

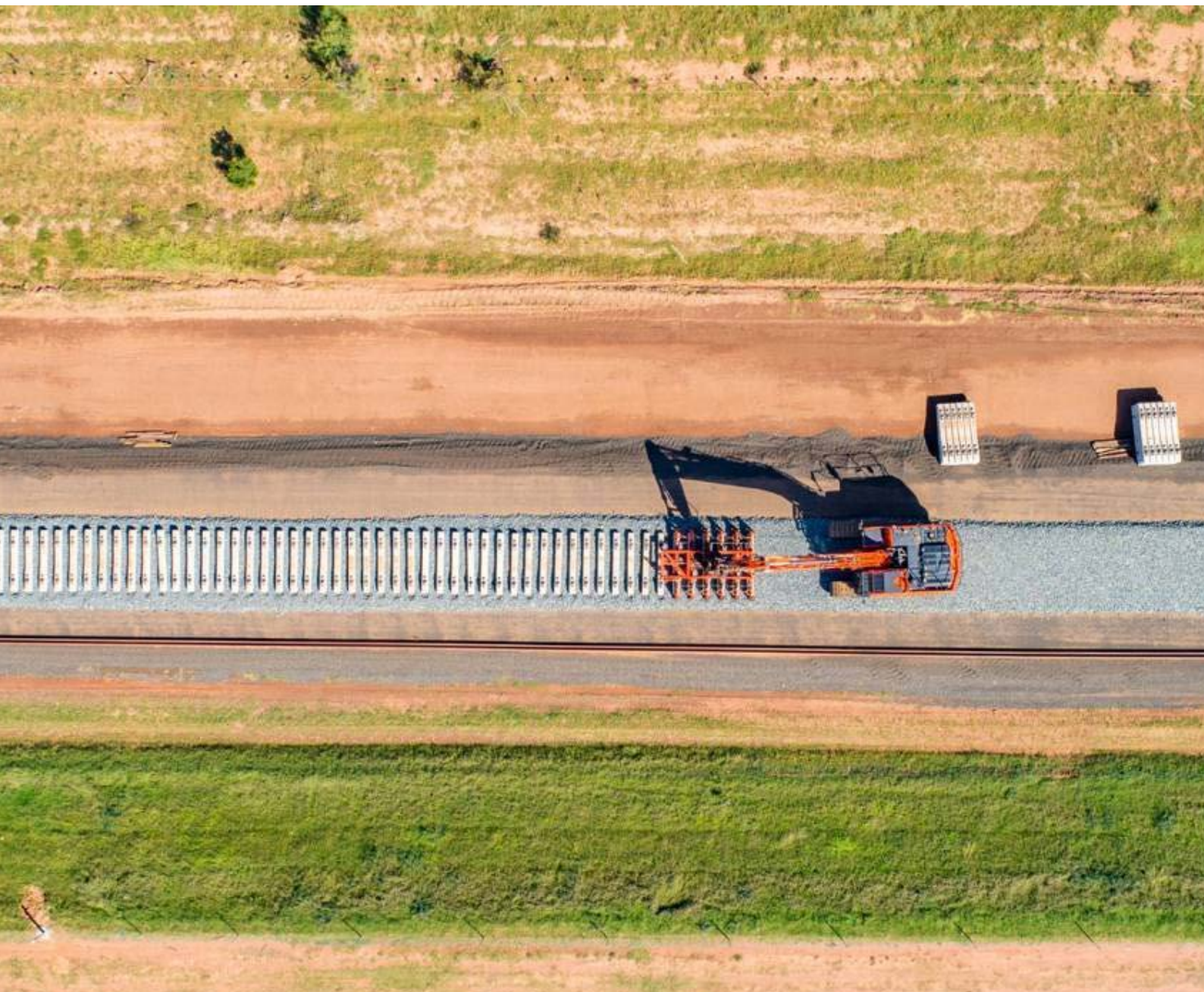
State significant infrastructure guidelines – preparing a modification report



Appendix F to the state significant infrastructure guidelines

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Title: State significant infrastructure guidelines –preparing a modification report

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Preface

Purpose of these guidelines

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

They seek to ensure that modification reports submitted to the Department in support of modification requests are consistent and prepared to a high standard. They also seek to ensure that all modification reports:

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

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

Application of these guidelines

Under the Environmental Planning & Assessment Regulation 2021 (EP&A Regulation), the modification report submitted to the Department in support of an SSI modification request 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 a modification report for an SSI project.

