

# State significant development guidelines – preparing a modification report



Appendix E to the state significant  
development guidelines

October 2022

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Title: State significant development guidelines –preparing a modification report

Subtitle: Appendix E to the state significant development guidelines

First published: July 2021

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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 the modification reports submitted to the Department in support of a State significant development (SSD) modification application 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 for SSD and will help to promote robust public debate on the merits of modified 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 SSD modification application must be prepared having regard to the SSD Guidelines prepared by the Planning Secretary<sup>1</sup>.

These guidelines form part of the relevant SSD Guidelines, and applicants must have regard to the requirements in these guidelines when they prepare a modification report for an SSD project.

# 1. Introduction

## 1.1 Modifying an SSD consent

Under the Environmental Planning and Assessment Act 1979 (EP&A Act)<sup>2</sup>, a consent authority may modify an SSD consent provided the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted.

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

They will fall into one of the following three categories:

- modifications involving minor error, misdescription or miscalculation
- modifications involving minimal environmental impact
- other modifications involving greater than minimal environmental impact.

To seek consent for modifications to an SSD consent, the applicant must submit an application to the Department in the approved form on the major projects website along with a modification report.

Prior to preparing the application and modification report, the applicant should discuss the modification with the Department to identify the issues to be addressed and the need for any community engagement.

The level of detail required in a modification report should reflect the category of modification. There should be a proportionate level of detail for modifications involving minor error, misdescription or miscalculation, increasing for modifications involving minimal environmental impact and other modifications.

## 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 consent 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 application

As soon as it is received, the Department will publish the modification report on the major projects website<sup>3</sup> and proceed to complete its assessment of the application.

The Department is required to exhibit an application seeking to modify an SSD development consent under either section 4.55(2) or section 4.56(1) of the EP&A Act, for at least 14 days prior to completing its assessment of the application. 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 applicant to respond to the issues raised in submissions<sup>4</sup>. The applicant must document its response to submissions in a submissions report having regard to the Department's State Significant Development 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 application.

Prior to determining the modification application, the consent 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<sup>5</sup>.

After determining the modification application, the consent authority is required to publish a notice setting out the reasons for the decision and how community views were taken into account during the making of the decision<sup>6</sup>.

# 2. General requirements

The applicant should prepare the modification report to a high standard and comply with the following general requirements<sup>7</sup>.

## 2.1 Form

The modification report should be divided into two parts<sup>8</sup>.

The first part 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 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 applicant should adjust the structure of the report accordingly, taking into account the category of modification.

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 set 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 applicant 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 of the modifications to 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 information<sup>9</sup>.

## 2.4 GIS data specifications

The applicant must:

- maintain appropriate geo-referenced file formats of all the maps in the modification report
- supply the 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<sup>10</sup> (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 however the level of detail should reflect the category of modification<sup>11</sup>.

## 3.1 Introduction

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

- the applicant's details
- a short summary of the approved project, including a map of the site 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.

## 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 applicant should prepare this detailed description having regard to the relevant guidance in the Department's State Significant Development 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 Development Guidelines – Preparing an Environmental Impact Statement
- information on the conditions to be modified and the reasons why
- a discussion on how the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted
- a modification category and the reasons why.

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 Development Guidelines – Preparing an Environmental Impact Statement.

The applicant 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 Development Guidelines – Preparing an Environmental Impact Statement as well as Undertaking Engagement Guidelines for State Significant Projects.

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

## 3.6 Assessment of impacts

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

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

In preparing the summary in this section, the applicant 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. NSW Noise Policy for Industry, Approved Methods for the Modelling and Assessment of Air Pollutants, Water Sharing Plans the Wind Energy Framework including the Visual Assessment Bulletin)

- 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.

Finally, the applicant 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 the 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 Development Guidelines – Preparing an Environmental Impact Statement.

