

**EASTERN SUBURBS BANKSIA SCRUB(ESBS) OFFSET
Prince Henry Development, Little Bay, Sydney
CASE STUDY 2003 - 2009
SUBMISSION TO EPBC REVIEW: June 20, 2009 – Lynda Newnam**

Mr Mark Allen,
EPBC REVIEW

Dear Mark,

Would you please include comments and copies of documents, below, as a submission to the EPBC Review.

I believe this case illustrates a major problem in the EPBC Act. There are no internal triggers to follow-up Offset/Compensation actions and ensure compliance.

The following is an extract from a referral that the NSW Landcom made in April 2003 for the removal of Eastern Suburbs Banksia Scrub from Prince Henry at Little Bay. Little Bay is in the State Electorate of Maroubra (then local member was Premier Bob Carr) and Federal Electorate of Kingsford Smith (Peter Garrett).

2.6 Indicate whether, and in what way, the action is related to other actions or proposals in the region.

- NSW National Parks and Wildlife Service (NPWS) to manage nearby ESBS in Botany Bay National Park with contribution of \$100,00 received from Landcom to compensate for the loss of ESBS

I attempted on a number of occasions to obtain information as to when the \$100,000 had been received and how the monies had been spent. I had no success. In November last year I wrote to my local Federal MP, Mr Peter Garrett, and he confirmed in his reply that the \$100,000 had been received from Landcom. He suggested I write to the NSW Minister for Environment if I required further information. Because there were no details and no visible or reported evidence of \$100,000, or part thereof, being spent in Botany Bay National Park I wrote, as suggested.

A volunteer community group in receipt of \$100,000 for ESBS recovery work would be required to provide an account of how such money had been spent. They would have pictorial records, receipts and in many cases a website record.

This case was contentious, nothing like a grant. **The \$100,000 was an Offset.** It was part of a deal that saw the sale and redevelopment of the oldest public hospital in NSW, Prince Henry, into a housing estate (see www.stocklandprincehenry.com.au). It was particularly important in the circumstances to recognize the local sensitivities and ensure that the spending of the \$100,000 was fully documented and the process was transparent.

To provide background of the significance I have copied an article that appeared in the Sydney Morning Herald on July 14, 2003. Please note that the reference to a "*juggling act between building homes, a new school of management and a golf course*" is incorrect. The University of NSW did not build a new 'school of management'; it sold its lease at Prince Henry to Landcom and the land was then incorporated for housing. The adjoining site which was gifted to the university for the construction of a medical school was sold last year and unit and town house complexes are now proposed for the site. These facts are not directly relevant to the removal of ESBS at Prince Henry but are mentioned to reinforce the sensitivity of Offsets for a development which has significant local community impacts in terms of loss of medical facilities and employment.

Yours sincerely, Lynda Newnam

Attachments:

- 1 **July 14, 2003** Article by James Woodford in Sydney Morning Herald
- 2 **November 22, 2008** Copy of letter sent to local Federal Member, Peter Garrett, regarding receipt and documented expenditure of \$100,000
- 3 **January 27, 2009** Email sent to NSW Minister for Environment & Climate Change requesting information on how \$100,000 had been spent.
- 4 **March 6, 2009** Copy of letter received from Mr Bob Conroy, Executive Director Park Management, in response to letter sent to NSW Minister for Environment & Climate Change requesting information on how \$100,000 had been spent.
- 5 **March 14, 2009** Email sent to local federal MP Peter Garrett in response to letter received from Mr Bob Conroy, Executive Director Park Management, and copied to local member and relevant NPWS staff including Mr Conroy.
- 6 **March 26, 2009** Email from NPWS Area Manager in response to email of March 14.
- 7 **March 26, 2009** Last email sent to NPWS Area Manager regarding significance of Offset. Had been referred to as 'federal funds' by Area Manager.
- 8 **April 11, 2009** Email to Dr Hawke
- 9 **April 18, 2009** Email to Dr Hawke

Attachment 1 July 14, 2003 Article by James Woodford in Sydney Morning Herald

Rare banksia facing destruction, Sydney Morning Herald - www.smh.com.au/articles/2003/07/13/1058034883863.html

For \$100,000, Landcom, the NSW Government development arm, has bought the right to destroy a patch of one of the rarest ecological communities in the nation.

