

# Undertaking Engagement Guidelines for State Significant Projects

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July 2021



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Title: Undertaking Engagement Guidelines for State Significant Projects

First published: July 2021

**Acknowledgements**

Cover image: A building certifier points scaffolding out to her colleagues on a building site.

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# Contents

<b>1. Purpose of these guidelines</b>	<b>5</b>
1.1 Relationship to other guidelines	5
<b>2. Overview of engagement on State significant projects</b>	<b>6</b>
2.1 Department-led engagement	6
2.2 Proponent-led engagement	6
<b>3. Guidance for proponents</b>	<b>8</b>
3.1 Plan early	8
3.2 Engage as early as possible	8
3.3 Ensure engagement is effective	9
3.4 Ensure engagement is proportionate to the scale and impact of the project	9
3.5 Be innovative	10
3.6 Be open and transparent about what can be influenced	10
3.7 Implement the community participation objectives	11
<b>4. Requirements to engage</b>	<b>13</b>
4.1 Statutory tools requiring the proponent to engage	13
4.2 Statutory requirements	14
4.3 Commonwealth Environmental Matters	16
<b>5. Glossary</b>	<b>17</b>
<b>Appendix A - Requirements for engagement</b>	<b>19</b>



# 1. Purpose of these guidelines

These guidelines help set out the requirements for effective engagement on State significant projects in NSW, recognising that effective engagement requires everyone involved to do their part, at the appropriate stage in the process. They outline the actions the Department of Planning, Industry and Environment (the Department) will take, identify opportunities for the community to participate, and set out requirements for proponents.

In particular, these guidelines provide guidance to proponents on:

- planning their approach to engagement
- undertaking engagement to inform the development of the proposal and contribute to better planning outcomes
- reporting back and demonstrating how engagement has shaped the project being assessed.

This guidance will help proponents to carry out engagement that is meaningful, proportionate and tailored to the needs of the community, councils and government agencies as well as outlining the statutory context that ensures the community can participate in planning and assessment.

These guidelines apply to all applications for State significant development (SSD) and State significant infrastructure (SSI).

**Note:** The Secretary's Environmental Assessment Requirements (SEARs) for State significant projects will require the proponent to demonstrate how the engagement they have undertaken is consistent with these guidelines.

## 1.1 Relationship to other guidelines

These guidelines should be read in conjunction with the Department's *Community Participation Plan* and relevant specialist guides, including the *State Significant Development Guidelines*, the *State Significant Infrastructure Guidelines*, *Aboriginal Cultural Heritage Consultation*

*Requirements for Proponents* and the *Social Impact Assessment Guidelines for State Significant Projects*.

The Department's *Community Participation Plan* is an overarching document which describes the community participation activities the Department undertakes on behalf of the Minister for Planning and Public Spaces and the Department's Secretary under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Department's *Community Participation Plan* explains how and when the community can participate in planning and sets out community participation objectives. It also provides important information about mandatory community participation requirements for public exhibition, including minimum exhibition timeframes.

The Department's *Community Participation Plan* does not apply to other NSW planning authorities, such as the Independent Planning Commission, which determines some SSD. This is because the Commission undertakes engagement in accordance with its own *Community Participation Plan*.

These guidelines complement the *Community Participation Plan* by providing more detailed information about the purpose and expectations for engagement on State significant projects, and the benefits that can result.

Information on how to make a submission is included in the *State Significant Development Guidelines* and the *State Significant Infrastructure Guidelines*.

The Department's *Social Impact Assessment Guidelines for State Significant Projects* detail how social impacts should be identified, evaluated and managed, fostering transparency and giving greater certainty to both proponents and the community in order to potentially achieve a variety of mutually beneficial outcomes. The *Social Impact Assessment Guidelines for State Significant Projects* are complementary to these guidelines and include specific examples and references around best practice engagement.

## 2. Overview of engagement on State significant projects

The Department and the proponent are both required to engage with the community, councils<sup>1</sup> and government agencies on State significant projects. For the purposes of these guidelines, the 'community' is broadly defined as the people and groups that are interested in, or affected by a State significant project, such as local residents, community groups, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, peak bodies, and businesses.

Generally speaking, engagement will involve informing and consulting with the people and groups who are interested in, or affected by, proposed changes to an area, and obtaining expert advice from relevant councils and government agencies. It can involve informal, casual and innovative processes.

Effective engagement underpins a transparent and fair environmental assessment. Careful consideration of diverse viewpoints can help achieve good planning outcomes and avoid unintended negative impacts on communities, the environment, the economy or Government.

### 2.1 Department-led engagement

The Department's approach to engagement on State significant projects is largely driven by the Department's *Community Participation Plan* and legislative requirements in the EP&A Act and EP&A Regulation. This legislation sets out mandatory community participation requirements and seeks to ensure procedural fairness (see section 5.2 for further information).

