Guideline
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Preparing an Environmental Impact Statement

Draft Environmental Impact Assessment Guidance Series
June 2017

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1. Introduction

An Environmental Impact Statement (EIS) is a publicly available document that provides information on a project, including its environmental impacts and mitigation measures, and is used to inform development consent decisions.

The purpose of the Preparing an Environmental Impact Statement Guideline is to set out the Department of Planning and Environment's (the Department) expectations for the information to be presented by a proponent in an EIS to support decision-making and enable the community and other stakeholders to understand the project and its impacts. While the primary audience is the proponent and its project team, who are responsible for preparing the EIS, the guideline will also assist the community and other stakeholders to understand the role of the EIS in decision-making. It will also be used by assessment officers in the Department and other regulatory agencies when reviewing the information presented in the EIS.

In the case of State significant development (SSD), the EIS supports a Development Application (DA) for consent, and in the case of State significant infrastructure (SSI), an application for approval. For the purposes of this guideline, consent is taken to have the same meaning as approval.

The aim of this guideline is to promote consistency and quality in the preparation of an EIS, in order to ensure proponents and their consultants include all relevant information required by decision-makers. A well-written and well-structured EIS allows the reader to clearly understand the project and its impacts.

The guideline applies to all SSD and SSI projects and provides guidance on:

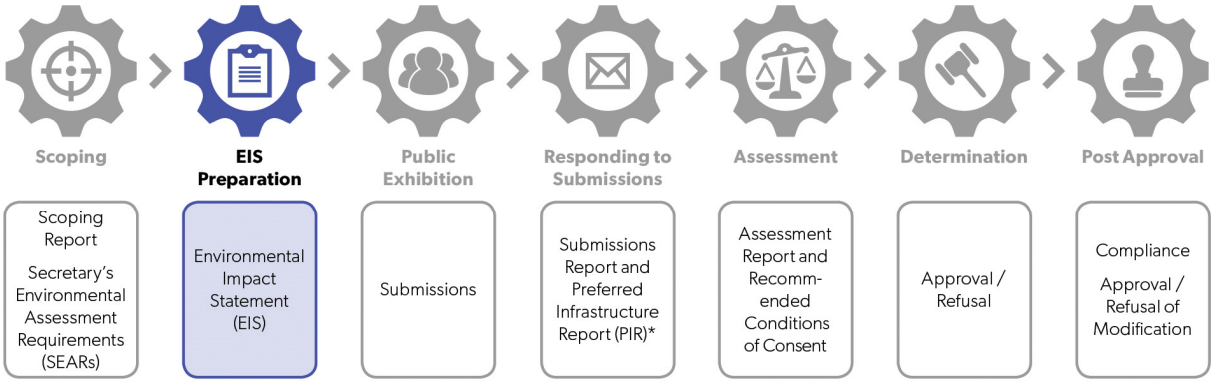
- the role of the EIS in Environmental Impact Assessment (EIA)
- the Department's expectations regarding format and content of the EIS, including improvements and refinements to key sections of the EIS, to support decision-making and community and other stakeholder understanding
- the submission of the EIS for public exhibition.

This guideline should be read in conjunction with the other guidelines that provide detail around EIA, including:

- Overview of the EIA Improvement Project
- Community Guide to EIA
- Scoping an Environmental Impact Statement
- Responding to Submissions
- Community and Stakeholder Engagement
- Approach to Setting Conditions
- Modifying an Approved Project
- Peer Review.

2. The EIS as part of EIA

Figure 1 – EIS in the context of EIA



* PIR applies to SSI projects only

The EIS plays a critical role in the process of identifying, predicting, assessing, evaluating and mitigating the environmental, social, economic and other relevant effects of development proposals. The phases of EIA and where the EIS sits within the process are outlined in Figure 1.

Preparation of the EIS follows the scoping phase where the relevant matters to be addressed in the EIS and the level of assessment of those matters is identified, including community and stakeholder perspectives. An effective scoping phase leads to a better quality EIS, with the Secretary's Environmental Assessment Requirements (SEARs) produced as an outcome of scoping to set the terms of reference for the EIS.

It is the proponent's responsibility to ensure the EIS addresses all the matters identified in the SEARs so that the Department has sufficient information to properly assess the project.

Once the EIS and related documents have been submitted and reviewed by the Department, these documents are made available for public exhibition and comment.

Ultimately, a decision on whether a project should be approved, and if so, subject to what conditions, is made by the Minister for Planning (or delegates such as the Planning Assessment Commission or senior officers within the Department), after the Department has assessed both the information in the EIS and the perspectives of regulatory agencies, specialists, the community and other stakeholders.

The requirements for EISs for State significant projects in NSW are set out in the *Environmental Planning and Assessment Act 1979* (the Act) and Environmental Planning and Assessment Regulation 2000 (the Regulation). These contain requirements in respect of the SEARs, the form and content of the EIS (Schedule 2 of the Regulation) and public exhibition.

