Registered Environmental Assessment Practitioner Guidelines

NSW
GOVERNMENT

Contents

1. Introduction

1.1 Purpose of these guidelines

The purpose of these guidelines is to provide information on the implementation and operation of the Registered Environmental Assessment Practitioners (REAP) Scheme, which is designed to strengthen assessment and, support well-informed decision making and better outcomes for State significant projects.

The REAP Scheme provides a framework for registering suitably skilled, qualified and experienced practitioners to undertake quality assurance checks on environmental impact statements (EISs) for State significant projects.

These guidelines provide information on:

- the overall REAP Scheme, the relevant provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), and what a REAP is

- the role of REAPs in the EIS process

- the REAP Scheme accreditation framework and how to become a REAP

- the criteria for REAP schemes and REAPs.

These guidelines also set out the additional information that is required to be contained in an EIS and declared by a REAP to comply with the EIS declaration requirements imposed by the regulations under the *Environmental Planning and Assessment Act 1979* (see Appendix A).

1.2 Policy context

State significant projects represent some of the largest scale and highest priority development in NSW, providing essential infrastructure and primary resources, generating employment and contributing to the economy. However, they are often characterised by complex or contentious planning issues and can also cause significant environmental impacts.

The State significant projects assessment system is designed to provide a comprehensive, integrated and coordinated framework for assessing the merits of State significant development (SSD) and State significant infrastructure (SSI) projects, in order to support informed and appropriate decision-making.

The State significant projects system includes two key components to ensure the quality of environmental assessments undertaken for SSD and SSI projects:

- SSD and SSI Guidelines – provide a detailed explanation of the assessment of State significant projects and require all environmental assessment reports for State significant projects, including EISs, to be succinct, easy to understand, technically robust, reflect community views and provide a comprehensive justification and evaluation of the project as a whole.

- Registered Environmental Assessment Practitioners Scheme – provides quality assurance for environmental assessment by accrediting professional schemes to register or certify suitably qualified, experienced and skilled environmental assessment practitioners to declare that the EISs is in accordance with the EP&A Regulation.

In combination, these initiatives will:

- strengthen the assessment and evaluation of State significant projects by ensuring they are carried with the involvement of suitably qualified, experienced and skilled practitioners

- ensure the EISs for all State significant projects are prepared to a high standard and include all the information necessary for the Department to assess each project and minimise the need to request additional information from proponents

- encourage greater community participation in the assessment of State significant projects by making it easier for the community to understand the likely impacts of projects and to make submissions

- promote informed public debate on the merits of these projects

- reduce administrative delays by ensuring that EISs are of a consistently high standard to enable them to quickly progress to public exhibition

- increase public confidence in the planning system, by improving the quality of the environmental assessment of State significant projects and supporting informed decision-making.

2. Registered Environmental Assessment Practitioners Scheme

2.1 Overview of the REAP Scheme

The REAP Scheme provides a framework for registering suitably skilled, qualified and experienced practitioners to undertake quality assurance checks on EISs for State significant projects.

REAPs are practitioners that have been registered or certified under an accredited REAP scheme. In order to become a REAP, practitioners will need suitable qualifications and a demonstrated level of skill and experience in environmental assessment.

Accredited REAP schemes are schemes run by professional organisations published on the Planning Portal, following a rigorous assessment based on the criteria at Appendix B, Appendix C and the recommendations of an evaluation panel.

REAPs will be required to make a declaration that an EIS submitted with a State significant project meets certain standards in relation to compliance, completeness, accuracy and legibility.

2.2 REAP provisions in the EP&A Regulation

The EP&A Regulation has provisions that give effect to the REAP Scheme. These provisions:

- define a REAP as:

"a person who is registered or certified under a professional scheme that is specified as a registered environmental assessment practitioner scheme in the Accredited Registered Environmental Assessment Practitioner (REAP) Schemes published on the NSW Planning Portal."

- require that any EIS for SSD or SSI projects include a declaration be made by a REAP[1]

- set out the matters to be addressed by the REAP in the declaration – including information required to be provided under the Registered Environmental Assessment Practitioner Guidelines (these guidelines).

2.3 What is a REAP?

A REAP is a suitably qualified, experienced and skilled environmental assessment practitioner who has been registered or certified under an accredited REAP scheme.

REAPs provide a quality assurance review of EISs for State significant projects submitted to the Department, in the form of a signed declaration that the EIS meets certain requirements around compliance, completeness, accuracy and legibility. The role is intended to improve the quality of EISs, as well as make them more accessible and comprehensive.

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1   For projects other than SSD and SSI, the person preparing the EIS must provide the EIS declaration.

