

State significant infrastructure guidelines – preparing an amendment report

Appendix D to the state significant
infrastructure guidelines

November 2021

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Preface

Purpose of these guidelines

These guidelines provide a detailed explanation of the form and content requirements for amendment reports set out by the Department of Planning, Industry and Environment (the Department).

They seek to ensure the amendment reports submitted to the Department to support amendments to a State significant infrastructure (SSI) application are consistent and prepared to a high standard. They also seek to ensure that all amendment reports:

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

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

Application of these guidelines

Under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), the Amendment report submitted to the Department in support of an SSI amendment application must be prepared having regard to the SSI Guidelines prepared by the Planning Secretary¹.

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

1. Introduction

1.1 Amending an SSI application

Under the EP&A Regulation², the proponent for an SSI project may - with the agreement of the Planning Secretary - amend an application at any time before it is determined.

This applies to applications for the Minister's approval of SSI as well as applications seeking to modify the Minister's approval.

Amendments to an SSI application or modification request are only required if the proponent wants to change what it is seeking approval for and needs to amend the project description in the relevant environmental impact statement (EIS) or modification report.

These amendments may be necessary to improve the design of the project, respond to issues raised by the community in public submissions or further mitigate the impacts of the project.

Refinements are separate to amendments, being changes that fit within the limits set by the project description. They do not change what the proponent is seeking approval for or require an amendment to the relevant application for the project.

To seek the Planning Secretary's agreement for any proposed amendments to an SSI application, the proponent must lodge the amendment application and amendment report on the major projects website. The amendment application must be in the form³ approved by the Planning Secretary.

An amendment report may contain similar information to a preferred infrastructure report (PIR) but amendments to an application are initiated by the proponent. A PIR is prepared at the request of the Planning Secretary. A PIR outlines proposed changes to an SSI application in order to minimise the project's environmental impact or deal with any other issues raised during the assessment of the application.

In circumstances where amendments are proposed by the proponent and the Planning Secretary has requested a PIR, the amendments may be described in the PIR without the need for a separate amendment report. These amendments should be clearly described and identified as amendments initiated by the proponent, as distinct from any changes proposed to minimise environmental impact or deal with any issues raised during the assessment of the application.

1.2 Purpose of an amendment report

The purpose of an amendment report is to assess the economic, environmental and social impacts of the amended project and to help the community, councils, government agencies and the approval authority to get a better understanding of the proposed amendments and their impacts so they can make informed submissions (if the report is exhibited) or decisions on the merits of the amended project.

1.3 Assessing and determining an amended application

As soon as it is received, the Department will publish the amendment report on the major projects website and proceed to complete its assessment of the application.

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 will be publicly exhibited. If the amendment report is to be publicly exhibited the Department will do so for at least 14 days before completing its assessment. This is to give the community an opportunity to read the amendment report and make a submission on the merits of the amended project.

If the amendment report is exhibited, the Department will publish all the submissions it receives during exhibition on the major projects

website and ask the proponent to respond to the issues raised in submissions. The proponent must document its response to submissions in a submissions report prepared in accordance with the Department's *State Significant Infrastructure Guidelines – Preparing a Submissions Report*.

As soon as it is received, the Department will publish the submissions report on the major projects website and complete its assessment of the amended SSI application or modification request.

Prior to determining the amended SSI application or modification request, the approval authority is required to evaluate the merits of the amended project, having regard to the economic, environmental and social impacts of the amended project and the principles of ecologically sustainable development.

After determining the application, the approval authority is required to publish a notice setting out the reasons for the decision and how community views were taken into account during the making of the decision⁴.

2. General requirements

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

2.1 Form

The amendment report should be divided into two parts.

The first part is made up of the main report. This report describes the proposed amendments, summarises the findings of any community engagement and the detailed assessment of the impacts of the amendments. It assesses the amended project as a whole having regard to the economic, environmental and social impacts of the amended project and the principles of ecologically sustainable development.

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

- an updated project description, incorporating the proposed amendments
- an updated statutory compliance table
- an updated table of the approved mitigation measures for the project (excluding any measures that form part of the physical design and layout of the project)
- any supporting information, including any detailed community engagement or technical reports.

The main report should contain an accurate summary of the detailed reports in the appendices and use suitable cross-referencing to reduce repetition between the two parts of the amendment report.

2.2 Structure and length

A recommended structure for an amendment report is shown in Appendix A. If some sections are not relevant, the proponent should adjust the structure of the report accordingly.

While the length of the amendment report will vary depending on the scale and nature of the matters requiring detailed assessment, the main report should be as succinct as possible.

The Department has included indicative page limits for each section of the main report in Appendix A. These limits should only be used as a guide, as the primary objective is to ensure the amendment report provides a justification and evaluation of the amended project as a whole, which integrates the findings of each section of the amendment report.

2.3 Presentation

The amendment report should clearly describe the proposed amendments, any community views on these amendments and the likely impacts of the amendments. This will ensure people can make informed submissions or decisions on the merits of the amendments.