### Community participation objectives

The Department has developed community participation objectives to embed best practice engagement in all its planning functions. The Department will apply these objectives when engaging with the community during the environmental assessment of State significant projects.

Department-led engagement will be:

- open and inclusive
- easy to access
- relevant
- timely, and
- meaningful.

The Department's *Community Participation Plan* provides further information about these principles and includes examples of actions the Department will undertake to achieve these objectives.

### 2.2 Proponent-led engagement

The Department expects proponents to adopt the Department's community participation objectives when engaging on State significant projects.

The proponent must also comply with the SEARs for the project and have regard to the requirements set out in these guidelines. The proponent of a State significant project (including projects that receive industry-specific SEARs<sup>2</sup>) will be required to detail the engagement undertaken during the preparation of the environmental impact statement (EIS) and demonstrate how the engagement was consistent with these guidelines.

<sup>1</sup> Engagement with councils should include the council in which the project is located and any adjoining councils that are likely to be interested in or affected by the project, particularly when the project is close to an LGA boundary.

<sup>2</sup> If an SSD project is wholly permissible on the site, would not meet the criteria for designated development (if it was not SSD), and is not for a concept development application, then it will be eligible for industry-specific SEARs and a scoping report is not required to be prepared to inform the preparation of the industry-specific SEARs. See the *State Significant Development Guidelines* for further information.



## Is community support essential for a project to proceed?

Engagement is about transparency and fairness.

Engagement is not about doing what everyone wants.

It is about identifying and understanding the competing needs and priorities of all those with an interest in a project, and demonstrating how these needs and priorities have been considered.

Engagement does not mean 'asking' the community for permission for the project to proceed.

However, proponents do need to demonstrate that they understand what concerns, issues and impacts a project may have for those who live close to a development.

Local residents have a right to object to changes in their neighbourhood.

Engagement is about facilitating a civil dialogue that can explore whether differences can be addressed and needs met. If this doesn't happen, clear reporting should show why this is not possible, together with an identification of what has changed and why.

Engagement is not about making a project more complicated, costly or creating red tape.

It is about engaging early, so the issues are known, and providing transparency about how these issues have been considered.

## 3. Guidance for proponents

The Department expects proponents to consider the core values and public participation spectrum of the *International Association of Public Participation* (IAP2) when developing their engagement strategy.

To facilitate effective engagement, proponents will be expected to:

- provide clear and concise information about the project and its impacts
- implement activities that encourage and facilitate participation
- report back on what was heard, what has or hasn't changed, and why.

Proponents should tailor their engagement activities so information is appropriate in content and context for the audience. Engagement also needs to be proportionate to the scale, likely impacts and likely level of community interest in the project.

This chapter sets out the key factors proponents should consider when developing their engagement strategy.

### 3.1 Plan early

State significant projects vary considerably in size, scale and impact. Many projects are large, operate over long periods of time, and deliver outcomes that extend beyond site boundaries. A proponent should plan its approach to engagement early in the project formation or scoping phases. This enables the proponent to:

- identify the people and groups who may have an interest in or be affected by the project
- consider the level of influence participants can have on elements of the project
- consider the kinds of activities that will be appropriate, proportionate, effective and practical to support robust and rigorous engagement.

### 3.2 Engage as early as possible

Engagement is most effective when it commences early in the planning process. Early input, even at the site selection or scoping phase of a project, allows potential issues to be identified, avoided or managed without significant cost or delay.

Engagement gives the proponent the opportunity to hear from those that support or are concerned about a project. By engaging early, the proponent can often capture important historical information and/or environmental observations that are often not available via traditional research and technical studies.

For projects that are eligible for industry-specific SEARs, the SEARs will require the proponent to engage with the community, councils and key agencies during the preparation of the EIS. The outcomes and findings of this engagement must be incorporated into the EIS.

For all other State significant projects that receive project-specific SEARs, engagement may commence during scoping or as part of an earlier planning process (see section 3.6). The scoping report must include an early indication of community views and details of the engagement that will be carried out during the preparation of the EIS. The *State Significant Development* and *State Significant Infrastructure Guidelines – Preparing a Scoping Report* provide more detailed information for proponents.

Engagement should continue throughout the exhibition, assessment, construction and operation of a project.



### 3.3 Ensure engagement is effective

Proponents should remember that high quality planning outcomes rely on effective engagement.

Effective engagement occurs when the community, councils and government agencies have the information they need to understand a project and its impacts, and are given the opportunity to participate in a meaningful way. Effective engagement can give a proponent first-hand insight into what people value and how they expect a project will affect them.

When engagement is carried out in an effective and meaningful way, productive working relationships that enable important conversations between all parties with an interest in a project can be established. This in turn can provide the foundation for good planning decisions.

