reports in the appendices and use suitable cross-referencing to reduce repetition between the two parts of the EIS. The description of the project in the specialist assessment reports should be consistent with the description of the project in the EIS.

## 2.2 Structure and length

A recommended structure for an EIS is shown in Appendix A[7]. If some sections are not relevant, the proponent 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 should 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 justification and evaluation of the project as a whole.

## 2.3 Presentation

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

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

- ensure the EIS has a clear narrative, including the development of the project and the consideration of feasible alternatives, the findings of any community engagement, the detailed assessment of its potential impacts, and the justification and 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 justification and 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.[8]

## 2.4 GIS data specifications

The proponent must:

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

## 2.6 Accessibility and navigation

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

In particular, the EIS must:

- be provided as accessible PDF files[9] (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 preferably under 100 characters, except for images that are decorative
- 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
- use hyperlinks to assist with navigation through the document.

## 2.7 Declaration

To ensure the EIS is prepared to a high standard, a registered environmental assessment practitioner (REAP) must provide a declaration in respect of completeness, accuracy, quality and clarity of the information in the EIS before it is submitted to the Department[10].

This declaration must be made to the effect that:

- the EIS has been prepared in accordance with the EP&A Regulation
- the EIS contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates
- the information contained in the EIS is neither false nor misleading
- for SSD and SSI, it contains information required to be provided under the *Registered Environmental Assessment Practitioner Guidelines*.

The information required to be provided under the *Registered Environmental Assessment Practitioner Guidelines* are that the EIS:

- addresses the SEARs for the project
- identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments
- has been prepared having regard to the Department's *State Significant Infrastructure Guidelines - Preparing an Environmental Impact Statement*
- contains a simple and easy to understand summary 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
- contains a consolidated description of the project in a single chapter of the EIS
- contains an accurate summary of the findings of any community engagement
- contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.

A pro forma declaration has been provided at Appendix B. A signed copy of this declaration should be included as a page within each EIS.

# 3. Content of an EIS

The EIS must contain the following sections in the main report.

## 3.1 Summary

The EIS must include a summary of the EIS in non-technical language (not an executive summary as usually understood). The summary should be concise, providing a description of the findings of the EIS in a way that is easy to read and understand by the general public.

The summary should aim to tell the story about what is proposed and what else was considered, what the environmental implications are of the proposal and how they will be managed. There should be a logical flow, which does not need to reflect the order of chapters in the EIS. Images and graphics should be used to help communicate the summary, avoiding jargon and acronyms.

Content should be summarised accurately and objectively. It should report all of the assessment's key conclusions and be consistent with the rest of the EIS. Issues should be described at an appropriate level of detail tailored to the potential for significant impacts described in the EIS.

## 3.2 Introduction

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

- the proponent's details, address and ABN
- a simple description of the project, including:
  - a statement of the objectives of the development[11]
  - maps of the site in its regional setting
- the background to the project, including:
  - any relevant history
  - key strategies that have been adopted to avoid, minimise or offset the impacts of the project
- a description of any related development or infrastructure that is required for the project or may be developed as a result of the project, but would be subject to a separate approval process (e.g. new or upgraded ancillary infrastructure, approvals for subsequent stages of the project).

## 3.3 Strategic context

This section must identify the key strategic context issues that are relevant to the assessment 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 provide strategic support for the project
- relevant plans that establish a regional or local land use planning context for the project
- key features of the site / corridor and surrounds that could affect or be affected by the project including:
  - the local and regional community, having regard to land uses in the area, land ownership and the proximity of population centres and residences to the site or corridor
  - important features in the natural or built environment such as National Parks, scenic landscapes, conservation areas, culturally important landscapes, and major infrastructure (e.g. roads, railway lines, airports, ports, pipelines, transmission lines, water storage and treatment)
  - key risks or hazards that warrant further consideration, 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 *Cumulative Impact Assessment Guidelines for State Significant Projects*)
- identifying whether the proponents has entered into any agreements with other parties to mitigate or offset the impacts of the projects.