# 4. Glossary

Term	Meaning
<b>Amendment</b>	A change in what the applicant is seeking approval for during the assessment process. It requires changes to the project description in the EIS or modification report and amendments to the associated infrastructure application or modification application. Applications can only be amended with the agreement of the consent authority.
<b>Amendment report</b>	A report prepared by the applicant to support amendments to an infrastructure application or modification application (see the State Significant Infrastructure Guidelines – Preparing an Amendment Report).
<b>Applicant</b>	The applicant of an SSD project seeking consent for a DA or modification application.
<b>Consent authority</b>	The consent authority for a DA or modification application. This will be the Independent Planning Commission or the Minister.
<b>Development Application (DA)</b>	A development application seeking consent for SSD under division 4.7 of the EP&A Act.
<b>Department</b>	Department of Planning and Environment.
<b>Determination</b>	A decision by the consent authority of an SSD application to either grant consent to the application subject to modifications or conditions or refuse consent to the application.
<b>Environmental Impact statement (EIS)</b>	An environmental impact statement prepared by or on behalf of the applicant to accompany an SSD DA (see the State Significant Development Guidelines – Preparing an Environmental Impact Statement).
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979.</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021.
<b>Major projects website</b>	<a href="http://www.planningportal.nsw.gov.au/major-projects">www.planningportal.nsw.gov.au/major-projects</a>
<b>Matter</b>	An element of the environment that may be affected by an SSD (e.g. air, amenity, biodiversity, economic, social).
<b>Minister</b>	The Minister for Planning.
<b>Mitigation</b>	Actions or measures to reduce the impacts of the project.
<b>Modification</b>	Changing the scope or terms of an SSD development consent, including revoking or varying a condition of consent. A modification requires consent under the EP&A Act.
<b>Modification application</b>	An application seeking to modify an SSD development consent under section 4.55 or section 4.56 of the EP&A Act.
<b>Modification report</b>	A report prepared by the applicant to support a modification application.
<b>Planning Secretary</b>	The Secretary of the Department.
<b>Project</b>	Refers to State significant development (SSD).
<b>State significant development (SSD)</b>	Development that is declared to be State significant development under section 4.36 of the EP&A Act.
<b>Submission</b>	A written response from an individual or organisation, which is submitted to the Department during the public exhibition of an EIS, amendment report or modification report for State significant development.
<b>Submissions report</b>	A report prepared by the applicant to respond to the issues raised in submissions (see the State Significant Development Guidelines – Preparing a Submissions Report).

## Appendix A – Recommended structure of a modification report

Modification report		
Section	Indicative page limit*	
	Executive summary	3
<b>1</b>	Introduction	3
<b>2</b>	Strategic context (where required as part of original SSD application)	3
<b>3</b>	Description of modifications	10
<b>4</b>	Statutory context	3
<b>5</b>	Engagement	5
<b>6</b>	Assessment of impacts	1-10** per issue
<b>7</b>	Justification of modified project	5
<b>8</b>	References	
Appendices		
<b>A</b>	Updated project description	
<b>B</b>	Updated mitigation measures table	
<b>C</b>	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 Development Guidelines – Preparing a Scoping Report.

## Appendix B – Modified project summary table

Element	Original project	Modified project
<b>Project area</b>		
Land clearance	33ha	50ha
Excavation depth	30m	25m
Native vegetation clearance	5ha	3ha
<b>Physical layout and design</b>		
Building height	28m	31m
Gross floor area	202 000m <sup>2</sup>	250 000m <sup>2</sup>
Site access	Site access from Water Road	Site access from River Road
Parking spaces	50	45
<b>Uses and activities</b>		
Land Use	Industrial	Industrial + commercial
Annual waste generated	90 000 tonnes per annum	100 000 tonnes per annum
Rate of production	50 000 tonnes per annum	60 000 tonnes per annum
Spoil exported	15 000 tonnes per annum	12 500 tonnes per annum
<b>Related development</b>		
Energy generation facility	Seek approval following project approval	Approval sought under modified project
Road upgrade	No upgrade proposed	Road upgrade to River Road
<b>Project sequencing</b>		
	Construct Building A before Building B	Construct Building A and B at same time

# Endnotes

1. See section 99(1) and (2) of the EP&A Regulation.
2. See sections 4.55 and 4.56 of the EP&A Act.
3. See section 59(6) of the EP&A Regulation.
4. See section 59 of the EP&A Regulation.
5. See sections 1.3 and 4.15 of the EP&A Act, in particular.
6. See clause 20 of schedule 1 of the EP&A Act.
7. Modification reports should address the general requirements only to the extent relevant to the scope of the modification application. For example, modifications under Section 4.55(1) of the Act to correct an error, misdescription or miscalculation may not require new or updated mapping or GIS data to describe the modified project.
8. Despite the division of the modification report into two parts, the appendices form part of the modification report.
9. See section 10.6 of the EP&A Act.
10. An accessible PDF file provides hidden, structured, textual representation of the PDF content that is presented to screen readers.
11. The information identified in this section may not fully apply to a modification report for modifications involving minor error, misdescription or miscalculation. The information provided in these modification reports may be adjusted accordingly.