While this does not guarantee consensus, effective engagement means the community acknowledges the assessment was fair and transparent and understands how various and diverse views and concerns were considered, and how those views shaped the final design of the project.

To facilitate meaningful engagement, the proponent should show how feedback was considered and how it influenced the final shape of the project.



### 3.4 Ensure engagement is proportionate to the scale and impact of the project

The proposed engagement activities for a State significant project should be proportionate to the scale and likely impacts of the project and the likely interest the community might have in the project.

Proportionate engagement is important so that the engagement is meaningful, prevents consultation fatigue and ensures reasonable costs and time implications.

Proportionate engagement relates to the:

- scale and likely impacts of the project
- geographic reach of engagement
- number of activities (including the number of tailored activities, for specific groups)
- stages of engagement.



### 3.5 Be innovative

The way people are engaging with news and media is rapidly changing. The proponent's choice of technique and platform will depend on the objective of the engagement.

The Department encourages proponents to use innovative approaches to engagement to enable participation from a broad spectrum of community members. This can include the use of multiple channels such as traditional print, in person and digital. Digital forms of engagement through the major projects website<sup>3</sup> and other platforms such as social media, private websites and online meetings will continue to be increasingly important.

The Department also encourages proponents to maximise engagement through current and emerging platforms. Innovative engagement methods may include video, infographics, animations, digital visualisations, online forums and virtual consultation events or spaces. Consideration should be given to the need for translators and interpreters where appropriate.

Engagement will continue to evolve and it is expected that proponents will use the most effective methods at any given point in time.

Information on useful engagement techniques can be found in the Department's *Social Impact Assessment Guidelines for State Significant Projects*.

### 3.6 Be open and transparent about what can be influenced

Early planning for some State significant projects may have commenced through other planning processes such as strategic planning, including regional, district and local planning, precinct or master planning or other Government strategies.

Projects may have also been subject to Infrastructure NSW's *Infrastructure Investor Assurance Framework*, or other business cases or feasibility studies. These processes may have informed preferred options for project delivery. Where relevant, the proponent should summarise these processes and key decisions, including the outcomes of any previous engagement and how that has influenced the project.

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<sup>3</sup> The major projects website forms part of the NSW Planning Portal

The proponent should also identify the elements of the project that can be influenced or shaped by the community during the environmental assessment. These could relate to the design of the project or the management and mitigation measures that can be implemented. For example:

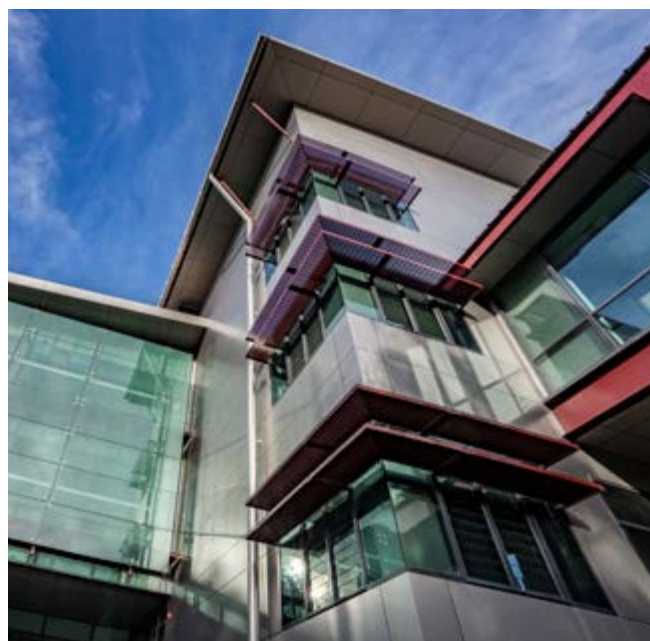
- site positioning – setbacks, access, screening, landscaping, shadowing
- design – height, scale, shadowing, noise mitigation, visual impact
- operations – hours, access, accessibility, activities
- opportunities – shared facilities, employment, training, social and cultural value, public art, community and cultural opportunities and contributions
- place – precinct and place design, enhancement, landscape, public domain, public uses, community facilities, place furniture, installations, community and public art.

### 3.7 Implement the community participation objectives

State significant projects, by their very nature, are likely to impact or attract interest from a diverse range of people and groups.