This section should also include an analysis of feasible alternatives considered having regard to the objectives of the project, including the consequences of not carrying out the project. The analysis of alternatives 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 project; and alternative sites, designs, mitigation measures) and the reasons why

they were rejected. Where features of the project such as the project have been finalised through a masterplan or a Staged Infrastructure Approval these should not be analysed further in the consideration of alternatives.

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[12] or, where publicly available, referred to in the EIS.

## 3.4 Project description

This section must provide a consolidated description of the project that the proponent is seeking approval for[13] using suitable maps, plans, figures and tables.

### The importance of the project description

The project description is very important because it outlines what the proponent is seeking approval for in a single section of the EIS and will provide the basis for the Department's detailed assessment of the project and the approval authority's evaluation of the merits of the project.

Further, if the project is approved, the proponent will be required to carry out the project in accordance with the project description in the EIS, the mitigation measures and the conditions of approval. Consequently, the project description, mitigation measures and the conditions of approval will become the primary reference point for checking compliance if the project proceeds.

If the SSI application is amended during the assessment, the proponent must submit an amendment report and / or be required by the Department to submit a preferred infrastructure report having regard to the Department's *State Significant Infrastructure Guidelines – Preparing an Amendment Report* and the *State Significant Infrastructure Guidelines – Preparing a Preferred Infrastructure Report*. The amendment report and the preferred infrastructure report must include a description of the amended project and use this project description as the basis to complete its assessment of the amended project, as it will be referenced in any approval (where a PIR is required, amendments may be described in the PIR rather than in a separate amendment report).

Finally, if the proponent subsequently seeks to modify the approval for the project, the Department will require the proponent to submit a modification report for the modifications, having regard to the Department's *State Significant Infrastructure Guidelines – Preparing a Modification Report.*

The modification report will contain a description of the modified project, including any revised mitigation measures, and the modified project description will be used as the basis to complete the justification and evaluation of the modified project. Also, if the modification request is approved, the conditions of approval will require the proponent to carry out the project in accordance with the modified project description and revised mitigation measures.

This will ensure that the conditions of approval 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 should start with a simple overview of the project, including a table that captures the main elements of the project (see examples in Appendix C).

### Project description

The scale of SSI projects and the use of design and construct contract delivery arrangements means that the project description in the EIS may not necessarily rely upon a detailed design, with further design development undertaken following the lodgement of the EIS.

SSI can typically include projects such as road, rail and transmission lines with multiple sites connected by linear infrastructure over several kilometres as well as site-specific projects such as power generation and fuel storage. Due to the diversity in the scale and nature of SSI, it is difficult to adopt a one-size-fits-all approach to the description of projects.

Consequently, the proponent may tailor the description of the project to fit its specific characteristics using the key project description aspects in Table 1 as a guide.

**Table 1. Key aspects of the project description**

| Key aspects | Description |
|---|---|
| **Project area** | The description should include:<br>• the land on which the project would be located, including any land required for a buffer area<br>• the land that would be physically disturbed within the project area, and any changes to this disturbance area over time<br>• the land within the project area with environmental constraints (e.g. high conservation value, subject to flooding) where no development would occur, or development would be minimised<br>• plans / maps showing the project area, disturbance area and any constraints<br>• land acquired for the project. |
| **Physical layout and design** | Noting the level of design for SSI projects at the EIS stage, the description should include the following for both the construction and operation of the project:<br>• the indicative layout of all the physical elements of the project within the project area, including all buildings, structures, works, roads, biodiversity offsets, landscaping and open space. For construction, this may include the areas required for the infrastructure and access for construction vehicles and plant, drainage infrastructure, temporary sediment basins, utilities and services adjustments, temporary stockpiles, property adjustments and temporary ancillary facilities (such as construction compounds and batching plants)<br>• all mitigation measures that would be built into the physical layout and design of the project (such as noise walls)[14]<br>• any ancillary infrastructure for which approval is being sought (such as upgrades to utilities or surrounding roads)[15]<br>• indicative layout plans identifying relevant design standards or project specific design guidelines that will guide subsequent stages of design development |
| **Uses and activities** | The description should include:<br>• the land uses (e.g. road transport, urban rail, power generation, ancillary infrastructure) that characterise the project<br>• an outline of the activities required to construct and operate the project (e.g. demolition, cut and fill, processing, storage and handling of materials, waste disposal, parking, energy supply, surface water management, customer services, ticketing) that would be carried out on site<br>• the scale and intensity of these activities (e.g. number of train movements per hour, fuel storage capacity) |
| **Timing and sequencing** | The description should include an outline of the main project phases (e.g. site establishment, construction, operation, decommissioning) and indicative timeframes, supported by graphics. This could be used to highlight periods of intensified project activity and potential for significant environmental impacts (for example, construction noise associated with piling).<br><br>Detailed staging / phasing plans could be provided in response to a condition of approval in line with current SSI practice. |