The disputed 0.15-hectare stand of eastern suburbs banksia scrub is at the site of the former Prince Henry Hospital and is regarded as highly degraded.

Such scrub once covered 5300 hectares of Sydney's coastline.

The scrub is dominated by four different banksias and also contains four wattle species, grass trees, hakeas and paperbarks.

But it has mostly been replaced by the city's most expensive suburbs, with 138 hectares remaining.

Last year the NSW Government's scientific committee declared eastern suburbs banksia scrub an endangered ecological community. One of the scrub's most significant remaining sites is at the site of the former Prince Henry Hospital at Little Bay.

More than a hectare of the scrub survives in the old grounds, and when Landcom originally put forward a masterplan for the redevelopment of the 84-hectare hospital site all of the endangered plants were to be protected.

But Randwick City Council has required Landcom to widen the roads in the development site, which means that one of Prince Henry's six stands of the scrub needs to be cleared.

Landcom offered to pay the NSW National Parks and Wildlife Service \$100,000 over five years to destroy the 0.15-hectare stand in the way of the 800-dwelling development. The money is compensation and is to be spent on banksia scrub inside Botany Bay National Park.

Landcom has also agreed to spend \$30,000 a year helping to manage the scrub at the site that is earmarked for protection.

Landcom's environmental manager, Armineh Mardirossian, says the decision to destroy the stand was taken as part of a juggling act between building homes, a new school of management and a golf course.

She said that some of the scrub had to go because of the city council's requirement for wider roads.

A spokesman for the National Parks Association said the scrub was priceless.

(additional article providing general background:

<http://www.smh.com.au/articles/2004/06/24/1088046224939.html?from=storylhs> and further stories available by googling "Prince Henry Banksia Scrub")



Attachment 2 November 22, 2008

Copy of letter sent to local Federal Member, Peter Garrett, regarding receipt and documented expenditure of \$100,000

Mr Garrett replied March 2009 and in that letter confirmed that Landcom had paid the \$100,000. He suggested that I write to the NSW Minister for Environment for further details.

22 November 2008

Mr Peter Garrett,

Federal Minister for the Environment, Heritage and the Arts

& Member for Kingsford Smith

Dear Peter,

RE: Management of Rare and Threatened Species – Eastern Suburbs Banksia Scrub at Prince Henry Site – Referral 2003/1048

I am writing to you in your position as the Federal Minister for the Environment and as the Local Member for Kingsford Smith.

In April 2003, the developer of the Prince Henry site at Little Bay submitted a referral to the EPBC Act for the removal of Eastern Suburbs Banksia Scrub(ESBS). ESBS is protected under both State and Federal legislation and at that point in time its significance had also been recognised in the Southern Sydney Catchment Blueprints. The Blueprints, adopted by NSW Cabinet, confirm that ESBS should never be removed.

The referral to the EPBC Act was supported by the NSW Department of National Parks and Wildlife, as they were called at the time. In exchange for their support Landcom agreed to contribute \$100,000 to the management of ESBS in the nearby Botany Bay National Park. The following is an excerpt from the referral:

Referral dated 17/4/2003

2.6 Indicate whether, and in what way, the action is related to other actions or proposals in the region.

- NSW National Parks and Wildlife Service (NPWS) to manage nearby ESBS in Botany Bay National Park with contribution of \$100,00 received from Landcom to compensate for the loss of ESBS

On a number of occasions I have attempted to obtain information as to when the money was received by the National Parks and how it was spent. I have sent emails and made verbal requests. One of these enquiries took the form of a telephone conversation with a member of the Threatened Species Unit in National Parks. From memory the officer's name was Michael Bremmer and it was around 2005/6. Michael said that at that point no money had come through and that the agreement was that it would be paid over 5 years and that Landcom were not obliged to pay in installments. I was given the impression that he considered it none of my business.

