December 2020

Rapid Assessment Framework

The Rapid Assessment Framework is a suite of proposed reforms to ensure that projects of State significance in NSW are supported by better assessment, better coordination and better engagement.

The reforms include three key initiatives to strengthen the quality of environmental assessments of State significant development (SSD) and State significant infrastructure (SSI) projects.

1. **A refined and streamlined SSD system** to provide upfront industry-specific environmental assessment requirements (SEARs). The SEARs would apply to SSD applications that are wholly permissible, not designated development, and not a concept development application.

2. **Clear expectations** with the introduction of new draft guidelines to assist in improving the quality of environmental assessments and documentation provided to the department. The guidelines include advice on how to produce environmental impact statements (EIS) and other reports, undertaking engagement and assessing cumulative impacts for all State significant projects.

3. **Formal quality assurance** measures will be introduced through a Registered Environmental Practitioners (REAP) Scheme to ensure that EISs are certified by suitably skilled, qualified and experienced professionals in the field of environmental assessment.

Why are we reforming the major project assessment system?

Major projects are important to the State for economic, environmental and social reasons. They have a key role to play in unlocking the state’s productive potential and driving economic recovery after the COVID-19 pandemic.

Our reform of the major projects system, through improvements proposed in the Rapid Assessment Framework, supports the department’s commitment to delivering a better planning system for NSW.

We’ve taken the best behaviours and practices adopted during the COVID crisis, such as regular and innovative engagement techniques and hard wired them into the system.

The Rapid Assessment Framework aims to deliver system improvements that increase the efficiency of major project assessments to speed up assessment timeframes without compromising on assessment quality or engagement standards.

Additionally, the NSW Government has committed to ambitious timeframe improvements for State significant projects. The Rapid Assessment Framework is an important part of the department’s broader reform work to achieve those targets over the next few years.

How will the reforms cut red tape and speed up assessment?

Fewer administrative steps in the lodgement of applications, upgraded automated and online processes and a streamlined approach to setting assessment requirements will reduce the time taken in the upfront application process.

The system improvements proposed in the Rapid Assessment Framework aim to improve the quality of environmental assessment and community engagement for State significant projects by:

- Moving away from a one-size-fits-all assessment approach for SSD in favour of a system that focuses resources and effort on contentious, higher-risk development applications.
- Setting clear standards for applications and reports for State significant projects.
- Driving earlier and better engagement and providing an open and transparent State significant project assessment system.
- Requiring certification of environmental assessment documents by suitably qualified, experienced and skilled practitioners to improve quality and reduce delays.

Guidelines

What is the purpose of the SSD and SSI guides?
The SSD and SSI guides provide a detailed explanation of the assessment of State significant projects in NSW, describing each assessment step. They ensure all State significant projects are subject to a comprehensive assessment in accordance with government policies and guidelines and that this assessment is proportional to the scale and impacts of the project. They also introduce new requirements to ensure all environmental assessment reports submitted to the department are clear, robust, easy to understand and reflect community views.

How will the new guides improve the quality of assessments?
The new guides outline improvements to ensure that the quality of State significant project assessment is improved, which include:
- Clear advice on SSD and SSI processes, including project scoping, assessment requirements and preparing EISs.
- Improved technical guidance on key issues for State significant projects including assessment of cumulative impact and social impact assessment.
- The introduction of a registered environmental assessment practitioner scheme and associated guide to ensure EIS and other key documents have been reviewed and certified by suitably skilled, qualified and experienced practitioners.
- The application of the department’s Community Participation Plan objectives (open and inclusive, easy to access, relevant, timely, meaningful) when undertaking engagement for major projects, with a stronger focus on upfront community involvement and better consultation.

What are the benefits of the new Undertaking engagement guide?
The new engagement guide recommends State significant proponents to engage with the community and other groups in different ways and at different times throughout the entire project lifecycle, rather than relying on minimum statutory consultation requirements.

A key change is the expectation of upfront engagement with people likely to be affected by the project in the early stages of project development. This includes the community, business and other interested groups as well as government agencies and local council.

Upfront engagement ensures any feedback informs the project from the outset.

The guideline recognises that effective engagement will require innovative techniques, moving far beyond traditional media outlets and statutory exhibition stages, to achieve an overall increase in engagement opportunities for affected communities.
While many proponents are already seeing the value of effective engagement, the new Guideline seeks to ensure that best practice engagement practices become the common practice for engagement on all State significant projects.

**What are the benefits of the new *Cumulative impact assessment* guide?**

The Environmental Planning and Assessment Act 1979 (EP&A Act) plays a central role in the NSW Government’s statutory framework for managing cumulative impacts across NSW and encouraging ecologically sustainable development is at the heart of the EP&A Act.

