



THE FARM BROULEE

Planning Proposal

207 Broulee Road, Broulee

Prepared for
Brightlands Living Pty Ltd

18 July 2023 (Revision A)

ppd | planning consultants

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1 INTRODUCTION

1.1 Background

This Planning Proposal has been prepared by PPD Planning Consultants on behalf of Brightlands Living Pty Ltd (the **Proponent**) to amend Eurobodalla Local Environmental Plan (LEP) 2012. This proposal describes the outcome and justification for amending LEP 2012 and is the key part of the LEP making process as set out under Division 3.4 of the Environmental Planning & Assessment Act (EP&A Act) 1979.

This Proposal relates to lands identified as 207 Broulee Road, Broulee (the **Subject Site**). **Figure 3** provides an aerial view of the subject site.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act 1979 having due consideration to the provisions of the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment.

1.2 Supporting Documentation

The following documentation accompanies this proposal:

1. Concept Design Explanatory Report

Prepared by HATCH | Roberts Day the explanatory design report provides an overview of the place and site analysis and explains the vision and design principles in detail. The report is accompanied by a concept masterplan for 207 Broulee Road based on 'agrihood' and eco-village principles. The Plan results in an alternative form of development that is unique to conventional low density development and rural living in form, management, tenure and services provided, and is highly responsive to the rural and environmental factors which characterise the site.

2. Urban Design Presentation

Prepared by Brightlands Living (the proponent) this report provides the background and philosophy of Brightlands Living and their vision for the site to create Australia's leading wellness community.

3. Broulee Housing Study

Prepared by Hill PDA Consulting this report provides preliminary market findings of the Broulee housing market and includes a summary of the key findings.

4. Preliminary Biodiversity Assessment

Prepared by Ecological Australia this report describes the biodiversity values of the subject land and provides advice for the proposed development.

5. Traffic Report

Prepared by CJP Consulting Engineers this report assesses the traffic, parking, access, transport and servicing characteristics of the Planning Proposal, and the associated impacts of the proposal on the surrounding road network, parking and transport environment.

6. Bushfire Risk Assessment

Prepared by Bushfire Protection Planning and Assessment Services Pty Ltd this report provides a preliminary bushfire compliance/constraints assessment for the purposes of the proposed development.

7. Aboriginal and Historic Heritage Constraints Assessment

Prepared by Ecological Australia the stated aim of this report is to:

- provide preliminary advice about any heritage items in the study area or its vicinity and include recommendations for further assessment and approvals under the Heritage Act 1977; and
- provide advice about whether recorded Aboriginal objects are present and whether additional Aboriginal objects are likely to be located within study area in order to determine whether any further assessment will be required.

8. Agricultural Assessment

Prepared by Tremain Ivey Advisory this report provides preliminary agricultural assessment of the land for the purposes of the proposed development.

9. Sewer and Water Feasibility Assessment

Prepared by Acor Consultants this report identifies opportunities and constraints relating to servicing of development with water and wastewater assets with respect to existing Council owned water and wastewater infrastructure and assets.

10. Eurobodalla LGA Site Suitability Analysis

Prepared by Earthwise this report provides an analysis of large lots within the Eurobodalla LGA that could potentially be suitable for the creation of a wellness community.

1.3 Scoping Proposal

Eurobodalla Shire Council has undertaken a pre-lodgement review of a scoping report and associated information which provides details in relation to the proposal by Brightlands Living Pty Ltd for land at 207 Broulee Road, Broulee, NSW 2537 (the site).

By letter dated 19 January 2023 Council provided feedback on their review of the Scoping Report and this feedback has helped form the key provisions and responses in this planning proposal as detailed in **Table 1** below.

Table 1 Response to Review of Scoping Report

Summary of Review	Comments
1. Overview of the proposal	Areas of the proposed residential accommodation are provided in s4.2 & 5.2.
2. Statutory planning 2.1 Relevant ELEG 2012 provisions	No contention with the summary of Relevant ELEG 2012 provisions applying to the subject site.

	Noted: The Class 2 acid sulfate soils classification relates only to the lands zoned C2 Environmental Conservation. Lands zoned RU1 and proposed to be zoned C4 do not have any acid sulfate soils classification.
2.2 Section 9.1 Ministerial Directions	Consistency with the relevant Ministerial Directions applying to the proposal are addressed in Table 6, page 32. This includes assessment of consistency with direction 9.2 Rural Lands.
3. Strategic merits of the proposal	
3.1 Region Plan and Draft Region Plan	Addressed in s5.3.2, page 24 and in Table 3.
3.2 Eurobodalla Local Strategic Planning Statement (LSPS)	Addressed in s5.3.2, page 27 and in Table 4,
3.3 Rural Lands Strategy	Addressed in s5.3.2, page 29.
3.4 Eurobodalla Settlement Strategy 2006-2031	Addressed in s5.3.2, page 30.
3.5 Draft Local Housing Strategy	Addressed in s5.3.2, page 30.
4. Site specific merits of the proposal	
4.1 The natural environment	Addressed in s5.3.3, page 29.
4.2 Existing, approved, and future uses	Addressed in chapter 6, page 39,
4.3 Services and infrastructure	Addressed in s5.3.4, page 36.
5. Closing	Deferral to await the outcomes of the Place Strategy for the Batemans Bay Strategic Cluster is addressed in s5.3.1, page 23.

2 SITE DESCRIPTION AND BACKGROUND

2.1 Site Description and Location

Table 2 provides a brief description and location summary of the subject site.

Table 2 Site Description and Location Summary

Street Address	207 Broulee Road, Broulee
Legal Description	Lot 1 DP 1256287
Site Area	125.3 hectares (refer Survey Plan accompanying this proposal).
Brief Site Description	Large irregular shaped rural land holding with a single dwelling on site. Has a significant frontage of 1.2km to Broulee Road in the south and abuts Illawong Nature Reserve to the North and Carroll College to the east.
Heritage	The site is located within the curtilage of the 'Site of Mount Oldrey Homestead' and is identified as an item of local heritage significance.
Topography	The site is very gentle rolling hills that are mostly clear of vegetation.
Services	All relevant utility services including water, sewer, electricity, gas and telephone are/or can be made available to the subject property.

Figure 1 provides a broader context of Broulee in relation to the region, and in particular Canberra.

Figure 2 provides a view of the subject site ('The Farm') in the context of the local region.

The site is conveniently located:

- Adjoining Carroll College
- 3km to Broulee Beach
- 9km from Moruya Airport
- 12km from Moruya Hospital

Figure 3 provides a view of the subject site (outlined in red) in relation to the context of Broulee township and the local area.

Figures 4 & 5 provide general views of the subject site.

Figure 1. Regional Context

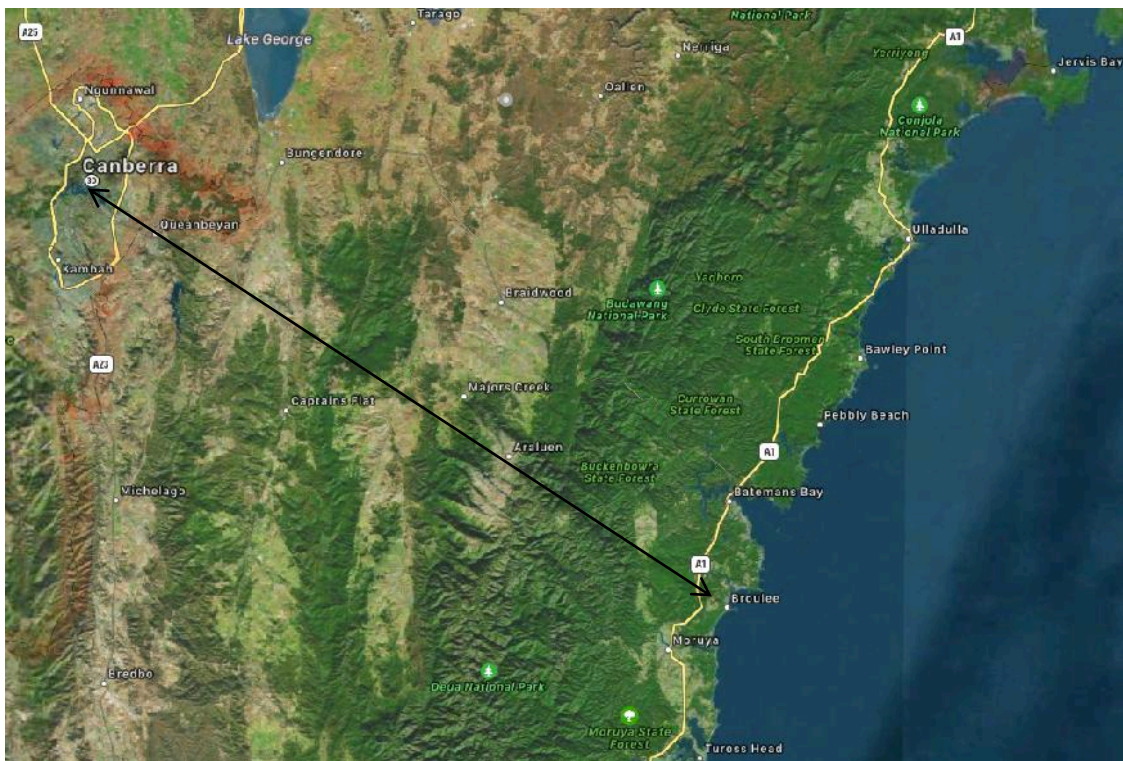


Figure 2. Local Region Context

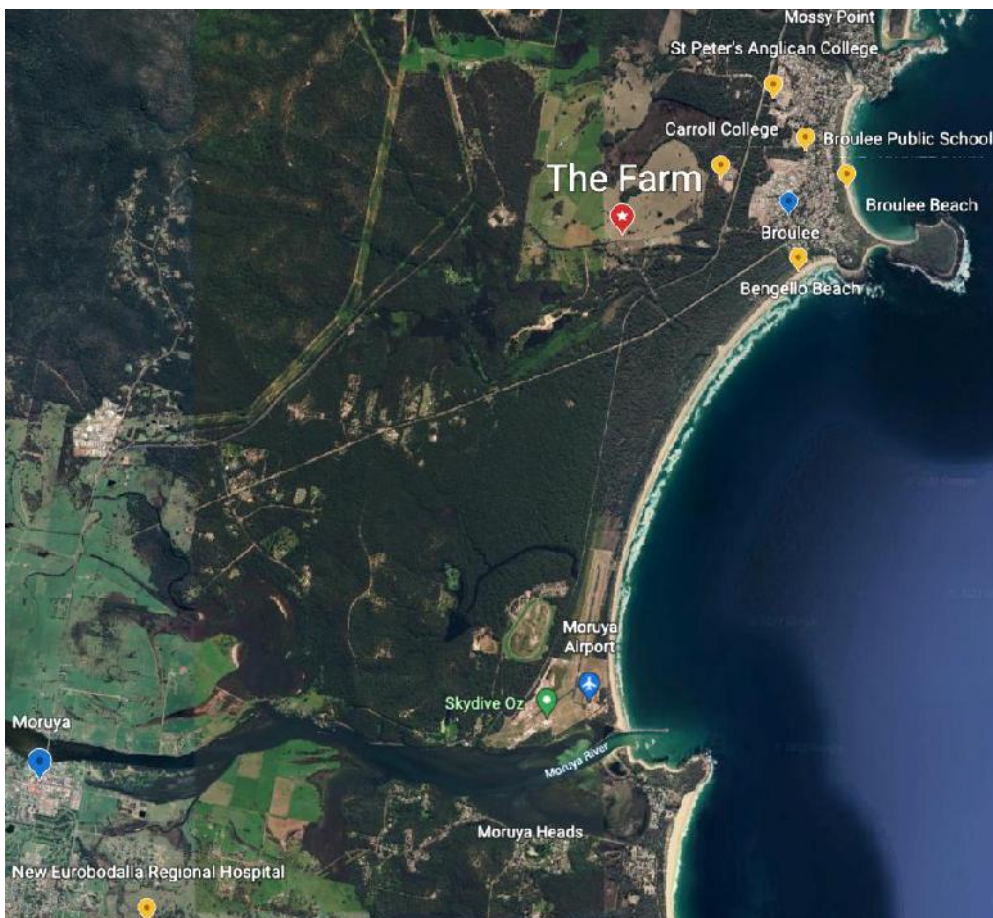


Figure 3. Local Area Context



Figure 4. Views of the subject site



Figure 5. View of the subject site



2.2 Background and Context

Brightlands Living has provided the following background information in relation to creating age-integrated 'agrihood' communities:

Shifting demographics and changing housing preferences are transforming the real estate market in Australia and the South Coast. One major factor is the influence of older persons on the housing market, which is remaking the residential landscape. According to the 2021 Australian Bureau of Statistics data 70% of all households in the Broulee/Tomakin study area contain one or two people yet only 3% of dwellings have one bedroom and the vast majority are three- and four-bedroom dwellings. Generally, older adults particularly empty-nesters and new retirees are rejecting sprawl and demanding more compact, mixed-use, interesting, walkable, and vibrant communities. Having raised their children in the classic house with the large backyard older adults are now looking for active, stimulating communities that accommodate their changing needs and lifestyles—recreational activities, walking and biking, cultural pursuits, hobbies, civic engagement, friends, and social activities. Many older Australians also want smaller, less expensive homes that are accessible to people and neighbourhood amenities; they no longer want to spend the time and money maintaining a large home and property, but they don't want to leave the communities in which they lived and raised their families. Furthermore, they more strongly value a community's sense of place.

Typically, this type of development is referred to as a liveable community and has a growing market appeal among older Australians—and this appeal is mirrored among young families, who are seeking the same types of housing and communities for many of the same reasons.

Benefits to the Brightlands Model:

For residents of all ages:

Physical health/increased exercise: Compact, mixed-use, walkable communities provide greater opportunities for physical activity. Walking trails and open space link through the property providing a greater opportunity to walk, jog and bike ride and promote exercise and physical activity being a part of resident's daily routines. Furthermore, the community facilities will provide daily classes in yoga, tai chi, aqua aerobics etc.

Social interaction/mental health: A great threat to the mental and emotional health of all people is social isolation. This is also particularly prevalent in older people and those with a disability when access and mobility relies heavily on the personal car. The Farm has been designed to promote incidental interactions between residents and will include a café and restaurant as well as communal classes.

Lifestyle pursuits: A growing trend particularly exacerbated by the COVID-19 pandemic was a movement towards working from home. There has also been a casualisation of the workforce offering residents greater time to pursue hobbies and special interests. The Farm will offer daily classes in meditation, yoga and will look to collaborate with many of Australia's leading health and wellness experts. The Farm will also provide a spa and wellness centre offering float tanks, infrared sauna, massage, facial and other spa treatments.

