

How to complete the Division 5.1 activity assessment

During the assessment stage, the proponent assesses and evaluates the nature, scale and extent of the proposed activity’s potential environmental impact and conducts relevant consultations. All findings are recorded in the review of environmental factors (REF) document.

This guide provides step-by-step instructions for proponents on completing the assessment stage for a Division 5.1 (Part 5) activity using the NSW Planning Portal (the Portal).

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Tip: Mandatory fields are marked with an *asterisk. You must complete all mandatory fields on the application and any desired fields as required.

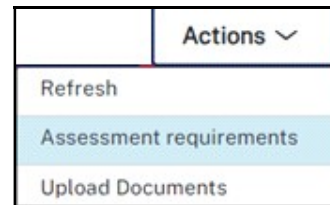
1. Locating a registered Division 5.1 activity

1. **Log in** to the Portal, **locate** and **open** the relevant Division 5.1 activity from your 'Active' work dashboard.

Active work Completed work Unassigned tasks 7 Assigned tasks Case status						
Application Type						
All ▾						
①	Days Elapsed ▾	Submitted Date ▾	Reference Number ▾	LGA Name ▾	Site Address ▾	Status ▾
		31/05/24	P5-2024-20	PENRITH	10 HOPE STREET PENRITH 2750	Under assessment

Tip: If the application opens in read-only mode, go to the 'Actions' menu and **select** 'Assessment requirements'.

The available section option will depend on the progress of your assessment.



Tip: To access guidelines related to Division 5.1 (Part 5) assessments, **click** on the 'View Guidelines' button located at the top right of the screen.

View Guidelines

2. Entering assessment requirements

Division 5.1 (Part 5) Assessment

Reference number: P5-2024-33 (DOE-1235) Under assessment

View Guidelines Copy to new application Actions ▾ Close and home

✓ Registration

Assessment

Review

Determination

1

2

3

4

5

Assessment Requirements Assessment Consultation Documentation Review and submit

2. **Select** 'Yes' or 'No' to indicate if the proposed activity is likely to have significant environmental impacts (other than impacts on biodiversity).

If you select 'Yes', continue to the next step.

Is the proposed activity likely to have significant environmental impacts (other than impacts on biodiversity)? *

- ☐ Yes
☐ No

If you select 'No', go to step 5.	
3. If you selected 'Yes', a pop-up message will display, indicating that the proposed activity requires an Environmental Impact Statement (EIS) and cannot proceed via the Division 5.1 pathway in its present form. You have two options: - Click 'Withdraw' to withdraw the application and end the assessment. - Click 'Cancel' to return to the 'Assessment Requirements' screen. You can then modify the proposed activity as needed, and once modified, change your response to 'No'.	Environmental Impact Statement (EIS) required. ✕ As the proposed activity will have significant environmental impacts (other than impacts on biodiversity) it requires an EIS and cannot proceed via the Division 5.1 pathway in its present form. Please click below to either cancel and modify the activity or to withdraw it. Cancel Withdraw
4. Select 'Yes' or 'No' to indicate if the proposed activity is likely to have a significant impact on threatened species, populations, or ecological communities or their habitats. If you select 'Yes', continue to step 5. If you select 'No', go to step 6.	Is the activity likely to have a significant impact on threatened species, populations, or ecological communities or their habitats? * ☐ Yes ☐ No
5. Indicate whether a 'Species Impact Statement (SIS)' or a 'Biodiversity Development Assessment Report (BDAR)' will be prepared. In cases where the activity is expected to have significant impacts on both terrestrial and aquatic threatened species, populations, or ecological communities, both an SIS and a BDAR may be required.	Please indicate which of the following will be prepared * ⓘ ☐ Species Impact Statement (SIS) ☐ Biodiversity Development Assessment Report (BDAR)
6. Select 'Yes' or 'No' to indicate if the activity will require an approval from the Australian Government due to significant impacts on a matter of national environmental significance.	Will the activity require an approval from the Australian Government due to significant impacts on a matter of national environmental significance? * ☐ Yes ☒ No

Proponent

Note: If the activity is likely to have a significant impact on matters of national environmental significance or a significant impact on Commonwealth land, the proponent must refer the activity to the Commonwealth Department of Agriculture, Water and the Environment.

7. **Select** all relevant checkboxes to indicate the approvals, licences or permits required for the proposed activity. (Optional).

If a required legislation is not listed, **select** 'Any other legislation' and **enter** the legislation details in the added text field.

Note: The proponent cannot undertake an activity without first obtaining all relevant approvals, permits and licences required under any legislation.

Does the proposed activity require any approvals, licences or permits under the following:

- ☐ Fisheries Management Act, 1994 (sections 144, 201, 205 or 219) [What is this?](#)
- ☐ Heritage Act 1977 (section 57) [What is this?](#)
- ☐ National Parks and Wildlife Act 1974 (section 90) [What is this?](#)
- ☐ Protection of the Environment operations Act 1997 (sections 47-49 or 122) [What is this?](#)
- ☐ Any other legislation

8. Click 'Save and continue'.

Save and continue

3. Identifying environmental factors impacts



This section is optional and has been developed to capture the environmental factors to consider when preparing your review of environmental factors (REF) document. You can progress to the consultation stage of the process without inputting information or navigate back to this section using the 'Previous' button at a later date.

