

24/03/2014

Environmental Offset Personal Submission

Senate Standing Committee on Environment and Communications

PO Box 6100

Parliament House

Canberra ACT 2600

Dear Committee Secretary,

I wish to comment on the issues of environmental offsets based upon my experience as a resident of Lake Macquarie in the electorate of Charlton.

In 2009 the local community was shocked and upset to have a development application lodged with Lake Macquarie City Council to destroy bushland to the east of Holmesville and West Wallsend. This was DA 1193/2009.

In the initial application the developer proposed that the offset for removal of about 30 hectares of Lower Hunter Spotted Gum and Ironbark Forest, a community type already placed on the endangered list in NSW, be about 1800 hectares of forested land near Brimbin, north of Taree. The distance between the threatened LHSGIF to be destroyed and Brimbin was about 150 km. No offset was proposed locally!

The JRPP rejected the proposed DA on a number of grounds and the developer Hammersmith was forced to reduce the size of the development and resubmitted the DA under another guise. This one was DA113/2011. This DA had some local offsets but still contained 178ha at Brimbin.

The land at Brimbin was in my estimation, not suitable for development due to the large number of threatened species within its purview. The NSW O E and H intends to add the land to a small 50 ha. Nature Reserve. In other words the offset on DA113/2011 will increase the Brimbin NR by over 300% in area but 150 km away from the development estate.

Guidelines published by OE and H indicate the offsets need to replace “like with like” and to be local. Indeed that is the position adopted by LMCC. Yet the OE and H blithely ignores its own guidelines if it deems necessary. Unfortunately it appears as if LMCC is also not prepared to stand on its principles.

In the SMH on Thursday it was revealed that Rio Tinto has reapplied to mine once pledged offsets near the HV village of Bulga. It has proposed offsets 100 km away. Again offsets deemed in perpetuity for protection are to be sacrificed and replaced with offsets 100 km away.

I am aware that there is supposed to be “no honour among thieves” but I think that I would prefer to trust thieves rather than developers and governments. Indeed standing between developers and governments and development proposals / pots of money is a very risky business.

I believe that in order to stop the collusion between developers, governments and certain pro development departments and indeed local governments there is a need for **absolute transparency** in all activities relating to offsets.

To this end I would ask that the Senate recommend that offsets be handled by an independent body, with no ties to either government, the responsible local government, or the developer. It should contain members of the community and independent environmental experts to ensure that established guidelines are properly enforced.

Further all EIS and SIS studies need to be carried out by environmental consultants who are paid for by the developer **BUT NOT PICKED BY THE DEVELOPER.**

This is necessary to ensure that who “pays the piper does not call the tune” as appears at the moment.

The chances of either EIS’s or offset proposals done on behalf of developers or coalmines, being rejected, are close to zero. It seems the rejection is only done by courts after opponents have had to find the money for an appeal and can have the merits of the case tested before impartial umpires. Indeed governments seem to be very proactive in ensuring that community groups

have much higher hurdles to jump than either property developers or coal mine proponents.

Please regard this letter as a submission to the Senate Inquiry. There are no confidentially issues associated with this submission.

Yours faithfully

Bernard Griffin.