3. Form and content of the EIS

While the form and content of an EIS is defined in the Regulation, the presentation of information in an EIS varies, depending on the scale and complexity of a project, and the approach of individual proponents and their consultants.

This section details the minimum content requirements of an EIS.

3.1 Using plain English

The EIS should provide sufficient technical analysis to allow a detailed understanding of impacts and mitigation measures by those with an interest, responsibility or expertise in specific matters, and a summary of them in non-technical language for those who wish to understand the project at a more general level. As a result, the EIS is typically structured as a series of volumes with summary information provided in the EIS Volume One and detailed technical analysis in subsequent volumes.

Information should be presented clearly and in a way that can be easily understood. Technical language should not be used in the EIS Volume One but rather reserved for the specialist reports located in the subsequent volumes of the EIS.

Repetition should be avoided and cross-referencing is encouraged to reduce unnecessary duplication. Where supporting documentation, such as specialist reports, provide detail on specific subject matter, these reports should be referred to, but large sections of information taken from specialist reports should not be repeated in the EIS.

3.2 EIS structure and table of contents

An EIS can be a long, complex document, often comprising multiple volumes. Therefore, the EIS should include a clear table of contents (TOC) to allow the reader to easily locate information.

The TOC should appear after the title page and declaration (see Section 3.3), and will vary for each individual project. The TOC below is a guide that can be used to assist in the preparation of the EIS.

- Declaration
- Glossary and abbreviations
- Executive summary
- Introduction
    - Project overview
    - Project objectives
    - Project history
    - Feasible alternatives
    - SEARs
- Project description
- Strategic and statutory context
- Engagement
- Environmental impact assessment
- Mitigation measures
- Evaluation and conclusion

- List of appendices

Regardless of the specific TOC used, the EIS must include a clear project description, strategic and statutory context, an assessment of impacts and mitigation measures, a description of community and stakeholder engagement activities and outcomes, and concluding comments on the overall merits of the project.

The appendices of the EIS should include all supporting documentation as numbered appendices.

Note: In the case of a complex EIS, it may be appropriate, as determined by the Department, to include a stand-alone EIS summary that clearly explains the project and its impacts, with a greater reliance on graphics to communicate project information.

3.3 Declaration

The author of the EIS must provide a declaration indicating that they have prepared the EIS in accordance with the EP&A Regulation, that the EIS contains all information relevant to the environmental assessment of the project, and that the information is not false or misleading.

3.4 Glossary and abbreviations

The EIS is a technical document and as such technical terms and abbreviations are often used. To assist the reader in understanding the EIS, a clear and succinct glossary of technical terms that are not commonly used in everyday language must be provided along with a list setting out in full any abbreviations used.

3.5 Executive summary

The intended readers of the executive summary are members of the public who have an interest in the project. In many cases, the summary forms the first and lasting impression of the EIS and has an important communication role.

The executive summary should be capable of being read on its own, without reliance on the detailed information in the EIS.

It should provide sufficient detail to allow a reader to come to an overall understanding of what is being proposed, the resulting environmental impacts, and mitigation measures. Alternatives to the project should be summarised. The outcomes of participation should be described and where changes to the project have occurred due to participation this should be clearly highlighted.

The summary should provide concluding remarks which discuss how the project has been designed to avoid impacts and the proposed mitigation measures for unavoidable impacts. Any outstanding issues subject to further design at the time of the EIS should be highlighted.

Technical language should be avoided, and figures, tables and graphics should be used to aid understanding of technical information.

The summary should include a section indicating the current phase and future phases in the EIA. It should be consistent with the main body of the EIS and should not introduce ideas, information or conclusions that are not otherwise detailed in the EIS.

3.6 Introduction

The introduction chapter should include the following information:

- Project overview
- Project objectives
- Project history
- Alternatives
- SEARs
- Structure of the EIS
- Proponent details.

3.6.1 Project overview

The overview should identify the project location and describe the key elements of the project. When figures are used (for example, to identify the project location) they should be clear and easy to understand. The overview should be brief but consistent with the more detailed project description that appears later in the EIS.

3.6.2 Project objectives

Proponents must state the key objectives of the project and a brief description of how the project meets these objectives. This section of the EIS does not need to be long or detailed, but should simply state why the project is being proposed and what the benefits are. For example, an objective of a project for a new school could be to provide an education facility for an area with a growing school age population. The proponent should also demonstrate how the objectives of a project address principles of ecologically sustainable development (ESD).

3.6.3 Project history

Proponents must provide an overview of the history of the project if it is relevant. This should include, but not be limited to, any existing consents for the site, the previous use of the site, details on how the proposed site was chosen for the intended use, and any relevant approvals in the vicinity of the project.

3.6.4 Alternatives

Proponents must provide an assessment of any alternatives to carrying out the project, making sure to reference the project objectives. Proponents should also include an assessment of the consequences of not carrying out the project.