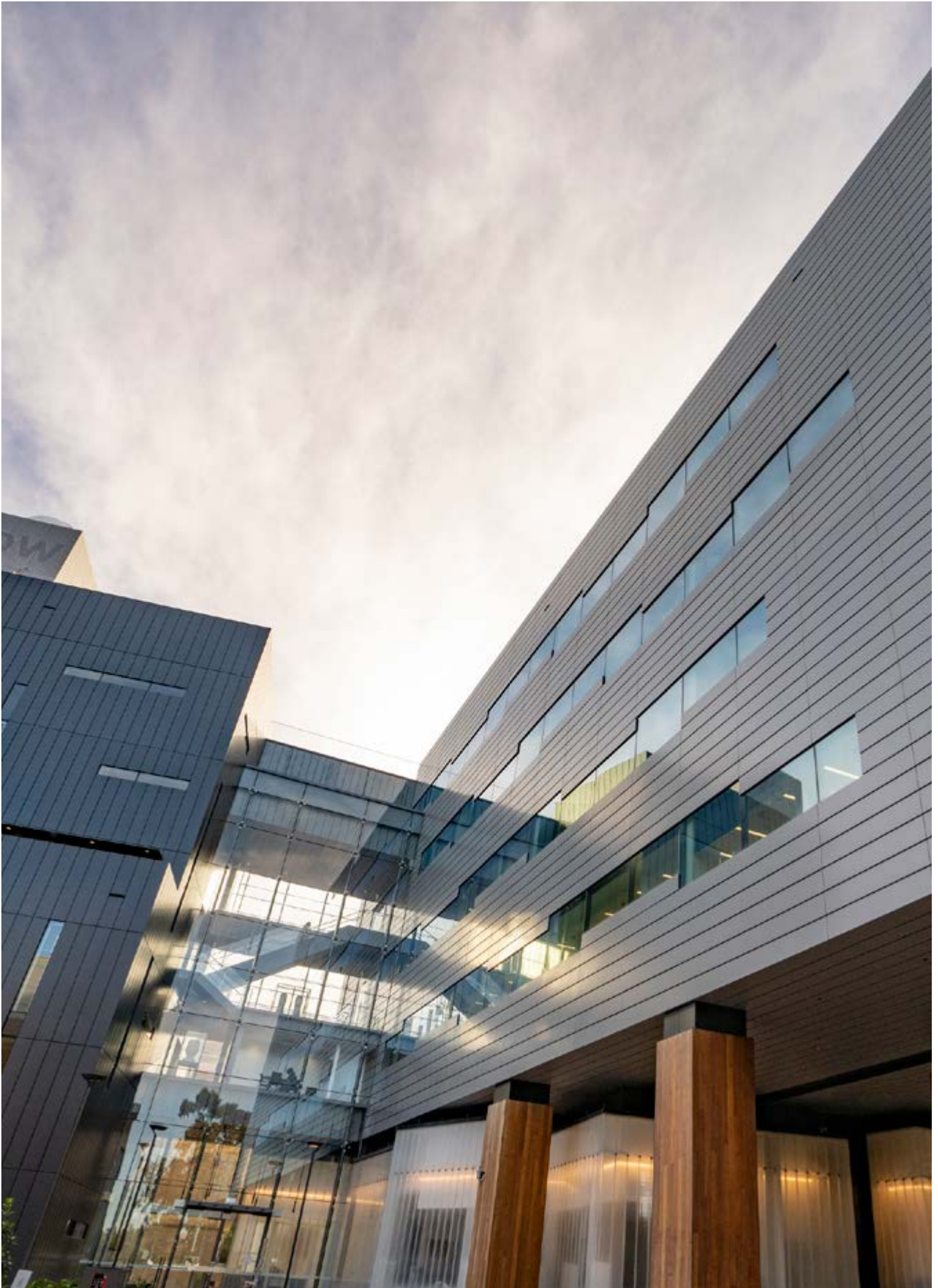
To engage effectively, a proponent should:

- identify the people or groups who are interested in or are likely to be affected by the project
- use appropriate engagement techniques. This is particularly important when engaging with specific groups, such as Aboriginal and Torres Strait Islander groups, where engagement should be a discrete, planned activity undertaken by and with experienced Indigenous engagement specialists
- ensure the community are provided with safe, respectful and inclusive opportunities to express their views
- involve the community, councils and government agencies early in the development of the proposal, to enable their views to be considered in project planning and design



- be innovative in their engagement approach and tailor engagement activities to suit the:
  - context (e.g. sensitivity of the site and surrounds)
  - scale and nature of the project and its impacts
  - level of interest in the project
- provide clear and concise information about what is proposed and the likely impacts for the relevant people or group they are engaging with
- clearly outline how and when the community can be involved in the process
- make it easy for the community to access information and provide feedback
- seek to understand issues of concern for all affected people and groups and respond appropriately to those concerns
- provide feedback about how community and stakeholder views were used to shape the project or considered in making decisions
- be able to demonstrate how the demography of the area affected has been considered in how and what engagement activities have been undertaken.

More detailed information on the expectations for engagement at each phase in the environmental assessment is provided in Appendix A.



## 4. Requirements to engage

It is an object of the EP&A Act that opportunities for community participation are provided in planning and assessment. This object is supported by a series of statutory requirements embedded in the EP&A Act and the EP&A Regulation, including specific requirements relating to environmental assessment.