## 3.5 Statutory context

This section must identify the relevant statutory requirements for the project, having regard to:

- the EP&A Act and 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, Pipelines Act 1967, Roads Act 1993, Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999 and the Commonwealth Airports Act 1996*)
- environmental planning instruments[16] and associated plans and guidance
- relevant approvals (e.g. staged infrastructure approvals).

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 approval authority aware of all the relevant statutory requirements that must be considered before the application may be determined.[17]

In this section, the proponent should:

- only focus on the statutory requirements that are relevant to the justification 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 application 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 (including ancillary facilities), leaving the detailed assessment of these requirements to the relevant section of the EIS
- use tables to simplify the presentation of the material in this section.

**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 approval is sought, why the pathway applies, and who the approval 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 (with or without consent) of the project, including any land use zones. |
| **Other approvals** | Identify any other approvals that are required to carry out the project and why they are required, or would have been required if the project was not SSI. These approvals should be grouped into the following categories:<br>• *Approvals that should be substantially consistent with approved SSI*: an authorisation under certain legislation, identified in Section 5.24 of the EP&A Act, that cannot be refused if it is necessary for carrying out approved State significant infrastructure and is to be substantially consistent with the SSI approval.<br>• *Approvals that are not required for approved SSI*: an authorisation under certain other legislation, identified in Section 5.23 of the EP&A Act, is not required for approved State significant infrastructure.<br>• *EPBC Act approval*, and whether a bilateral agreement[18] applies.<br>• Other approvals: approvals that are not expressly integrated into the SSI assessment (e.g. water access licences under the *Water Management Act 2000*, leases under the *National Parks and Wildlife Act 1974*). |
| **Pre-conditions to exercising the power to grant approval** | Where relevant, 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 approval authority may grant approval. |
| **Mandatory matters for consideration** | Where relevant, identify the matters that the approval authority is required to consider in deciding whether to grant approval.<br><br>Although environmental planning instruments are not a mandatory consideration for SSI, identify how the relevant EPIs have been considered in the assessment. |

Finally, the proponent should 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 application form for the project.

# 3.6 Community 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 further community engagement will be carried if the project is approved.

## Engagement carried out

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

This description should:

- identify the key stakeholders for the project (e.g. councils, government agencies 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 Guidelines for State Significant Projects* and complied with the community engagement requirements in the SEARs.

## Community views

In this section, the proponent should 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.

In summarising the findings of the community engagement, the proponent should categorise the key issues raised by the community in a systematic and impartial way and avoid oversimplifying 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 of the project.

For consistency, the proponent should 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 justification and evaluation of the project as a whole (e.g. 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 could then be divided into sub-categories. For example, the broad category of economic, environmental and social impacts could be divided into more specific matters (e.g. noise, water, visual, social).

These sub-categories could then be broken down further according to the characteristics of the matter. For instance, noise could 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, assessment 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 proponent is only required to identify the key issues raised during community engagement. The detailed consideration of these issues should be integrated into the justification and evaluation of the project in the other sections of the EIS.

However, the appendices of the EIS should 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 to be carried out

In this section, the proponent should 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 Guidelines for State Significant Projects.*

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

The summary in this section should:

- identify the key stakeholders (e.g. 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 Guidelines for State Significant Projects*
- 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 complaint 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.