The assessment of alternatives will differ depending on the project type and the potential for options. The assessment should not be limited to the location of the project but should, where relevant, also consider alternative technologies, processes and designs. Proponents should summarise how the project developed, including how its planning and design has evolved to avoid and minimise potential environmental impacts. The EIS should also describe the reasons why alternatives were not chosen, particularly if those alternatives were preferred by agencies, the community and other stakeholders.

Detailed impact assessment of alternative options is not required in the EIS.

The assessment of alternatives may have also been carried out during scoping and presented in the Scoping Report. If this is the case it is acceptable to provide limited detail in the EIS and reference the relevant section of the Scoping Report. For ease of reference, the Scoping Report should be appended to the EIS.

3.6.5 SEARs

In order for the Department to consider the EIS suitable for public exhibition, the EIS must demonstrate how the SEARs have been addressed. Rather than repeat the SEARs throughout the EIS, each SEAR should be included in a table and detail provided on where in the EIS, or appendices, each one has been addressed. It may be appropriate to attach the full set of SEARs as an appendix. Table 1 below provides an example of a format that could be used by proponents.

Table 1 - Example of how SEARs have been addressed

Requirement	Location in EIS (Detail if in body of EIS or in specialist report)
Environmental Planning Instruments, Policies & Guidelines Address the relevant statutory provisions applying to the site, contained in the relevant EPIs, including: • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Major Development) 2005	Located in section 3, Environmental Planning Instruments (EPIs), Policies and Guidance
Heritage The EIS must include an assessment of the likely impacts of the proposal on any Aboriginal or European heritage and archaeological items and outline mitigation and conservation measures	Section 4.6 (page 10-12)
Transport The EIS must include an assessment of the likely transport impacts of the development on the capacity, condition, safety and efficiency of the local and State road network, having regard to the RMS requirements	Section 4.8 (page 15-17) Appendix 4 – Transport Assessment
Engagement During the preparation of the EIS, the proponent must consult with relevant local, State and Commonwealth agencies, service providers, community groups and affected landowners	Section 5 (page 22-25)

3.7 Project description

The project description chapter of the EIS is very important. The aim of the project description is to provide a clear understanding of the scope of works for which approval is sought, and the basis upon which the EIA has been undertaken. It also provides a clearer basis to understand whether project changes which happen following approval are within the terms of the approved project.

The following sections describe the Department's expectations of information to be provided in the project description chapter. This includes how the concept of maximum parameters can be used to bring greater certainty to the assessment of elements of the project description which require further design following finalisation of the EIS.

3.7.1 Content of the project description chapter

The full description of the project for which approval is sought should be provided in one location - the project description chapter. Inclusion of parts of the project description in specialist appendices without a corresponding reference in the project description chapter should be avoided. It is important that decision-makers, the community and other stakeholders clearly understand the full scope of the project.

Note: The Department's standard conditions of consent will refer to the project as described in the project description chapter.

The project description should include:

- a summary table listing the key elements of the project
- a detailed description of the project
- maps, figures, images and flowcharts which are consistent with the summary table and detailed description.

3.7.1.1 Summary table

The summary table is a snapshot of the project, identifying the key characteristics, including:

- main physical, construction and operational elements
- location and extent
- construction phasing (if appropriate)
- key parameters to define the extent of the project (e.g. spatial extent, maximum throughput or processing capacity, maximum building heights, operating hours, workforce).

Appendix 1 provides two examples of a summary table format that can be used by proponents. These can be modified to suit the nature of the specific project.

3.7.1.2 Detailed description

The aim of the project description is to allow a clear understanding of the scope of works for which approval is sought and the basis upon which the EIA has been undertaken.

The detailed description of the project should include all information and data that cannot be included in the summary table. It should also include any information and data that requires further explanation.

However, it should not contain additional supporting or explanatory text that is not relevant to the description of the project. For example, although the history of a project is important, it is not relevant to this section as it is not an element that needs approval.

The detailed project description should include the following elements:

- a description of the site (including lot and DP) and its surrounding context. Areas outside of the site that may be impacted by the proposed project need to be identified
- indicative project staging, including key construction and operation sequences as well as geographical staging of the project
- description of enabling works, where relevant
- description of construction works, including a breakdown of the main elements and phases, the location of construction compounds, and the plant and equipment likely to be used during construction
- details of any utilities and power supply that needs to be supplied to construction sites
- details of the main materials to be used or generated during construction and operation, for example, water and electricity consumption, or surplus spoil generation and other waste streams
- number of jobs created during construction
- description of the operation of the project, including physical elements and operating elements
- number of staff for construction and operation
- details of demobilisation, rehabilitation, final landform and landscaping and final land use
- physical characteristics of the whole project, including demolition works and land-use requirements during construction and operation.

3.7.1.3 Plans, figures and images

Plans and figures convey information in a variety of formats and are important tools in communicating location information and technical data.