1. Introduction

1.1 Modifying an SSI approval

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act)², an approval authority may modify an SSI approval. This approval is not required if the infrastructure as modified will be consistent with the existing approval.

Modifications may be necessary to change the design of the approved project or the conditions of approval.

To seek approval for modifications to an SSI approval, the proponent must lodge a request to the Department on the Major Projects website in the form approved by the Planning Secretary along with a modification report³.

Prior to preparing the request and modification report, the proponent should discuss the modification with the Department to identify the issues to be addressed and the need for any community engagement. The Department may issue environmental assessment requirements to clarify the information to be provided by the proponent.

1.2 Purpose of a modification report

The purpose of a modification report is to assess the economic, environmental and social impacts of a modified project. It also helps the community, councils, government agencies and the approval authority to get a better understanding of the proposed modifications and their impacts so they can make informed submissions (if the report is exhibited) or decisions on the merits of the modified project.

1.3 Assessing and determining a modification request

As soon as it is received, the Department will publish⁴ the modification report on the major projects website and proceed to complete its assessment of the modification request.

The Department will need to consider if there is a material environmental impact beyond the impacts expected by the approved project in determining whether the modification report will be publicly exhibited. If the modification 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 modification report and make a submission on the merits of the modified project.

If the modification report is exhibited, the Department will publish all the submissions it receives during the 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 having regard to 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 modification request.

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

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

2. General requirements

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

2.1 Form

The modification report should be divided into two parts⁵.

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

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

- an updated project description, incorporating the proposed modifications
- a 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 modification report.

2.2 Structure and length

A recommended structure for a modification 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 modification 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 modification report provides a justification and evaluation of the modified project as a whole.

2.3 Presentation

The modification report should clearly describe the proposed modifications, their likely impacts and how they respond to known community views. This will enable informed submissions or decisions on the merits of the modifications.

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

- ensure the modification report has a clear narrative, explaining why the proposed modifications are necessary through the findings of any community engagement and any detailed assessment of the potential impacts and the justification and evaluation of the modified project as a whole
- structure the information in the modification 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 modification report, and between these findings and the justification and evaluation of the modified 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 both presentations are located close to one another
- ensure the modification report does not contain any false or misleading information⁶.

2.4 GIS data specifications

The proponent must:

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

2.5 General map requirements

Maps presented in the modification 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 modification 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 modification report must:

- be provided as accessible PDF files (commonly referred to as “tagged” PDF files)
- have a navigable table of contents
- present information in a linear and easy to follow format
- use headings (in Microsoft Word this means using heading styles, e.g. Heading 1, Heading 2, Normal)
- use captions for tables, pictures and figures
- include a header row in any tables
- provide alternate text descriptions for all images, preferably under 100 characters, except for images that are decorative
- use text to convey information rather than, or in addition to, images where possible
- use a contrast ratio of 3:1 for large text (18+ points or 14+ points bold) and at least 4.5:1 for text and images of text, unless the text is decorative or unimportant (use the [Vision Australia colour contrast analyser](#) to check the contrast ratio of colour combinations)
- not rely on colour to convey information and instead use text labels, patterns and symbols to supplement colour.

3. The modification report

The modification report must contain the following information.

3.1 Introduction

This section should set the context for the detailed assessment of the modified project that follows later in the modification report, and include:

- the proponent's details
- a short summary of the approved project, including a map of the site / corridor in its regional setting
- a simple description of the proposed modifications, including:
 - the background to the proposed modifications
 - the reasons why the modifications are required
 - the findings of the analysis of feasible alternatives.

It should also identify whether any environmental assessment requirements were issued for the project.

3.2 Strategic context

This section must describe the strategic context for the proposed modifications.

In most cases, this will involve summarising the description of the strategic context in the most recent environmental impact statement (EIS), amendment report or modification report for the project.

However, if the strategic context has changed since the previous assessment of the project, these changes should be described in detail in this section of the modification report. The proponent should prepare this detailed description having regard to the relevant guidance in the Department's State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement.

3.3 Description of the modifications

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

This description should include:

- a simple overview of the modifications, including a table comparing the modified project to the approved project (see example in Appendix B)
- a detailed description of each of the modifications, 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 modified project (i.e. an updated project description chapter reflecting the modified project) must be included as an appendix to the modification report.

3.4 Statutory context

This section must identify the relevant statutory requirements for assessing the modifications to the project, having regard to the relevant guidance in the Department's State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement.