Housing affordability: Greater density can minimise the cost of housing by offering smaller, less expensive housing choices, for older adults, people with disabilities, families and key workers particularly those moving to work at the Moruya Hospital or two High Schools. Denser development generally lowers the cost of land per unit; provides greater economies of scale, which lowers the costs of building materials; generates smaller, less expensive properties; and typically requires less infrastructure and site-preparation costs. In particular due to the fact we already have cleared land we not only do not need to undertake tree clearing or pay for expensive bio-diversity offsets which saves significant cost.

Benefits for communities:

Public safety: Communities that invite greater activity on the streets, in public gathering places, and housing in 'clusters' where all the neighbours know each other are generally safer. In addition, when buildings are arranged closer to one another and closer to the street, the direct line of vision from building to street promotes greater neighbourhood oversight.

Traffic relief: When daily destinations are closer to one another and mixed together, the distance we travel in our cars to accomplish daily tasks, and the number of car trips we take, will decrease. In particular, being located next to Carroll College and walking distance to St Peters College lowers school traffic. Furthermore, pedestrian-friendly streets, trails, and inter-connected roadways bolster this effect. By reducing overall dependence on car travel, communities can reduce Vehicle Kilometres Travelled (VKT), which relieves traffic volume on area roads and improves traffic safety. Brightlands will also offer car sharing electric vehicles on site to minimise car numbers.

Sense of place/sense of community: A community's sense of place is hard to define, yet easy to recognise; we know it when it's there, and it is conspicuous when it is not. Well-planned community design can enhance that sense of

place that we inherently feel in so many of our favourite places, and which creates within us a greater sense of community pride and identity. A sense of place provides emotional and mental benefits to residents, encourages people to enjoy their surroundings by engaging in public activity—walking, shopping, socialising, volunteering, working, recreating, reading on a park bench—and encourages older adults, families, and people with disabilities to remain living in their communities instead of relocating to other areas.

Impediments or barriers to development or implementation:

Local zoning: This is the first proposed 'agrihood' in NSW and therefore the planning framework has not been designed with this highly sustainable compact, mixed-use, diverse, walkable agricultural community in mind.

Imbalance between supply and demand: Market studies reveal that the supply of sustainable, inter-connected communities with safe, accessible public spaces has fallen well behind the demand. These types of communities are too few and far-between to satisfy the current, and growing, demand from a cross-section of community residents, including aging baby boomers. There is significant public acknowledgement of the unsatisfied demand for alternatives to conventional, low-density, auto-dominated suburban development patterns.

Public opposition and misperceptions: Many residents hold negative impressions—indeed, downright fear—of density. Some of these perceptions are based on negative associations with urban life, such as crime, low air quality, and lack of space. The Farm seeks to counter these myths, misperceptions, and fears with rational arguments, facts, diagrams and pictures.

Developer resistance: Many developers are resistant to alternative types of development they may have been providing for decades and they may not be inclined to pursue this new type of housing. It is the vision for The Farm to be Australia's leading wellness community and a model to be emulated by other communities.

3 STATUTORY CONTEXT

The following key provisions of Eurobodalla Local Environmental Plan (LEP) 2012 are relevant to this Planning Proposal.

3.1 Aims of the Plan

Clause 1.2 of ELEP 2012 outlines the particular aims of the LEP as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to preserve the urban growth boundaries of Eurobodalla as identified in the Eurobodalla Settlement Strategy,
- (b) to ensure development embraces the principles of ecologically sustainable development and quality urban design, and encourages walking, cycling and public transport use,
- (c) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology,
- (d) to identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential needs of Eurobodalla,
- (e) to restrict development of land that is subject to flooding, coastline hazard, bush fires and land slip,
- (f) to ensure that resource lands, including agriculture, mineral resources and extractive materials are not rendered sterile from incompatible land use,
- (g) to provide measures to protect and manage the biodiversity and environmental values of the land and waterways,
- (h) to ensure that development takes into account the environmental constraints of the land and minimises any off site and on-site impacts on biodiversity, water resources and natural landforms,
- (i) to identify and protect the cultural and architectural heritage of Eurobodalla, including Aboriginal relics and places, and assist in its promotion as a tourism asset.

3.2 Land Use Table

The subject site is predominantly zoned RU1 Primary Production and part C2 Environmental Conservation as detailed in **Figure 7**.

The relevant objectives and provisions of the RU1 zone are as follows:

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the visual impact of development on the rural landscape.
- To provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Aquaculture; Camping grounds; Cellar door premises; Dual occupancies; Dwelling houses; Eco-tourist facilities; Extractive industries; Farm buildings; Funeral homes; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Amusement centres; Business premises; Caravan parks; Centre-based childcare facilities; Entertainment facilities; Heavy industrial storage establishments; Hotel or motel accommodation; Industrial retail outlets; Industries; Office premises; Residential accommodation; Restricted premises; Retail premises; Serviced apartments; Sex services premises; Vehicle body repair workshops; Vehicle repair stations

The relevant objectives and provisions of the C2 zone are as follows:

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To identify sensitive coastal lakes, estuaries, wetlands, overland flow paths and riparian zones and those areas at risk from coastline hazards, including sea level rise.
- To protect and improve water quality.
- To protect and enhance the natural environment for recreation purposes.
- To manage items, places and landscapes of Aboriginal cultural heritage significance into the future in collaboration with the local Aboriginal community.

2 Permitted without consent

Environmental protection works

3 **Permitted with consent**

*Boat sheds; Camping grounds; Environmental facilities; Oyster aquaculture
Roads; Sewerage systems; Water recreation structures; Water supply systems*

4 **Prohibited**

*Business premises; Hotel or motel accommodation; Industries; Local distribution
premises; Multi dwelling housing; Pond-based aquaculture; Recreation
facilities (major); Residential flat buildings; Restricted premises; Retail premises;
Seniors housing; Service stations; Tank-based aquaculture; Warehouse or
distribution centres; Any other development not specified in item 2 or 3*

3.3 Relevant ELEP 2012 Provisions

The following provisions of ELEP 2012 are relevant to the subject site.

- **Minimum lot size:** 100 ha (corresponding to the RU1 zone)
- **Heritage:** Site of Mount Oldrey Homestead (local significance)
- **Acid sulfate soils:** Class 2 (C2 Environmental Conservation lands only)
- **Wetlands:** Lands zoned C2 Environmental Conservation are identified as Wetlands
- **Bushfire-prone land:** Vegetation Category
- **Subdivision of, or dwellings on, land in certain rural, residential or conservation zones:** Minimise potential land use conflicts between existing and proposed development

4 CONCEPT PROPOSAL

4.1 Project Vision

To create Australia's leading wellness community

4.2 Project Description

The proposal, is accompanied by a number of plans and reports that provide detailed description of the development proposed on the subject site at 207 Broulee Road, Broulee. This includes the following:

- Concept Design Explanatory Report
- Concept Masterplan
- Urban Design Presentation

The proposal, to be more commonly known as “the Farm”, plans to develop a unique community that integrates agriculture into a residential neighbourhood. The purpose is to facilitate food production as well as provide green space, recreation, aesthetics and value for a community in a living environment.

The following provides a general overview of the key elements of the proposal:

- Land is to be zoned primarily C4 Environmental Living (100.0 ha) and the remaining land C2 Environmental Conservation (25.3ha).
- Allow residential development of the C4 zoned lands subject to a density control of up to 8 dwellings per hectare (eg 8 x 100ha = 800 dwellings).
- At least 50% (62.65ha) of the site will be conservation area, green space, market gardens etc and remaining 50% of the site will be developed for housing.
- housing to be distributed as follows:
 - 50% targeted towards over 55's.
 - 35% targeted towards families.
 - 15% of lots provided for affordable housing and key workers. Key workers are to be offered a rent to buy opportunity.
- Provision of an increased bio-diversity corridor at the rear of Carroll College.
- Approximately 10 hectares of the site will be used for vegetable and fruit growing.
- Tree house and kids playground.
- Restaurant/Café.
- Communal building for daily classes in yoga, meditation, sound therapy, tai chi as well as a potential teaching hub for SAGE and the schools.
- Significant walking and bike trails.
- Existing main homesteads to be subdivided into an 11.6 hectare lot providing space for livestock.

- Wellness centre & bathhouse with treatments rooms, steam room, mineral baths, float tanks etc.
- Amphitheatre and education precinct.
- All amenities will link with the facilities at The Bower.

In essence, 'The Farm' is looking to create Australia's leading wellness community with the implementation of 'agrihoods', a clustered housing model and the leading best practice technology to drive sustainability.

The model is designed on the following eight (8) design principles:

1. Health & Well-being

- Daily classes including yoga, meditation and fitness.
- Bath house & float tanks
- Day spa & treatments
- Walking and Cycle paths

2. Community

- Belong Technology App
- In-door and outdoor communal areas
- Community events
- Volunteering opportunities
- Communal kitchens and dining areas
- Community title to improve governance
- Creation of Green grid to connect Broulee

3. Environment

- Conservation zones
- Organic certification & management
- Maintenance of natural water flows
- Flora & Fauna preservation (inc revegetation)

4. Economy

- Local Employment opportunities
- Indigenous employment opportunities
- Increased tourism
- Festivals and medium scale events
- Co-working hubs supported by high-speed internet

5. Housing

- Affordable housing
- Key worker initiative
- Diversity of housing types
- In demand cluster housing model

6. Education

- Creation of discovery centre for the local schools and community

- Collaboration with Carroll College and St Peters College
- Creation of a horticulture program
- Partnership with local Indigenous groups

7. Agrihood

- Organic agricultural lots
- Community gardens
- Café and restaurant

8. Sustainability

- Cluster scale microgrid
- Rapid EV charging stations
- Car & Bike Sharing
- Household PV panels
- Passive solar, energy efficient homes
- Household rainwater tanks

4.3 Public Benefit

The key public benefits of 'The Farm' will include (but not be limited to) the following:

- Rehabilitate the wetlands
- Creation of biodiversity corridors
- Affordable housing
- Key worker housing
- Increased housing supply and diversity of housing.
- Open up 15km of walking and bike trails to the public
- Creation of a discovery centre for the local community
- Education precinct and partnerships with Carroll College, St Peters College, local community.
- Jobs for the local community
- Increased tourism and wellness offering at 'The Bower'
- Ability to activate the adjoining Council owned land.

4.4 Site Specific Development Control Plan

If deemed necessary, a draft site-specific Development Control Plan (DCP) will be prepared more appropriately following Gateway determination and prior to public exhibition of any future Planning Proposal. The DCP will be prepared in consultation with Council and provide additional clarity on the intended outcomes of the Planning Proposal as it relates to more detailed site-specific provisions.

5 PLANNING PROPOSAL

This Planning Proposal seeks an amendment to Eurobodalla Local Environmental Plan (LEP) 2012 to facilitate development of the subject site at 207 Broulee Road, Broulee as described in Section 4.1 of this proposal.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act 1979 and the provisions prescribed in the Local Environmental Plan Making Guideline September 2022 prepared by Department of Planning, Industry and Environment. These provisions require the following matters to be addressed:

- **Part 1 – Objectives and intended outcomes** – a statement of the objectives of the proposed LEP
- **Part 2 – Explanation of provisions** – an explanation of the provisions that are to be included in the proposed LEP
- **Part 3 – Justification of strategic and site-specific merit** – justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- **Part 4 – Maps** – maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
- **Part 5 – Community consultation** – details of the community consultation that is to be undertaken on the planning proposal
- **Part 6 – Project timeline** – project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline

5.1 Part 1 - Objectives and intended outcomes

Objective

The objective of the Planning Proposal is to amend Eurobodalla Local Environmental Plan (LEP) 2012 to allow for development of 'The Farm', an agrihood development, on 126.74ha of land at 207 Broulee Road, Broulee. This development seeks to become a model of highly sustainable future development for NSW following the success of the award winning 'The Cape' development in Victoria and Witchcliffe Eco-village in Western Australia.

An agrihood is typically defined as a type of planned community that integrates agriculture into a residential neighbourhood. The purpose is to facilitate food production as well as provide green space, recreation, aesthetics and value for a community.

Figure 6 provides an example of what an 'agrihood' development may look like.

Intended outcomes

- Provide for overall health & well-being
- Create a distinctive and unique community
- Enhance the existing environment
- Improve the local economy around local employment opportunities, indigenous employment opportunities and increased tourism

- Increased diversity of housing types to address affordability and key workers
- Provide education in partnership with local organisations, schools, TAFE and local indigenous groups
- Create a very unique planned community that integrates agriculture into a residential neighborhood (ie Agrihood)
- Create a community that is highly sustainable

Figure 6. Typical 'agrihood' development



5.2 Part 2 – Explanation of Provisions

The planning proposal will be achieved by amending ELP 2012 as follows:

- Increasing the existing area zoned C2 Environmental Conservation as detailed in **Figure 7**;
- Rezoning that part of the remaining subject lands (outlined in green) zoned RU1 Primary Production to C4 Environmental Living as detailed in **Figure 7**;
- Including a maximum height limit of 8.5m for land proposed to be zoned C4 Environmental Living (refer **Figure 8**) and
- Including a site specific local provisions clause to allow residential development of the C4 zoned lands subject to:
 - maximum dwelling density of 8 dwellings per hectare; and
 - minimum 50% of the subject site being provided as conservation area, green space, market gardens etc.

Figure 7. Existing and proposed zoning of the subject site

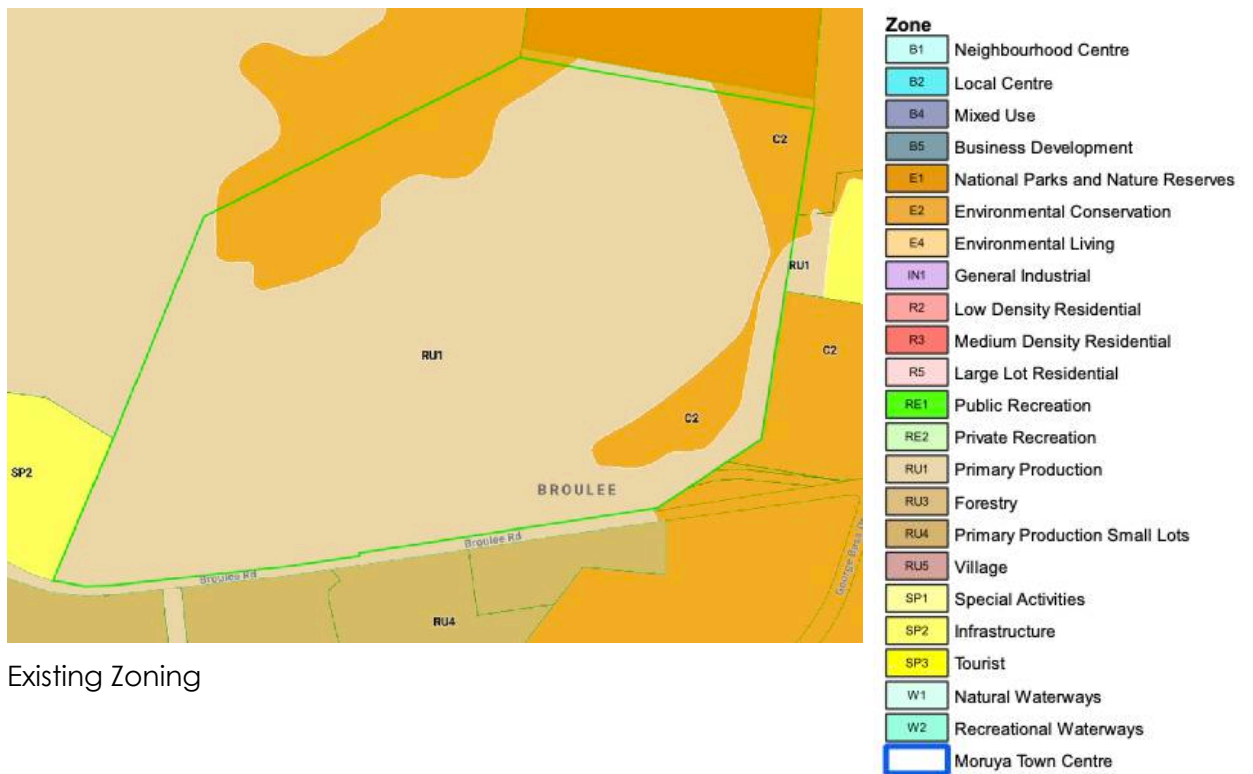


Figure 8. Existing and proposed building height mapping



Existing Height of Buildings mapping (extract)



Proposed Height of Buildings mapping (extract)

5.3 Part 3 – Justification of Strategic and Site-Specific Merit

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported.

