

28 July 2023

Catherine Pepper
Manager Environment & Sustainability
Maitland City Council
Via Portal

Dear Catherine,

Draft Maitland Environmental Sustainability Strategy

The Urban Development Institute of Australia NSW (**UDIA**) is the leading development industry body, representing more than 450 member companies and agencies across the public and private sector. We are proud to count Maitland City Council (**Council**) as a valued member of the Institute. We invest in evidence-based research to inform our advocacy to Government, which enables our members to create liveable, affordable and connected smart cities.

UDIA welcomes the opportunity to comment on the Maitland Draft Environmental Sustainability Strategy (**draft Strategy**). We appreciate the extra time to complete our submission.

UDIA takes this opportunity to emphasise our commitment to ecologically sustainable development and to improving environmental outcomes in NSW. We commend Council for the research that has gone into preparation of the draft Strategy and the consultative approach taken to date with the community and industry.

Maitland is growing, and its success will be measured by the extent environmental, social and economic outcomes are all achieved. Especially in the current housing crisis, it is important to acknowledge that biodiversity has become a major constraint to delivering housing in regional NSW, including in the Maitland LGA. UDIA's 2022 [Greenfield Land Supply Pipeline Report](#) revealed that 62% of greenfield lots in the development pipeline are held up due to biodiversity constraints in the Lower Hunter and Central Coast. Where development land can be delivered, biodiversity offsetting adds to the cost of delivering housing, employment land and infrastructure, and contributes to making housing more expensive. For example, work commissioned by UDIA in 2021 using Biodiversity Offset Payment Calculator pricing at the time, suggests that biodiversity offsetting adds at least \$14,000 to the cost of delivering a new housing lot in the Lower Hunter. That cost will be higher today, since recent reforms have generally increased offset credit pricing, in some cases by as much as 500%. A copy of the EMM report is available at [this link](#).

UDIA maintains significant concerns about the operation of the biodiversity system in NSW and continues to advocate for reform. UDIA is concerned that the *Biodiversity Conservation Act (BC Act)* is not working: its implementation is creating a lack of connectivity for conservation land around

urban growth areas and an undersupply of offset credits while at the same time, stymying the delivery of desperately needed new housing, jobs and infrastructure for growing communities. UDIA's most recent recommendations about the system can be found in our submission to the statutory 5-year review of the BC Act at [this link](#).

In this context, UDIA welcomes the draft Environmental Sustainability Strategy as an effort to provide local guidance on how to achieve better environmental outcomes in the Maitland LGA. However, we have serious concerns about how the Strategy may be interpreted and applied, and our submission outlines our recommendations to address those.

In summary, UDIA recommends:

- 1. Clarify the application of the Strategy in the planning hierarchy and in relation to the BC Act. We make several specific recommendations for additional wording to be included.**
- 2. Provide further explanation and examples about how “the latest tools and techniques can be used to improve grey, green and blue infrastructure and housing so that communities are more resilient”.**
- 3. Provide current canopy cover percentages for residential areas and commit to working with the development industry to find appropriate ways that new development could feasibly incorporate urban heat mitigation measures.**
- 4. Exhibit the updated draft Strategy before finalisation.**

Application of the Strategy

UDIA's main concerns with the draft Strategy relate to the “Green and Blue Grid Map” on page 22-23 of the document, and specifically how Council may use the map upon adoption of the Strategy.

Our understanding from discussions with Council is that the Strategy is a high-level guiding document that sets principles to improve sustainability in Maitland LGA and is not intended as a tool for assessing planning applications. In this regard we recommend the Strategy:

- A. Include wording (ideally accompanied by a diagram) that clearly establishes where the Environmental Sustainability Strategy sits within the assessment hierarchy and line of sight of current or proposed plans.** In this context, we recommend clarifying that the corridors are conceptual and require ground-truthing and application of the NSW Biodiversity Assessment Methodology prior to decision-making regarding a planning proposal or development application. This would help the industry and community to understand that the Strategy does not dictate planning outcomes.
- B. State that Council acknowledges additional, more detailed work is needed before aspects of the Strategy (such as accurately defining and preserving wildlife**

corridors) can be achieved. Overlaying the draft corridor mapping on existing cadastral boundaries shows that some corridors traverse existing or approved residential subdivisions, demonstrating the conflict and confusion that could arise from a literal interpretation of the Green and Blue Grid Map.