This requires the effective integration of economic, environmental and social considerations into all decision-making to promote sustainable development in NSW that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

These obligations apply both to setting the strategic planning framework for development and to assessing the merits of individual projects within that framework.

Cumulative impacts are an inevitable result of the combined effect of human action and natural variations over time and can be both positive and negative.

The new Cumulative Impact Assessment Guide provides step by step guidance for the effective assessment and management of cumulative impacts for State Significant Projects, this is critical to protecting the things that matter to the community in NSW and ensuring ecologically sustainable development.

**What are the benefits of the new *SSI/CSSI Declaration* guidance document?**

This draft guidance material sets out the general principles for the declaration of projects as State significant infrastructure (SSI) and critical State significant infrastructure (CSSI).

Projects can become SSI in two ways. First, a State Environmental Planning Policy (SEPP) may declare any development, or class of development, to be SSI. Second, specified development on specified land may be declared SSI by a SEPP or by the Minister for Planning making an order that amends a SEPP.

SSI may be declared to be Critical SSI if the Minister is of the opinion that it is essential for the State for economic, environmental or social reasons.

The guidance material provides examples and key reasons why the Minister may declare development as SSI and CSSI.

**Industry-specific SEARs**

**What are the benefits of industry-specific SEARs?**

The department’s Secretary’s Environmental Assessment Requirements (SEARs) outline the assessment requirements applicants need to consider and respond to when preparing Environmental Impact Statements for SSD and SSI applications.

Industry-specific SEARs are requirements tailored to the issues specific to state significant development types that are not designated, partially or wholly prohibited, or concept applications.
The approach will shorten end-to-end SSD timeframes for applicable applications by eliminating the need for the department to consult with agencies on a project-by-project basis. Agencies will instead be consulted up-front during the preparation SEARs for each development type. Industry-specific SEARs will achieve consistency and transparency and allow applicants to begin considering issues, impacts and mitigation measures at an early stage. The department will publish all sets of industry-specific SEARs on its website and will update SEARs periodically.

What is the process for applying for industry-specific SEARs?
Applicants will apply for industry-specific SEARs using the Planning Portal, where they will need to provide evidence that the industry-specific SEARs apply to the type of development proposed. If a project meets the criteria, the department will issue industry-specific SEARs and applicants will then be able to prepare an EIS based on the issued SEARs.

If projects are designated development, partially or wholly prohibited, or concept applications, they will need to go through a scoping process and have SEARs issued as per the current process.

The department will aim to issue industry-specific SEARs within a week of an application being made through the Planning Portal.

Registered Environmental Assessment Practitioners (REAP) Scheme

What is the REAP scheme?
The REAP scheme is part of proposed quality assurance provisions to be introduced into the Environmental Planning & Assessment regulation to improve the quality of environmental assessments undertaken for major projects.

The regulatory provisions will identify certain professional schemes whose members are suitably skilled, qualified and experienced professionals in the field of environmental assessment. Members of identified schemes will be given statutory recognition as registered environmental assessment practitioners (REAPs).

The provisions will also require all EISs for SSD and SSI projects to be certified by a REAP before they are submitted to the department for public exhibition.

How will the REAP scheme improve assessment quality and speed up assessments?
The REAP scheme will work in tandem with the SSD Guide and the SSI Guide to improve process efficiency and strengthen the quality of environmental assessments undertaken for major projects. Together, the initiatives are intended to:

• Strengthen the assessment and evaluation of major projects by ensuring they are carried out by suitably qualified, experience and skilled practitioners.
• Ensure the EISs for all major projects are prepared to a high standard and certified before they are submitted to the Department.
- Encourage greater community participation in the assessment of major projects by making it easier for the community to understand the likely impacts of projects and to make submissions.
- Promote informed public debate on the merits of the projects.
- Reduce administrative delays by ensuring that EISs are of a consistently high standard to readily progress to public exhibition.
- Reduce the need for the Department to request additional information from proponents during the assessment process.

What types of development will the REAP scheme apply to?

The proposed certification requirements under the REAP scheme will apply to EISs for all State significant projects (SSD and SSI).

EISs for developments that are not State significant projects (i.e. designated development and Part 5 activities) will not require certification by a REAP when the proposed scheme commences.

However, EIS certification requirements may be expanded in future to include these types of development following the review of the REAP scheme.

We propose a review to occur three years after the commencement of the scheme. The review will focus on ensuring there are ample registered practitioners to service the existing and projected volume of EIS work.

What documents will need to be certified by a REAP?

The proposed REAP certification requirements will only apply to EISs for State significant projects in the first instance.