My inquiry now is prompted firstly because there are ongoing enquiries into the EPBC Act and secondly because yesterday I attended an ESBS workshop at Centennial Park. There were NSW DECC and CMA employees at this workshop. One woman from the DECC suggested that the public should be more aware of the significance of ESBS given the publicity it had received in the media and through static interpretation. Her comments were in relation to anticipated negative public reaction at the removal of non-ESBS species in an ESBS 'plot' at Centennial Park. Given that she worked in Threatened Species and had commented on the communication process I approached her and asked about the \$100,000 to be used at Botany Bay National Park. She said it was not a matter she had anything to do with and appeared not to be interested in directing me to someone who could assist. Again it came across as a 'flick'.

There were a number of dedicated paid and unpaid bush regenerators at this workshop and their understanding of the critical importance of communication was superior.

As regard the La Perouse ESBS, the 5 years is now up and there has been no evidence of how the \$100,000 has been spent, or whether it has even been received. There is nothing on public record. No media releases, no budget details, no on-site notice detailing work (if it has occurred). The public are supposed to be supportive of DECC actions to support Threatened Species. They are spoken about as rednecks if they don't 'understand' the need to 'weed out' what they see as attractive species, and yet when they dare to make enquiries as I have about the ESBS, they are dismissed. Arrogance is the best word to describe the attitude and it is not at all helpful.

Following is a copy of the article that was published in the Sydney Morning Herald concerning the removal of these plots of ESBS.

I would appreciate your response.

Regards,

Lynda Newnam

Resident, La Perouse in Kingsford Smith electorate

Attachment 3 **January 27, 2009** Correspondence to NSW Minister for Environment, Carmel Tebbutt, after suggestion to do so by Peter Garrett. Also copied to local state member, Michael Daley.

----- Original Message -----

From: [REDACTED]
To:
Cc: ; ;
Sent: Tuesday, January 27, 2009 12:36 PM
Subject: EASTERN SUBURBS BANKSIA SCRUB
Dear Ms Tebbutt,

I write regarding Eastern Suburbs Banksia Scrub(ESBS) which was removed from the Prince Henry Site in 2003/4 by Landcom.

As you are probably aware ESBS is an endangered plant community protected under the EPBC Act.

The NSW National Parks and Wildlife Service(NPWS), as it was then, supported Landcom's application for removal. Landcom agreed to provide \$100,000 to enhance ESBS values in the nearby National Park i.e. Botany Bay at La Perouse. You can read James Woodford's account in the Sydney Morning Herald at:
<http://www.smh.com.au/articles/2003/07/13/1058034883863.html> In the final sentence he quotes a spokesman from the NPA who said that the scrub removed "was priceless"

The Federal Government approved the removal of ESBS based on the recommendation from the NPWS.

I recently wrote to the Federal Minister for the Environment, Peter Garrett, asking for details of how the \$100,000 was spent in Botany Bay National Park. I have received a letter from him today stating that he has been advised:

"that Landcom made two payments to the New South Wales National Parks and Wildlife Service (now the Department of Environment and Climate Change) on 1 June 2005 (\$20,000) and 27 June 2007 (\$80,000). The funds are being used for bush regeneration of the Eastern Suburbs Banksia Scrub within the Botany Bay National Park over a 5 year period, commencing in 2005."

Under the original terms in the EPBC referral the 5 year period commenced in 2003. I have made enquiries on a number of occasions regarding the money and work achieved and have not received satisfactory answers, received no answer at all, or as on one

occasion told that 'time was not up yet'. I wrote to Mr Garrett because I understood 'time was finally up'. It appears that the timeframe was extended.

I would very much appreciate details of the work that has been undertaken to date in Botany Bay National Park, La Perouse, and work that is proposed so that I can provide this information to the La Perouse Precinct Committee and other interested parties. The Park has major monocultural stands of bitou which are compromising biodiversity values(flora and fauna) on the La Perouse Headland. DECC field officers are detailed to spend most of their time clearing litter and mowing lawns rather than in weed eradication. The Prince Henry site contained rare stands of ESBS and provided habitat for native fauna. The \$100,000 was an offset for the neighbourhood and I am concerned that this neighbourhood, specifically Botany Bay National Park(La Perouse), receives the money that was agreed. It should also be noted that \$100,000 in 2003 bought more bush regeneration hours than it does in 2009.