There are statutory requirements that set minimum standards and expectations for procedural fairness as well as statutory tools that give the Department the ability to compel proponents to undertake certain engagement activities to facilitate a better planning outcome. These requirements and the tools which the Department can use to drive better engagement are described in more detail below.

### 4.1 Statutory tools requiring the proponent to engage

#### Secretary's Environmental Assessment Requirements (SEARs)

The SEARs identify the information that must be provided in the EIS, including the community engagement that must be carried out during the preparation of the EIS. They seek to ensure that the level of engagement is proportionate to the scale and likely impacts of the project.

If an SSD project is eligible for industry-specific SEARs, the SEARs will require the proponent to engage with the community, relevant councils and government agencies during the preparation of the EIS. The proponent will also be required to document how they have considered and responded to the issues raised and how the project has changed in response to that feedback.





All other State significant project applications will require project-specific SEARs, where the engagement requirements will be tailored to the specific circumstances of the project. To inform the setting of project-specific SEARs, the proponent must submit a scoping report to the Department with its SEARs application. The scoping report must give an early indication of community views on the project and identify what engagement will be carried out during the preparation of the EIS.

### Requiring a response to submissions following public exhibition

After the public exhibition period, the Department will ask the proponent to respond to the issues raised in submissions. The proponent will prepare a submissions report which analyses the issues raised and describes the actions that have been taken to address those issues.

The report will help the community, councils and government agencies understand how the issues they raised have been addressed by the proponent. It will also help the decision-maker to evaluate the merits of the project.

### Conditions of approval

The conditions of approval can require the proponent to conduct further engagement during detailed design, construction, operation, decommissioning and/or rehabilitation of the project, as relevant. The proponent may be required to establish a community consultative committee (CCC).

## 4.2 Statutory requirements

### Making information publicly available

The EP&A Act and EP&A Regulation include provisions to make important project documents publicly available on the major projects website. This ensures the community has access to the information they need to understand the project and its impacts.

The Department will publish the SEARs, EIS, submissions received during the public exhibition period, the proponent's response to submissions, the Department's assessment report, the decision to approve or refuse the project and any conditions of approval on the major projects website. The Department must also publish the reasons for the decision.



## Consulting with relevant councils and government agencies

SSD applications that are wholly permissible, not designated development, and not a concept development application will be eligible to apply for industry-specific SEARs. These SEARs have been developed by the Department in consultation with relevant government agencies, and are tailored for each type of development. Further consultation will occur if any material changes to the industry-specific SEARs are proposed.

If the project doesn't meet the criteria for industry-specific SEARs, the Department will develop project-specific SEARs in consultation with relevant council/s and government agencies.

When a State significant project application is lodged, the Department will notify public authorities that may have an interest in the determination of the application.

## Mandatory public exhibition timeframes

The EP&A Act requires an EIS for a State significant project to be publicly exhibited on the major projects website for a minimum period of 28 days. For SSD applications, adjoining landowners or occupiers must also be notified<sup>4</sup>.

For SSD modification applications and requests to modify SSI approvals that involve greater than minimal environmental impact, the Department will publicly exhibit the application and modification report for at least 14 days before the Department completes its assessment of the application. The Department will also give public notice of the exhibition in accordance with the relevant statutory requirements.

Where an amendment report and/or preferred infrastructure report is submitted in relation to a State significant project that has already been exhibited, the Department will need to consider if there is a material environmental impact beyond the impacts expected by the initially proposed project in determining whether the amendment report and/or preferred infrastructure report will

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<sup>4</sup> Notification is not required for applications for public notification development

be publicly exhibited. If the amendment report and/or preferred infrastructure report is to be publicly exhibited, the Department will do so for at least 14 days before completing its assessment.

During the public exhibition period/s, the community will be invited to make written submissions on the project. The Department will publish these submissions on the major projects website.

### Consideration of community views

When determining a project, the decision-maker is required to consider the issues raised in submissions regardless of who the submitter is or the number of submissions received. The decision-maker must also provide reasons for the decision, including how submissions were taken into account.

### Coordinating input from key stakeholders and weighing up the merits of the project

The Department will co-ordinate the detailed assessment of a State significant project with key State and Commonwealth agencies, such as the *Environment Protection Authority, Transport for NSW, Regional NSW*, and the Commonwealth *Department of Agriculture, Water and the Environment* as required.

The Department will follow its *Interagency Engagement Framework* when engaging with other government authorities.

The Department will also work with councils to ensure local and regional issues are fully considered in the detailed assessment.

It is the Department's role to consider all of the information provided in its evaluation of the merits of the project. In undertaking this evaluation, consideration will be given to all relevant matters, including the likely impacts of the project, and the issues raised in submissions.

The Department will document its findings in its assessment report and make a recommendation to the decision-maker.