Further expansion of the certification requirements to other SSD and SSI assessment reports may be considered over time (e.g. Preferred Infrastructure Reports and Modification Reports).

How can an organisation have their accredited professional scheme recognised as a REAP Scheme?

Organisations seeking to have their professional schemes recognised as a REAP scheme will need to apply to the department for accreditation.

Applications will be assessed against accreditation criteria to ensure that all REAPs are:
- suitably qualified, experienced and highly competent, and
- members of a professional scheme with strong corporate governance.

The Planning Secretary will establish a panel to evaluate all applications for scheme accreditation.

The Panel will include representatives from the department, agencies involved in the assessment of State significant projects, the environmental assessment industry, and the community.

The Panel will evaluate each application against the accreditation criteria and make a recommendation to the Planning Secretary on whether the professional scheme should be accredited.

The Planning Secretary will decide whether schemes are suitable for accreditation and the Minister for Planning and Public Spaces will determine whether to list those schemes in the EP&A Regulation.
After the accredited REAP schemes are listed in the EP&A Regulation, members of each scheme will be able to certify EISs for SSD and SSI applications.

**Major project amendment regulation**

What changes are in the amendment regulation?

Proposed amendments to the EP&A Regulation aim to improve the administration and assessment of SSD and SSI applications, including:

- standardising and strengthening online applications and reports;
- changes to the setting of and expiry of environmental assessment requirements;
- introducing guidelines for preparing assessment reports;
- minor revisions to content requirements for environmental impact statements;
- recognising accredited professional schemes for environmental assessment practitioners and requiring certification of environmental assessment reports by registered practitioners.

The proposed regulatory changes are intended to increase efficiency and transparency of SSD and SSI processes, ensure documents are a consistently high standard and introduce formal quality assurance measures for environmental assessment reports.

What changes are proposed for major projects lodgement?

Regulation changes are proposed to make it easier to lodge and check applications for major projects. These include:

- requiring SSD and SSI applications and modification applications to be lodged on the NSW Planning Portal in the form approved by the Planning Secretary and made publicly available on the portal;
- transferring and consolidating DA requirements (from Schedule 1 of the EP&A Regulation) into a single SSD application form on the NSW Planning Portal;
- standardising and strengthening the requirements for all environmental assessment reports submitted to the Department for SSD and SSI projects, including environmental impact statements (EISs), via approved guidelines;
- providing expanded powers for the Planning Secretary to reject SSD applications and SSD modification applications if they are considered to be incomplete.

Standardised application procedures and requirements will improve process efficiency and the quality of documentation provided to the Department.

Stronger rejection powers for the department over SSD applications and modification applications will also offer additional quality control on information provided. This means the department may reject applications that are not considered complete for various reasons, in addition to ensuring that applications are legible, clear and contain all required information.

What regulation changes are proposed to SEARs?

Regulation changes are proposed to improve the efficiency of how environmental assessment requirements (SEARs) are prepared and measures to ensure that SEARs are fit-for-purpose.
This includes:

- allowing the issue of industry-specific SEARs;
- limiting the requirement to consult with relevant public authorities to SEARs only for SSD projects that are prohibited or partly prohibited, concept DAs or SSD projects that would otherwise by designated development;
- requiring proponents to lodge a Scoping Report to assist the Department in preparing SEARs to improve the preliminary assessment of SSI proposals and better inform the EIS stage;
- placing a two-year time limit on SEARs for SSD and SSI projects to ensure EIS requirements are relevant and up-to-date.

The proposed changes to SEARs only apply to major projects (where indicated). It is not proposed to change SEARs processes for designated development or Part 5 activities requiring an EIS.

Exhibition package

The exhibition package includes:

- Draft SSD Guide and draft SSI Guide providing advice for requesting SEARs and producing EIS and other reports.
- Draft Registered Environmental Assessment Practitioner Guide to set out to arrangements for the REAP Scheme.
- Draft Cumulative Impact Assessment Guide to set clear expectations for assessing the cumulative impacts of all State significant projects and promoting ecologically sustainable development in NSW.
- Draft industry-specific SEARs for health infrastructure, key sites and distribution centres.
- A draft SSI/CSSI Declaration Guide.
- Draft amendment to the Environmental Planning and Assessment Regulation 2000 and associated policy paper to explain the proposed regulation amendments.

The proposed Rapid Assessment Framework package is on exhibition until 12 February 2021.

We’re seeking your feedback at our online submissions portal during the public exhibition period. Alternatively, if you can’t lodge your submission online, you may mail it to:

Attention: Executive Director State Policies and Strategic Advice
NSW Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124

Please visit our website for more information or contact the project team directly.