The following sub-sections address the assessment criteria detailed in the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment.

Following Sections A and B provide detail on how the proposal has strategic merit by aligning with the relevant NSW strategic planning framework and any endorsed local strategy or strategic plan which, for the site and the proposal, includes the following:

- NSW Government's South East and Tablelands Regional Plan 2036 (Region Plan) and the Draft South East Tablelands Regional Plan 2041 (Draft Region Plan)
- Eurobodalla Local Strategic Planning Statement 2020-2040 (LSPS)
- Eurobodalla Rural Lands Strategy 2016 (Rural Lands Strategy), and
- Eurobodalla Settlement Strategy 2006-2031 (Settlement Strategy).

The proposal addresses all relevant principles, objectives and actions in the relevant strategic plans and in particular gives direct effect to the following key regional themes:

1. Recognising Country, people, and place.
2. Enhancing sustainable and resilient environments
3. Leveraging diverse economic identities
4. Planning for fit for purpose housing and services
5. Supporting a connected and active region

Following Sections C, D and E identify the potential positive environmental, social and economic impacts of the proposal and demonstrates how the proposal has site-specific merit in the context of the following assessment criteria:

- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)
- existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates, and
- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Additional information on the site-specific merits of the proposal is provided in Chapter 6.

5.3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way

Yes. Following consideration of the following options this planning proposal is considered the only means of achieving the objectives and outcomes described in s5.1 of this proposal.

Option 1 – Use the site for current purpose

This option involves development of the site for primary industry production under the current objectives of the RU1 zone.

An *Agricultural Consulting Report* has been prepared and accompanies this proposal. The report confirms:

- the subject site is currently used for the grazing of cattle,
- there is significant degradation to existing wetlands from cattle,
- the cattle enterprise could only support part- time work on a commercial basis, and
- the removal of grazing animals from of the wetlands would enhance the environmental value of the project site.

Option 2 - Do Nothing and wait for new strategy

Consideration has been given to waiting for the outcomes of the Place Strategy for the Batemans Bay Strategic Cluster.

There is no indication/certainty the unique 'agrihood' type of development proposed will be considered as part of this strategy notwithstanding the likely opportunities for public input into that process.

There is a real possibility the site will continue to remain in its current state and will not achieve redevelopment that supports:

- Increased supply of jobs,
- Increased supply of diverse housing, and most importantly
- Delivery of community benefits that will see the future revitalisation of land that is no longer identified as being ideally suited for the purposes of which it is currently zoned.

5.3.2 Section B – Relationship to the Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. In determining whether the proposal has strategic merit, consideration has been given to whether the planning proposal can align with the relevant NSW strategic planning framework, in particular, NSW Government's South East and Tablelands Regional Plan 2036 (Region Plan) and the Draft South East Tablelands Regional Plan 2041 (Draft Region Plan).

The draft South East and Tablelands Regional Plan 2041 underwent public exhibition and the department is now closely considering how the submissions and feedback will be incorporated into the final plan.

The Department's website confirms:

"The draft plan contains 25 objectives under 5 themes to guide planning and land-use decisions over the next two decades to unlock the region's potential.

The draft plan contains the latest housing forecasts, and has a strong focus on Aboriginal self-determination, sustainability and resilience-planning against natural disasters to help build stronger communities.

The draft plan delivers strategies to manage and shape the region's growing cities and centres. These strategies aim to diversify the economy, create thriving communities and plan for a sustainable future."

Table 3 provides an assessment of how the proposed development can align with the relevant objectives of the draft plan and achieves the overall intent of the Regional Plan.

Table 3 - Consistency with draft South East and Tablelands Regional Plan 2041

Theme 1 Recognising Country, people, and place	
Objectives	Comments
OBJECTIVE 1: Build capacity for shared knowledge about Aboriginal culture in land use planning	The proposal will strengthen ties with the local aboriginal community through partnerships, education and jobs.
OBJECTIVE 2: Strengthen Aboriginal self-determination	Aboriginal self-determination will be strengthened by the partnership with Blackrock Industries that will provide pathways for employment of indigenous people.
OBJECTIVE 3: Support diverse, vibrant and socially active communities	The primary objective of the proposed 'Farm' development is to create a very unique community that integrates clustered housing with food production and world best practice sustainable technology. The Farm will be the first development of its kind in NSW that will be truly building and feeding a sustainable community.
OBJECTIVE 4: Preserve the heritage and character of the region's towns and villages	Refer s6.2.3 of this proposal
Theme 2 Enhancing sustainable and resilient environments	
Objectives	Comments
Objective 5 Protect important environmental assets	As described in the <i>Agricultural Consulting Report</i> accompanying this proposal, <ul style="list-style-type: none"> the subject site is currently used for the grazing of cattle,

	<ul style="list-style-type: none"> • there is significant degradation to existing wetlands from cattle, • the removal of grazing animals from of the wetlands would enhance the environmental value of the project site.
Objective 6 Enhance biodiversity, habitats and the connections between them	A key concept of this proposal is the creation of a new model for sustainable living that will benefit the resident's health and well-being by enhancing biodiversity, habitats and the connections between them.
Objective 7 Build resilient places and communities	A key concept of this proposal is building a resilient community based on a model of sustainable living that will further benefit the resident's health and well-being.
Objective 8 Plan for a net zero region by 2050	The planning Proposal will deliver a sustainable living environment including a microgrid that will help the region reach a net zero emissions target by 2050.
Objective 9 Secure water resources	Refer comments in Objective 5.
Objective 10 Manage the role and operation of extractive industries	Planning Proposal does not propose any extractive industries.

Theme 3 Leveraging diverse economic identities

Objectives	Comments
Objective 11 Realise economic benefits from a connected regional economy	The core concept of this proposal is to promote innovation and sustainability in agriculture through development of a unique housing model.
Objective 12 Promote a year-round visitor economy	In connection with the adjoining Bower development The Farm will promote eco and wellness tourism.
Objective 13 Promote innovation and sustainability in agriculture and aquaculture industries	The proposal is underpinned by the agrihood concept with the intent to incorporate around 14 hectares of space for livestock away from the wetlands and vegetable and fruit growing.
Objective 14	The proposal will support the development of a circular economy by encouraging active community participation in local food growing

Support the development of a circular economy	and provide education on farming practices through collaboration with St Peters College and Carroll College.
Objective 15 Promote business and employment opportunities in strategic locations	The Farm will promote and provide a model for innovation and sustainability in agricultural, community, wellness and educational commercial enterprises.

Theme 4 Planning for fit for purpose housing and services

Objectives	Comments
Objective 17 Plan for a supply of housing in appropriate locations	<p>The South East and Tablelands Region is expected to grow to just over 350,000 residents by 2041 with around 10% (6,222 residents) of this forecast population increase to come from the Eurobodalla Shire.</p> <p>This proposal directly responds to housing need and will provide:</p> <ul style="list-style-type: none"> • Housing that integrates agriculture into a residential neighbourhood that is not being currently provided in the region • More affordable housing • A unique housing lifestyle opportunity that manages rural living • Provide efficient access to infrastructure and services
Objective 18 Plan for more affordable, low-cost and social housing	A key feature of The Farm model is the provision of affordable, key worker, seniors living and family- oriented housing.
Objective 19 Improve the quality, resilience and sustainability of housing	The clustered housing model of The Farm would maximise infrastructure efficiency, also allowing for shared rainwater and wastewater collection, and an electricity micro-grid.
Objective 20 Manage rural living	The proposal is designed to help conserve the local natural environment and agricultural land, with an increased biodiversity corridor, and dedicated agricultural space. The Farm would be located on land without significant flood risk or bushfire constraints.
Objective 21 Provide efficient access to infrastructure and services	The Farm is well located in regard to having easy access to existing educational facilities, health services, community and social services in the township of Broulee and nearby township of Moruya

Theme 5 Supporting a connected and active region

Objectives	Comments
Objective 22 Strengthen cross-border connectivity and infrastructure coordination	The proposal seeks to implement physical and community infrastructure which connects and strengthens existing land uses in the locality, such as Carroll College and The Bower, and support the growth of the township of Broulee.
Objective 24 Plan for walkable centres	The proposal seeks to open 15kms of walking trails that will connect and strengthen existing land uses in the locality and connectivity with the township of Broulee.
Objective 25 Adapt infrastructure to meet future needs	The proposed Farm community is designed to be self-sufficient if isolated in a natural disaster event through the implementation of a micro-grid and other best practice technologies

4. Is the planning proposal consistent with council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. **Table 4** provides an assessment of how the proposed development can align with the relevant planning priorities of the Eurobodalla Local Strategic Planning Statement (ELSPS).

The ELSPS encourages infill and higher density housing in already built-up areas of the main towns in Eurobodalla. There is also support in the ELSPS for the need to provide greater diversity in housing to suit future housing needs, particularly for smaller households.

The statement's vision is *"to create great places through more liveable, sustainable, productive and collaborative communities"*. This vision is achieved through the development of planning priorities that are formulated under the following four (4) broad planning principles:

1. Our place
2. Our environment
3. Our connection
4. Our business

Table 4 - Consistency with ELSPS

1. Our place	
Planning Priorities	Comment
1. Encourage greater housing diversity and affordability	The Planning Proposal has been developed to directly address the housing diversity and affordability needs of Eurobodalla Shire that were highlighted in the Broulee Housing Study conducted by Hill PDA. This includes the provision of affordable, key worker, seniors living and family- oriented housing.
2. Enhance the distinctive character and heritage of towns, villages and hamlets	The proposal will enhance the character of Broulee by providing an opportunity for residents and visitors to experience NSW's first 'agrihood' development.
3. Consolidate development within town and village centres	<p>The proposal is next to Carroll College and a natural extension of the town and provides an alternative to high density development that has been heavily opposed by local community groups in Broulee. It also provides greater diversity of housing types accessible to nearby town and village centres.</p> <p>The analysis of housing demand in Broulee in s6.4 of this proposal details how the diversity of housing type proposed has the capacity to delivery positive benefits for the community in an LGA where there is a stated housing crisis.</p>
2. Our environment	
4. Adapt to natural hazards	Section 6.3 of this proposal details how the proposed development adequately addresses the risks and hazards the region is likely to experience.
5. Conserve and celebrate bushland and waterways	The proposal is designed to help conserve the local natural environment and agricultural land, with an increased biodiversity corridor and dedicated agricultural space.
6. Promote sustainable living	<p>The planning proposal promotes sustainable living like no other proposal in NSW.</p> <p>'The Farm' is proposed to become a carbon negative community with initiatives such as an on-site micro grid, installation of rapid EV charging stations, car and bike sharing, household PV panels, passive solar and energy efficient design with household water tanks to each dwelling.</p>

Our connection	
7. Collaborate with NSW government in delivering strategic infrastructure projects	Brightlands Living has made approaches with regard to providing key worker housing for the new Moruya Hospital on completion.
8. Align local infrastructure delivery with planned growth	This proposal does not require significant existing urban infrastructure to be renewed.
9. Develop highly accessible town and activity centres	The proposal will deliver housing options that are suited to an existing rapidly ageing population and is well located in relation to the goods and services available in Broulee.
Our business	
10. Promote nature-based tourism opportunities	The proposal provides for nature based activities that have the potential to attract more visitors to the region in the winter months
11. Activate town and village centres	The proposal does not detract from the unique character of town and village centres that more commonly provide a concentration of commercial and tourism activities such as the waterfronts of Batemans Bay, Narooma and Moruya and Broulee
12. Ensure an adequate supply of employment lands	The proposal provides for the development of smaller niche employment lands directly adjacent the township of Broulee. In particular, the proposal will improve the local economy by providing local employment opportunities, indigenous employment opportunities and increased tourism.
13. Promote a diverse and sustainable agriculture sector	Community demand for locally produced and sustainable food increases and this proposal is unique in that it will provide a housing model that is underpinned by the agrihood concept with the intent to incorporate around 14 hectares of space for livestock and sustainable vegetable and fruit growing.

Further consideration has been given to the proposal's consistency with the following local strategies and plans.

Rural Lands Study

As noted by Eurobodalla Council in their review of the scoping report for this proposal dated 19 January 2023,

"The Rural Lands Strategy was adopted by Council in February 2016. It recognises that the rural lands of the Eurobodalla LGA are a vital resource and sets a vision and action plan for 20 years, until 2036".

and

"The strategy considers that the RU1 Primary Production zone is appropriate to define the broadscale areas of rural Eurobodalla, noting that of 1,730 landholdings in the RU1 zone, only 7% are over 100 ha. The strategy recognises that these larger properties have prospects for commercial agriculture and aims to minimise their fragmentation, especially where they contain productive agricultural land".

An *Agricultural Consulting Report* has been prepared and can be found accompanying this proposal. The report responds directly to the directions in sections 5.7.2.1, 5.7.2.2 and 5.7.2.3 and 5.7.3 of the Eurobodalla Shire Council 'Rural Lands Strategy (volume 1)'.

Analysis undertaken in the report indicates

- the land is not highly productive and is generally suited to cattle grazing
- a cattle enterprise on the project area is not considered to be commercially viable.

Compounding this analysis, Council has recognised areas on the property for environmental conservation, have requested an additional biodiversity corridor and, as a part of this conservation corridor, Council has requested that livestock be removed from these areas.

In summary, these lands do not have prospects for viable commercial productive agriculture and are not appropriately defined as the broadscale areas of rural Eurobodalla.