## 4.3 Commonwealth Environmental Matters

Certain developments also require approval under the Australian Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The NSW and Australian Governments have entered into an Assessment Bilateral Agreement that enables the streamlining of environmental assessment, and in some cases approval. This removes duplication by allowing the state to conduct environmental assessments on behalf of the Australian Government.

All State significant projects being assessed on behalf of the Australian Government (including minor modifications) are required to undergo public exhibition for at least 28 days and need to be published in a newspaper circulating generally in each State and Territory.

The Department and the Australian Government are required to jointly seek advice from the *Independent Expert Scientific Committee* (IESC) for all large coal mining and coal seam gas developments. The Department may also seek advice from other expert advisory bodies established under the EPBC Act or from the Australian Government. This includes guidance in relation to assessing the impacts on Ramsar wetlands, world and national heritage areas and migratory species etc.



## 5. Glossary

<b>Application</b>	This may mean an application seeking development consent for a State significant development project under Part 4 of the EP&A Act, an application to modify an approved State significant development consent under sections 4.55 or 4.56 of the EP&A Act, an application seeking approval for a State significant infrastructure project under Division 5.2 of the EP&A Act, a request to modify an approved State significant infrastructure project under section 5.25 of the EP&A Act, or a request to modify an approved concept plan for a Transitional Part 3A project under the former section 75W of the EP&A Act.
<b>Community</b>	Anyone affected by or interested in State significant projects in NSW, including: individuals, community groups, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, peak bodies, businesses.
<b>Council</b>	The relevant council where the project is located.
<b>Decision-maker</b>	The consent authority for a State significant development application, the approval authority for a State significant infrastructure project application, or the approval authority for a Transitional Part 3A application. This may include the Minister or the Independent Planning Commission.
<b>Department</b>	Department of Planning, Industry and Environment.
<b>Engagement</b>	Ensuring that those who have an interest in or are affected by a project have the information they need and the opportunity to have their say.
<b>Environmental impact statement (EIS)</b>	An environmental impact statement prepared by or on behalf of the proponent for a State significant project (see the <i>State Significant Development Guidelines</i> and <i>State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement</i> ).
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979.
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000.
<b>Feedback</b>	Material that is provided to the Department or proponent outside of a public exhibition period, including material received through social media or other public forums.
<b>Major projects website</b>	<a href="http://www.planningportal.nsw.gov.au/major-projects">www.planningportal.nsw.gov.au/major-projects</a>
<b>Modification</b>	Changing the terms of an approved State significant project, including revoking or varying a condition of approval or imposing additional conditions. A modification requires approval under the EP&A Act.
<b>Planning Secretary</b>	The Secretary of the Department (or his/her delegate).
<b>Proponent</b>	The applicant seeking development consent for a State significant development project or to modify an approved State significant development project under Part 4 of the EP&A Act, the proponent seeking approval for a State significant infrastructure project or to modify an approved State significant infrastructure project under Division 5.2 of the EP&A Act, or the proponent seeking to modify an approved concept plan for a Transitional Part 3A project with an approved concept plan under the former section 75W of the EP&A Act.
<b>Scoping</b>	The process of identifying the matters that require detailed assessment in an EIS and informing the setting of SEARs for State significant projects.



<b>SEARs</b>	The Planning Secretary's environmental assessment requirements for the preparation of an EIS for a State significant project.
<b>State significant development (SSD)</b>	Development that is declared to be State significant development under section 4.36 of the EP&A Act.
<b>State significant infrastructure (SSI)</b>	Development that is declared to be State significant infrastructure under section 5.12 of the EP&A Act.
<b>State significant project (project)</b>	Refers to both State significant development (SSD) and State significant infrastructure (SSI) projects. For the purposes of these guidelines, a reference to SSI includes critical State significant infrastructure (CSSI).
<b>Submission</b>	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 a State significant project.

# Appendix A – Requirements for engagement

Table 1 outlines the requirements for the proponent to engage with the community, councils and government agencies at each phase of the environmental assessment. The table also outlines actions the Department will take as well as setting out opportunities for the community to participate at each phase.

**Table 1: Engagement at each phase in the environmental assessment**

Phase	Expectation
<b>Project is being scoped</b>	
Scoping	<p>The <b>proponent</b> must:</p> <ul style="list-style-type: none"> <li>• identify any early engagement that has been carried out that is relevant to the project (e.g. engagement undertaken as part of a prior planning process)</li> <li>• identify the key stakeholders for further engagement (i.e. individuals, special interest groups, councils and government agencies with an interest in or likely to be affected by the project)</li> <li>• plan how they intend to engage with the community, council and government agencies, so that the engagement is proportionate to the scale and nature of the project and the likely level of community interest in the project.</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>• take up any early engagement opportunities to understand the project</li> <li>• provide feedback to the proponent about aspects of the project which they support, do not support, or wish to be adjusted</li> <li>• provide clear reasons for any concerns to enable the proponent to consider possible alternative approaches to address the issues</li> <li>• alert the proponent to any matters they feel have not been considered.</li> </ul>
Application for SEARs	<p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• consult with relevant government agencies and councils when preparing project-specific SEARs, including any requirements for engagement during the preparation of the EIS.</li> </ul>
<b>SEARs are issued and EIS is being prepared</b>	
SEARs are issued	<p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• publish the SEARs on the major projects website and notify the relevant council if industry-specific SEARs have been issued.</li> </ul>