At a minimum, plans showing the location of the project in its regional and local context must be provided as part of the project description. A consistent base plan should be used, where practical, throughout the EIS, allowing environmental elements and the project to be overlaid and compared.

Plans which show the following details are helpful:

- local context with clear annotation of notable features such as roads, to assist readers in locating the project
- the site within a wider regional context
- important nearby features such as urban areas, waterways, significant geographical features and residential areas
- site plan overlaid on a base map or plan
- land ownership
- location of key infrastructure.

If further spatial information is helpful in detailing the site, then additional plans should be provided in the appendices.

Text descriptions should be consistent with information contained in plans and figures to enable the reader to understand the information. Text descriptions supporting interpretation of the plans and figures should be located as close as possible to relevant plans and figures in the EIS document.

Images and photos provide a visual representation of the site and the project. Where images and photos are used they should be high quality and annotated with a description and date for the image and accurately reflect the real or predicted outcome.

3.7.2 Maximum Parameters

The information provided in the project description needs to be sufficiently clear and detailed so that the Department, the community and other stakeholders can understand the proposed project and the impacts. However, there may be circumstances where particular elements of a project require further design at the time of finalising the EIS. The reasons for this may include:

- project sectors which are exposed to rapidly changing technologies
- proponents seeking to use contractual arrangements whereby elements of the design and construction methodology are to be developed by a contractor
- long project timeframes, often extending over several decades.

In these situations, it may be appropriate for proponents to adopt a maximum parameters approach within the project description for clearly defined elements of the project. The maximum parameters approach defines the maximum extent of the project, for example, spatial extent (project footprint), height, processing capacity or throughput. It could be considered as the realistic full extent of the project. This allows the proponent to clearly identify the maximum extent of elements of the project which require further design following EIS finalisation. However, proponents must try to resolve as many uncertainties as possible in the EIS and limit the elements to which a maximum parameters approach applies.

The maximum parameters approach must be limited to specific elements of the project and cannot be applied to the project as a whole or each element of it. The proponent must make it clear in the project description which elements of the project require further design and how the maximum parameters are proposed to be applied. The level of detail for these elements should be sufficient to allow the impacts to be assessed and understood.

Note: If proponents include a maximum parameters approach they should consult with the community and other stakeholders on an ongoing basis from the initial scoping phase through to project delivery on the elements of the project that require further design. The community and other stakeholders should be updated as the design progresses.

The EIA is undertaken on the basis of these described maximum parameters so that a maximum impact, not to be exceeded, is identified in the EIS. Further project development would occur within these physical and impact parameters which would be prescribed in conditions of consent if the proposal is approved. Even though the subsequent design development may deliver less impact, the proponent must demonstrate within the impact assessment the identified maximum impacts that are acceptable. This will allow the community to understand the proposed project impacts and allow the Department to assess the EIS to determine if the proposed approach to maximum parameters is acceptable.

The conditions of consent will describe the process for verifying that further project development is within the maximum parameters and impacts identified in the EIS. This will give confidence that the project, as constructed and operated, is within the parameters and impacts approved through the conditions of consent.

The concept of maximum parameters in the project description already exists in the NSW planning system. SSI applications are typically based on a concept design with detailed design undertaken in parallel with or after the assessment process. In the wind energy sector, the concept of micro-siting is applied through the conditions of consent where the final location of turbines may be moved, within a predetermined assessed envelope, to reflect final technology choice and detailed site survey. In the built environment sector, an EIS for an urban

development project often refers to a building envelope to define the maximum parameters for the building, within which subsequent detailed design development will take place.

The following principles have been developed to guide proponents in the application of maximum parameters concepts to project descriptions:

- maximum parameters approach should be contained to a limited number of project elements
- the maximum parameters approach should not be used as a basis for providing an inadequate description of the project. The project description must provide sufficient information to allow detailed impact assessment of the project as a whole
- the EIS should clearly state which elements[1] of the project for which a maximum parameters approach is being sought. Those elements should be defined by detailed maximum parameters, setting out the maximum extent for each parameter
- the impact assessment should be undertaken based on the maximum parameters, creating a maximum impact that cannot be exceeded.

If the described maximum parameters approach is considered appropriate by the Department conditions of consent will set out the maximum parameters within which further project development can be undertaken, including identification of site constraints.

> **Note**: The defined parameters must provide a sufficient level of detail to facilitate an impact assessment. Where a proponent is seeking to adopt a maximum parameters approach in the project description, the proponent should clearly state this in the EIS with an analysis of how the approach addresses the above principles.

The Department will add examples of the application of a maximum parameters approach in practice to its website to promote understanding of good practice in this area.

3.7.3 Changes

It is common practice for projects to be amended as they progress through the assessment process. These changes may result from engagement during exhibition, detailed technical feedback received from agencies, or following initial assessment by the Department. As a result of these changes the project description may change.

Proponents should ensure that as changes occur throughout the project lifecycle, the project description is updated with an accompanying explanation as to why these changes have occurred. At a minimum, an updated project description should be appended to the Submissions Report.