The Prince Henry development has been controversial. The removal of ESBS went against the Government's recommendation in the Southern Sydney Catchment Blueprints which was ratified by Cabinet shortly before the Landcom referral was made. It is not unreasonable to expect that the DECC be accountable and be seen to be accountable for the support it gave to Landcom.

Yours sincerely, Lynda Newnam, resident, La Perouse

Attachment 4 March 6, 2009

Copy of letter received from Mr Bob Conroy, Executive Director Park Management, in response to letter sent to NSW Minister for Environment & Climate Change requesting information on how \$100,000 had been spent.



NSW National Parks
and Wildlife Service

Our reference: MD09/495

Ms Lynda Newnam
[REDACTED]

Dear Ms Newnam *Lynda,*

I refer to your correspondence of 27 January 2009, to the Minister for Climate Change and the Environment, the Hon Carmel Tebbutt MP, regarding Eastern Suburbs Banksia Scrub which was removed from the Prince Henry Site in 2003-04 by Landcom. The Minister has referred your letter to the Department of Environment and Climate Change for response, and I apologise for the delay in replying.

The Department has responsibility for the management of Eastern Suburbs Banksia Scrub (ESBS) in Botany Bay National Park. The Recovery Plan for ESBS establishes the principles and priorities for the ecological management of this endangered ecological community, and is being implemented in Botany Bay National Park through a variety of ongoing programs involving staff, volunteers and contractors.

Bush regeneration works in ESBS relies upon a combination of active weed removal and natural regeneration from existing seed stocks. A critical consideration is that the rate and extent of weed removal should not exceed the capacity for re-establishment by endemic species. This is largely determined by the ecological response of the areas under treatment. Follow up weeding during the re-establishment process is also important.

The Department's bush regeneration work has focused on the centre of ESBS remnant to stabilise the core areas, and the work also includes the creation of weed free buffer zones at the margins.

With respect to the funding provided by Landcom, this has been allocated to a series of bush regeneration contracts. The sites which have been treated under these contracts are the Grose Street remnant, Jennifer Street Lands, an area adjacent to the old military village and the remnants around the Cape Banks Coastal Cemetery.

The ESBS management funds have been held in an external grant account. Around six percent of the total funds provided by Landcom will have been spent by the end of the 2008/09 financial year. The rate of expenditure on bush regeneration contracts is constrained by the pace of the vegetation's ability to respond to treatment.

If you would like to discuss any of the matters further, please contact Mr Dave Costello, Parks and Wildlife Area Manager, Sydney Harbour South by telephoning 9337 7021. Further information on the management of ESBS may also be found on the Department's website at www.threatenedspecies.environment.nsw.gov.au/tsprofile/pas_profile.aspx?id=10257

Thank you for raising this matter, and I trust that the above information will be of assistance.

Yours sincerely

Bob Conroy 6/3/09

BOB CONROY
Executive Director Park Management
Parks and Wildlife

Attachment 5 March 14, 2009

Email sent to local federal MP Peter Garrett in response to letter received from Mr Bob Conroy, Executive Director Park Management, and copied to local member and relevant NPWS staff including Mr Conroy. As yet have not received reply from Peter Garrett. Did receive reply from Area Manager and replied same day – 26/3/09 (see below). No reply to this email.

----- Original Message -----

From: [REDACTED]

To:

Sent: Saturday, March 14, 2009 3:21 PM

Subject: BITOU NATIONAL PARK

Mr Peter Garrett, Minister for Environment, Member Kingsford Smith

I refer previous correspondence on Eastern Suburbs Banksia Scrub removed by Landcom in 2003.

This removal was the subject of an EPBC referral backed by the National Parks. Under the Landcom/National Parks deal \$100,000 was to be 'paid' by Landcom for the right to destroy 2 stands of a protected plant community.

I referred this matter to journalist James Woodford in 2003 and he wrote an article in the Sydney Morning Herald. Since then I have made many attempts to find out whether monies were paid and how they were spent.

The project was supposed to have run from 2003-2008.

When the 'clock ticked past the use by date' of 2008, I wrote to you. This was an EPBC matter and exemplified one aspect of what has been wrong with the Act - lack of scrutiny/follow-up. You/your staff made representations to Landcom and received an answer confirming that the money had been transferred to National Parks and you suggested that I contact the NSW Minister for the Environment for further information....as in tie me up in correspondence knots!