9. **Select** 'Show environmental factors' to open the list of environmental factors that must be considered when assessing a Division 5.1 activity.

☒ **Show environmental factors**

10. Select the checkboxes to confirm consideration of the environmental factor and enter any comments.	<table border="1"> <thead> <tr> <th>Environmental factors to consider</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>☐ Any environmental impact on a community</td> <td> </td> </tr> <tr> <td>☐ Any transformation of a locality</td> <td> </td> </tr> <tr> <td>☐ Any environmental impact on the ecosystems of the locality</td> <td> </td> </tr> <tr> <td>☐ Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality</td> <td> </td> </tr> <tr> <td>☐ Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations</td> <td> </td> </tr> </tbody> </table>	Environmental factors to consider	Comments	☐ Any environmental impact on a community		☐ Any transformation of a locality		☐ Any environmental impact on the ecosystems of the locality		☐ Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality		☐ Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	
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11. Click 'Save and continue'.	Save and continue												

4. Identifying consultation / notification requirements



Proponents can consult with councils and other public authorities by submitting an online referral via the Division 5.1 activity in the NSW Planning Portal. However, it is important to note that the council or other public authority being consulted must be onboarded to use the Part 5 digital service. Proponents can also arrange a public exhibition during this stage of the process.

4.1 Consultation with councils

12. Enter the name(s) of the nominated council contact, if known. (Optional). <u>Note:</u> This question is only asked when a local council is the proponent.	Nominated Council Contact ⓘ
13. Select the corresponding checkboxes to indicate if the proposed activity requires consultation with local councils for any of the listed items. Some items will vary depending on the legislation and activity type(s) selected during registration. <u>Note:</u> If none of the listed items apply, select the last option 'None of the above apply'.	Does the proposed activity involve any of the following which would require consultation with local councils? Please tick all that apply. ★ Impacts on Council-related infrastructure ⓘ ☐ Impacts on local heritage ⓘ ☐ Development on flood liable land ⓘ ☐ Construction, operation or maintenance of a school building ⓘ ☐ None of the above apply ☐

14. Click 'Initiate consultation with council/s' to send an online referral to a council participating in the service.

Note: Prior to consultation, ensure a scope of works and any other relevant documents have been uploaded to support the process.

Upon submission a referral subcase will be created for each council selected for consultation. Referral subcases can be accessed via the 'Related cases' tab.

Initiate consultation with council/s

For more information on this part of the process, please view the *How to consult with public authorities for a Division 5.1 activity* quick reference guide.

15. Click 'Identify adjoining land' to launch the NSW Spatial Map Viewer in a new window and locate adjoining lots.

Identify adjoining land

4.2 Consultation with other public authorities

16. Select 'Yes' or 'No' to answer the consultation questions. This will help determine if the proposed activity requires consultation with other public authorities.

Note: If you answer 'Yes' to a question, the system will identify the relevant public authority for consultation.

Consultation with other public authorities

Will the development be on flood liable land? ★ ⓘ

Is the development adjacent to land reserved under the National Parks and Wildlife Act 1974? ★ ⓘ

Is the development on land within the dark sky region and may it increase the amount of artificial light in the night sky? ★ ⓘ

Is the development on land in a mine subsidence district? ★ ⓘ

Does the development include a relevant activity on land immediately adjacent to a rail corridor? ★ ⓘ

Will the development have impacts on roads, traffic, parking or vehicular access? ★ ⓘ

17. Click 'Initiate consultation with public authorities' to send online referral(s) to public authorities participating in the service.

Note: Prior to consultation, ensure a scope of works and any other relevant documents have been uploaded to support the process.

Upon submission a referral subcase will be created for each public authority selected for consultation.

Initiate consultation with public authorities

For more information on this part of the process, please view the *How to consult with public authorities for a Division 5.1 activity* quick reference guide.

4.3 Other legislative requirements

Depending on the legislation and activity type(s) selected when entering the activity details, additional legislative requirements may apply. If no other legislative requirements apply to the proposed activity, continue to the public exhibition subsection.

18. Identify if the proposed development is located within bush fire prone land (if applicable).

Is the development in an area of bush fire prone land?   ☐ Yes ☐ No

19. Review the legislative requirements identified for the activity and **click** on any links provided to view the relevant information.

4.4 Public exhibition

Public exhibition is not mandatory via the Portal for a Division 5.1 activity. They can be arranged via the 'Actions' menu at any time before the activity is determined. Alternatively, proponents can arrange exhibition outside of the portal.