Changes to the project description should be clearly identified to allow the Department, the community and other stakeholders to properly understand what comprises the project. The Department will only accept changes that are clearly identified, for example, changes may be tracked or highlighted, or described in a summary table to accompany the updated project description.

The description of a project will follow it throughout its life, including when the project is modified. The Modifying an Approved Project Guideline provides further detail on the format of the project description for a Modification Application.

[1] For example in the case of NSW wind farm applications, approach to maximum parameters is usually sought in relation to the final location of the turbines within a pre-assessed envelope

3.8 Strategic and statutory context

3.8.1 Strategic context

The strategic context chapter should identify any relevant policies or plans which demonstrate the strategic planning context and need for the project. It should contain a description of how the project complies with the relevant policies and plans, including an overview of the importance of the project within the strategic planning context.

The level of detail presented should be proportionate to the policies or plans relevant to the project. State level policies and plans establish a strategic planning context relevant to all projects, and therefore should be referenced in limited detail. Conversely, regional and/or sector specific policies and plans may be more relevant in establishing the context and need for a project and should be considered in greater detail. For example, the Western Sydney Regional Avoidance and Resource Recovery Strategy 2014 – 2017 is highly relevant for establishing the context and need for waste management infrastructure in the Western Sydney Region.

In addressing the key strategic policies and plans proponents should provide an evaluation of the strategic planning context, balancing consideration of the impacts of the project in the context of the overall need for, and benefits of, the project.

3.8.2 Statutory context

The statutory context section should provide brief descriptions, preferably in table format, of how the project aligns with statutory approval requirements. The statutory context describes the approvals framework relevant to the project. Two main questions should be considered:

- is the proposal permissible?
- are there any other statutory approval factors to be considered?

Table 2 below provides an example of a format that could be adopted by proponents.

Table 2 – Strategic and statutory context

Regulatory Requirements	Considerations	Location in EIS
SEPP 44	Land has the potential to be koala habitat	Biodiversity section 4.4 of the EIS (pages 8-14) Appendix 6 – Biodiversity Assessment
Heritage Act 1977	Suspected archaeological remnants	Heritage section 4.7 of the EIS (pages 20-22) Appendix 7 – Heritage Assessment

Regulatory requirements can relate to strategic planning as well as specific matters. Where these requirements relate to specific matters, they should be discussed within the impact assessment of the related matter. For

example, SEPP 65 – Design Quality of Residential Apartment Development would be further analysed under the amenity section of the EIS impact assessment by detailing how the proposal satisfies the various controls of the State Environmental Planning Policy.

3.9 Engagement

3.9.1 Engagement approach

Proponents are responsible for engaging with the community and other stakeholders throughout all phases of the EIA, including during the preparation of the EIS.

The approach to engagement is described in detail in the Community and Stakeholder Engagement Guideline. In summary, the approach includes:

- engagement as part of scoping, including establishing the level of engagement and participation outcomes during the preparation of the EIS
- preparation of a Community and Stakeholder Engagement Plan (CSEP) to demonstrate how the participation outcomes will be met during preparation of the EIS
- implementation of the CSEP during the preparation of the EIS.

Proponents must demonstrate how issues raised through engagement have been dealt with in the design of the project and the preparation of the EIS. If issues have not been addressed, proponents must give a reason.

3.9.2 Content of the engagement chapter

The engagement chapter within the EIS must report on the engagement undertaken by the proponent up to the date of the EIS submission. Table 3 below provides an example of what this might look like.

Proponents should also outline what future engagement activities they intend to undertake throughout assessment and post-approval, including during construction and operation of the project.

Table 3 – Engagement summary

Stakeholder	Issues raised	Response
e.g. Local community group	Concerns about the appearance of wind turbines in the rural landscape	A visual assessment in accordance with Wind Energy Guideline has been undertaken. See Appendix C Two wind turbines have been removed in the northern end of the project in order to reduce visual impact from Main Street Vegetation screening has also been included within the design for residents assessed as having a 'medium' level visual impact

Stakeholder	Issues raised	Response
	Concern that wind turbines may cause additional fires	The proponent has met with the local volunteer fire department and the Rural Fire Services (RFS) to discuss the project Fire procedures have been developed in consultation with the local fire department and RFS to deal with any potential fire breakouts as a result of the wind turbines
e.g. RMS	Heavy vehicle movement through Small Town	The proponent has provided a traffic assessment in Appendix D. Consulting with RMS, to identify potential issues with access roads. From discussions proponent has identified an alternate route which reduces the impact on Main Road.

3.10 Environmental impact assessment

In the environmental impact assessment chapter proponents must describe how the matters identified in the SEARs have been assessed, and how any potential impacts have been avoided, minimised or offset. In addition, proponents must identify any residual impacts.

