



Mr Philip Horan
General Manager
Innovating Energy Pty Ltd
Suite 605, 321 Pitt Street
SYDNEY NSW 2000

8 September 2021

Dear Mr Horan

Nowra Biogas Project (SSD-26264096)
Planning Secretary's Environmental Assessment Requirements

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the Development Application (DA) and EIS.

The SEARs have been prepared in consultation with relevant public authorities, based on the information you have provided. A copy of the comments from the public authorities is attached for your information.

Where relevant, the Planning Secretary may modify the SEARs to ensure the environmental assessment of the project covers all relevant matters and is consistent with contemporary assessment practice.

From 1 July 2021, **all SEARs will expire two years from the date of issue** (or the date they were last modified) unless the Planning Secretary has granted an extension. If you would like to seek an extension, you should contact the Department at least three months prior to the expiry date.

If your a Development Application (DA) and EIS is not submitted within two years (or by the agreed extension date), you will need to make a new application for SEARs to progress your project.

Preparing your EIS

If your environmental impact statement (EIS) is submitted after 1 April 2022, it must be prepared having regard to the Department's new *State Significant Development Guidelines – Preparing an Environmental Impact Statement*. These guidelines and other relevant guides, including the *Undertaking Engagement Guidelines for State Significant Projects* are available at www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework.

Lodging your development application (DA)

Please contact the Department of Planning, Industry and Environment (the Department) at least two weeks before you propose to submit your DA and EIS. This will enable the Department to confirm the consultation and public exhibition arrangements, including format requirements for the DA and EIS.

Prior to exhibiting the EIS, the Department will review the document in consultation with the relevant public authorities to determine if it addresses the requirements in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). You will be required to submit an amended EIS if it does not adequately address these requirements.



If you do not submit a DA and EIS for the development within two years, the SEARs will expire. A written request to extend the SEARs expiry date may be made to the Planning Secretary before the expiry date.

Once you submit your EIS, we will check it for completeness to confirm it addresses the requirements in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. We will also notify you of the DA fee for your project.

Please note that your DA is not taken to be lodged until the DA fee has been paid.

Information needed to determine the DA fee

Your application will need to be accompanied by a Quantity Surveyor's Report supporting the estimated cost of works for your project. You must ensure that the information in the report is consistent with the information provided in your DA form.

Community Consultation

The Department wishes to emphasise the importance of effective and genuine community consultation. A comprehensive open and transparent community consultation engagement process must be undertaken during the preparation of the EIS. This process must ensure that the community is provided with a good understanding of what is proposed (including a description of any potential impacts) and they are actively engaged in issues of concern to them. **Please note, the Department will require clear evidence that this consultation has been undertaken and justification for the proposed consultation method(s) used.**

Matters of National Environmental Significance

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Agriculture, Water and the Environment to determine if you need approval under the EPBC Act (<http://www.environment.gov.au> or 6274 1111).

Your assigned planning officer is David Koppers. If you have any questions, please contact David Koppers on 9373 2869 or at david.koppers@planning.nsw.gov.au.

Yours sincerely

Joanna Bakopanos
Acting Director – Industry Assessments
as delegate for the Planning Secretary