2.4 What is an accredited REAP scheme?

Based on the criteria at Appendix B, Appendix C and the recommendation of an evaluation panel, the Planning Secretary has accredited certain professional schemes as accredited REAP schemes.

These schemes are administered by professional organisations that have strong corporate governance and robust processes for evaluating the qualifications, experience and competencies of practitioners before they are certified or registered as REAPs.

Schemes that are currently accredited are listed on the NSW Planning Portal.

Practitioners who are certified or registered under these accredited REAP schemes are recognised as REAPs by the EP&A Regulation.

2.5 How do I become a REAP?

To become a REAP, suitable practitioners will need to apply directly to an organisation that administers an accredited REAP Scheme to become registered or certified under that scheme.

Practitioners will need to provide evidence of their skills, qualifications and experience in accordance with the requirements of the specific accredited REAP scheme. These have been developed based on the Department's criteria which is outlined in Appendix C.

Practitioners that wish to apply to become a REAP should refer to the website of the relevant organisation. Links to the websites of organisations that administer accredited REAP schemes can be found on the NSW Planning Portal.

3. Role of the REAP

3.1 Role of the REAP in the EIS process

For each SSD or SSI project, a REAP will be required to review the accompanying EIS and declare that it complies with the requirements set out in the EP&A Regulation. Ideally, the REAP should also oversee or be involved in the development of the complete EIS document.

Following the declaration, the proponent may submit the EIS to the Department for assessment. The Department will continue to carry out checks of the EIS, including reviewing the declaration, before putting the EIS on public exhibition.

The requirement for the REAP to make this EIS declaration does not remove any of the Department's existing responsibilities relating to reviewing and assessing an EIS or a project.

The EIS will be published with the REAP declaration attached.

3.2 REAP declaration requirements

The EP&A Regulation[2] states that all EISs for SSD and SSI must contain a declaration provided by a REAP[3].

This declaration must be made to the effect that:

- the EIS has been prepared in accordance with the EP&A Regulation

- the EIS contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates

- the information contained in the EIS is neither false nor misleading

- the EIS contains information required to be provided under the Registered Environmental Assessment Practitioner Guidelines (these guidelines).

The information required to be provided under these guidelines is included in Appendix A.

A pro forma EIS declaration is appended to the State Significant Development Guidelines – Preparing an Environmental Impact Statement and State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement.

These requirements are designed to improve the quality of environmental assessment documents.

They seek to ensure that EISs are robust, easy to understand, promote informed public debate on the merits of projects, and support informed and appropriate decision-making.

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2   As amended by the Environmental Planning and Assessment Amendment (Major Projects) Regulation 2021, noting that the amendments related to REAPs commence on 1 July 2022
3   For EISs for projects that are not SSD or SSI, the declaration must be made by the person who prepared the EIS

3.3 Selecting a REAP

Proponents of State significant projects will be responsible for selecting a REAP who will complete the EIS declaration required by the EP&A Regulation.

When a proponent selects a REAP for a project, the proponent should consider:

- whether the REAP has a good understanding of the following:

    - SSD and SSI assessment processes under the EP&A Act (as relevant to a particular project)

    - other statutory processes and requirements relevant to the project

    - Government plans, policies and guidelines applying to the project

    - current guidelines for preparing environmental assessment reports

- whether the REAP has relevant experience in assessing and evaluating the merits of:

    - State significant projects

    - projects of a similar scale, nature and complexity to the proponent's project

- the quality of the REAP's previous work.

In addition, it would be beneficial to appoint a REAP during the early stages of a project so that the REAP can play an ongoing role in the environmental assessment of the impacts of the project, including understanding the development of detailed technical studies, community engagement and the preparation of the relevant EIS.

This will avoid any unnecessary administrative delays by ensuring the relevant declaration requirements are actively considered from the outset, and that the EIS is produced to a high standard and suitable for public exhibition.

4. REAP Scheme governance

4.1 REAP scheme accreditation

Based on the criteria set out in Appendix B, Appendix C and the recommendation of an evaluation panel, the Planning Secretary has accredited certain professional schemes as accredited REAP schemes. These schemes have been assessed as having strong corporate governance and robust processes for evaluating practitioners before they are admitted to the scheme.

Any other organisations wishing to be considered for REAP scheme accreditation should contact the Department.

4.2 Reviewing the REAP Scheme

To ensure its successful ongoing operation and integrity, the Department will continue to monitor progress and outcomes of the REAP Scheme over time. This will also ensure REAPs and organisations that administer accredited professional schemes are accountable for their performance over time.

The Department will review the REAP Scheme one, three and five years after its commencement.

