

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Organisation:** Ballina Environment Society Inc.

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**Submission to the performance of the New South Wales Environment Protection Authority (Inquiry)**

Ballina Environment Society Inc. (BES) is the peak group dedicated to local environmental guardianship and protection within Ballina Shire, in particular taking responsibility for making submissions on State and Federal matters that impact on the local environment. It was founded in 1983 at the time of the first local Environment Plan, and has ever since been involved in both environmental and Cultural Heritage issues in the region.

The Ballina Environment Society wishes to comment on the performance of the EPA in New South Wales as we perceive it and regret to report that we are appalled by its lack of effective action in the Northern Rivers region and State wide.

This government department would appear to be understaffed and under resourced, with poorly qualified and incompetent assessors who, by their lack of positive action, facilitate industry through not inspecting for possible breaches, ignoring breaches or redefining those breaches when brought to their attention by complainants.

When breaches are identified invariably weak penalties are applied which in no way discourage repeated repletion of those breaches by developers and even government bodies such as the State Forest Commission. In the case of SF the fine does not even amount to the value of wood from a single tree.

To quote Justice A Pepper from the NSW Land and Environment Court on June 8 2011 – ‘In my view, the number of convictions suggests either a pattern of continuing disobedience in every respect of environmental laws generally or, at the very least, a cavalier attitude to compliance with such laws.

The Ballina Environment Society believes that much needs to be done to improve the performance of the EPA and we recommend and support that in future –

A transparent and repeatable process and criteria is enabled to identify and protect core and potential Koala habitat across all tenures

An independent process for assessing forests and highway construction well in advance of commencement of work to identify Koala habitat, with an aim to complete the delineation of Koala habitat on such lands within 3 years

A requirement that habitat trees required to be retained for fauna habitat have their GPS localities recorded to better facilitate implementation, auditing and ongoing protection.

Penalties that reflect the seriousness of the offence and that are progressively increased for repeat offences particularly in respect of developers who often repeatedly conduct illegal land clearing operations with impunity

A requirement that EPA auditors have appropriate training and environmental expertise prior to any investigations.

A requirement for the EPA to prepare professional and comprehensive reports documenting their investigations and publicly justifying their conclusion from such investigations, rather than simply writing to complainants.

A mechanism which embodies independent scientific expertise not industry representatives

Examples of EPA shortcomings in the Northern Rivers include – the lack of adequate investigation into clearing of old growth forest and Koala habitat in Koreelah SF, similarly during clearing of Koala habitat and other threatened species on private property at Whian Whian, monitoring RMS decisions prior to construction of the M1 between Coffs Harbour and Ballina and the illegal clearing of EC listed forest at Iron Gates in Evans Head.

State wide the EPA have failed to adequately investigate land contamination issues at Botany and Hillside, have done little to alleviate the effects of coal dust pollution in the Hunter and have not adequately penalised Santos for contaminating ground water during their coal seam gas operations in the Pilliga to mention just a few examples

In conclusion, the Ballina Environment Society is of the opinion that the performance of the EPA is, in many instances inadequate and needs to improve considerably to achieve its mandate

Sincerely

Fiona Folan

President  
Ballina Environment Society