The proponent should also include a detailed statutory compliance table for the modified project as an appendix to the modification report. This table should identify all the relevant statutory requirements for the modified project and indicate where they have been addressed in the modification report.

3.5 Community engagement

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

- the engagement that was carried out
- the key issues raised during this engagement and where they have been addressed in the modification report
- any changes to the approved engagement that would be carried out if the modifications are approved.

This summary should be prepared having regard to the relevant guidance in the community engagement section of the Department's State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement as well as Undertaking Engagement Guidelines for State Significant Projects.

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

3.6 Assessment of impacts

This section must provide a summary of the findings of any further assessment of the impacts of the proposed modifications, including details about the impacts of the proposed modifications and any changes to the impacts of the modified project.

The 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 proponent should consider:

- any relevant:
 - strategic issues
 - statutory requirements
 - government plans, policies and guidelines governing the assessment of key matters and setting standards or performance measures for evaluating the acceptability of any impacts of the modified project (e.g. Rail Infrastructure Noise Guideline, Approved Methods for the Modelling and Assessment of Air Pollutants, Water Sharing Plans)

- the Department's Cumulative Impact Assessment Guidelines for State Significant Projects and Social Impact Assessment Guidelines for State Significant Projects.
- the findings of any specialist studies or investigations undertaken for the project
- the findings of any community engagement undertaken for the project.

The proponent must include an updated table of the proposed mitigation measures for the modified project and any detailed technical reports as appendices to the modification report

3.7 Justification of modified project

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

It should integrate the findings of each section of the modification report and weigh up the positive and negative impacts of the modifications. It should also consider the interaction between these different findings and whether the modified project will comply with any relevant government legislation, plans, policies and guidelines.

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

4. Glossary

| Term | Meaning |
|---|---|
| Amendment | A change in what the proponent is seeking approval for during the assessment. It requires changes to the project description in the EIS or modification report and amendments to the associated infrastructure application or modification request. Applications can only be amended with the agreement of the Planning Secretary. |
| Amendment report | A report prepared by the proponent to support amendments to an infrastructure application or modification request (see the State Significant Infrastructure Guidelines –Preparing an Amendment Report). |
| Approval authority | The approval authority for an SSI application or SSI modification request. This will be the Minister. |
| Department | Department of Planning and Environment. |
| Determination | A decision by an approval authority for an SSI application to either approve the application subject to modifications or conditions or refuse the application. |
| Environmental impact statement (EIS) | An environmental impact statement prepared by the proponent to support an SSI application (see the State Significant Infrastructure Guidelines –Preparing an Environmental Impact Statement). |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979.</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2021. |
| 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. |
| 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. |
| Planning Secretary | The Secretary of the Department. |
| Preferred infrastructure report | A report prepared by an SSI proponent at the request of the Planning Secretary that outlines any proposed changes to the SSI to minimise its environmental impact or to deal with any other issue raised during the assessment of the application concerned (see the State Significant Infrastructure Guidelines –Preparing a Preferred Infrastructure Report). |
| Project | Refers to State significant infrastructure (SSI). |
| Proponent | The proponent seeking approval for an SSI application or modification request. |

| Term | Meaning |
|---|--|
| 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 State Significant Infrastructure Guidelines – Preparing a Submissions Report). |

Appendix A – Recommended structure of a modification report

| Modification report | |
|---|------------------------|
| Section | Indicative page limit* |
| Executive summary | 3 |
| 1 Introduction | 3 |
| 2 Strategic context | 3 |
| 3 Description of modifications | 10 |
| 4 Statutory context | 3 |
| 5 Engagement | 5 |
| 6 Assessment of impacts | 1-10** per issue |
| 7 Justification of modified 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 “Levels of assessment” in the State Significant Infrastructure Guidelines – Preparing a Scoping Report.

Appendix B – Examples of a comparison table

The following table provides an example of how the modified project could be compared to the original project.

| Project Element | Summary of the approved project | Summary of the proposed modifications | 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 | | |
| 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 approved project | Summary of the proposed modifications | 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 |
| 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 |
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| 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. See section 180 of the EP&A Regulation.
2. See section 5.25(2) of the EP&A Act.
3. See section 180 of the EP&A Regulation.
4. See section 5.28(1)(g) of the EP&A Act.
5. Despite the division of the modification report into two parts, the appendices form part of the modification report.
6. See section 10.6 of the EP&A Act.