**Table 1: Engagement at each phase in the environmental assessment**

Phase	Expectation
Preparing the EIS	<p>The <b>proponent</b> must:</p> <ul style="list-style-type: none"> <li>• implement any engagement activities required by the SEARs (including engagement with relevant government agencies, council and the community)</li> <li>• inform the community about the opportunities to engage</li> <li>• explain how community feedback will be considered and documented</li> <li>• provide relevant information in plain English so that potential impacts and implications can be readily understood</li> <li>• be clear about the level of influence engagement will have by identifying what elements can be changed as a result of feedback</li> <li>• give the community the opportunity to voice their concerns or share local knowledge so that this information can be considered early on in the planning, design and assessment</li> <li>• consider the issues raised by the community, council and relevant government agencies when making project refinements and accurately reflect how these issues have been addressed in EIS documentation</li> <li>• keep the community, council and relevant government agencies informed with up-to-date information on the project.</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>• seek clarification about the project and its impacts</li> <li>• provide timely feedback to the proponent about aspects of the project which they support, do not support or wish to be adjusted</li> <li>• provide clear reasons for any concerns to enable the proponent to consider possible alternative approaches to address the issues.</li> </ul>
<b>EIS is lodged</b>	
The EIS is lodged	<p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• advise the proponent if additional information is required in the EIS, prior to exhibition</li> <li>• co-ordinate the detailed assessment of the project with key State and Commonwealth agencies – such as the <i>Environment Protection Authority, Transport for NSW, Regional NSW</i>, and the Commonwealth <i>Department of Agriculture, Water and the Environment</i> – in accordance with government legislation, plans, policies and guidelines</li> <li>• work with councils to ensure local and regional issues are fully considered in the detailed assessment.</li> </ul>
<b>EIS is exhibited</b>	
Formal Exhibition	<p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• publish the EIS and supporting documentation on the major projects website</li> <li>• notify the public exhibition in accordance with the requirements in the EP&amp;A Act and the EP&amp;A Regulation</li> <li>• in some cases, arrange for a community information session during the exhibition period to explain the assessment and submission process and to listen to community views on the project.</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>• make a submission in support of the project, commenting on aspects of the project or objecting to the project.</li> </ul>
Exhibition Closed	<p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• publish any submissions, including agency advice received during the exhibition phase on the major projects website</li> <li>• provide the submissions to the proponent for consideration.</li> </ul>

**Table 1: Engagement at each phase in the environmental assessment**

Phase	Expectation
<b>Proponent responds to submissions</b>	
Proponent's response to submissions	<p>The <b>proponent</b> is expected to:</p> <ul style="list-style-type: none"> <li>carefully consider and respond to the issues raised in submissions in a submissions report.</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>publish the submissions report on the major projects website.</li> </ul>
<b>Proponent amends project application (optional)</b>	
Proponent prepares an amendment report	<p>The <b>proponent</b> must:</p> <ul style="list-style-type: none"> <li>if relevant, submit a request to the Department to amend the project (along with an amendment report) that contains a description of the proposed amendments.</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>consider the nature of the amendments and decide whether to accept the proposed amendments</li> <li>publish the amendment report on the major projects website</li> <li>consider whether to publicly exhibit the amendment report for at least 14 days if the amendments involve a material environmental impact beyond the impacts expected by the initially proposed project</li> <li>publish all submissions and ask the proponent to respond to the issues raised in submissions (if the amendment report is exhibited).</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>read the amendment report and make a submission on the amended project (if it is exhibited).</li> </ul>
<b>Proponent submits preferred infrastructure report (if requested by the Planning Secretary) - SSI only</b>	
Proponent prepares a preferred infrastructure report (PIR)	<p>The <b>proponent</b> must:</p> <ul style="list-style-type: none"> <li>if requested, prepare and submit a PIR that outlines any proposed changes to the SSI and assesses the economic, environmental and social impacts of the preferred infrastructure.</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>publish the PIR on the major projects website and proceed to complete its assessment of the application.</li> <li>consider whether to publicly exhibit the PIR for at least 14 days if there is a material environmental impact beyond the impacts expected by the initially proposed project</li> <li>publish all submissions and ask the proponent to respond to the issues raised in submissions (if the PIR is exhibited).</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>read the PIR and make a submission on the preferred infrastructure (if it is exhibited).</li> </ul>
<b>EIS is assessed</b>	
Assessment	<p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>prepare an assessment report which includes consideration of agency advice, submissions received, the proponent's response to submissions and legislative requirements</li> <li>request additional information from the proponent, seek further advice from agencies or seek advice from independent experts (if required)</li> </ul>