The proponent's Scoping Report and the SEARs issued by the Department will identify the level of assessment for each matter. Each matter will require either:

- a Key Issue Assessment requiring the preparation of a specialist report to assess impacts and design project specific mitigation measures, typically attached as an appendix to the EIS, or
- an Other Issue Assessment where the impacts are reported in the EIS and which can typically be managed through routine mitigation and management measures.

3.10.1 Key Issue Assessment

A Key Issue Assessment is the highest level of assessment and requires a supporting specialist report which should be included in the EIS appendices. Where a matter requires a Key Issue Assessment it will be identified in the SEARs.

The specialist report is expected to contain a detailed assessment of the impact including the methodology and data used to undertake the assessment. Key Issue Assessments are usually undertaken in accordance with established industry guidelines and standards for that particular matter.

When summarising the specialist report into the impact assessment section of the EIS, the focus should be on the impact assessment and mitigation measures. Information on methodology and data inputs should be limited and may be dealt with by reference to the specialist report, or the relevant guidelines or standards. It is important that

summaries are accurate including highlighting any assumptions made and areas of uncertainty or conservatism in the assessment.

The following structure should be adopted by proponents when summarising specialist reports into the impact assessment section of the EIS:

- methodology
    - a very brief description of the methodology with reference to the detailed methodology in the specialist report and related guidelines and standards
    - clearly identify the suitability/qualification of the author of the specialist report.
- existing environment
    - a brief description of the existing environment as it relates to the matter with reference to the detailed analysis in the supporting specialist report.
- assessment
    - a summary of the impacts supported by tables, figures and plans to aid communication and understanding
    - detail if all specialist recommendations have been adopted and if not explain why
    - a summary of any cumulative impacts, including the project's relative contribution to those impacts.
- mitigation measures
    - an analysis of how impacts have been avoided, minimised, or offset
    - a discussion of the acceptability of any residual impacts with reference to relevant standards or guidelines.

3.10.2 Other Issue Assessment

An Other Issue Assessment does not typically require a supporting specialist report as the impacts are routinely managed, using standard mitigation and management measures. Where a matter requires an Other Issue Assessment it will be identified in the SEARs.

As the Other Issue Assessment is not a summary of a more detailed Key Issue Assessment contained within a specialist report, all information required to understand the assessment should be provided in the relevant impact assessment section of the EIS.

The structure follows the same structure as a Key Issue Assessment summary. However, more information needs to be provided for the Other Issue Assessment as it is not a summary of a more detailed specialist report.

- methodology
    - a description of the methodology including how the assessment has been undertaken, with reference to relevant guidelines and standards, and the baseline data adopted
    - clearly identify the suitability/qualification of the author of the specialist report.
- existing environment

  - a description of the existing environment
  - an analysis of the issue in relation to the existing environment.
- assessment
  - a clear description of the assessment of impacts.
- mitigation measures
  - an analysis of how impacts have been avoided, minimised, or offset
  - a discussion of the acceptability of any residual impacts with reference to relevant standards or guidelines.

3.11 Mitigation measures

3.11.1 Approach to mitigation

The Department has developed an assessment and mitigation framework as part of the Approach to Setting Conditions Guideline. The framework sets out the preferred hierarchy of approaches for managing impacts.

Mitigation measures should be presented in a manner that is consistent with the Department's conditioning framework.

The Department has set out three main ways an impact may be conditioned:

- performance-based conditions identify performance criteria that must be complied with to achieve an appropriate environmental outcome but do not specify how the outcome is to be achieved
- prescriptive conditions require action to be taken or specify something that must not be done
- management-based conditions identify one or more management objectives that must be achieved through the implementation of a management plan.

When proposing a performance-based or management-based approach to mitigation, the proponent needs to demonstrate how the nominated performance criteria or management objectives will be achieved and maintained.

3.11.2 Presentation of mitigation measures

The mitigation measures identified to address any impacts should be consolidated by matter in a dedicated mitigation chapter.

Following assessment of the matter, if impacts are identified proponents must make clear how the impact will be managed, for example through avoidance, minimisation or offset.

Proponents should provide links between impacts and mitigation measures or performance criteria, whichever is more appropriate, as well as detail any residual impacts. Table 4 below provides an example of how to link identified impacts, approaches to manage impacts and residual impacts.

Table 4 – Impacts assessment and mitigation

Impact	Potential Impact	Approach	Residual Impact
Noise	Increase in noise levels at sensitive receivers, with potential exceedance of criteria	Performance criteria Noise generated by the wind turbines will not exceed 40 dB(A) at residences A1, A2 and A3 Mitigation Measures Noise wall on the south-eastern side of the site Mitigation measures to be offered to residence T5	Noise will be audible but within the appropriate threshold and for property T5 where noise is expected to exceed appropriate levels mitigation rights to be offered
Traffic	Increase vehicular movements at Smith Street Intersection	Prescriptive Measure Vehicular movements will only access Smith Street outside of school hours when school is in session	
	Impact of construction vehicles on traffic flows surrounding the site	Management Plan A transport management plan will be developed and implemented Prescriptive Measures Truck movements are to be staged to prevent queuing of trucks or unnecessary circulation of construction vehicles through CBD streets whilst awaiting site access	

3.12 Evaluation and conclusion

The EIS should end with an evaluation of the project as a whole, drawing conclusions on the overall merits of the project. A detailed analysis of the EIS should be 'weaved' into a coherent closing discussion.

