

Schedule 2 of the Environmental Planning and Assessment Regulation 2000, Part 3, s 6(f) requires:

- a declaration by the person by whom the statement is prepared to the effect that:
 - (i) the statement has been prepared in accordance with this Schedule, and
 - (ii) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and
 - (iii) that the information contained in the statement is neither false nor misleading.

There is no provision in the regulation for a “to the best of my knowledge” statement about the above. The person responsible is obliged to assert, *without equivocation*, that:

- the statement contains all available information relevant to the environmental assessment of the development, and
- the information in the statement is neither false nor misleading.

The wording of the regulation makes it the business of the responsible person to do whatever is necessary so that they can state with certainty that the information is complete and that it is not false or misleading.

The Environmental Assessment submitted for Crookwell 2 Mod 2 does not provide an unequivocal statement to this effect as required by the regulation. It attempts to evade the requirement by applying the caveat “to the best of my knowledge”, which is a caveat the regulations do not allow.

The signatory is actually saying:

I cannot or will not warrant that

- the statement contains all available information relevant to the environmental assessment of the development, and
- the information in the statement is neither false nor misleading.

Thus, ***the Environmental Assessment submitted does not comply with the Regulations and must be rejected until covered by a statement that wholly complies with the Regulations.*** Acceptance of the assessment in its current form would involve the Department in a deliberate breach of the regulations, and a breach whose sole purpose would seem to be to benefit the developer.

If that involves any changes to the content of the Environmental Assessment then it must be publicly exhibited again so that the public can comment on the assessment then tendered.