**Table 1: Engagement at each phase in the environmental assessment**

Phase	Expectation
<b>Public hearing is held by the Independent Planning Commission (if requested by the Minister)</b>	
Public hearing is held (if requested by the Minister)	<p>The <b>Independent Planning Commission</b> will:</p> <ul style="list-style-type: none"> <li>• give the community a minimum of 14 days notice of the public hearing. The notice will include information on the subject matter, time, date and place of hearing, how submissions can be made and explain the effect the public hearing will have on appeal rights</li> <li>• give notice of the hearing to public authorities that are likely to have an interest in the subject matter</li> <li>• conduct the public hearing</li> <li>• (if the Commission is the consent authority) determine the application and prepare and publish a 'Statement of Reasons for Decision' on its website. The Commission may also notify those who have made submissions to the determination process, of its decision.</li> </ul> <p>The <b>community</b> will be able to:</p> <ul style="list-style-type: none"> <li>• apply to speak at the public hearing</li> <li>• view proceedings either online, or in some circumstances, in person</li> <li>• make a written submission.</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• present the assessment report and the rationale for its recommendation to the Commission</li> <li>• publish any report prepared by the Commission of findings and recommendations on the major projects website</li> <li>• carry out the public notifications required once the project is determined (including publishing the Notice of determination on the major projects website).</li> </ul>
<b>Project is determined</b>	
Decision	<p>The <b>decision-maker</b> will:</p> <ul style="list-style-type: none"> <li>• prepare conditions of consent which may include requirements for further community engagement during post approval</li> <li>• outline the reasons for the decision, including how community feedback was considered in reaching the decision.</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>• publish the assessment report, decision, and if approved, the conditions of consent</li> <li>• notify the proponent of the decision</li> <li>• notify everyone who made a submission during the exhibition period of the decision, as required by the legislation</li> <li>• give public notice of the reasons for the decision and how community views were taken into account in making the decision.</li> </ul> <p>The <b>proponent</b> is expected to:</p> <ul style="list-style-type: none"> <li>• seek clarification from the Department about any aspects of the approval that are unclear.</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>• seek clarification from the Department about any aspects of the approval that are unclear.</li> </ul>

**Table 1: Engagement at each phase in the environmental assessment**

Phase	Expectation
Post-approval	<p>Where a project is approved the <b>proponent</b> must:</p> <ul style="list-style-type: none"> <li>continue to engage with the community, relevant council and government agencies during the pre-construction, construction, operation and decommissioning of the project (and/or rehabilitation of the site) in line with the conditions of approval.</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>investigate and respond to any complaints made during construction, operation or decommissioning of the project</li> <li>monitor projects to determine whether they are complying with conditions of approval</li> <li>investigate and enforce compliance in accordance with the Department's Compliance Policy and Prosecution Guidelines at <a href="https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance">https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance</a></li> <li>publish any approved management plans or post-approval decisions on the major projects website.</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>track the progress of the project</li> <li>raise any post-approval concerns with the proponent and/or contractor</li> <li>alert appropriate authorities including the Department if concerns are not addressed or warrant urgent action such as cases where there is an imminent risk of harm to people or the environment</li> <li>make complaints or raise concerns about compliance with the Department at any time via the major projects website.</li> </ul>
<b>Proponent seeks to modify a project approval (optional)</b>	
Proponent prepares a modification report	<p>The <b>proponent</b> must:</p> <ul style="list-style-type: none"> <li>if relevant, submit a modification application to the Department in the approved form along with a modification report</li> </ul> <p>The <b>Department</b> will:</p> <ul style="list-style-type: none"> <li>consider whether to publicly exhibit the modification report for a period of at least 14 days in accordance with the requirements in the EP&amp;A Act and the EP&amp;A Regulation</li> <li>notify the modification in accordance with the requirements in the EP&amp;A Act and the EP&amp;A Regulation</li> <li>if the modification report is exhibited, publish submissions on the major projects website and ask the proponent to respond to submissions</li> <li>complete the assessment of the modification application and evaluate the merits of the modified project</li> <li>publish the decision and if approved, the conditions of consent</li> </ul> <p>The <b>decision maker</b> will:</p> <ul style="list-style-type: none"> <li>prepare the modified conditions of consent which may include requirements for further community engagement during post-approval</li> <li>publish the reasons for the decision, including how community feedback was considered in reaching the decision.</li> </ul> <p>The <b>community</b> is able to:</p> <ul style="list-style-type: none"> <li>read the application and modification report and make a submission on the proposed modification (if it is exhibited).</li> </ul>



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