## 3.7 Assessment and mitigation of impacts

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

To give readers a full appreciation of the impacts of the project, the proponent should:

- structure the summary in this section in a clear and logical way, describing the detailed and standard assessment of matters identified in the SEARs and the assessment of issues identified through further engagement
- 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 the summary

In preparing the summary, the proponent should 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 Biodiversity Assessment Method)
  - community views
  - government plans, policies and guidelines, particularly those that identify the methods for assessing the impacts of key matters and set standards and performance criteria for evaluating the incremental and cumulative impacts of projects (e.g. *Noise Policy for Industry, Approved Methods for the Modelling and Assessment of Air Pollutants, Water Sharing Plans*)
- the Department's *Cumulative Impact Assessment Guidelines for State Significant Projects*.
- the findings of any specialist studies or investigations undertaken for the project.

Where specific statutory requirements apply to the assessment of a matter, the proponent should specifically address these requirements in the assessment summary 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 or offset the impacts of the project having regards to:
  - mitigation measures incorporated into the design of the project (e.g. changes to the project area, project layout and design, key uses and activities carried out on site, timing)
  - other 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).

The assessment summary should only discuss these issues if they are relevant. Also, the discussion should be structured in 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 should 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.

Where mitigation is proposed through the implementation of a management plan (for example, a construction environmental management plan) typically provided in response to a condition of approval, this information can be provided in the assessment and mitigation section of the EIS if it is available.

## Key appendices

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

- a SEARs table, identifying where the SEARs have been addressed in the EIS and in the specialist assessment reports
- 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.

# 3.8 Project justification

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

It should integrate the findings of each section of the EIS and objectively weigh up both the positive and negative impacts of the project. It should 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 or corridor 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
- how compliance with the approved project will be monitored and communicated
- key uncertainties associated with this impact assessment and the actions proposed to address these uncertainties.

# 4. Glossary

| Term | Meaning |
|---|---|
| **Amendment** | A change in what the proponent is seeking approval for during the assessment. It requires changes to the project description in the EIS or modification report and amendments to the associated infrastructure application or modification request. 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 request (see the *State Significant Infrastructure Guidelines – Preparing an Amendment Report*). |
| **Approval authority** | The approval authority for an SSI application or SSI modification request. This will be the Minister. |
| **Cumulative impacts** | The combined impacts of the project on a matter with other relevant future projects (see the Department's *Cumulative Impact Assessment Guidelines for State Significant Projects*) |
| **Declaration** | A REAP may declare the EIS, for a State significant project are in accordance with the EP&A Regulation and the *Registered Environmental Assessment Practitioner Guidelines* before they are submitted to the Department. |
| **Department** | Department of Planning 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 the application. |
| **Environmental assessment reports** | Reports required to be submitted to the Department by a proponent seeking approval for an SSI application or modification request. These reports include scoping reports, EISs, submissions reports, amendment reports, preferred infrastructure reports and modification reports. |
| **Environmental impact statement (EIS)** | An environmental impact statement prepared by the proponent to support an SSI application. |
| **Environmental planning instrument (EPI)** | Means 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 2021.* |
| **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. |
| **Mitigation** | Actions or measures to reduce the impacts of the 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. |
| **Modification report** | A report prepared by the proponent to support a modification request (see the *State Significant Infrastructure Guidelines – Preparing a Modification Report*). |
| **Modification request** | A request seeking to modify an SSI approval under section 5.25 of the EP&A Act. |
| **Planning Secretary** | The Secretary of the Department. |

| Term | Meaning |
|---|---|
| **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 *State Significant Infrastructure Guidelines – Preparing a Preferred Infrastructure Report*). |
| **Project** | Refers to State significant infrastructure (SSI). |
| **Proponent** | The proponent seeking approval for an SSI application or modification request. |
| **Proposal** | A proposed project that is not yet the subject of a lodged SSI application. |
| **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. |
| **Registered environmental assessment practitioner (REAP)** | A person who is registered or certified under a professional scheme that is specified as a registered environmental assessment practitioner scheme in the *Accredited Registered Environmental Assessment Practitioner (REAP) Schemes* published on the NSW Planning Portal. |
| **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 *State Significant Infrastructure Guidelines – Preparing a Scoping Report*). |
| **SEARs** | The Planning Secretary's environmental assessment requirements for the preparation of an EIS for an SSI project. |
| **SEPP** | State Environmental Planning Policy. |
| **State significant infrastructure (SSI)** | Infrastructure that is declared to be State significant development under section 5.12 of the EP&A Act. |
| **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 SSI. |
| **Submissions report** | A report prepared by the proponent to respond to the issues raised in submissions (see the *State Significant Infrastructure Guidelines – Preparing a Submissions Report*). |