It is also very important to note the Rural Lands Study did not consider or contemplate the type of development being proposed here that incorporates clustered housing with agriculture and the rural lands to create a one-off sustainable community. Examples from around the world highlight how this type of development is not suited to being located in the more 'traditional' residential zoned land holdings accommodating 'traditional' housing types and communities.

Eurobodalla Settlement Strategy 2006-2031

Council's stated key function of the Settlement Strategy was *"to inform the application of land-use zones and specific provisions that were included in ELEP 2012, and which provided for the current zoning and minimum lot size provision of the site"*.

It is recognised there are a number of issues currently facing coastal villages including development pressure on land that separates settlements causing ribbon settlement stretching along the coastal edge and along the main access road, and large scale subdivisions that erode the compact footprint and natural setting.

The unique nature and character of the proposed 'agrihood' development is not the type of development that has been considered in any great depth when consideration has been given to the nature of settlement in and around villages in predominantly rural areas. The proposal is unconventional and will provide for development that will not result in:

- conventional ribbon settlement along a main access road to Broulee,
- conventional large scale subdivision that can erode the compact footprint and natural setting of Broulee, and
- large scale buildings that will detract from the settlements' relationship to geographic location, views and vistas of the surrounding natural environment.

The unique character of the agrihood style development will contribute significantly to the maintenance of a compact footprint and the natural setting of Broulee.

Broadly, the proposed development aligns with the aims of the Eurobodalla Settlement Strategy because the proposal:

- Will conserve and improve biodiversity,
- Will respect our diverse cultural background by forming partnerships with the local indigenous community, and
- Will stimulate economic and community development with the advent of cluster housing in an agricultural neighbourhood.

Draft Local Housing Strategy

Council is working to deliver a draft Local Housing Strategy for public exhibition in 2023, which will identify the demand for housing in the Eurobodalla LGA for a 20-year period.

Council has indicated early analysis suggests the capacity of existing residential zoned land to provide homes on both greenfield and infill sites is sufficient to meet future expected housing demand. Council has also indicated this is consistent with the strategic plans considered above that support investigating opportunities for infill housing development to provide more dwellings and the required diversity in housing type.

A *Broulee Housing Study* has been undertaken and a copy of the study can be found accompanying this proposal.

In conclusion, the analysis in the study of the local area data has demonstrated the following key points:

- The mix of dwellings proposed is designed to directly respond to the demographic needs of the area and provide housing that aligns with demand.
- The proposal provides a viable and innovative alternative to respond to the housing crisis that is occurring across the LGA.
- The review demonstrated that the proposal was able to directly respond and align to all strategic planning documents, including directions around housing, rural lands, economic development, community and conservation.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no further State and regional studies or strategies that are considered applicable to this Planning Proposal.

6. Is the planning proposal consistent with applicable SEPPs?

Yes. **Table 5** below provides an assessment of the Planning Proposal against the applicable State Environmental Planning Policies (SEPPs) and confirms the proposal is consistent with the applicable SEPPs.

Table 5- Consistency with applicable SEPPs

Applicable SEPPS	Consistency
Biodiversity and Conservation SEPP	A <i>Biodiversity Report</i> accompanies this proposal and identifies how the proposal will protect environmental values of the site, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources.
Primary Production SEPP	The planning proposal achieves a balance between rural needs, including farming, and development while reducing the risk of land use conflict and rural land fragmentation. This is achieved through the implementation of a unique 'agrihood' development that is a planned community lifestyle that integrates agriculture into a residential neighborhood that will facilitate food production as well as provide green space, recreation, aesthetics and value for a community.
Resilience and Hazards SEPP	<p>Background research indicates a history of the site being used for residential and farming uses with no indication of contamination.</p> <p>As identified in the Biodiversity Report that accompanies this proposal, part of the C2 Environmental Conservation zoned lands in Figure 7 is identified as coastal wetlands and there is an associated Proximity Area that constrains development. In accordance with the provisions of cl.2.8 of this SEPP, The Farm concept plan has been prepared having no development within the Proximity Area that will significantly impact on</p> <ul style="list-style-type: none"> (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. **Table 6** below provides an assessment of the Planning Proposal's consistency with the relevant Directions issued by the Minister for Planning to relevant planning authorities under section 9.1 (2) of the Environmental Planning and Assessment Act 1979.

Table 6 - Consistency with applicable Ministerial Directions

Focus area 1: Planning Systems	
Ministerial Direction	Consistency
1.1 Implementation of Regional Plans	Refer s5.3.2 of this proposal. The planning proposal does not undermine the achievement of objectives from the draft South East and Tablelands Regional Plan 2041.
1.3 Approval and Referral Requirements	<p>The planning proposal is substantially consistent with the terms of this direction because the proposal;</p> <ul style="list-style-type: none"> • minimises the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and • does not contain provisions requiring concurrence, consultation or referral of a Minister or public authority, and • does not identify development as designated development:
1.4 Site Specific Provisions	The planning proposal is consistent with the terms of this direction because it will amend ELEP 2012 in order to allow particular 'agrihood' development to be carried out by rezoning the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone.
Focus area 3: Biodiversity and Conservation	
Ministerial Direction	Consistency
3.1 Conservation Zones	The planning proposal applies to land within a conservation (C2) zone in the ELEP 2012 and does not reduce the conservation standards that apply to the land.

3.2 Heritage Conservation	The planning proposal addresses the conservation of the 'Site of the Mount Oldrey Homestead' and aboriginal heritage as detailed in s6.2.3.
4.3 Planning for Bushfire Protection	<p>The planning proposal addresses bushfire protection as detailed in s6.3.3.</p> <p>In accordance with direction 4.3 consultation with the Commissioner of the NSW Rural Fire Service will be undertaken following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p>
4.4 Remediation of Contaminated Land	<p>Land subject of this proposal is not within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>Development for a purpose referred to in Table 1 to the contaminated land planning guidelines is not being, or is known to have been, carried out on the subject land.</p>
4.5 Acid Sulfate Soils	The part of the site that is subject to rezoning and intensification of land uses is not identified as having acid sulfate soils.

Focus area 5: Transport and Infrastructure

Ministerial Direction	Consistency
5.1 Integrating Land Use and transport	<p>The Farm will improve access to housing, jobs and services by walking and cycling because The Farm</p> <ul style="list-style-type: none"> proposes the establishment of a framework of public and private streets as well as significant pedestrian and cycle pathways which connect through the adjoining properties (ie The Bower) and provide access to Broulee town centre. will open 15kms of walking trails that will connect and strengthen existing land uses in the locality and connectivity with the township of Broulee. will provide local employment opportunities and indigenous employment opportunities.

5.2 Reserving Land for Public Purposes	The planning proposal does not undermine the achievement of reserving land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	<p>The planning proposal is near the Moruya Airport. In accordance with the provisions of this direction, the planning proposal</p> <p>Sets an appropriate 8.5m maximum building height control standards; and</p> <p>does not propose development types that are incompatible with the current and future operation of Moruya airport.</p>

Focus area 6: Housing

Ministerial Direction	Consistency
6.1 Residential Zones	<p>This direction applies because the planning proposal will affect land within a zone in which significant residential development is proposed to be permitted.</p> <p>The planning proposal is justified by a number of studies prepared in support of the planning proposal that give consideration to the primary objective of this direction "to protect the agricultural production value of rural land".</p> <p>In particular, the <i>Agricultural Consulting Report</i> that accompanies this proposal provides an analysis of the agricultural production value of the rural land and concludes:</p> <ul style="list-style-type: none"> the land is not highly productive and is generally suited to cattle grazing, and a cattle enterprise on the project area is not considered to be commercially viable. <p>Compounding this analysis, the report acknowledges Council has recognised areas on the property for environmental conservation and have requested an additional biodiversity corridor. As a part of this conservation it is recommended that livestock be removed from these areas.</p> <p>The report concludes these lands do not have prospects for viable commercial productive agriculture and are not appropriately defined as the broadscale areas of rural Eurobodalla.</p>

Focus area 9: Primary Production

Ministerial Direction	Consistency
9.1 Rural Zones	Not applicable because the planning proposal proposes to rezone land from rural zone to a conservation zone and does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
9.2 Rural Lands	<p>The Planning proposal is considered to be consistent with the directions for rural lands because:</p> <ul style="list-style-type: none"> • it is consistent with applicable strategic regional plan and applicable local strategic planning statements as identified in s5.3.2 of this proposal, • it has considered the significance of agriculture and primary production to the State and rural communities – refer <i>Agricultural Consulting Report</i> that accompanies this proposal, • it identifies and protects environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources - refer <i>Biodiversity Report</i> that accompanies this proposal, • it considers the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions – refer s6.0 of this proposal, • it promotes opportunities for investment in productive, diversified, innovative and sustainable rural economic activities - refer <i>Agricultural Consulting Report</i> that accompanies this proposal, • through unique design, the 'agrihood' development prioritises efforts and considers measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use, and • through unique design, the 'agrihood' development provides particular consideration to the social, economic

	and environmental interests of the community – refer s5.33 of the proposal.
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5.3.3 Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. Preliminary Ecological Advice has been prepared and can be found accompanying this proposal. This preliminary assessment has identified the following key outcomes:

- the bulk of the subject land (68 ha) is relatively unconstrained by biodiversity values given historic clearing and pasture improvement.
- a change of land use of the subject land that promotes ecologically sustainable development, has the potential for significant biodiversity benefits both on the subject land and locally.
- there is considerable scope for ecologically sustainable residential development that protects and enhances the significant biodiversity values.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposal will have a significant impact on enhancing the existing environment, particularly in relation to management of the existing wetlands and providing greater community access.

There are no other likely environmental effects of the planning proposal that require to be managed that have not already been addressed in the detailed reports that accompany this application.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes. As mentioned previously, this Planning Proposal has the following intended outcomes

- Provide for overall health & well-being
- Create distinctive and unique community
- Enhance the existing environment
- Improve the local economy around local employment opportunities, indigenous employment opportunities and increased tourism
- Increased diversity of housing types to address affordability and first home buyers in particular
- Provide education in partnership with local organisations, schools, TAFE and local indigenous groups
- Create a very unique planned community that integrates agriculture into a

residential neighborhood (ie Agrihood)

- Create a community that is uniquely sustainable

5.3.4 Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Yes. A *Water and Wastewater Servicing Feasibility Report* has been undertaken and can be found accompanying this application. In summary and subject to the progress of the planning proposal through Gateway, a site-specific water and wastewater servicing strategy will be developed as detailed in the report.

Community infrastructure will be provided as part of the proposal, including

- Provision of an increased bio-diversity corridor at the rear of Carroll College
- Tree house and kids playground
- Restaurant/Café
- Communal building for daily classes in yoga, meditation, sound therapy, tai chi as well as a potential teaching hub for SAGE and the schools.
- Significant walking and bike trails
- Wellness centre & bathhouse with treatments rooms, steam room, mineral baths, float tanks etc.
- Amphitheatre and education precinct
- All amenities will link with the facilities at The Bower.

5.3.5 Section E –State and Commonwealth Interests

State and Commonwealth public authorities will make their views known as part of the consultation process that will occur as part of the Gateway determination of the Planning Proposal.

5.4 Part 4 Maps

Figure 7 identifies the site subject to the planning proposal (outlined in green) and the proposed amendments to the existing Zoning Map.

Figure 8 identifies the proposed amendments to the existing Height of Buildings mapping.

5.5 Part 5 Community Consultation

The Gateway determination will specify the duration and extent of public exhibition required with the period between 20 December and 10 January (inclusive) excluded from the calculation of a period of public exhibition.

The Gateway determination may also identify the need for the planning proposal to be referred to one or more authorities and government agencies for comment.

Preliminary consultation has been undertaken with the local community to inform the preparation of the planning proposal. This consultation includes the following:

1. Blackrock Industries

Blackrock Industries are a large 100% owned Indigenous organisation providing people and equipment to Mining and Civil projects. They have

provided a letter of support for this project stating:

- We have developed a long-term relationship with Brightlands Living.
- Blackrock is tremendously excited to be aligned with such an innovative and sustainable project and would be delighted to undertake the civil contracting work and construction work associated with the project.
- As an Indigenous business we have a significant Indigenous workforce and we would also work with the local Indigenous community in the Eurobodalla region to provide pathways for employment.

2. Carroll College

Preliminary discussions have been held with Carroll College and a letter of support has been provided by the Principal, Ms Jacqueline Heffernan, stating:

- We look forward to the opportunities presented by the development project bordering the college.
- This project will provide an on-site market garden and learning centre to teach the students about sustainability, conservation and agriculture.
- We are facing a housing shortage for our teachers and strongly commend the rent to buy key worker housing initiative, which will provide us greater opportunity to attract new staff.
- We would also be interested to discuss the opportunities to construct walking and bike trails at the rear of the college as well as across George Bass Drive which would also be a great solution to remove limitations of pick-up and drop-off.

3. SAGE

SAGE is a not-for-profit community group involved in improving food security. The SAGE community is made up of growers, food producers, businesses, food consumers, members, supporters and volunteers.

Following a meeting with board members of SAGE where they were given some background to the proposed development of 'The Farm', all members commended the farming initiatives proposed and expressed interest in being involved in the creation of a learning centre for market gardeners. They also commented this would further the work they have undertaken at Stepping Stone Farm, a working market garden approximately 8kms from Moruya.

4. St Peters College

The principal of St Peters College, Mr Darren McPartland, was briefed on the proposed development at "The Farm" and made the following comments:

- Student numbers have almost doubled in the last few years and an additional ten teachers have been employed.
- It has been extremely difficult to find housing for the teachers close to the school and house prices are too expensive for the teachers. He was very supportive of a rent to buy initiative for key workers including teachers.
- Welcomed the learning centre on the site, which would align to the students undertaking the primary resources subjects.

- Students would benefit from the installation of walking and mountain bike trails through the development.
- The Master Plan of St Peters proposes a 50m swimming pool and community facilities. These facilities are to be open to the public to financially support the long-term viability of the college. Those living in a wellness community are likely to make regular use of the facilities providing income to the College.

5. Southcoast Health & Sustainability Alliance (SHASA)

SHASA's mission is to helping make the Eurobodalla a better place to live, work and play by championing renewable energy, sustainability and community resilience projects across the Shire.

SHASA expressed support for 'The Farm' becoming a carbon negative community proposed with initiatives such as an on-site micro grid, installation of rapid EV charging stations, car and bike sharing, household PV panels, passive solar and energy efficient design with household water tanks to each dwelling.

6. Broulee Mossy Point Community Association

Preliminary comments from Mr Andrew Bain regarding 'The Farm' proposal include

- Some of the ideas proposed in 'The Farm' have been pushed for by the association in existing developments at Broulee and other close by areas. But they have typically met with little or no enthusiasm from developers or Council.
- Where developers have initially signalled support for such sustainable initiatives during the course of development these initiatives have tended to disappear, and the community is finally left with a 'standard' residential development.
- This approach by existing developers has given rise to a high level of scepticism in the community of such projects.
- It would be positive if 'The Farm' could counter some of this scepticism and lead to development that shines a light on how future housing developments should be developed.