The Department's reviews will consider a range of factors, including:

- the performance of REAPs
- the quality and completeness of EISs that are subject to a REAP declaration
- the administration of the accredited professional schemes, including the procedures for handling complaints and taking disciplinary action against members where necessary.

Following each review, the Department may make changes to the overall operation of the REAP Scheme to ensure it remains effective.

4.3 Complaints handling

All accredited REAP schemes have established ethical or professional codes of conduct to which REAPs will need to adhere. Should anyone be dissatisfied with the conduct or behaviour of a REAP, they are entitled to lodge a complaint with the organisation that administers the relevant accredited REAP Scheme.

The organisation will investigate the complaint in accordance with its complaints policies and procedures and decide whether any disciplinary action is warranted.

Glossary

Term	Meaning
Accredited REAP scheme	A professional organisation specified as a registered environmental assessment practitioner scheme in the Accredited Registered Environmental Assessment Practitioner (REAP) Schemes available on the NSW Planning Portal.
Declaration	A REAP may declare the EIS, for a State significant project are in accordance with the EP&A Regulation and the Registered Environmental Assessment Practitioner Guidelines before they are submitted to the Department.
Department	Department of Planning and Environment.
Environmental assessment reports	Reports required to be submitted to the Department by a proponent for State significant projects. These reports include scoping reports, EISs, submissions reports, amendment reports, preferred infrastructure reports and modification reports. (see the State Significant Development Guidelines and State Significant Infrastructure Guidelines).
Environmental impact statement (EIS)	An environmental impact statement prepared by or on behalf of the proponent for a State significant project (see the State Significant Development Guidelines and State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement).
EP&A Act	*Environmental Planning and Assessment Act 1979.*
EP&A Regulation	Environmental Planning and Assessment Regulation 2021.
NSW Planning Portal	www.planningportal.nsw.gov.au
Planning Secretary	The Secretary of the Department.
Proponent	The proponent seeking approval for an SSI application or the applicant seeking consent for an SSD application.
Registered Environmental Assessment Practitioner (REAP)	A person who is registered or certified under a professional scheme that is specified as a registered environmental assessment practitioner scheme in the Accredited Registered Environmental Assessment Practitioner (REAP) Schemes published on the NSW Planning Portal.
SEARs	The Planning Secretary's environmental assessment requirements for the preparation of an EIS for an SSI or SSD project.
State significant development (SSD)	Development that is declared to be State significant development under section 4.36 of the EP&A Act.
State significant infrastructure (SSI)	Infrastructure that is declared to be State significant development under section 5.12 of the EP&A Act.
State significant project (project)	Refers to both State significant development (SSD) and State significant infrastructure (SSI) projects.

Appendix A – Additional information required for REAP declarations

The regulations made under the *Environmental Planning and Assessment Act 1979* that provide for the declarations to be made by REAPs in relation to an EIS require the declaration to include the information required by these guidelines as follows.

The information required to be provided under these guidelines are that the EIS:

• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project

• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments

• has been prepared having regard to the Department's State Significant Development Guidelines – Preparing an Environmental Impact Statement or State Significant Infrastructure Guidelines – Preparing an Environmental Impact Statement, whichever is relevant

• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development

• contains an accurate summary of the findings of any community engagement

• contains a consolidated description of the project in a single chapter of the EIS

• contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.

Appendix B – REAP Scheme criteria

Criteria for accredited REAP schemes

Area	Criteria	Department's Requirements	Supporting information to be provided by professional scheme applicants
General	Organisational overview	Overview: Provide an overview of the professional organisation including: • The purpose, objectives, organisational structure, certification process and any management of any perceived or actual conflicts of interest. • Describe the professional scheme; including how it aligns with the Department's objectives and evaluation criteria for the REAP Scheme.	

REAP Scheme	Operational capability of organisation seeking accreditation	The professional scheme must:
		• Have strong corporate governance, including:
		  o A robust governing body;
		  o Established appropriate ethical or professional codes of conduct; and
		  o Clear and effective operational policies and procedures, including procedures for handling complaints and taking disciplinary action against certified practitioners if necessary.
		• Have a robust process for evaluating the qualifications, experience and competencies of practitioners before they are admitted to the scheme.
			Organisation and governance: Details of the organisation and governance structure of the organisation administering the scheme. This should include (as relevant) an explanation of the corporate plan, constitution and by-laws, policies and procedures, communications strategy, ongoing organisational capability and capacity.
			
			Ethical and professional code of conduct: Details of the ethical or professional code of conduct that would apply to practitioners registered by the nominated professional scheme, how it is applied and provide examples.
			