- C. **State that the map will not be used to make inferences in relation to species listed as being subject to Serious and Irreversible Impacts (SAIL).** Given the major consequences of SAIL species on development proposals, it is important that these be investigated on a case-by-case basis following a detailed methodology and not influenced by LGA-scale strategic corridor mapping. UDIA members have experienced other councils using high-level maps to make SAIL determinations when ground truthing has demonstrated a workable solution that avoids SAIL but also provides for a development outcome. It is important to establish a collaborative, solutions-focused approach to working through questions with proponents on an individual site basis.
- D. **Acknowledge that more detailed investigation is required in order to specify appropriate corridor widths having regard to the species for which movement is being facilitated.** This is important to avoid a scenario where Council seeks retention or rehabilitation of a narrow, tenuous corridor that is highly unlikely to achieve biodiversity conservation objectives yet may have a detrimental effect on development feasibility.
- E. **Include, either as an appendix, or through downloadable data, the evidence (including species heat maps) that have been used to establish the wildlife corridors.** This would provide transparency and assist the industry to understand and respond to conservation objectives.
- F. **Clarify that the BC Act dictates assessment requirements relating to biodiversity conservation and Council's strategies do not add to a development proponent's obligations in this regard.** Explain how the corridor mapping relates to the BC Act requirement to 'avoid, minimise and offset' impacts on biodiversity – including in the scenario of a corridor that may require revegetation. It is important that Council's Strategy does not unnecessarily add complication, uncertainty or additional costs to an already overly complex area of regulation.
- G. **Comment on how restoration of gaps in identified corridors can be achieved in a way that does not place additional burdens on the development industry.** Council, in consultation with the Department of Planning and Environment's (DPE) Biodiversity Conservation Division (BCD) should agree on priority locations for corridor rehabilitation and seek to facilitate conservation outcomes through the Biodiversity Offsets Scheme (BOS) under the BC Act, possibly working with the Biodiversity Credits Supply Taskforce to create Biodiversity Stewardship Agreement (BSA) sites with landholders. This would help to ensure equitable contributions from developers.

UDIA recommends:

- 1. Clarify the application of the Strategy in the planning hierarchy and in relation to the BC Act by incorporating our recommendations A-G outlined above.**

Improving Resilience

We note that one of the opportunities listed on Page 26 states “As new suburbs are planned, the latest tools and techniques can be used to improve grey, green and blue infrastructure and housing so that communities are more resilient”.

This statement warrants further explanation, including examples of grey, green and blue infrastructure and how they may be improved.

UDIA recommends:

- 2. Provide further explanation and examples about how “the latest tools and techniques can be used to improve grey, green and blue infrastructure and housing so that communities are more resilient”.**

Urban Canopy Cover

In relation to the proposed 30% urban canopy target, it would be useful for comparison purposes for the Strategy to include the current average canopy cover for residential areas in the LGA (as opposed to the LGA as a whole).

Further work is required to indicate how the proposed 30% urban canopy target can be achieved in new greenfield developments, having regard to different housing typologies and dwelling densities. This may warrant changes to road design standards and public domain / public open space requirements that could impact on development proposals. This work should be expedited in consultation with the development industry to find appropriate ways that new development could feasibly incorporate urban heat mitigation measures as soon as possible. Landcom’s Austral project may be informative in this regard, as featured on page 21 of [Landcom’s FY2022 Sustainability Report](#).

To better inform the community, clarity should also be provided on the timeframe post-construction for canopy targets to be achieved given the time required for trees to reach maturity in an urban environment.

UDIA recommends:

- 3. Provide current canopy cover percentages for residential areas and commit to working with the development industry to find appropriate ways that new development could feasibly incorporate urban heat mitigation measures.**

Engagement and Transparency

UDIA appreciates Council's engagement to date with stakeholders including the development industry on this important Strategy. As outlined above, there are a number of areas still to clarify, including the maps themselves. We are aware of members who are providing specific information and studies to you about their sites which will help inform your research.

UDIA recommends that Council exhibit the updated draft Strategy again before the maps are finalised. We trust that feedback from this round of consultation will be incorporated, and additional exhibition would provide the appropriate opportunity for transparent engagement from the community and industry.

We would be pleased to facilitate further engagement with the development industry as you work to finalise the Strategy. We would also value the opportunity to engage with Council in relation to plans that are prepared to help implement aspects of the Strategy – particularly those relating to green and blue corridors and liveable and resilient communities.

UDIA recommends:

- 4. Exhibit the updated draft Strategy before finalisation.**

Conclusion

UDIA appreciates the opportunity to offer our recommendations to the draft Strategy.

If you have any questions or to set up a meeting to discuss our submission, please contact UDIA NSW Regional Manager Elizabeth York at eyork@udiansw.com.au.

Yours sincerely,



Steve Mann
CEO