

I wish to lodge a submission to the Committee on behalf of Blacktown & District Environment Group Inc.

Our group operates in the Western Suburbs of Sydney with a goal to conserving viable populations of the flora and fauna of Western Sydney.

Our members have experienced the times of no serious environmental protection legislation at either State or Commonwealth level.

Public and scientific outcry against the abuses of developer interests necessitated introduction of State threatened species protection legislation a couple of decades ago. The EPBC Act, at Commonwealth level, arose a few years later.

While not completely effective, the legislation did slow the losses.

Sadly, the EPBC Act referral and assessment process presented much like of 'rubber stamp' for development until a few years ago. A refreshing improvement in evaluation of development impact became clearly evident.

Notwithstanding the improvement in assessment, much had been lost beforehand and ecological communities such as Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest had to be elevated in status from "Endangered" to "Critically Endangered".

We would like to say that the little improvement achieved in assessment and protection with State and Commonwealth environmental protection legislation has motivated development interests to lobby government for an assessment process more streamlined to facilitate expedient assessment of these matters.

However, we fear the motivation is more sinister than that.

Land comprising EPBC Act and TSC Act listed ecological communities and habitat for listed species, though significantly reduced in extent, remains a more lucrative financial return for development interests than 'brown field' (i.e. previously developed) sites.

Under pressure to accommodate development interests seeking to 'develop' land comprising TSC Act listed ecological communities and species, the NSW Government introduced "offset guidelines". Offsetting permitted the loss of a certain parcels of land containing EPBC Act and TSC Act listed ecological communities and species so long as an area of equal size and value was conserved elsewhere.

Already conserved land was not to be identified as an offset and the same ecological community proposed to be removed had to be the offset.

Another mechanism, based on similar offsetting principles, was introduced under the title and process of "biobanking".

As a conservation mechanism, both offsetting and biobanking resulted in a net loss of EPBC Act and TSC Act listed ecological communities and species (we include EPBC Act here because both mechanisms have since been adopted by the Commonwealth Government).

As such, each mechanism would continue diminution of EPBC Act and TSC Act listed ecological communities and species to a point where only land which was an offset, biobanked or conserved by other prior means remained.

"Biodiversity Certification" was another mechanism introduced as an aid to biobanking and offsetting but on a wider scale, such as with the Sydney Growth Centres Conservation Plan. This plan allowed nearly 2,000ha of EPBC Act and TSC Act listed ecological communities to be destroyed on the basis of an alleged "maintain or improve" outcome elsewhere in Western Sydney.

So flimsy was the integrity behind the methodology employed in this mechanism that the NSW Government avoided a challenge to it in the Land & Environment Court. The way it did this was to rush through a specific Bill of Parliament to "quarantine" the Biodiversity Certification of the Sydney Growth Centres from litigation just as the "day in court" drew near.

Intimations arose from the government to permit "like" ecological communities (though they are not genetically alike) geographically far removed from ecological communities subject to a development proposal. The Sydney Growth Centres Strategic Assessment (EPBC Act agreement between NSW and Commonwealth Government) was where conservationists in Western Sydney first observed this regressive move of the NSW Government.

This mechanism would permit greater losses in Western Sydney because offsets would be as far away as the other side of the Great Dividing Range.

A not too inconsiderable influence in all the measures developed by the NSW Government to dilute the integrity of environmental protection legislation has been that of the NSW Government having its own development arms such as Landcom and Western Sydney Parklands Trust.

The inventory of Landcom sits at around half a billion dollars.

Western Sydney Parklands Trust became a 'friend' of other developers by taking money from them as the latter sought an offset for EPBC Act and TSC Act listed ecological communities they were destroying elsewhere in Western Sydney. What Western Sydney Parklands Trust did was take money to do vegetation planting on an

area of the Western Sydney Parklands which was already conserved. This practice was outside the guidelines of offsetting as originally intended.

Needless to say, guidelines for offsetting and biobanking are being reviewed by the NSW Government to accommodate this further regression in environmental protection.

Western Sydney Parklands Trust has, unsurprisingly, obtained permission from the NSW Government to 'hive off' some of the parklands and develop it. What was originally announced as "The Lungs of Western Sydney" by former Premier, Bob Carr, when announcing establishment of the Western Sydney Parklands is, bit by bit becoming industrial, commercial or other flora and fauna destroying pursuits. To facilitate this, the Trust proposes offsetting or perhaps biobanking within the parklands by vegetation plantings on what would otherwise be conserved land regenerating under its own means.

One such proposal was determined by the Assessment Branch of the Commonwealth Department of Environment on 17 December 2012 (Referral 2012/6617) to be a "Controlled Action" requiring additional justification. Nothing has been observed in the way of resubmission of the matter and we wouldn't be surprised if the Trust were awaiting the handover of responsibility for EPBC Act to the NSW Government to obtain an easier approval to its desires.

The Bill now before your Senate Committee is the product of further pressure put upon the Commonwealth Government from development interests, aided and abetted by a complicit NSW Government, to make easier financial return from development at the expense of our ever diminishing natural heritage. This will be particularly so in Western Sydney.

The government seems impotent to building rural communities by spread of population growth. Instead the shortsighted and 'easier' solution for development interests and government is to trash the unique environment of specific areas such as major cities.

To do this the government has to undo the hard won environmental protection legislation of a couple of decades ago but to do so without seeming to do that very thing.

To hand over the 'check and balance' of Commonwealth Government assessments under the EPBC Act to the NSW Government is to feed the 'monster' which has shown its propensity to:

- dilute the integrity of its own environmental protection legislation,
- pursue its own development interests
- produce a procession of politicians and developers before the Independent Commission Against Corruption

We urge the Senate Committee to reject the Bills before it and recommend the same to the Senate as a whole.

**Wayne Olling
Secretary
Blacktown & District Environment Group Inc**

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