



30 July 2013

Michael Leavey
Department of Planning & Infrastructure
Level 2, Price Waterhouse Coopers Centre,
26 Honeysuckle Drive,
Newcastle NSW 2300

Draft Terms of Reference for the Lower Hunter Strategic Assessment Exhibition

Dear Mr Leavey,

The Urban Development Institute of Australia NSW (UDIA NSW) commends the proposed Strategic Assessment process that has been initiated by the Department of Planning and Infrastructure (DP&I).

However, UDIA NSW is concerned that the Draft Terms of Reference (Draft ToR) do not reflect the scope of matters required to create sound biodiversity conservation outcomes for urban growth in the Lower Hunter.

The Draft ToRs are part of a joint Commonwealth and NSW process that aims to simplify biodiversity conservation protocols. However, UDIA NSW believes that the process outlined in the Draft ToRs is pre-determined. We are concerned the major decisions appear to have already been made, with our only opportunity to comment and influence the process being limited to comment on the Draft ToRs.

Our concerns, based on the development approval experience of our member's operating in the Lower Hunter, are as follows:

- Currently, there are three levels of biodiversity assessment required to obtain development approval – i.e. Local, State and Commonwealth assessment. Each process has its own requirements and matters which must be addressed in order to obtain approval for development. This adds significant costs to the viability of a project and impacts on the already strained delivery of affordable housing in the Hunter Region. The Program on which the Strategic Assessment is to be based should ensure that inconsistencies and duplication in the three levels of assessment are removed.
- To ensure true strategic outcomes that deliver broad community benefits the Strategic Assessment must be considered in line with other strategic documents currently being prepared by the NSW State Government. The State Government is yet to finalise the Regional Strategy, Regional Conservation Plan and Growth Infrastructure Plans. Hence, it is crucially important that the Strategic Assessment duly considers these strategies to avoid any future conflicts that plagued existing planning strategies from delivering their nominated outcomes. As a matter of course, both State and Commonwealth departments should produce a joint timeline, highlighting key milestones in the Strategic Assessment process and its expected completion.

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- Biodiversity conservation in the Lower Hunter should not rely entirely on Biodiversity Offset Contributions from the development industry. Just as the State benefits from the economic growth of the Lower Hunter, so too can it have a role in contributing to the conservation outcomes. For example, improvements to Crown Land management may help deliver protection of Matters of National Environmental Significance.
- The importance in resolving biodiversity and conservation with the Lower Hunter cannot be understated and this was clearly highlighted by the State Government in their recently exhibited Lower Hunter Strategy Discussion Paper where they listed biodiversity as a housing supply blockage. As it stands, biodiversity conservation issues can bring development approval pathways to an immediate halt, even if the proposed site sits within an area identified and zoned for urban growth.
- There is a significant lack of 'balance' for sustainable urban growth in the Lower Hunter. Economic and social considerations are not duly considered due to the 'blocking power' of the threatened species legislation at all levels of Government, resulting in wide spread single issue planning.
- Biodiversity assessment methodologies are suited to single sites, but are much too technical and onerous to be applied to regional offsetting assessments. There is a significant 'scale' problem associated with the existing State policy and legislation.

The key outcome that the development industry is seeking is to coordinate and streamline the development assessment process when it comes to the consideration of Local, State and Commonwealth biodiversity legislation. The Hunter region's development industry would like to see a similar outcome that was reached in Sydney's Growth Centres – i.e. 'switching off' the Environment Protection and Biodiversity Conservation Act 1999 as well as threatened species assessment under the NSW Threatened Species Conservation Act 1995. It is unclear, from the Draft ToRs, whether this outcome will be achieved under the Strategic Assessment process. UDIA NSW contends that this should be one of the primary objectives of the Lower Hunter Strategic Assessment to ensure a balanced approach to maintaining the region's biodiversity whilst delivering housing that is affordable to our region.

We request that the Draft ToRs ensure that our concerns, listed above, are addressed by the offsetting program developed as part of this Strategic Assessment process.

If you have any queries, please do not hesitate to contact Nadine Hipps, UDIA NSW Hunter Manager, on 0413 619 648.

Yours sincerely



Mr Stephen Albin, UDIA NSW CEO