

Australia - NSW

EIA Country Report for Australia - NSW



Legal Framework **State, Country or Province:** Australia - NSW

EIA law: Environmental Planning and Assessment Act 1979 (NSW) (EPA)

Law Link: [Link](#)

EIA Regulations: Environment, Planning and Assessment Regulation 2000 (NSW)(EPAR)

Regulations Link: [Link](#)

EIA Procedure **Projects Requiring EIA:** Government projects

Projects Requiring EIA: Private projects

EIA Contractor Qualifications: No

EIA Contractor Qualifications Detail: No

Conflict of Interest: Yes

Conflict of Interest Detail: s124A EPA provides for suspension of activities by the Minister or Court in circumstances where development consent is tainted by corruption. In addition the Local Government Act 1993 contains provisions on conflict of interest for any matter before a council

Written Decision: Yes

Written Decision Detail: The consent authority must notify its decision to the applicant, any person who made submissions and any other person required in the regulations (s81(a) EPA). The notification must contain the information as set out in reg. 100 (EPAR). Although a requirement of writing is not mentioned, it may be inferred from the extensive requirements of notification. A consent authority that has not determined the application within the relevant period is taken to have refused consent (s82(1) EPA). The relevant period is 60 days for designated development, unless the submission period runs for longer than 30 days (reg 113(1)(b)(ii)).

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: YES: a consent authority may determine a development application by granting consent subject to conditions. Section 80A governs the imposition of conditions

Financial Assurances or Bond: No

EIA Content **Range of Alternatives:** Yes

Range of Alternatives Detail: Sch 2, cl 72(3) EPAR: An analysis of any feasible alternatives to the carrying out of the development or activity, having regard to its objectives, including the consequences of not carrying out the development or activity

No Action Alternative: Yes

No Action Alternative Detail: See above, must consider the consequence of not carrying out the activity (EPAR sch2 cl 72(3))

Mitigation: Yes

Mitigation Detail: YES: an EIS must include of the measures proposed to mitigate any adverse environmental affects (sch 2 pt 5 EPAR).

Monitoring Plans: Yes

Monitoring Plans Detail: In relation to major projects of state environmental planning significance (Pt 3A EPA), a Minister may place conditions on a project requiring monitoring or environmental audits (s122C EPA).

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Access to Information **Public Notice of Final EIA:** Yes

Public Notice of Final EIA Detail: YES: As soon as practicable after the development application is made, the development application (including EIS) must go on public exhibit and notice must be displayed clearly at the location of the proposed development (reg 79(1) EPAR) and published on two separate occasions in the newspaper (reg 80 EPAR). The Notice must state that the application and EIS may be inspected at designated places (reg 79(1)(e)(iv) EPAR).

Final EIA Available: Yes

Final EIA Available Detail: YES: EIS are available to inspect at the public exhibition and are available by sale from the determining authority (reg 75 EPAR)

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The consent authority must notify its decision to the applicant, any person who made submissions and any other person required in the regulations (s81(a) EPA).

Public Participation **Public Scoping:** No

Public Scoping Detail: No Mention

Days for Public to Review Final OLD: At least 30 days from the date of notice (s79(1)(a) EPA)

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: YES: During the submission period any person may make submissions or objections with regard to the development application (including EIS) (s79(5) EPA)

Response to Public Comments: No

Response to Public Comments Detail: NO Mention: Following the submission period, the consent authority must forward all submission to the Director-General (reg 81 EPAR) and cannot make a determination until 21 days after the submissions have been forwarded (s80(9)(b) EPA). In determining a development application, the Authority must take into consideration any submissions (s79C(1)(d) EPA).

Facilitation of Public Participation: No

Judicial Review/Enforcement **Citizen Administrative Review:** No

Citizen Administrative Review Detail: No

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: A person that has made a submission by way of objection under s79(5), may appeal to the court within 28 days of receiving notice (s81(3) EPA) of the decision (s98 EPA)

Project Monitoring: No

Project Monitoring Detail: No

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