5.6 Part 6 Project Timeline

Table 7 provides a project timeline detailing the anticipated timeframe for the LEP making process in accordance with the benchmarks in the *Local Environmental Plan Making Guideline September 2022* prepared by Department of Planning, Industry and Environment.

Table 7 – Project Timeline

Stage (inc. key steps)	Anticipated timeframe
Stage 1 – Pre-lodgement Scoping proposal and meeting	Completed

Stage 2 – Planning Proposal Lodgement of PP Planning assessment by council Local planning panel advice and Council resolution	August – October 2023
Stage 3 - Gateway determination Submitting PP for Gateway determination Department review Issue Gateway determination	April 2024
Stage 4 – Post-Gateway Post-Gateway determination review (ie action Gateway conditions prior to public exhibition)	June 2024
Stage 5 – Public Exhibition & Assessment Public Exhibition Response to submissions Post-exhibition evaluation Resolution for finalisation	September 2024
Stage 6 - Finalisation Finalisation as LPMA Finalisation package requirements Checking the finalisation package Making the LEP	February 2025

6 SITE-SPECIFIC CONSIDERATIONS

A number of key site-specific issues are identified as likely to be relevant to the assessment and evaluation of the proposal. A preliminary impact assessment to test whether the site is or can be made suitable for the proposal has been undertaken as follows.

6.1 Site Suitability Analysis

A preliminary *Site Suitability Analysis* of large lots within the Eurobodalla LGA that could potentially be suitable for the creation of a wellness community as proposed can be found accompanying this proposal. This analysis included gathering data and filtering this data using a mix of quantitative and subjective assessment.

In summary, when consideration was given to the constraints of vegetation, flooding, slope, access to services and land size the analysis found only two lots were suitable for the potential development. The following two suitable lots are adjacent to each other just to the West of Broulee. These are:

- 101 Broulee Road, Broulee (42/DP1020017); area of 307 ha
- 207 Broulee Road, Broulee (1/DP1256287); area of 127 ha

In considering these two properties 207 Broulee Road is the most superior given it borders Carroll College and its closer proximity to the town of Broulee.

6.2 Key Features of Site and Surrounds

6.2.1 Existing Development and Uses

Key features of the subject site include:

- 126.7 hectare site in single ownership
- Heritage listed as home to site of Mount Oldrey Homestead
- currently used for hobby cattle grazing
- cleared land with limited bushfire constraints
- not flood prone
- most suitable site for a new 'agrihood' community

6.2.2 Surrounding Development and Uses

Brightlands Living Pty Ltd have purchased The Bower under option, a nearby ecotourism resort with Masterplan approval for an eco-tourism facility. As a part of the development of 'The Farm' The Bower would be redeveloped creating a major tourism destination on the South Coast and providing amenity to the residents of 'The Farm.'

Figure 8 provides an aerial view of the subject site (outlined in red) and the key developments surrounding the subject site, including Carroll College, Illawong Nature Reserve, Mossey Point, Broulee Memorial Gardens and Crematorium and the site of Bower (shaded yellow).

Figure 9. Aerial view of the subject site and surrounds



6.2.3 Heritage

The curtilage of the subject site contains the 'Site of Mount Oldrey Homestead' an archaeological site listed on the ELP 2012 as being of local significance.

Subsequently a desktop **Aboriginal and Historic Heritage Constraints Assessment** has been undertaken for the proposed development.

The stated aims of the assessment "is to provide preliminary advice about

- any heritage items in the study area or its vicinity and include recommendations for further assessment and approvals under the Heritage Act 1977, and
- provide advice about whether recorded Aboriginal objects are present and whether additional Aboriginal objects are likely to be located within study area in order to determine whether any further assessment will be required.

The assessment has concluded

- a Statement of Heritage Impact (SoHI) must be undertaken prior to any future development within the study area to assess the impacts to any historical heritage items on the property and assess the potential for a historical archaeological resource, and
- there is a moderate potential for further archaeological objects to be present within the study area.

As part of any future development application for the site, a detailed SoHI will be required as part of the assessment process. Given the heritage significance of the site relates to it being the 'site' of the Mount Oldrey Homestead and there is a 'moderate' potential for further archaeological objects to be present within the

study area, it is considered appropriate further detailed assessment of the impacts from future development within the study area on historical heritage items or historical archaeological resources should be undertaken as part of any future development application.

6.3 Risks or Hazards

6.3.1 Flooding

The subject site has not been identified as being subject to flooding concerns.

6.3.2 Contamination

Given the historical use of the site for residential and agricultural purposes, the risk of the subject site being contaminated is considered very low and the site is considered suitable for the proposed development.

6.3.3 Bushfire

A preliminary bushfire risk assessment of the subject site has been undertaken and a copy of the assessment can be found accompanying this proposal.

The assessment confirms:

- this site is practically a lower risk location for bushfire safety, and
- approximately 60% of the site could reasonably facilitate and contain normal residential building development and approximately 40% could reasonably facilitate and contain development categorised as Special Fire Protection Purpose (SFPP).

6.3.4 Primary Production

A preliminary *Agricultural Consulting Report* has been undertaken and a copy of the assessment can be found accompanying this proposal.

The preliminary assessment/analysis concludes

- Much of the subject site (excluding wetlands) consists of class 5 (moderate-low capability land – 38%) and class 4 (moderate capability land – 43%) that is not highly productive and generally suited to cattle grazing,
- the subject site is currently used for the grazing of cattle,
- a *Biodiversity Report* accompanies this proposal and outlines significant degradation to existing wetlands from cattle,
- The cattle enterprise could only support a part- time work on a commercial basis,
- The proposed grazing and horticultural areas have the potential to generate substantially higher agricultural income than the current cattle enterprise,
- The proposal would grow the levels of part time farmers due to the continuation of some grazing and introduction of horticultural enterprises,
- The proposal would support growth of small-scale farming,
- The proposal would foster value adding by supplying farm produce directly to restaurants and consumers rather than through wholesale channels,

- The proposal would enhance the healthy function of agriculture by increasing the diversity of agricultural production on the site from a single enterprise (cattle) to a wide range of horticultural crops plus some residual grazing,
- The proposal would increase part-time employment in agricultural endeavours, mainly through the cultivation and marketing of high-value horticultural products,
- The removal of grazing animals from of the wetlands would enhance the environmental value of the project site, and
- The proposal would provide living opportunities in a semi-rural setting with a significant agricultural aspect.

6.4 Housing Demand

A *Broulee Housing Study* has been undertaken and a copy of the study can be found accompanying this proposal.

The study is a preliminary assessment and review of the Broulee housing market and the following provides a summary of the analysis from the local area data:

- As evidenced by the mayor's response to the NSW Regional Housing Taskforce paper, the LGA is facing a housing crisis.
- the diversity of housing type proposed has the capacity to delivery positive benefits for the community in an LGA where there is a stated housing crisis
- This review has demonstrated that the proposal was able to directly respond and align to all strategic planning documents, including directions around housing, rural lands, economic development, community and conservation.
- The high proportion of unoccupied private dwellings in Broulee suggests a high level of secondary holiday homes or short term rental accommodation stock. The low proportion of dwellings currently being rented in Broulee also testifies to the fact that many of the area's current dwellings are being used for purposes such as personal holiday homes or tourist accommodation. This would be significantly contributing to the housing crisis being seen across the LGA. It also demonstrates why the proposal would be beneficial as the case studies indicate a much higher owner occupier and long term rental interest.
- A market review highlighted escalating sale and rental prices, insufficient housing stock with an overall long hold period for the suburb of Broulee and low stock on market and inventory. This indicates clear and immediate need for lower cost housing, which the proposal is seeking to provide.
- The most recent population projections for Broulee indicate more than 2,080 people will need houses by 2041. This analysis further noted that the population is increasing quicker than expected and further did not consider the impact of increased employment from the Moruya Hospital.
- Land availability analysis has found there is only 9.9 hectares of undeveloped and unconstrained land yielding approximately only 144 new dwellings and falling significantly short of the dwellings that are needed to accommodate the projected population for the Broulee community.

- The mix of dwellings proposed is designed to directly respond to the demographic needs of the area and provide housing that aligns with demand. The proposal provides a viable and innovative alternative to respond to the housing crisis that is occurring across the LGA.

7 CONCLUSION

The planning proposal has been prepared in support of proposed amendments to Eurobodalla Local Environmental Plan 2012 to allow for development of 'The Farm', an 'agrihood' development on 126.74ha of land at 207 Broulee Road, Broulee.

In essence, 'The Farm' is looking to create Australia's leading wellness community with the implementation of 'agrihoods', a clustered housing model and the world's leading technology to drive sustainability.

The key public benefits of 'The Farm' will include (but not be limited to) the following:

- Rehabilitated wetlands
- Revegetation
- Creation of biodiversity corridors
- Affordable housing
- Key worker housing
- Increased production of fresh produce (with potential support of SAGE)
- Education precinct and partnerships with Carroll College, St Peters and local aboriginal community.
- Jobs for the local community
- Open up 15km of walking and bike trails to the public
- Ability to activate the adjoining Council owned land and Illawong nature Reserve for the community.

Most importantly, a study of the Broulee housing market has been undertaken and accompanies this proposal. The study provides a summary of the analysis from the local area data and concludes:

- undeveloped and unconstrained land in Broulee will yield approximately 144 new dwellings falling significantly short of the 472 dwellings that are needed to accommodate the projected population between the years of 2021 and 2041.
- the mix of dwellings proposed is designed to directly respond to the demographic needs of the area and provide housing that aligns with demand, and
- the proposal provides a viable and innovative alternative to respond to the housing crisis that is occurring across the LGA.

The Planning Proposal demonstrates strategic merit because it aligns with the relevant strategic planning framework which, for the site and the proposal, includes the following:

- NSW Government's South East and Tablelands Regional Plan 2036 (Region Plan) and the Draft South East Tablelands Regional Plan 2041 (Draft Region Plan)
- Eurobodalla Local Strategic Planning Statement 2020-2040 (LSPS)
- Eurobodalla Rural Lands Strategy 2016 (Rural Lands Strategy), and

- Eurobodalla Settlement Strategy 2006-2031 (Settlement Strategy):.

The Planning Proposal presents a sound strategic planning outcome because it will deliver a planned community that integrates agriculture into a residential neighbourhood, the purpose of which is to facilitate food production as well as provide green space, recreation, aesthetics and value for a community.

The Planning Proposal demonstrates both strategic and site specific merit and should receive favourable consideration to proceed through the Gateway process and on to public exhibition.



Tremain Ivey Advisory

Agricultural Consultants

Planning Proposal

207 Broulee Road, Broulee

Agricultural Consulting Report to:

Brightlands Living Pty Ltd

Prepared for: Edward Fernon

9 February 2023

Prepared by: **Tremain Ivey Advisory**

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1 Proposal

It is understood that Brightlands Living are investigating the lodgement of a planning proposal for 207 Broulee Road, Broulee to create an agrihood on a 126.7 hectare project site (Figure 1). The project would consist of housing in clusters of 40-50 with large communal open areas (Figure 2).

It is proposed that approximately 100 hectares be rezoned from Primary Production (RU1) to Environmental Living (C4) and approximately 5 hectares would be rezoned to Environmental Conservation (C2). The remaining part of the project site which is currently zoned Environmental Conservation (C2) would be unchanged (Figures 3 and 4).

There would be approximately 14 hectares across the site for agriculture production including 7.7 hectares of farming land around the main house for livestock so that it is separated from the wetland and conservation zones. Approximately 6.5 hectares would be allocated for vegetable and fruit growing.

In addition, a café and restaurant are to be provided on site utilising the produce from the land. Furthermore, the developers are looking to provide a discovery centre adjoining the restaurant. This building will provide a learning centre so that the residents, local school children and potentially TAFE participants can learn the fundamentals of horticulture.

Agrihoods are relatively new to Australia but are more common in the USA. There are examples of agrihood communities in the USA providing paddock to plate offerings at www.agrihoodliving.com.

The proponents have modelled the subject development on the Witchcliffe Ecovillage in Western Australia (www.ecovillage.net.au).