I did as you suggested and have received a letter in reply (below). Apparently only 6% of the funds have been spent in Botany Bay National Park.

If you know the areas referred to in this letter you will be aware that far more work could have been carried out by now. For instance, the Historical Coast Cemetery is a disgrace; there are 'mountains' of bitou at Cape Banks which Bruce Thom recently toured; sections of the Grose Street area are becoming overrun by casurinas**; ESBS species have disappeared while species recorded in the Recovery Plan as associated with ESBS in the park, eg. Chloanthes stoechadis have been cut out. The overall diversity of Botany Bay National Park has declined because there has been no Plan of Management for Weed Control* including no biological burns. Local field officers spend the majority of their

time in 'non-biodiversity protection' tasks such as litter control because there is no coordination with local and state authorities to minimise the amount of stormwater litter and fine and/or educate 'litterbugs'. Field staff spend a significant amount of time mowing/cultivating 'feral' lawns when their jobs could be far more interesting and relevant to the protection of biodiversity.

I don't enjoy having to write these emails and letters making myself unpopular with National Parks managers but in the relatively short time I have lived near Botany Bay National Park I have witnessed a significant increase in weed infestations. Just take a look at the entry. There is a greater diversity of weeds than natives and many of the established natives are being strangled by Cape Ivy. You were out recently to launch the Bitou strategy publication and some weeding was done prior near the launch site, but volunteer weeding has not been directed at the Cape Ivy infestation let alone other priority sites of note.

Weeds are the second greatest threat to our biodiversity after land clearing. The park and its ESBS values could be enhanced were a Weed Strategy put in place with priorities and accountabilities, biological burns undertaken (using some of the 94% of remaining funds), and complementary volunteer and litter-reduction & education strategies developed.....oh yes and a change of culture. Getting information from the DECC is like pulling teeth. And then when finally some is delivered it is as follows: "the rate of expenditure on bush regeneration contracts is constrained by the pace of the vegetation's ability to respond to treatment."

Who is kidding who? Do they think we are bunch of dummies. Surely the biggest weeding effort is done at the beginning to allow the 'vegetation to respond'. At 6% every 5 years it will be closer to 100 years before the project is finished.

There have been some notable winners from the Prince Henry development but the environment and the majority of the local community were not among them. The DECC personnel who write these replies have no appreciation of what has been lost - from the Scout Ground at Cape Banks, to general amenity and employment. The sell off of the ESBS was a deal agreed between Council, Landcom and Parks most probably brokered in the NSW Cabinet Office. It was done with an offset clause and it should have been a priority by all concerned to see that it was done swiftly and transparently. People like me shouldn't have to waste their time chasing this. There should have been press releases celebrating the outcomes and detailing expenditure.

I have copied an extract(below) from the DECC website on what needs to be done to recover ESBS.

You have power under the EPCB Act to ensure compliance. I refer you to what is written on your Department's website:

In July 2006, the Department implemented a Compliance Auditing Programme. All projects referred under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) are auditable under the programme.

Why be satisfied with more Business as Usual, Peter. It might appear a small matter ...a little bit of ESBS, \$100,000...but the conduct of its removal and the subsequent approach are symptomatic of a general unsatisfactory approach to public service and public accountability in this State.

You will note I have copied this letter to Mr Bob Conroy, Executive Director Park Management, who signed the letter attached and to Mr Dave Costello the local Area Manager, who is referred to in the letter.

Regards,

Lynda Newnam

What needs to be done to recover this species?

<http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10257>

- Implement feral animal control programs.
- Determine and apply appropriate fire management practices.
- Consider off-site impacts in the assessment of nearby developments.
- Prevent stormwater run-off from entering sites.
- Install fencing, gates, formal tracks (where appropriate) and signs to manage access and prevent rubbish dumping.
- Implement weed control programs.
- Protect remnants from clearing and further fragmentation.
- Restore degraded habitat using bush regeneration techniques.
- Prepare site specific management plans.

