



Suite 2, 89 Jones Street, Ultimo NSW 2007
Ph 02 9211 5022 Fx 02 9211 5033
www.tec.org.au
ABN 54 152 721 302

16 July 2013

Department of Planning and Infrastructure – Newcastle Office
PO Box 1226
NEWCASTLE 2300

Dear Sir/Madam

Re: Lower Hunter Strategic Assessment Draft Terms of Reference

Thank you for providing Total Environment Centre (TEC) with the opportunity to comment on the Lower Hunter Strategic Assessment Draft Terms of Reference (TOR). We offer the following comments in relation to the draft TOR and would welcome further opportunities to participate in the development of the revised Lower Hunter Conservation Plan and the Lower Hunter Regional Growth Plan.

Relationship to other planning instruments

While TEC welcomes the identification of Matters of National Environmental Significance (MNES) within the Lower Hunter Region we stress that these are not the only environmental assets of the region requiring protection. Environmental assets of state, regional and local significance (upon which the integrity of MNES may well depend) should be protected by other planning instruments, including the Lower Hunter Conservation Plan and the Lower Hunter Regional Growth Plan.

We are concerned by the comment in the Department's Frequently Asked Questions document that "the strategic assessment will allow a more streamlined development application assessment approach by reducing the environmental assessments required and minimising duplicate assessments". TEC strongly believes that the overarching goal should be to improve the quality of environmental assessment and protection in the Lower Hunter Region. To this end development assessment must be informed by rigorous, high quality environmental data and assessment. A "streamlined" approval process does not necessarily translate to improved planning outcomes or enhanced environmental protection.

Cumulative impacts

TEC strongly endorses the proposal to address the cumulative impacts of development on the environment. This is an area that has received insufficient consideration in planning decisions to date. We welcome the requirement in clause D.3(b) of the draft TOR to include direct, indirect, short term, long term, irreversible, local, regional, discrete or cumulative impacts of proposed development on MNES as well as whether these impacts are likely to be exacerbated by the effects of climate change.

Offsetting

TEC has concerns about the use of “biodiversity offsetting” in relation to protecting MNES. Protection of alternative areas of high environmental value does not compensate for loss of environmental land elsewhere if the result is a net loss of environmental values or habitat. We strongly believe that protecting areas of environmental value (ie, avoiding damage) is preferable and more sustainable than seeking to offset damage. Additionally there can be uncertainty about the longevity of protection and management of offset areas.

Where offsets are used they should adhere to the EPBC Act Environmental Offsets Policy. Under this policy offsets should ‘improve or maintain’ the viability of the aspect of the environment that is affected by the proposed action ‘as compared to what is likely to have occurred...if neither the action or the offset had taken place.’ Offsets should also be additional to any measures already required by other Acts or planning instruments. Offsets should be specific to the environmental value that will be affected by any proposed action. Loss of one type of habitat or impact on a species should not be offset by measures directed to a different habitat type or species.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Angel', with a stylized, cursive script.

Jeff Angel
Executive Director