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

- ensure the amendment report has a clear narrative, clearly explaining why the proposed amendments are necessary through the findings of any community engagement and the detailed assessment of the potential impacts of the amendments to the justification and evaluation of the amended project as a whole
- structure the information in the amendment report in a clear and logical way, making it easy for readers to draw a clear link between the summary of the findings of the detailed assessment in the main report and the appendices of the amendment report, and between these findings and the justification and evaluation of the amended project as a whole
- use objective analysis and provide reasons and evidence to support any conclusions reached
- use plain English to explain complex information simply
- avoid using jargon
- use maps, photographs, interactive digital tools, figures, graphics and tables to improve the presentation of information where possible
- ensure the visual presentation of material is consistent with the text presentation of the same material and that two presentations are located close to one other
- ensure the amendment report does not contain any false or misleading information⁵.

2.4 GIS data specifications

The proponent must:

- maintain appropriate geo-referenced file formats of all the maps in the amendment report
- supply all relevant GIS data to the Department as polygon datasets in one of the following file formats:
 - shapefile
 - file geodatabase or
 - MapInfo TAB
- use the following coordinate system details:
 - Datum: GDA 1994
 - Projection: GCS GDA 1994.
- 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.

2.5 General map requirements

Maps presented in the amendment report must build on a standard base map for the project and include:

- a north arrow (for maps in plan view)
- a scale (or where a cross section is not to scale, an indication of the elevation of key features and vertical exaggeration)
- a legend clearly indicating each line type that is not labelled on the map
- the source data of the base map (where applicable).

2.6 Accessibility and navigation

The amendment report 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 amendment report must:

- be provided as accessible PDF files⁶ (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)

3. Content of an amendment report

The amendment report must contain the following information.

3.1 Introduction

This section should set the context for the assessment of the amended project that follows later in the amendment report and include:

- the proponent’s details
- an explanation of the previous steps in the assessment
- a short summary of the project in the original application, including a map of the site in its regional setting
- a simple description of the proposed amendments, including:
 - the background to the amendments
 - why the amendments are required.

3.2 Strategic context

This section must describe the strategic context for the amendments.

In most cases, this will involve summarising the description of the strategic context in the original EIS or modification report for the project.

However, if the strategic context has changed since the original application was submitted, the changes should be described in detail in this section of the amendment report. The proponent should prepare this detailed description having regard to the relevant guidance in the *State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement*.

3.3 Description of the amendments

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

This description should include:

- a simple overview of the amendments, including a table comparing the amended project to the original project (see example in Appendix B)
- a detailed description of each of the amendments, having regard to the relevant guidance in the Department’s *State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement*.

A consolidated, detailed description of the amended project must be included in the appendices of the amendment report.

3.4 Statutory context

This section must identify the relevant statutory requirements for assessing and evaluating the proposed amendments to the project, having regard to the relevant guidance in the Department’s *State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement*.

If the statutory context has changed since the original application was submitted or the amendments trigger new statutory requirements, these changes should be highlighted in this section of the report.

Finally, the proponent should include an updated statutory compliance table for the amended project as an appendix to the amendment report. This table should identify all the relevant statutory requirements for the amended project and indicate where they have been addressed either in the amendment report or the associated EIS or modification report.

3.5 Community engagement

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

- engagement that was carried out
- key issues raised during this engagement and where they have been addressed in the amendment report
- engagement to be carried out if the amended project is approved.

This summary should be prepared having regard to the relevant guidance in the Department's *Undertaking Engagement Guidelines for State Significant Projects* and *State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement*.

Any detailed community engagement reports should be included as an appendix to the amendment report.

3.6 Assessment of impacts

This section must provide a detailed summary of the findings of any further assessment of the impacts of the proposed amendments, including details about the impacts of the amendments and the impacts of the amended project.

This summary should be prepared having regard to the relevant guidance in the Department's *State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement*.

In preparing the summary in this section, the applicant should consider

- any relevant:
 - strategic issues
 - statutory requirements
 - community views
 - government plans, policies and guidelines governing the assessment of key matters and setting standard or performance measures for evaluating the acceptability of any impacts of the amended project (e.g. *NSW 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.

Finally, the proponent must include an updated table of the proposed mitigation measures for the amended project and any detailed technical reports as appendices to the amendment report.

3.7 Justification of amended project

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

The justification and evaluation should be prepared having regard to the relevant guidance in the Department's *State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement*. It should summarise the relevant findings from the EIS or modification report and incorporate any new findings relating to the amendments.