*known/ in the public domain with known accountabilities

** Field observations indicate that after a prolonged period (>15 years) without fire or similar disturbance, the floristic composition and vegetation structure becomes simplified with a few species dominating the standing vegetation. see

[tp://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10257](http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10257)

Attachment 6 March 26, 2009

Email from NPWS Area Manager in response to email of March 14. Last piece of correspondence addressed to Local Area Manager, NPWS – as yet I have received no reply. The Area Manager was replying to an email I sent to Peter Garrett in response to a letter sent in response to letter I sent to NSW Minister for Environment. The Area Manager refers to the \$100,000 as 'federal funds'. Note that Area Manager is Acting in position and was not in Sydney when 'deal' was struck.

----- Original Message -----

From: [REDACTED]
To:
Cc:
Sent: Thursday, March 26, 2009 1:49 PM
Subject: RE: BITOU NATIONAL PARK

Hi Lynda, Thanks for copying me in to your email. I had a look at the letter you attached regarding ESBS and found an unfortunate error. The reference to the expenditure of federal funds on ESBS by NPWS in Botany Bay National Park states 6% but should read 60%. Expenditure of this amount has been geared to the pace at which the ESBS can respond to bush regeneration noted in the letter. It represents a strategic and prudent approach to the issue. Apologies for the confusion this error may have caused.

Regards

Dave

David Costello
A/Manager
Harbour South Area
Sydney Region
National Parks and Wildlife Service

[REDACTED]

[REDACTED]

Attachment 7 March 26, 2009

Last email sent to NPWS Area Manager regarding significance of Offset. Had been referred to as 'federal funds' by Area Manager.

----- Original Message -----

From: [REDACTED]
To:
Cc:
Sent: Thursday, March 26, 2009 3:13 PM
Subject: Re: BITOU NATIONAL PARK

Hello Dave,

I was after a breakdown of expenditure. These were not federal funds they came from Landcom.

This is one of many Prince Henry issues. I refer you to what I said in the email:
There have been some notable winners from the Prince Henry development but the environment and the majority of the local community were not among them. The DECC personnel who write these replies have no appreciation of what has been lost - from the Scout Ground at Cape Banks, to general amenity and employment. The sell off of the ESBS was a deal agreed between Council, Landcom and Parks most probably brokered in the NSW Cabinet Office. It was done with an offset clause and it should have been a priority by all concerned to see that it was done swiftly and transparently. People like me shouldn't have to waste their time chasing this. There should have been press releases celebrating the outcomes and detailing expenditure.

I realise that for you this a legacy item.

Regards, Lynda

Attachment 8 April 11, 2009 Email to Dr Hawke

----- Original Message -----

From:

To: epbcreview@environment.gov.au

Sent: Saturday, April 11, 2009 7:35 PM

Subject: Fw: BITOU NATIONAL PARK

RE: EPBC Review Interim Report

Dear Dr Hawke,

I write regarding the interim report you released earlier this month and specifically with regard to the operation of bi-lateral agreements. I note in 4.14: "The committee heard claims that this 'largely unfettered discretion with respect to preparing environmental impacts assessment requirements, and determining the adequacy of environmental assessments undertaken', coupled with exemptions from other state approval processes, has meant that some actions in NSW may have avoided rigorous environmental impact assessment."

In 2003 the NSW State Corporation, Landcom, made a referral under the EPBC Act (see attached file named 'referral.pdf'). The Landcom referral was supported by the NSW National Parks and Wildlife Service (now part of the NSW Department of Environment and Climate Change) and in return Landcom was to pay \$100,000 over a five year period for enhancing ESBS values in Botany Bay National Park at La Perouse - see 2.4 of referral. The Sydney Morning Herald published an article about this arrangement on July 14, 2003 (<http://www.smh.com.au/articles/2003/07/13/1058034883863.html>). The opening sentence reads:

For \$100,000, Landcom, the NSW Government development arm, has bought the right to destroy a patch of one of the rarest ecological communities in the nation.