The proponent should describe how the project, compared with other alternatives, balances impacts, strategic need, benefits and is in the public interest.

When weighing up whether a project is in the public interest, key considerations include the strategic planning and statutory objectives, the environmental, social and economic impacts, and the suitability of the site. Where possible, discussion on impacts should integrate the implications of different impacts for people and the environment, rather than describing impacts individually.

The conclusion should address the following:

- the suitability of the site
- how engagement has informed the development and design of the project, including avoidance and mitigation measures
- how the applicable statutory requirements and relevant strategic planning policy objectives have been met by the proposal
- an evaluation and weighing up of the main environmental impacts (costs and benefits) associated with the project
- whether, on balance, the impacts and benefits of the proposal favour the public interest.

4. Preparing and submitting the EIS

4.1 Suitability of the EIS for exhibition

Proponents are responsible for ensuring the EIS is suitable for public exhibition. The EIS should clearly state how the SEARs have been addressed. It should describe the proposal, its impacts, the proposed mitigation measures, and the outcomes of engagement. To assist proponents in ensuring the application is suitable, a checklist outlining the key elements required in an EIS is provided in Appendix 2.

4.2 Online lodgement

The EIS should be lodged online at www.majorprojects.planning.nsw.gov.au. When the application is received, the Department will determine if it is suitable for exhibition and notify the proponent.

For SSD, the application form has a number of mandatory information requirements including a description of the project. The description should be a clear and concise summary of the project with sufficient detail to explain the project's key elements. Minor details about the project which may change during the EIA should not be included.

When submitting the EIS to the Department, proponents should ensure all the documentation is in PDF format and is text searchable, non-secured and each file should be no more than 10Mb.

5. Glossary

(The) Commission	The Planning Assessment Commission.
Community	A group of people living in a specific geographical area or with mutual interests that could be affected by a State significant project.
Community and other stakeholders	All those with a stake in a project including community members that may be impacted by, or interested in the project.
Community Consultative Committee	A technique for the proponent to meet the engagement outcomes and maintain regular two-way communication with stakeholders through the life of a project, including reporting on project progress and impacts and obtaining stakeholder perspectives on these impacts.
Conditions of consent	The conditions that the Department or decision-maker sets when a project is approved. The conditions control the way in which development is constructed or operates. The proponent must adhere to these conditions.
Conditioning framework	A tool for the Department which sets out the preferred hierarchy for developing recommended conditions of consent to mitigate the adverse impacts of State significant projects.
Consent	Includes the granting of consent for SSD projects, the approval of SSI projects and approvals of modifications to those consents and approvals.
Department	NSW Department of Planning and Environment.
Engagement	The act of seeking the participation of the community and other stakeholders on behalf of the project proponent or regulatory agencies.
Environmental Impact Assessment (EIA)	Environmental Impact Assessment (EIA) is the process of identifying, predicting, evaluating and mitigating the environmental, social, economic and other relevant effects of development proposals. It includes scoping of the project, consultation with the community and other stakeholders, preparation and exhibition of the EIS, assessment and determination of the project.
EIA documentation	Includes the Scoping Report, EIS, Submissions Report and any other documentation provided by the proponent up to the point of determination.
Environmental Impact Statement (EIS)	The primary document prepared by the proponent which includes assessment of all relevant matters and impacts associated with a State significant project.
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW).

Key issue	A matter that requires detailed assessment, such as a technical study, to better understand the potential impacts that are likely to arise and identify project specific mitigation.
Management Plan	A plan which demonstrates how the management objectives for an environmental matter will be achieved.
Matter	An element of the natural or human environments that may be affected by activities associated with State significant projects.
Minister	NSW Minister for Planning.
Mitigation	Action taken to reduce the impact that a project may have on a matter.
Modification	An approved change to a project that is implemented by modifying an existing development consent. An application must be made under the EP&A Act before the modification can be approved.
Other issue	A matter whose impacts can usually be managed by well understood and routinely used mitigation measures. Usually, further information will be required, but often without the need for a technical study.
Participation	The activity whereby the community and other stakeholders have a say and potentially influence decisions that impact on their lives.
Performance criteria	The threshold criteria specified in the conditions of consent that must not be exceeded.
Performance-based measure	A commitment to achieve a certain level of performance to avoid or mitigate an impact.
Prescriptive measure	A known best-practice technology, design or management approach to avoid, mitigate or offset an impact.
Project	Includes applications for State significant development or State significant infrastructure under the EP&A Act.
Project approval	Includes: • development consent for State significant development • infrastructure approval for State significant infrastructure.
Proponent	The person or entity seeking approval for a State significant project, or acting on an approval for a State significant project, including any associated entities that have been engaged to assist with project delivery.
Public	The activities which are open to the entire public rather than targeted at particular stakeholders, for example, public exhibition of the EIS.
Scoping	Scoping identifies the matters and impacts that are likely to be relevant and establishes terms of reference for the Environmental Impact Statement (EIS).