Figure 1 – Location of Property



Figure 2 – Master Plan – The Farm, Broulee

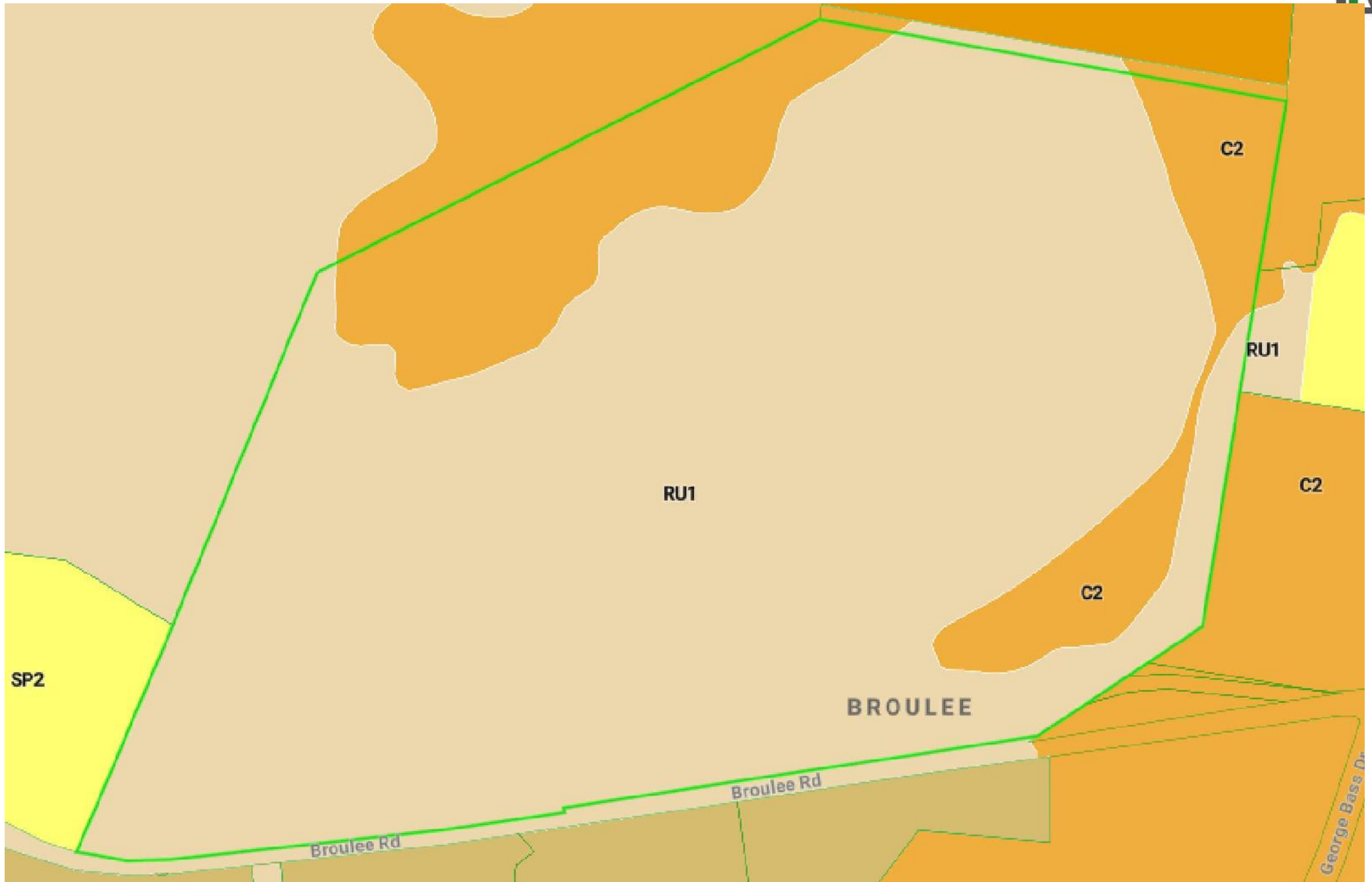


Figure 3 – Current Land Zoning

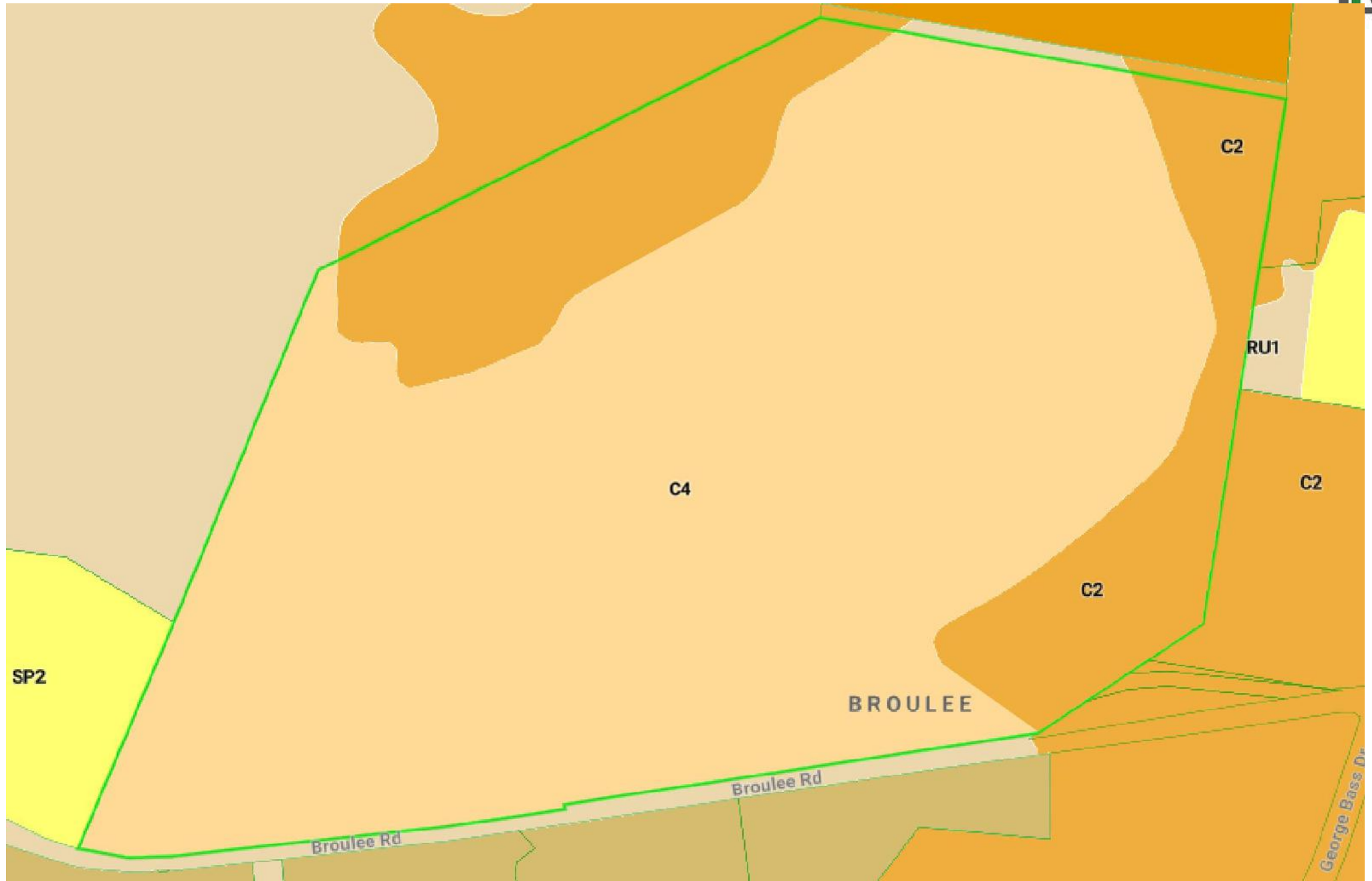


Figure 4 – Proposed Land Zoning

2 Current Agricultural Land Use

We are advised that the project site is currently used for the grazing of cattle, but is not particularly suitable for this purpose, as follows:

1. EcoLogical Australia have provided a biodiversity report outlining significant degradation to the wetlands from cattle.
2. Council have recognised areas on the property for environmental conservation and have requested an additional biodiversity corridor. As a part of this conservation, Council has requested that livestock be removed from these areas.

2.1 Land & Soil Capability

Our analysis indicates that 17% of the project area is mapped as class 8 (extremely low capability land) under the land and soil capability assessment scheme (Office of Environment and Heritage 2012) and would have little or no agricultural value. This area coincides with wetlands on the project site (Figure 5).

Another 3% of the project area is mapped as class 6 (low capability land) and would have limited grazing productivity.

The remainder consists of class 5 (moderate–low capability land – 38%) and class 4 (moderate capability land – 43%). While this land is not highly productive, it is generally suited to cattle grazing.

2.2 Climate

Moruya Heads Bureau of Meteorology station (approximately 7 km from the subject property) recorded an average annual rainfall of 954 mm between 1875 and 2022 (Bureau of Meteorology 2022). The rainfall is summer dominant, with the highest rainfall recorded between January and March, averaging 100 mm per month.

The nearby Moruya Airport station recorded a lower average annual rainfall of 828 mm, however this was over a much shorter period from 1999 to 2022. This was 77% higher than the average rainfall in the driest months between July and September.

Mean maximum temperatures at Moruya Heads are relatively mild ranging from 16.2°C in July to 23.9°C in January. Mean minimum temperatures range from 5.9°C in July to 16.3°C in February.

An average of only 2 days per year below 2°C are recorded. This is the air temperature that a frost is likely to occur. These are most likely in July and August.

2.3 Stocking Rate

Given the land, soil and climate characteristics, the likely stocking rate of the land and soil capability class 4 and 5 land is estimated at 10 to 17 DSE¹ per hectare, depending on the quality of the pasture. The assessment is based on the project area being unimproved to moderate quality improved pastures. Highly improved pastures are capable of carrying significantly more livestock.

On this basis, class 4 and 5 land of the project area is likely to be capable of carrying approximately 60 to 100 cows, based on DSE rating of a self-replacing herd producing weaners of 16.5 DSE per cow. The low capability class 6 and 8 land is disregarded for the purposes of this estimate.

2.4 Productivity

According to Australian Bureau of Agricultural and Resource Economics ('ABARE') farm survey data (ABARES 2022), sales income on coastal NSW farms has averaged approximately \$740 per cow between 2010 and 2021 (Attachment 1). On this basis, the annual gross income from an enterprise of 60 to 100 cows is expected to be approximately \$44,400 to \$74,000 per annum.

Gross margin budgets produced by NSW Department of Primary Industry ('DPI') indicate lower gross sale income for coastal cattle enterprises producing weaners in 2019 ranging from \$253 per cow for unimproved pastures to \$568 per cow for improved pastures (DPI 2019 - Attachment 2). On this basis, the annual gross income from an enterprise of 60 to 100 cows is expected to be approximately \$15,200 to \$56,800 per annum. This illustrates the wide range in productivity of coastal cattle enterprise and the large impact of pasture quality on income levels.

However, the expected income after expenses is expected to be considerably lower. For example, the gross margin budgets in Attachment 2 indicate expected variable enterprise costs (such as livestock health, bull purchase, pasture maintenance and selling costs) amounting to 32% of expected gross income for an enterprise on unimproved pasture, and 38% of income for an enterprise on improved pasture.

On this basis, the annual gross margin from an enterprise of 60 to 100 cows is expected to be approximately \$10,300 to \$45,900 per annum.

The gross margin budgets only account for variable costs directly associated with the cattle enterprise. Other overhead or fixed costs (such as labour, freight, rates, insurance, motor vehicle, power, property maintenance and administrative costs) will also be incurred which will reduce the overall profit of the enterprise further. For example, the average farm cash income² on coastal NSW farms has averaged \$20,135 per annum between 2010 and 2021 (Attachment 1). The average farm size over this

¹ DSE - Dry sheep equivalent (DSE) is a measure used to compare the pasture production and feed requirements of different types of livestock. The basic unit of one DSE is the average amount of feed required to sustain a 50kg dry sheep such as a wether (an adult non pregnant and non-lactating sheep).

² Farm cash income is the difference between total cash receipts and total cash costs.

period was 580 hectares running 141 cows. The smaller size of the project area would lead to significantly lower farm income.

On this basis, a cattle enterprise on the project area is not considered to be commercially viable in that it is unable to provide an income consistent with the typical income of a person working full time. The cattle enterprise could only support a part-time work on a commercial basis.

3 Proposed Land Use

3.1 Residual Beef Cattle Enterprise

We understand that it is proposed to retain 7.7 hectares as rural land to be used for livestock grazing.

On the basis set out in Section 2, the residual livestock enterprise is likely to produce a gross income of \$1,200 to \$5,900 per annum from beef cattle. Gross margins after the deduction of variable enterprise costs are expected to be \$800 to \$3,600 per annum.

Due to the small size of the residual enterprise, it would not be expected to generate any profit or 'farm cash income' as defined in Section 2.4.

3.2 Horticulture

Approximately 6.5 hectares would be allocated for vegetable and fruit growing. This area would be suited to growing many types of fruit and vegetables. The main limitation would be those crops that prefer a cooler and/or drier climate. This would rule out crops such as apples, cherries and some nut trees.

Typical commercial production levels from horticulture are generally in the range of \$10,000 to \$30,000 per hectare for vegetables. A series of gross margin budgets published by the DPI in 2013 set out the following levels of expected gross income per hectare (DPI 2013):

Asparagus	\$26,400
Beetroot	\$6,300
Cabbage	\$15,000
Capsicum	\$31,500
Carrots	\$8,500
Garlic	\$27,604
Lettuce	\$24,200
Onion	\$25,000
Potato summer	\$15,300
Potato winter	\$14,000
Potato processing	\$9,800
Butternut pumpkin	\$14,400
Jarrahdale pumpkin	\$12,000
Rockmelon	\$23,400
Sweet corn (fresh)	\$23,650
Sweet corn (processing)	\$5,250
Tomato (fresh)	\$67,500
Tomato (processing)	\$7,800
Watermelon	\$18,000
Zucchini	\$20,800

The ABARES report ‘Vegetable industry’ indicates that the average gross vegetable receipts of outdoor vegetable growing farms was \$1,024,800 over 46 hectares, equal to approximately \$25,900 per hectare (Attachment 3 - ABARES 2022).

The income from fruit crops can be higher than vegetables in some cases, although others are expected to produce similar income levels. Citrus gross margin budgets published by the DPI in 2018 estimated expected gross income mostly \$6,600 and \$14,000 per hectare for oranges, but with some higher value mandarins generating up to \$40,000 per hectare (DPI 2018).

The Rural Industries Research and Development Corporation (‘RIRDC’) published expected gross incomes for various tree crops (RIRDC 2017) including peaches and nectarines (\$37,188 per hectare) and plums and apricots (\$42,907 per hectare).

Some high value crops are capable of generating larger incomes. For example, a DPI publication entitled ‘Blueberry establishment and production costs’ estimated expected gross sales income at over \$300,000 per hectare (DPI 2015).

At an average production of \$25,000 per hectare, the expected gross income would be \$162,500 per annum. Premium prices above those assumed in the various budgets referenced may be achievable through organic production, or direct sales to consumers or other end users such as restaurants.

3.3 Conclusion

The proposed grazing and horticultural areas have the potential to generate substantially higher agricultural income than the current cattle enterprise.

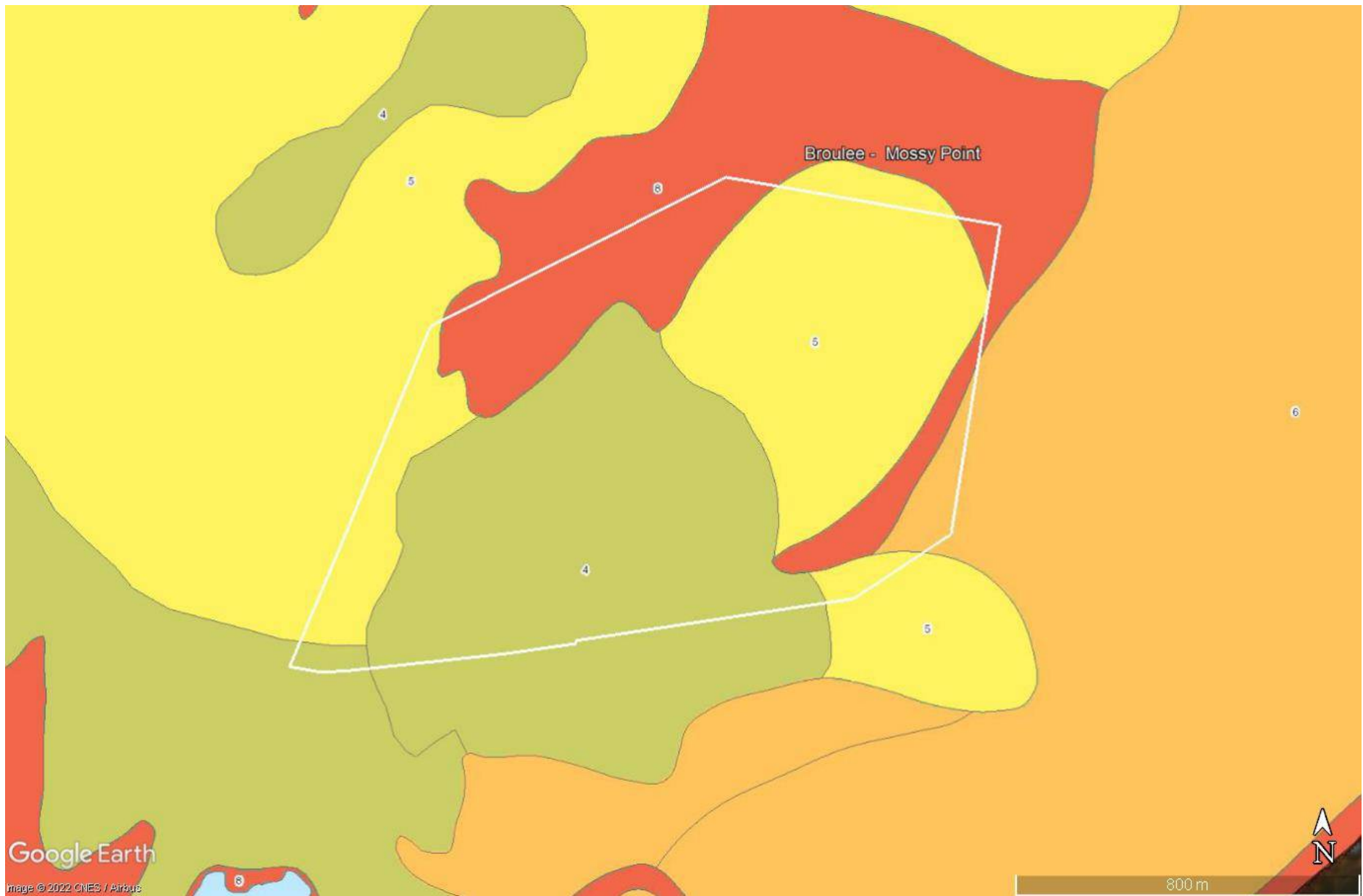


Figure 5 – Land and Soil Capability

4 Rural Lands Strategy

I have been asked to respond to the directions in sections 5.7.2.1, 5.7.2.2 and 5.7.2.3 and 5.7.3 of the Eurobodalla Shire Council 'Rural Lands Strategy (volume 1)'.