# Appendix A – Recommended structure of an EIS

| EIS | |
|---|---|
| **Sections** | **Indicative page limit *** |
| Summary | 24 |
| Introduction | 10 |
| Strategic context | 5 |
| Project description | 20^ |
| Statutory context | 10 |
| Engagement | 15 |
| Assessment of impacts | 2-12# per matter |
| Justification of the project | 20 |
| References | |
| **Appendices** | |
| **A** SEARs table | |
| **B** Detailed maps and plans | |
| **C** Statutory compliance table | |
| **D** Community engagement table | |
| **E** Mitigation measures table | |
| **Specialist assessment reports** | |
| Supporting information, including any detailed engagement or technical reports | |

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

^ For complex or linear infrastructure 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 individual matter (for example, it may be possible to report the findings of a standard assessment in two pages whereas a detailed assessment may require 12 pages). For an explanation of standard and detailed assessments, see Appendix A of the *State Significant Development Guidelines – Preparing a Scoping Report.*

# Appendix B – EIS declaration pro forma (SSI)

| Project details | |
|---|---|
| Project name | |
| Application number | |
| Address of the land on which the infrastructure is to be carried out | |

| Proponent details | |
|---|---|
| Proponent name | |
| Proponent address | |

| Details of person by whom this EIS was prepared | |
|---|---|
| Name | |
| Address | |
| Professional qualifications | |

| Declaration by registered environmental assessment practitioner | |
|---|---|
| Name | |
| Registration number | |
| Organisation registered with | |
| Declaration | The undersigned declares that this EIS:<br>• has been prepared in accordance with the *Environmental Planning and Assessment Regulation 2021*;<br>• contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates;<br>• does not contain information that is false or misleading;<br>• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;<br>• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;<br>• has been prepared having regard to the Department's *State Significant infrastructure Guidelines - Preparing an Environmental Impact Statement*;<br>• contains a simple and easy to understand summary 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;<br>• contains a consolidated description of the project in a single chapter of the EIS;<br>• contains an accurate summary of the findings of any community engagement; and<br>• contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole. |
| Signature | |
| Date | |

# Appendix C – Example of a project summary table

**Example 1. Linear infrastructure (e.g. road) project**

| Project element | Summary of the project | Fig ref |
|---|---|---|
| **Operations** | | |
| **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 | |
| **Operational footprint** | Approximately 285 ha | |
| **Intersections** | Three intersections / interchanges | |
| **Bridge structure / creek crossings** | 19 bridge structure crossing Creeks 1, 2, 3 and local roads A, B, C... | |
| **Active transport** | Pedestrian and cyclist facilities through the provision of pedestrian bridges and off road shared user paths | |
| **Local road network** | Modifications to the local road network including local road 1, local road 2, local road 3 | |
| **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 | |
| **Permanent water Management** | Permanent water quality management measures including swales and basins | |
| **Construction** | | |
| **Construction footprint** | Approximately 350 ha | |
| **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 | |
| **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 | |
| **Temporary facilities** | Establishment and use of temporary ancillary facilities, temporary construction sedimentation basins, access tracks and haul roads during construction | |
| **Dewatering** | Dewatering of up to 15 farm dams | |
| **Property** | Permanent and temporary property adjustments and property access refinements | |
| **Capital Investment** | $1.75 bn | |