			Additionally, details of how the organisation will determine that applying practitioners behave with the highest level of integrity and professional conduct.
			
			Complaints handling: Details of the administrative procedures related to the code of conduct and handling, investigating and closing complaints and vexations claims made against registered practitioners. Any evidence of how previous complaints have been handled should also be provided.
			
			Complaints handling resources: Details of the process and resources available to the professional scheme administrators to ensure that complaints are addressed in a way that is fair, transparent and prompt.
			
			This should include information on indicative timeframes to assess and close-out complaints.

Criteria for accredited REAP schemes

Area	Criteria	Department's Requirements	Supporting information to be provided by professional scheme applicants
REAP Scheme	Operational capability of organisation seeking accreditation	Require practitioners to undertake continuing professional development (e.g. studying, presenting at conferences, publishing research or journal articles, lecturing, providing evidence in court, mentoring junior practitioners, giving pro bono advice to community groups).	**Periodic review of governance:** Details of how the governance arrangements for the scheme will be reviewed on a periodic basis. **Evaluation of practitioner's registration application:** Details of how a practitioner's application to be a REAP is to be evaluated and how information provided in the application is verified (e.g. career history, project experience, referee statement, interviews, case studies, awards). **Resources and timeframes:** Details of the resources required to evaluate a practitioner's application for registration, plans for additional resourcing in anticipation of an increase in applications, and indicative timeframes for the assessment of applications. **Continuing professional development (CPD):** Details of the CPD framework that would apply to the professional scheme to ensure practitioners skills and competencies remain current and relevant. Demonstrate that practitioners can reasonably maintain CPD requirements, and that CPD activities are sufficiently accessible, flexible and varied to provide for a range of competencies. **Ongoing registration renewal:** Details of any requirements for ongoing renewal requirements, including how continuing professional development will be applied. **Pricing:** Details of the pricing framework for practitioner registration and ongoing CPD requirements with the aim of ensuring that the costs do not act as a barrier to registration.

Appendix C – REAP criteria

Criteria for registered environmental assessment practitioners

Area	Criteria	Department's Requirements	Supporting information to be provided by professional scheme applicants
Qualifications	Practitioners must be suitably qualified	Practitioners must have an environmental or planning-related degree. This requirement may be waived in exceptional circumstances, for example if the practitioner has over 10 years of experience in environmental or planning practice and has demonstrated a high level of competency in this practice, (at the discretion of the scheme administrator).	**Acceptable qualifications:** Details of the types of qualifications that will be accepted to gain admittance to the nominated professional scheme. **Waiver:** Details of what the organisation administering the professional scheme would likely consider 'exceptional circumstances', and what might constitute a high level of competency in environmental or planning practice.
Experience	Practitioners must be suitably experienced	Practitioners must have at least 10 years of full-time equivalent experience in environmental or planning practice. This requirement may be waived in exceptional circumstances where it can be demonstrated the practitioner has an equivalent level of skill/competency (at the discretion of the scheme administrator). Have a robust process for evaluating the qualifications, experience and competencies of practitioners before they are admitted to the scheme.	**Acceptable experience:** Details of the type of experience that will be acceptable to gain registration by the professional scheme having regard to the application of the REAP scheme to State significant projects. **Waiver:** Details of what the organisation administering the professional scheme would likely consider 'exceptional circumstances', and what might constitute an equivalently high level of competency/skill in environmental or planning practice.

Criteria for registered environmental assessment practitioners

Area	Criteria	Department's Requirements	Supporting information to be provided by professional scheme applicants
Skills	Practitioners must be highly skilled in the environmental assessment of projects	Practitioners must have: • Extensive knowledge of environmental assessment processes, including NSW regulatory requirements and community engagement, as well as the application of Government plans, policies and guidelines to the assessment of projects. • Strong technical expertise, including the ability to identify and scope impacts; collect baseline information; identify measures to avoid and minimise impacts; predict impacts; assess impacts against established criteria; identify measures to monitor, respond to impacts; and deal with uncertainties associated with these matters. • Strong analytical skills, including the ability to think critically; conceptualise and solve problems; interpret, synthesise and evaluate the findings of complex multi- disciplinary studies; and understand and consider competing views. • Strong evaluative skills, including the ability to evaluate the impacts of a project holistically by interpreting NSW Government policy, integrating the findings of detailed technical studies and considering competing views on the merits of the project. • High-level communication skills, including the ability to prepare EISs and other assessment documents that are succinct, easy to understand, technically robust and reflect community views.	**Skills and competencies:** Details of the skills and competencies that practitioners will be asked to demonstrate in their registration application to the professional scheme, having regard to the application of the REAP scheme to State significant projects.