Since that time I have, at intervals, asked (emails and phone calls) National Parks where the money has been spent. My 'curiosity' has never been met with what I could describe as a positive response, more the reverse. I have been 'flicked off'. I have been told, as I was a couple of years ago, that 'time was not up'. When time was up in 2008 I wrote to my local Federal Member, Peter Garrett (see below). After a couple of reminders I received a reply on 27/1/09. In that reply Mr Garrett provided information "that

Landcom made two payments to the New South Wales National Parks and Wildlife Service (now the Department of Environment and Climate Change) on 1 June 2005 (\$20,000) and 27 June 2007 (\$80,000). The funds are being used for bush regeneration of the Eastern Suburbs Banksia Scrub within the Botany Bay National Park over a 5 year period, commencing in 2005."

Mr Garrett also suggested that I contact the NSW Minister for Environment if I had further questions. I did have further questions so I wrote to the Minister, Ms Tebbutt (see email below dated 27/1/09). Mr Conroy of the NSW Department of Environment and Climate Change responded in a letter dated 6/3/09 (see below). Mr Conroy stated that only 6% of the \$100,000 had already been spent. I wrote again to Mr Garrett (see below email dated 14/3/09, copied to Mr Conroy and the local area manager Mr Costello) suggesting that Mr Conroy's reply was deficient. I have not received a reply from Mr Garrett but I have received one from Mr Costello saying: *The reference to the expenditure of federal funds on ESBS by NPWS in Botany Bay National Park states 6% but should read 60%* (see email below dated 26/3/09). I immediately replied (26/3/09 email below) pointing out that the funds were from Landcom not the Federal Government and could a breakdown be supplied. Mr Costello has not replied on this matter.

As Mr Woodford wrote in July 2003 in the Sydney Morning Herald, the ESBS was 'sold' off. The \$100,000 from Landcom (very small considering what some special interest groups received from the sell off and carve up of New South Wales' oldest public hospital), was an offset. Given the nature of the transaction, the community should have been given updates on how the money was spent. The enhancements in the nearby National Park should have been the subject of press releases, a pictorial record and even tours. I can see no evidence of \$60,000 being spent in the areas that are listed in the letter from Mr Conroy and for that reason I have asked for details from Mr Costello. I doubt that I will receive any.

If a group I belonged to were given a grant for \$100,000 we would have to document how the money was spent. Eastern Suburbs Banksia Scrub (ESBS) is protected under the EPBC and only months before the Landcom referral the NSW Cabinet had endorsed the Southern Sydney Catchment Blueprints. That document contained a statement that under no circumstances should ESBS be destroyed. The endorsement from the National Parks and the bi-lateral agreement allowed Landcom to do what they liked as long as they paid \$100,000. Why I ask has there been no scrutiny from the Commonwealth. Why can't the Commonwealth ask the NSW Department of Environment and Climate Change to provide verifiable details of how the \$100,000 has been spent.

I would appreciate your advice on how this matter can be progressed. We have lost so much in terms of environmental protection around Botany Bay and this is an example of how at all levels accountability has been shrugged off. My enquiries have been seen as a nuisance when they could be embraced as an opportunity to question processes that are obviously flawed.

Regards, Lynda Newnam

resident, Kingsford Smith electorate

Attachment 9 April 18, 2009 Email to Dr Hawke

From:]
Sent: Saturday, 18 April 2009 7:11 PM
To: EPBC Act 10 year review
Subject: Fw: BITOU NATIONAL PARK

Dear Dr Hawke,

Further to my email last Saturday concerning the operation of bi-lateral agreements I refer you to the following minutes from Randwick City Council Ordinary Council Meeting Tuesday 27th May 2003. The item was the Prince Henry Hospital 2003 Amended Masterplan.

Northern Bushland Park

The amended master plan proposes five semi-detached houses in the northern bushland remnant. This is an amendment to the master plan and requires the clearance of approximately 0.23 hectares of ESBS bushland. **It is understood that Landcom has discussed removal of this ESBS with NSW NPWS and has come to an offset agreement**

An offset agreement is referred to. The offset was the \$100,000 that was to be paid to National Parks so that National Parks could enhance ESBS values in Botany Bay National Park at La Perouse. As I wrote before I believe, given the nature of the transaction, that the NSW State Government Department(National Parks of the NSW DECC) should be able to demonstrate how the \$100,000 has been spent and for monies not spent where spending will occur in the future. The 'flip' replies I have had to date indicate they don't understand their obligations let alone the significance of the act of destroying protected bushland.

Regards, Lynda Newnam