**Example 2. Power generation**

| Project element | Summary of the project | Fig ref |
|---|---|---|
| **Project site area** | Approximately 90 ha | |
| **Disturbance area** | Approximately 26 ha | |
| **Power station location** | Lot XX | |
| **Transmission infrastructure** | Generally between location x and location z on Lots 1, 2, 3 | |
| **Gas pipeline** | Generally between location x and location z on Lots 1, 2, 3 | |
| **Supporting infrastructure** | • Site access road<br>• Storage tanks<br>• Laydown areas<br>• Ponds<br>• Generator circuit breakers, generator step-up transformers, and switchyard including overhead line support gantry<br>• Natural gas reception yard potentially including gas metering, pressure regulation,<br>• compression, heating stations, pigging facilities and provision for flaring<br>• Truck unloading facilities<br>• Control room<br>• Office/administration buildings<br>• Workshops and storage areas<br>• Parking<br><br>Other ancillary facilities | |
| **Off-site supporting infrastructure (existing)** | • Transgrid switching station<br>• Waste and wastewater disposal facilities<br><br>Road network | |

| Project element | Summary of the project | Fig ref |
|---|---|---|
| **Water management** | • Raw water via a connection to the local reticulated water supply network with truck delivery as secondary source<br>• Water treatment plant (demineralised)<br>• Process wastewater tankered to a licensed wastewater facility<br>• Contaminated drains system and chemical drains system<br>• Stormwater discharge in accordance with the requirements of Port Stephens Council<br>• Stormwater pit and pipe drains, oil and grease separator, bio retention system and stormwater discharge in accordance with Council requirements<br>• On site sewage system in accordance with the requirements of the Port Stephens Council On site Sewage Management Technical Manual<br>• Annual water consumption:<br>– Peaking load operation: up to around 120,000m$^3$<br>– Continuous operation: up to around 800,000m$^3$<br>• Annual wastewater volume:<br>– Peaking load operation: up to around 22,000m$^3$ (requiring off-site disposal)<br>– Continuous operation: up to around 150,000m$^3$ (requiring off-site disposal) | |
| **Commencement of operations** | 2022 | |
| **Operational lifespan** | 25 years | |
| **Operations workforce** | 23 | |
| **Construction workforce** | 300 | |
| **Capital investment** | $400 million | |

# Endnotes

1 See Schedule 190(2) of the EP&A Regulation.

2 See section 5.14 of the EP&A Act.

3 See section 5.16(2) of the EP&A Act.

4 See clause 12 of Schedule 1 of the EP&A Act.

5 See clause 20 of Schedule 1 of the EP&A Act.

6 Despite the division of the EIS into two parts, the appendices form part of the EIS - See section 192(4) of the EP&A Regulation.

7 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 section 192 of the EP&A Regulation, all of these requirements have been incorporated into the required structure of the EIS and the information that is to be included in each section of the EIS under these guidelines.

8 See section 10.6 of the EP&A Act.

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

10 As of 1 July 2022, declarations will need to be provided by a REAP, and information required to be provided under the Registered Environmental Assessment Practitioner Guidelines will need to form part of the declaration.

11 See section 192(1)(b) of the EP&A Regulation.

12 See section 192(1)(c) of the EP&A Regulation.

13 See section 192(1)(d) of the EP&A Regulation.

14 All other mitigation measures (e.g. the choice of mobile equipment, dust suppression, pre-clearing biodiversity surveys, monitoring and adaptive management) should be described in the assessment section of the EIS, and consolidated into a table summarising the proposed mitigation measures of the project. This table must be included as an appendix to the EIS.

15 All other related development or infrastructure (that is not the subject of the application for approval) should be described in the introduction of the EIS (see section 3.2.1 above). Although this development or infrastructure is not part of the project for which approval is being sought, the impacts of this related development or infrastructure should be considered – at a strategic level at least - in any assessment of the cumulative impacts of the project.

16 Section 5.22(2) of the EP&A Act provides that environmental planning instruments (EPIs) do not apply to or in respect of State significant infrastructure except in limited circumstances. Notwithstanding this provision, an EIS should consider how EPIs can be addressed to the extent relevant to the project.

17 See section 5.18 and 5.19 of the EP&A Act.

18 See https://www.environment.gov.au/protection/environment-assessments/bilateral-agreements/nsw.

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