4. Glossary

Amendment	A change in what the proponent is seeking approval for made 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 <i>State Significant Infrastructure Guidelines – Preparing an Amendment Report</i>).
Approval authority	The approval authority for an SSI application or SSI modification request. This will be the Minister.
Department	Department of Planning, Industry and Environment.
Determination	A decision by an approval authority for an SSI application to either approve the application subject to modifications or conditions or refuse the application.
Environmental impact statement (EIS)	An environmental impact statement prepared by the proponent to support an SSI application (see the <i>State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement</i>).
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i> .
Major projects website	www.planningportal.nsw.gov.au/major-projects
Matter	An element of the environment that may be affected by an SSI (e.g. air, amenity, biodiversity, economic, social).
Minister	The Minister for Planning and Public Spaces.
Mitigation	Actions or measures to reduce the impacts of 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 request	A request seeking to modify an SSI approval under section 5.25 of the EP&A Act.
Modification report	A report prepared by the proponent to support a modification request (see the <i>State Significant Infrastructure Guidelines – Preparing a Modification Report</i>).
Planning Secretary	The Secretary of the Department.
Preferred infrastructure report (PIR)	A report prepared by an SSI proponent at the request of the Planning Secretary that outlines any proposed changes to the SSI to minimise its environmental impact or to deal with any other issue raised during the assessment of the application concerned (see the <i>State Significant Infrastructure Guidelines – Preparing a Preferred Infrastructure Report</i>).
Project	Refers to State significant infrastructure (SSI).
Proponent	The proponent seeking approval for an SSI application or modification request.

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.
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 State significant infrastructure.
Submissions report	A report prepared by the proponent to respond to the issues raised in submissions (see the <i>State Significant Infrastructure Guidelines – Preparing a Submissions Report</i>).

Appendix A – Recommended structure of an amendment report

Amendment report	
Section	Indicative page limit*
Executive summary	3
1 Introduction	3
2 Strategic context	3
3 Description of amendments	10
4 Statutory context	3
5 Engagement	5
6 Assessment of impacts	1-10** per issue
7 Justification of amended project	5
8 References	
Appendices	
A Updated project description	
B Updated mitigation measures table	
C Supporting information, including any detailed engagement or technical reports	

* Indicative page limits do not include maps, plans and figures.

** Limits apply to individual matter (for example, it may be possible to report the findings of a standard assessment in one page whereas a detailed assessment may require ten pages). For an explanation of standard and detailed assessments, see Appendix D of the *State Significant Infrastructure Guidelines – Preparing a Scoping Report*.

Appendix B – Example of a project summary table highlighting amendments

Project Element	Summary of the Project as exhibited	Summary of the amendments	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	Change of alignment at location XX	Fig XX
Operational footprint	Approximately 285 ha	Approximately 290 ha	Fig XX
Intersections	Three intersections / interchanges		Fig XX
Bridge structure / creek crossings	19 bridge structure crossing Creeks 1, 2, 3 and local roads A, B, C...	Additional crossing at local road D	Fig XX
Active transport	Pedestrian and cyclist facilities through the provision of pedestrian bridges and off road shared user paths		Fig XX
Local road network	Modifications to the local road network including local road 1, local road 2, local road 3		Fig XX
Utilities	Adjustment, protection or relocation of existing utilities		
Ancillary facilities	Ancillary facilities to support motorway operations, smart motorways operation in the future and the existing M7 Motorway operation, including gantries, electronic signage and ramp metering		
Roadside furniture	Other roadside furniture including safety barriers, signage and street lighting		

Project Element	Summary of the Project as exhibited	Summary of the amendments	Fig ref
Waterways	Adjustments of waterways, where required, including Creeks 1, 2, 3		Fig XX
Permanent water Management	Permanent water quality management measures including swales and basins		
Construction			
Construction footprint	Approximately 350 ha	Approximately 360 ha	Fig XX
Workforce	Average of 400 per year over a three year construction period		
Cut / fill	Net deficit of fill material of approximately 2 million cubic metres	Reduction in net deficit to 1.8 million cubic metres	
Ancillary facilities	Various locations: material and earthworks stockpiling areas (including early stockpiling), construction support areas for bridges, a main project office and compound area, material testing laboratories, secondary offices located as needed along the length of the construction footprint, workshops for servicing plant and equipment, double-handling and laydown areas, concrete precast elements casting yards and concrete and/or asphalt batching plants		Fig XX

Project Element	Summary of the Project as exhibited	Summary of the amendments	Fig ref
Temporary facilities	Establishment and use of temporary ancillary facilities, temporary construction sedimentation basins, access tracks and haul roads during construction		Fig XX
Dewatering	Dewatering of up to 15 farm dams		
Property	Permanent and temporary property adjustments and property access refinements		Fig XX
Capital Investment Value	\$1.75 bn		

Endnotes

1. Clause 192(3) of the EP&A Regulation.
2. See clause 192(2) of the EP&A Regulation.
3. Clause 192(1) of the EP&A Regulation
4. See clause 20 of Schedule 1 of the EP&A Act.
5. See section 10.6 of the EP&A Act.
6. An accessible PDF file provides hidden, structured, textual representation of the PDF content that is presented to screen readers.



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