4.1 Rural Economic Directions

Section 5.7.2.1 'Rural Economic Directions' has four stated aims which are dealt with separately below:

1. *Aim to retain and grow the current levels of part-time farmers but accept few full-time family commercial agricultural operations may survive the coming 20 years given the land price pressures.*

The project would grow the levels of part time farmers due to the continuation of some grazing and introduction of horticultural enterprises.

The current cattle enterprise cannot be considered to be a "full-time family commercial agricultural operation" refer Section 3.3. However, the project provides a means of relieving land price pressures while maintaining agricultural production.

2. *Provided expansion of hobby scale and small part-time farms does not fragment or constrain larger holdings and providing services can cope with the increased traffic, power and internet demands, continued growth of hobby farming is a supportable goal with economic benefits from buoyant farm supply services to building services.*

The project would support growth of small-scale farming.

It would provide substantial economic benefits to farm supply businesses through the demand for structural goods such as agricultural fencing and irrigation supplies during the development of the residual cattle enterprise and the horticultural areas. The businesses will also benefit from the supply of ongoing inputs to the enterprises including farming equipment, animal health products, fodder, fertiliser, pest control, packing containers, seed and seedlings.

The project would not "fragment or constrain" commercial holdings as the current enterprise is not considered to be a full-time commercial proposition (Section 3.3).

3. *Encourage growth in appropriate small-scale non-rural businesses in the rural areas as an option for income for part-time farmers.*

Non-rural businesses are not within the scope of this agricultural report.

4. *Foster value adding for agricultural produce and access to national and international markets.*

The project would foster value adding by supplying farm produce directly to restaurants and consumers rather than through wholesale channels. Some small-scale processing of produce (for example the production of preserves, condiments or jams) may also be undertaken.

4.2 Rural Social Directions

Section 5.7.2.2 'Rural Social Directions' sets out four directions which are considered separately below:

1. *Eurobodalla is fortunate in that it does not face the rural decline of some inland councils.*

The project would further strengthen the economy of the Council and increase agricultural production.

2. *There is demand and capacity to grow the numbers of hobby farmers, retain and grow part-time farmers and keep or expand the associated community viability that comes from retaining an adequate population across the rural areas.*

The project would grow the numbers of small-scale farmers through access for residents to horticultural and grazing land and resources. It would increase the community viability by increasing the population in rural areas.

3. *The landscape beauty, biodiversity and overall healthy function of agriculture are appreciated not only by residents of the rural areas but by urban and visiting people as well. The wider function of the rural areas is vital to the wellbeing of residents and visitors alike.*

The project would enhance the healthy function of agriculture by increasing the diversity of agricultural production on the site from a single enterprise (cattle) to a wide range of horticultural crops plus some residual grazing.

Landscape beauty and biodiversity are not within the scope of this agricultural report.

4. *While employment in the traditional beef and dairy areas may not grow, there are prospects of employment growth in the new food and value adding agricultural endeavours.*

The project would increase part-time employment in agricultural endeavours, mainly through the cultivation and marketing of high-value horticultural products.

4.3 Rural Environmental Directions

Section 5.7.2.3 'Rural Environmental Directions' sets out four directions which are addressed below:

1. *The tourism industry relies heavily on the natural values and scenic qualities of the rural lands of Eurobodalla.*

Tourism is not within the scope of this agricultural report.

2. *Some natural habitats and species rely on conservation measures continuing on private rural lands for their ultimate survival.*

3. *There are reciprocal benefits for conserving landscapes and wildlife from pest control to conserving native grasses to support agriculture and gene banks for research and new products. There are bush food products and some new settlers prepared to pay a premium for well conserved and managed rural lands.*

4. *But rural land holders also raise concerns that there is some expectation they conserve biodiversity and landscapes without recognition or benefit for the constraints placed on their agricultural operations. There is a need for balance and for some flexibility. It is important land owners be recognised and treated equitably for conserving the natural values on private lands in the Shire for the wider public*

good. But it is also important such assets not deteriorate significantly over the 20-year vision of this Strategy.

Conservation is not within the scope of this agricultural report. However, existing grasses and other pasture vegetation will be retained on the residual grazing area. The removal of grazing animals from of the wetlands would enhance the environmental value of the project site.

4.4 Supply of Living Opportunities

Section 5.7.3 discusses the ‘Supply of Living Opportunities in the General Rural Area’. The text of this section and my response is as set out below:

1. *Given there has been no potential for subdivision in the general rural areas since 1987, the supply of vacant rural ownerships where a dwelling is permissible continues to diminish. DP9 research estimated that less than 300 such properties remain across the Shire where there are some practical prospects of obtaining consent for a dwelling house.*
2. *The recommendations to set new lot sizes based on a landscape approach will see a small increase in supply – particularly in...small lot farms of 40 or less hectares.*

The project would provide living opportunities in a semi-rural setting with a significant agricultural aspect.

5 References

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RIRDC, 2017. *Regional Economic Multiplier Impacts, Potential Pollinator Deficits across Crops*. 3 February 2017. RIRDC Publication No 17/001

6 Curriculum Vitae – Peter Tremain

<u>NAME:</u>	Peter Leslie TREMAIN "Boongala", Suntop Road, Wellington, NSW
<u>DATE OF BIRTH:</u>	2 August 1961
<u>POSITION:</u>	Senior Consultant - Tremain Ivey Advisory Agricultural and Management Consultants, Business Analysts
<u>TERTIARY QUALIFICATIONS:</u>	Bachelor of Rural Science (Hons) 1986. University of New England Awarded University Medal for academic achievement
<u>PROFESSIONAL AFFILIATIONS:</u>	Member - Ag Institute Australia Member - Australian Association of Agricultural Consultants
<u>PROFESSIONAL EXPERIENCE:</u>	<div> <div>1986 - Present:</div> <div>Agricultural Consultant, Wellington</div> </div> <div> <div>1979 -1982:</div> <div>Full time Farm Manager - Mixed farm in central western NSW.</div> </div> <div> <div>1989 – 2005:</div> <div>Part time Farm Manager - Merino sheep farm near Wellington NSW.</div> </div>
<u>SPECIAL EXPERTISE:</u>	<ul style="list-style-type: none"> • Analysis of farming systems and small businesses. • Application of management techniques to decision making. • Use of computer techniques in business analysis. • Regional economic strategy planning. • Data analysis, interpretation and presentation. • Application of computerised modelling techniques. • Crop and pasture agronomy. • Applied agricultural and economic research.

SELECTED PROJECTS:

Farm & Small Business Management

- Provision of advice to farmer clients relating to financial matters and general farm management requirements.
- Economic analysis of a leading Poll Hereford stud and a 250-cow dairy. Included property inspection and analysis of financial data.
- Detailed analysis of financial and physical performance of one of Australia's leading merino studs. This included constructing a computer model to extrapolate the effects of selection procedures on income, production and genetic gain.
- Appraisal of proposed property purchases assessing both productivity and economic viability.
- Detailed examination of financial and production performance of businesses involved in horticulture, flower production and the nursery industries.
- Economic assessments of businesses involved in timber, essential oil and agroforestry industries.
- Analysis of the financial and physical performance of various fruit, berry and nut growing orchards and plantations, as well as vineyards and vegetable growing enterprises.
- Completed a detailed analysis of profitability and liquidity trends for primary producers within the Wellington Shire.
- Various feasibility studies, cost benefit analyses and business plans for projects including a food manufacturing business, the cut flower industry in western NSW, aquaculture in the Brewarrina Shire, and the production of bushfood products in Bourke.

Economic Loss Assessment

- Detailed assessment of economic loss and the effects of fire on rangeland, crops and pasture at throughout most of NSW. Assessment involved the collection of relevant financial and physical data through property inspections and on-farm interviews, and collating, interpreting and analysing the data collected.
- Detailed assessment of economic loss suffered by various NSW landowners and small businesses resulting from either personal injury, spray damage or professional negligence. Assessment is usually based on a property visit, interview of the manager and analysis of historical, financial and physical data.
 - Various Livestock Industries
 - Vegetable Growing
 - Nursery Operations
 - Fruit Orchards
 - Dryland Winter Crops
 - Dryland Summer Crops
 - Irrigated Crops
 - Non-agricultural Small Businesses
- Attendance at court hearings relating to loss assessment and advice to legal counsel.
- Advice regarding labour and management costs various agricultural and horticultural enterprises.
- Analysis of budgets, equity calculations and farm business performance for litigation regarding rural lending practices.
- Estimate of the effects that Chlorfluazuron (Helix) contamination had on cattle herds and related enterprises in NSW and Queensland. Coordinated the provision of agriculturally related material to the NSW Government, a defendant in a class action brought by over 400 applicants.

Attachment 1
ABARES Farm Surveys Data
NSW Coastal Zone

Year	Beef cows at 30 June (no.)	Beef cattle receipts (\$)	Sales per cow (\$)	Farm cash income (\$)	Area operated at 30 June (ha)	Average Stocking (cows per hectare)
2010	138	\$118,579	\$859.27	\$8,040	875	0.16
2011	118	\$108,762	\$921.71	\$4,823	588	0.20
2012	148	\$108,606	\$733.82	\$11,858	561	0.26
2013	143	\$68,804	\$481.15	-\$24,103	572	0.25
2014	145	\$79,904	\$551.06	\$8,229	678	0.21
2015	144	\$96,537	\$670.40	\$31,584	544	0.26
2016	158	\$155,339	\$983.16	\$56,203	576	0.27
2017	166	\$119,970	\$722.71	\$37,551	497	0.33
2018	159	\$90,995	\$572.30	\$15,839	800	0.20
2019	131	\$77,779	\$593.73	\$13,003	599	0.22
2020	123	\$110,711	\$900.09	\$28,188	341	0.36
2021	120	\$106,658	\$888.82	\$50,409	329	0.36

Attachment 2

Gross Margin Budgets



**Department of
Primary Industries**

BEEF CATTLE GROSS MARGIN BUDGET

Farm enterprise Budget Series: April 2019

Enterprise: Coastal weaners unimproved pasture

Enterprise Unit: 100 cows

				Standard Budget	Your Budget
INCOME:					
32	7 month - steer weaners @	\$355 /hd		\$11,347	
13	7 month - heifer weaners @	\$270 /hd		\$3,510	
0.6	CFA Bull @	\$1,534 /hd		\$920	
11	CFA cows @	\$679 /hd		\$7,472	
3	Other culls @	\$679 /hd		\$2,038	
A. Total Income:				\$25,287	
VARIABLE COSTS:					
Replacements	1 Bull @	\$3,500 /hd		\$3,500	
Livestock and vet costs: see section titled beef health costs for details.				\$2,052	
Fodder crops / hay / grain				\$0	
Drought feeding costs.				\$0	
Pasture maintenance (254 Ha unimproved)				\$0	
Livestock selling cost (see assumptions on next page)				\$2,665	
B. Total Variable Costs:				\$8,217	
GROSS MARGIN (A-B)				\$17,070	
GROSS MARGIN/COW				\$170.70	
GROSS MARGIN/DSE*				\$16.83	
GROSS MARGIN/HA				\$67.20	

Change in gross margin (\$/cow) for change in price &/or the weight of sale stock

(Note: Table assumes that the price and weight of other stock changes in the same proportion as steers. As an example if steer sale price falls to 187c/kg and steer weight to 160 kg, gross margin would fall \$132 per cow. This assumes that price and weight of all other sale stock falls by the same percentage.

Liveweight (kgs) of Stock sold	Steer sale price cents/kg live				
	177	187	197	207	217
Steer wt.					
-40 kgs 140	96	106	116	126	136
-20 kgs 160	121	132	143	155	166
0 180	146	158	171	183	196
+20 kgs 200	171	184	198	212	225
+40 kgs 220	196	210	225	240	255

GM \$ per Cow

An increase of 5% in weaning percentage increases gross margin per cow by \$13.47

Assumptions Coastal weaners unimproved pasture

Enterprise unit is 100 cows weighing on average 400 kg

Weaning rate: 64%

Sales

Steers sold at 7 months	180 kg	@197c/kg	live weight
Heifers sold at 7 months	150 kg	@180c/kg	live weight
19 heifers retained for replacement.			
Cull cows cast for age at 10 years	195 kg	@348c/kg	dressed weight
0% of empty cows culled at weaning	"	"	"
3% cows culled for other reasons	"	"	"
Bulls run at 3% & sold after 5 years use	385 kg	@398c/kg	dressed weight

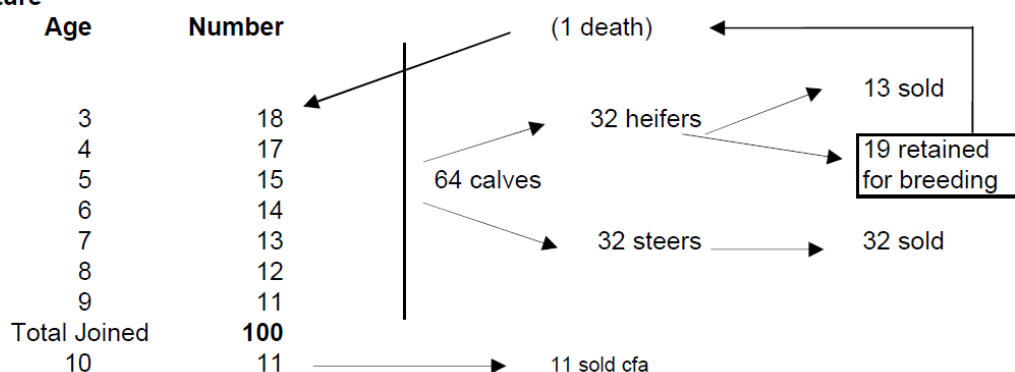
Selling costs include: Commission 4.0%; yard dues \$8/hd; MLA levy \$5/hd, average freight cost to saleyards \$12.00, NLIS tags @ \$3.60

Cows: age at first calf : 36 months

Mortality rate of adult stock: 4%

The average feed requirement of a cow + followers is rated at 1.94 LSU or 13.39 dse's*. This is an average figure and will vary during the year. Note that replacement heifers are assumed joined in the second year and this adds to the dse rating of this enterprise.

