

Dear Sir/Madam,

Please accept my submission regarding an inquiry into the EPBC Act.

I would like to make the following comments based on my personal experience:

1. Ten days is too short a time frame for members of the public to go over large development proposal documents and forward submissions. A one-month notification/submission period is more acceptable. Extra time may also be needed for members of the public to approach, conduct and submit expert reports.

2. EPBC Act referrals of development proposals from any source including members of the public should be permitted.

3. EPBC Act staff should carry out independent and thorough on-site investigations of breaches and development proposals rather than rely on state and/or local government agencies that cannot be trusted. For example, I have seen deception amongst government agencies (including the Department of Environment, Water, Heritage and the Arts) and towards the public where illegal land clearing has taken place. This arrangement will require resources in each state rather than at a single location in Canberra where proper functioning is limited. On-site investigations should also include photographs of the development site prior to commencement that can be used as evidence in incidents involving environmental breaches.

4. EPBC Act staff lack site knowledge, interest and environmental competence when carrying out development assessments and setting conditions of consent. For example, my concerns regarding an escarpment development in Katoomba impacting the Blue Mountains World Heritage National Park were not given consideration until (and only after my continued persistence) one year later by EPBC Act staff. The reply clearly indicated to me that staff have no knowledge about significant impacts on the environment caused by large impervious areas and stormwater drains, or how to manage them.

5. Development consents should include conditions that require up-front and ongoing payments by the developer for possible environmental breaches. Environmental bonds (5-10% of the value of the development) can provide initial funds for environmental restoration while further funds could be obtained from the developer. The environmental bond would only be returned at development completion after satisfactory environmental performance. Restoration may take numerous years and should not involve one-off planting and weeding. Ongoing replacement of local non-hybrid and non-cultivar native plant species and weeding is required. A similar analogy can apply to damaged water bodies.

6. Environmental offsets should not be permitted. These result in the net loss of biodiversity and are therefore contrary to the fundamental principles of conservation.

7. Periodic reviews of development approvals should be made to ascertain areas in need of improvement.

8. Statistics should be kept as a gauge to ensure biodiversity is no longer lost.

9. Third-party legal (merit and due process) challenges to development approvals by the Minister should be permissible.

10. The EPBC Act needs to be backed by enforcement with ongoing monitoring and regulation activities. Remedies should also be in place.

Please send me a copy of the Inquiry's report.

Thank you for the opportunity to forward my submission, I trust my comments will be fully considered and adopted.

Yours sincerely,

Ivan Jeray