

Monday, 13 September 2021

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Review of Wollongong Draft Development Control Plan 2009 – Chapter E23 Riparian Land Management

The Urban Development Institute of Australia, NSW (UDIA) is the leading industry body representing the interests of the urban development sector and has over 500 member companies in NSW. UDIA NSW advocates for the creation of Liveable, Affordable and Connected Smart Cities.

UDIA has a strong focus in regional development, and our Illawarra Committee includes industry professionals who are actively working together on key policy issues affecting development and growth. In 2019, UDIA released “*Unlocking the Illawarra Shoalhaven, the Illawarra-Shoalhaven Strategy 2019-20*”, which targets housing affordability for the region, as it has become one of the least affordable in NSW.

The housing supply and affordability issue was further identified in our *Building Blocks Illawarra Shoalhaven 2021* (refer attached), which shows the investment needed to fill the gap in enabling regional infrastructure and aims to achieve housing affordability through a sustained roll-out of greenfield housing supply. With ongoing pressure on housing availability and increasing rental price hikes, it has become critical that Wollongong City Council develops planning provisions that give industry confidence to support the economic recovery as we emerge from the impacts of the COVID-19 pandemic.

Our committee members are concerned with the proposed amendment to the *Wollongong Development Control Plan 2009 – Chapter E23 Riparian Land Management*, which aims to reduce development impacts on catchment water quality and biodiversity, by increasing riparian corridor widths. This includes development on land in or adjacent to mapped watercourses, and development which involves watercourse crossings.

UDIA is pleased to provide a submission to Council on the proposed amendments to the Wollongong DCP – Chapter E23 Riparian Land Management and our key recommendations are presented below in Section 1, with further recommendations provided in Table 1.

Key Recommendations

1. **That Council continues to allow applicants to use the Natural Resource Access Regulator, *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors 2018*, to determine the most appropriate riparian corridor widths for classified streams present on a development site.**
2. **That Council does not increase riparian corridor widths beyond the NRAR Guidelines and/or beyond land zoned E3 Environmental Management.**
3. **That Council imposes a maximum three (3) year timeframe for a developer to establish and maintain a riparian corridor prior to handover to Council.**

Justification of Key Recommendations

Justification of our primary recommendations is presented below:

1.1 Use of current Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors (NRAR, 2018)

Industry recognises that riparian lands play a key ecological and hydrological function that supports catchment management and leads to improved environmental outcomes. Riparian lands are typically a first-step assessment issue that applicants work on once preliminary site planning occurs.

For some time, applicants have willingly applied the provisions relating to riparian land management at the various development sites within the Wollongong City Local Government Area, whether they be the Council provisions or those imposed in the *Natural Resource Access Regulator, Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors 2018* (NRAR Guidelines).

UDIA is concerned about draft DCP Clauses 9.2.3 and 9.2.4, which allow Council to increase the riparian corridor widths beyond the NRAR Guidelines and land zoned E3 Environmental Management based on flooding. The draft clauses will impact on the maximum developable area within a site zoned residential; and since they are a minimum width requirement, it could allow Council to impose greater riparian corridor widths at the Development Application stage.

UDIA contends that the current NRAR Guidelines provide a workable outcome with riparian land management. NRAR's practical approach has achieved a balance of providing ecological outcomes at the various greenfield development sites within the West Dapto urban release area.

The process to amend the riparian corridor width requirements (Clause 9.2.6 and 9.2.7) should also require Council to consider a broader range of issues than those presented.

1.2 Maintenance timeframes for riparian lands to be limited to three years

The review of Chapter E23 provides an opportunity to nominate an appropriate developer maintenance period for riparian lands. UDIA contends that a developer should not be required to maintain riparian land for an extended period after an initial phase of landscape planting and maintenance has occurred.

A maximum three-year developer maintenance period is suitable in most circumstances before handover to Council. Any extension will impose an unreasonable development cost, especially if a developer must undertake emergency works following extreme weather, respond to unlawful actions and/or constantly remove illegal dumping.

Once the maintenance period is over, UDIA supports a seamless handover of the lands and reference is made to the Camden Council *Dedication of Constrained Lands Policy*.

1.3 Impacts on Housing Affordability

The Illawarra Region is facing increasing housing stress and frequent rental price hikes. Provisions that result in further loss of housing potential are concerning, especially with Council's proposal to increase the riparian corridor widths over and above current NRAR guidelines.

The use of a minimum width requirement for riparian land could also result in a further loss of developable land at the DA Stage. This uncertainty will impact on development feasibilities, especially with the combined buffer zone requirements to manage bushfire risk. The increased riparian corridor widths will inevitably result in higher house prices to achieve a reasonable return on investment.

UDIA contends that Council should not increase restrictions on developable housing land for an industry which is facing uncertainty due to the COVID pandemic and added time constraints imposed by the neighbourhood planning process.

To reduce ongoing Council maintenance costs and developer financial burdens, UDIA recommends that the following options should be investigated:

- The use of Special Infrastructure Contribution (SIC) Grant funds to improve biodiversity outcomes for the West Dapto regional catchment;
- Introduction of a reasonable rate price increase for new landowners living in areas of high environmental value which contain Category 1 Streams' and
- Other creative solutions to the ownership and maintenance of riparian lands by the community and/or other stakeholders.

2. Other Recommendations

Further to the above, UDIA also supports the following recommendations presented in Table 1

Table 1 – Other recommendations proposed by UDIA NSW

Recommendation	Justification
Recommendation No.4 – Council to modify the process to amend the riparian corridor width requirements (Clause 9.2.6 and 9.2.7) to respond to key issues.	To respond to the following issues: <ul style="list-style-type: none">• Certain site conditions• Substantial loss of developable land• Compliance with other setback requirements i.e., bushfire buffer zones• Environmental benefits achieved• The opportunity to place low scale infrastructure with minimal environmental impact in the riparian corridor.
Recommendation No.5 – Council to investigate the funding and maintenance options for riparian lands presented in Section 2.3.	To reduce ongoing Council maintenance costs of riparian lands and any increases in developer costs directly affecting housing affordability.

UDIA remains concerned with the proposal to increase riparian corridor widths, which will result in the loss of developable land, without much environmental benefit. The recommendations presented in this submission will help address some of the industry concerns with the Draft DCP, which include:

- The need to maintain the current riparian corridor widths as presented in the NRAR guidelines;
- The need for a maximum three-year developer maintenance period of the riparian lands prior to handover to Council; and
- The need to provide maximum developable land for housing to sustain the greenfield supply and to keep house prices low.

UDIA is keen to collaborate with Council to ensure our concerns are addressed in the further shaping of the proposed amendment to the Wollongong DCP 2009 (Chapter E23 – Riparian Land Management).

Should you have any further enquiries, please contact Mr David White, GWS and South Regional Manager at dwhite@udiansw.com.au or on 0415 914 612.

Yours sincerely,

A handwritten signature in black ink, reading "Steve Mann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Mann
Chief Executive
UDIA NSW