Scoping Meeting	A meeting held between the proponent and the Department to discuss the project concept and agree on the approach to engaging with the community and other stakeholders prior to finalising the Scoping Report, taking into account potential project impact and likely community and stakeholder interest.
Scoping Report	A publicly available document which provides preliminary information on a project and its potential impacts to support a request for Secretary's Environmental Assessment Requirements (SEARs).
SEARs	The SEARs (Secretary's Environmental Assessment Requirements) set out clear expectations on the level of assessment required for each relevant matter which must be addressed by the proponent in the EIS.
Secretary	The Secretary of the NSW Department of Planning and Environment.
Stakeholder	Any person or group with an interest in, or the potential to be affected by, a State significant project.
State significant development (SSD)	Development projects which have State significance due to their size, economic value or potential impacts assessed and approved under part 4.1 of the EP&A Act.
State significant infrastructure (SSI)	Infrastructure projects which have State significance due to their size, economic value or potential impacts assessed and approved under Part 5.1 of the EP&A Act.
State significant projects	A State significant development or State significant infrastructure project as defined under the EP&A Act.

6. Appendices

Appendix A – Examples of project description summary table

Project Element	Summary of the Project (example)
Mining Method	Open cut mining in three pit areas covering up to 1,000 hectares
Resource	Mining of A1, B1 and B2 Seams to a depth of 200 m
Disturbance Area	Disturbance of up to 1,200 hectares with no more than 600 hectares disturbed or unvegetated at any time
Annual Production	Run-of-mine coal production up to 5 million tonnes per annum, up to 3 million tonnes saleable product.
Mine Life	21 years of mining
Total Resource Recovered	Up to 95 million tonnes of run-of-mine (ROM) coal
Beneficiation	Processing at a CHPP of up to 5 million tonnes per annum
Management of Mining Waste	Emplacement of waste rock in in-pit and out-of-pit waste rock emplacements up to a height of approximately 150m AHD
General Infrastructure	Access roads, electricity supply and distribution, rail loop, CHPP, train loading infrastructure, ROM coal stockpiles, coal handling equipment, diesel storage, administration, workshop, stores and ablution buildings, heavy vehicle servicing, parking and washdown facilities
Product Transport	Transport of product coal by train with an average of 3 trains per day and a maximum of 5 trains per day during peak periods
Waste Management	This section should outline: • sources and security of water supply and contingency options • all defined water sources under relevant water sharing plans • water use requirements on site (including water balance) • any off-site water transfers and discharges.
Operational Workforce	Approximately 250 people (including contractor personnel and where appropriate split construction and operational staff)
Hours of Operation	Open cut mining, coal processing and rail load-out 24 hours per day, seven days a week

Capital Investment	$500 million

Source: Mine Application Guideline 2015 (has been amended slightly from the original source)

Project Element	Summary of the Project (example)
Project Site Area	Application site area: 4,324 m^2 Extent of basement works: 3,102 m^2
Site Description	Lot and DP number
GFA	Total: 36,200 m^2 Retail: 4,256 m^2 Residential: 31,944 m^2
Residential apartments	3 bedroom: 12 2 bedroom: 24 1 bedroom: 26 Studios: 14
Maximum Height	RL 200m 40 storeys
Total parking spaces	4 retail parking spaces 50 residential parking spaces
Cycle Parking	50 bicycle spaces
End of trip facilities	One shared shower for retail units
Construction Hours	7am to 5pm (Monday to Saturday) 8am to 3pm (Saturday) No work on Sundays and Public Holidays
Communal open space	152 m^2

Appendix B – Checklist for EIS

The following content requirements are a standard list. Individual project SEARs may have additional requirements that proponents must address.

- ☐ Signed declaration
- ☐ A glossary or technical terms and a list of all abbreviations used
- ☐ A clear and concise executive summary
- ☐ A table of contents
- ☐ An introduction which outlines
  - ☐ An overview of the project
  - ☐ Objectives of the development
  - ☐ History of the project
  - ☐ Feasible alternatives considered
  - ☐ List of SEARs and location of where they are addressed in the EIS
- ☐ Project description
  - ☐ Summary table
  - ☐ Clear in scale location map
- ☐ Strategic and statutory context
- ☐ Overview of the project engagement
- ☐ Impact assessment
- ☐ Mitigation measures
  - ☐ All mitigation measures provided in a consolidated table
  - ☐ Mitigation measures linked to impacts
- ☐ Evaluation and conclusion

For more information about the EIA Improvement Project visit planning.nsw.gov.au