20. Click 'Arrange Exhibition' to commence a public exhibition through the portal.

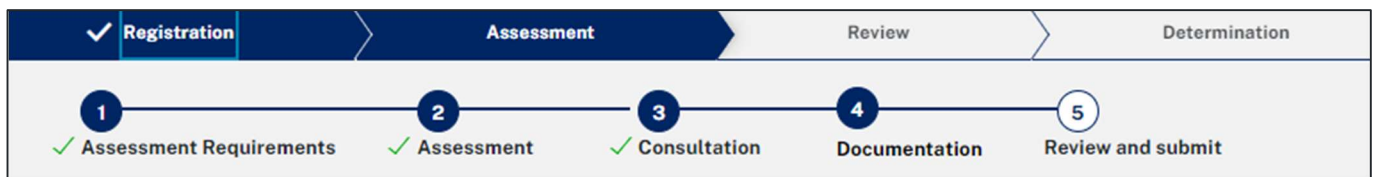
Arrange Exhibition

For further instructions on arranging a public exhibition via the Portal, please view the *How to arrange an exhibition online for a Division 5.1 (Part 5) activity* quick reference guide.

21. Click 'Save and continue'.

Save and continue

5. Uploading documentation

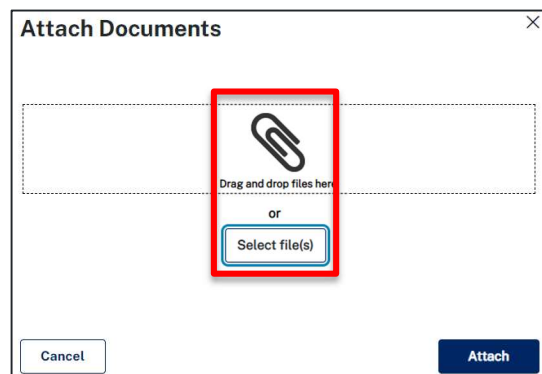


The Review of Environmental Factors (REF) document is a mandatory document requirement. If you have not uploaded it already, you must do so on this screen before you can submit the assessment for review. You can also upload any additional supporting documents.

22. Click 'Upload'.

Upload

23. Click 'Select file(s) or drag and drop your file(s) in the space provided.'



24. Click the 'Category' drop-down and select the appropriate category to correspond to each file.

Category

Review of Environmental Factors ☒

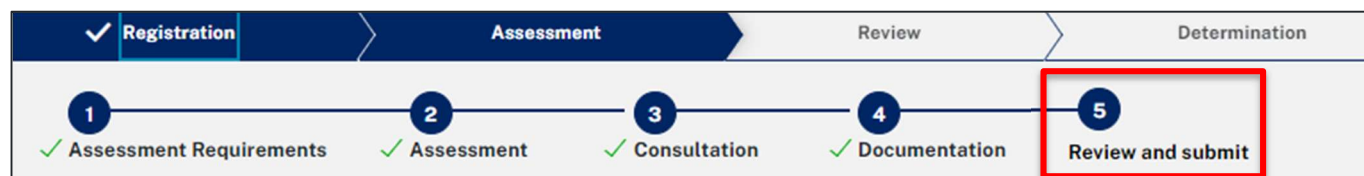
25. Click 'Attach'.

Attach

26. Click 'Save and continue'.

Save and continue

6. Reviewing and submitting the assessment



27. **Review** the information entered on your application by scrolling down the page. This information is read-only. To edit information, click on the relevant progress step within the application form. Once reviewed, select the declarations.



I declare that the Review of Environmental Factors document has been prepared in accordance with the 'Guidelines for Division 5.1 Assessments' document.

28. Click 'Submit'.

Submit

What happens next

- After submission, the system sends an email notification to the primary and any additional contacts, confirming the submission of the new Division 5.1 activity.
- If you are both the proponent and the determining authority, you can choose to either complete the review of the activity's assessment or exit and return to it later. For detailed instructions on completing the review of a Division 5.1 activity assessment, please view *How to review and determine a Division 5.1 activity* quick reference guide.
- The assessment progresses to the 'Review' stage, and the application will have a status of 'Ready for review'.
- The determining authority can access the assessment from the 'Part 5 - Determination work basket' located in 'Unassigned tasks' on the dashboard.
- If you initiated consultation with a council or public authority the related case can be viewed under the tab 'Related cases'.
- If you initiated an exhibition via the Portal, the exhibition information can be viewed under the 'Exhibition details' tab.

More information

We have developed a range of support materials, including quick reference guides for other services and frequently asked questions (where applicable), to assist you when using the NSW Planning Portal digital services. You can access these via the Help and Resources section of the NSW Planning Portal. We encourage you to scan these resources prior to contacting the Customer Support team.

We also offer a range of training sessions on the NSW Planning Portal digital services. You can view and/or register for upcoming training on the [Information and Training sessions page](#) of the NSW Planning Portal.

If you require further assistance, please contact ServiceNSW on 1300 305 695 or [submit an enquiry online](#). If you are calling from outside Australia, please call +61 2 8894 1555.