Age structure



Marketing Information:

Mixed sex weaners sold in Autumn.
Stores are purchased for growing out or finishing on grass.

Production Information:

Calving dates and age/weight at sale time will vary according to local climatic conditions, pasture species and degree of timber. Note in this enterprise that there is no pregnancy testing assumed. Weaner weights from native pastures only. Expected weights from Mid-North Coast or from the Hunter may be up to 30kg higher.

BEEF CATTLE GROSS MARGIN BUDGET

Farm enterprise Budget Series: April 2019

Enterprise: Coastal weaners improved pasture

Enterprise Unit: 100 cows

			Standard Budget	Your Budget
INCOME:				
42	steer weaners @	\$630.88 /hd	\$26,497	
19	heifers weaners @	\$424.65 /hd	\$8,068	
0.6	CFA Bull @	\$1,760.00 /hd	\$1,056	
7	CFA cows @	\$963.20 /hd	\$6,742	
15	Other culls @	\$963.20 /hd	\$14,448	
A. Total Income:			\$56,812	
VARIABLE COSTS:				
Replacements	1 Bull @	\$3,500 /hd	\$3,500	
Livestock and vet costs: see section titled beef health costs for details.			\$2,426	
Fodder crops / hay / grain			\$0	
Drought feeding costs.			\$0	
Pasture maintenance (173 Ha of improved pastures)			\$10,813	
Livestock selling cost (see assumptions on next page)			\$4,584	
B. Total Variable Costs:			\$21,323	
			GM including pasture cost	GM excluding pasture cost
GROSS MARGIN (A-B)			\$35,489	\$46,301
GROSS MARGIN/COW			\$354.89	\$463.01
GROSS MARGIN/DSE*			\$25.68	\$33.50
GROSS MARGIN/HA			\$205.14	\$267.64

Change in gross margin (\$/cow) for change in price &/or the weight of sale stock

(Note: Table assumes that the price and weight of other stock changes in the same proportion as steers. As an example if steer sale price falls to 242c/kg and steer weight to 230 kg, gross margin would fall to \$291 per cow. This assumes that price and weight of all other sale stock falls by the same percentage.

Liveweight (kg's) of Stock sold		Steer sale price cents/kg live				
		232	242	252	262	272
Steer wt.						
-40 kgs	210	229	248	267	285	304
-20 kgs	230	270	291	311	331	351
0	250	311	333	355	377	399
+20 kgs	270	352	376	399	422	446
+40 kgs	290	393	418	443	468	493

GM \$ per Cow

An increase of 5% in weaning percentage increases gross margin per cow by \$23.78

Assumptions Coastal weaners improved pasture

Enterprise unit is 100 cows weighing on average 475 kg

Weaning rate: 84% , conception rate 90%

Sales

Steers sold at 8 months	250 kg	@252c/kg	live weight
Heifers sold at 8 months	220 kg	@193c/kg	live weight
23 heifers retained for replacement.			
Cull cows cast for age at 10 years	240 kg	@401c/kg	dressed weight
100% of empty cows culled at weaning	"	"	"
3% cows culled for other reasons	"	"	"
Bulls run at 3% & sold after 5 years use	440 kg	@400c/kg	dressed weight

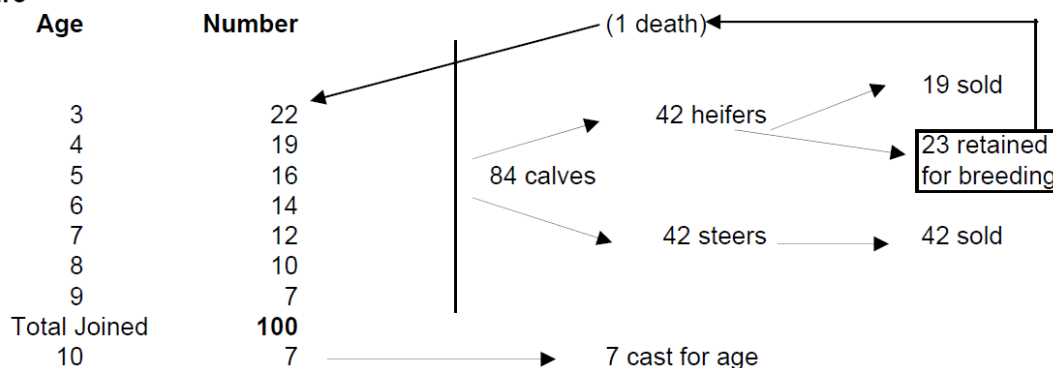
Selling costs include: Commission 4%, yard dues \$8/hd, MLA levy \$5/hd, average freight cost to saleyards \$12/hd, NLIS tag @ \$3.60 for all sale cattle.

Cows: age at first calf : 36 months

Mortality rate of adult stock: 2%

The average feed requirement of a cow + followers is rated at 2.39 LSU or 16.49 dse's*. This is an average figure and will vary during the year. Note that replacement heifers are assumed joined in the second year and this adds to the dse rating of this enterprise.

Age structure



Marketing Information:

Mixed sex store weaners sold in Autumn for further backgrounding prior to feedlot entry with some at suitable liveweights for feeder steer/heifer for pasture or grain finishing. Price for cull heifers varies according to breed.

Production Information:

Pasture maintenance cost will vary depending on stage of improvement, pasture degradation, rainfall and soil type.

Attachment 3
ABARES Vegetable Industry Data

Table 35 Selected estimates, by vegetable growing environment, vegetable growing farms, 2017-18 average per farm

Selected estimates	Unit	Hydroponics	Under cover	Outdoor
Total area operated	ha	23	14	192
Area planted to vegetables	ha	6	8	46
Total vegetable receipts	\$	1,625,300	478,300	1,024,800
Total cash receipts	\$	1,687,000	492,000	1,189,800
Total cash costs	\$	1,151,400	342,000	977,700
Farm cash income	\$	535,600	150,100	212,200
Total capital at 30 June	\$	3,448,000	1,894,500	4,810,100
Price received for vegetables	\$/t	3,900	1,400	700
Rate of return (excluding capital appreciation)	%	13.5	3.4	2.7
Farm cash income per hectare of vegetables planted	\$/ha	93,300	19,100	4,600

Note: Based on preliminary estimates.

Source: ABARES Australian vegetable-growing farms survey

15 September 2022

Our ref: 3358

Brightlands Living Pty Ltd
Level 1, 822 George St
Chippendale NSW 2008

Attention: Ed Fernon

Dear Ed,

Preliminary Ecological Advice – Future ecologically sustainable residential development – Illawong - Lot 1 DP 1256287 Broulee Road, Broulee

ELA was engaged by Brightlands Living Pty Ltd to provide preliminary biodiversity advice for a proposed residential development on Lot 1 DP 1256287 Broulee Road, Broulee (hereafter referred to as the subject land). ELA understands the proposal involves rezoning the land to enable ecologically sustainable residential development. The subject land has a total area of approximately 126 ha.

This report briefly describes the biodiversity values of the subject land and provides:

- A description of the assessment methods.
- A description of the vegetation communities, threatened flora and fauna habitats, and existing threatened species records within the subject land.
- Considerations of the implications of riparian buffers under the NSW *Water Management Act 2000* and the Eurobodalla Local Environmental Plan 2012.
- Considerations of Chapter 2 - Coastal Management - of the State Environmental Planning Policy (Resilience and Hazards) 2021.
- Consideration of the implications of the NSW Biodiversity Offsets Scheme (BOS) under the NSW Biodiversity Conservation Act (BC Act).
- Consideration of the implications of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1997* (EPBC Act).
- Provides a synthesis of preliminary biodiversity and ecological constraints
- Provides recommendations regarding further assessment and opportunities.

Method

Field surveys were conducted within the subject land on 22 August and 7 September 2022 by ELA Senior Ecologist and Accredited Assessor Ryan Smithers over a period of approximately six hours. The field surveys consisted of rapid vegetation surveys to validate Plant Community Types (PCTs), and assess composition, condition, and the integrity of native vegetation. Searches were also undertaken for key fauna habitat features such as hollow-bearing trees, raptors nests, foraging substrates, water, and rock habitats.

Limitations

The results of biodiversity assessments can be optimised by conducting investigations over a long period to compensate for the effects of unfavourable weather, seasonal changes and climatic variation. In general, the longer the survey the more species detected. Results can also be improved by using a wide range of techniques, since some species are more likely to be detected by a particular method. However, surveys and assessment are subject to constraints that determine the amount of time allocated, the methods used and the timing of the work. The biodiversity values detected during the site survey are a guide to those present, but are by no means definitive. This assessment is preliminary in nature, based on limited field data and, in the absence of comprehensive data, a range of assumptions. The results of this assessment should be viewed in light of these limitations.

Biodiversity Values

Vegetation Communities

The bulk of the subject land has long been cleared, pasture improved, and subject to grazing and a range of other farming activities. As such, the bulk of the subject land comprises exotic grazing pasture.

Notwithstanding the extent of clearing within across the site, the subject land and immediate surrounds support a diverse range of vegetation communities in various condition states. These include vegetation that comprises four threatened ecological communities (TECs) listed under the BC Act and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), much of which is in excellent condition and/or has good recovery potential.

A preliminary attribution of the plant communities using the Eastern NSW Plant Community Types (PCT), is identified in Figure 1. The distribution of TECs within the subject land is identified in Figure 2. Further discussion of the vegetation within the subject land is provided with Photos 1-10.

Threatened flora habitats

The wetlands and wetland fringes within the subject land provide potential habitat for three threatened flora species which are known from the locality *Persicaria elatior* (Tall Knotweed), *Haloragis exalata* subsp. *exalata* (Square Raspwort) and *Aldrovandna vesiculosa* (Waterwheel Plant).

The remnant forest within the study area provides potential habitat for a few other threatened flora species, in particular *Rhodamnia rubescens* (Scrub Turpentine). The exotic pasture, which dominates the subject land, does not provide potential habitat for any threatened flora.

A search of the Bionet Atlas did not detect any threatened flora species records within the subject land.

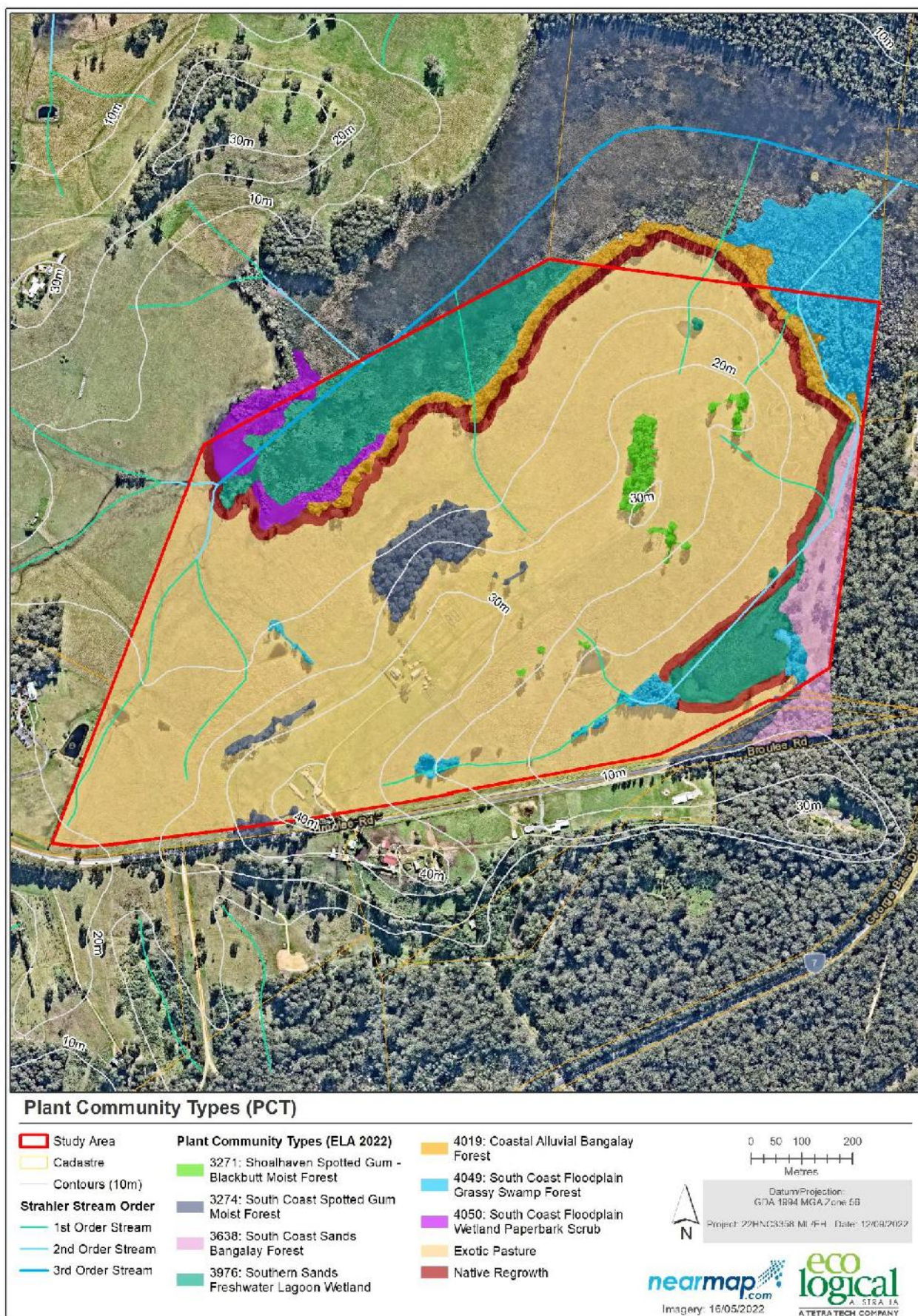


Figure 1: Plant community types, watercourses, fauna habitats within the subject land.

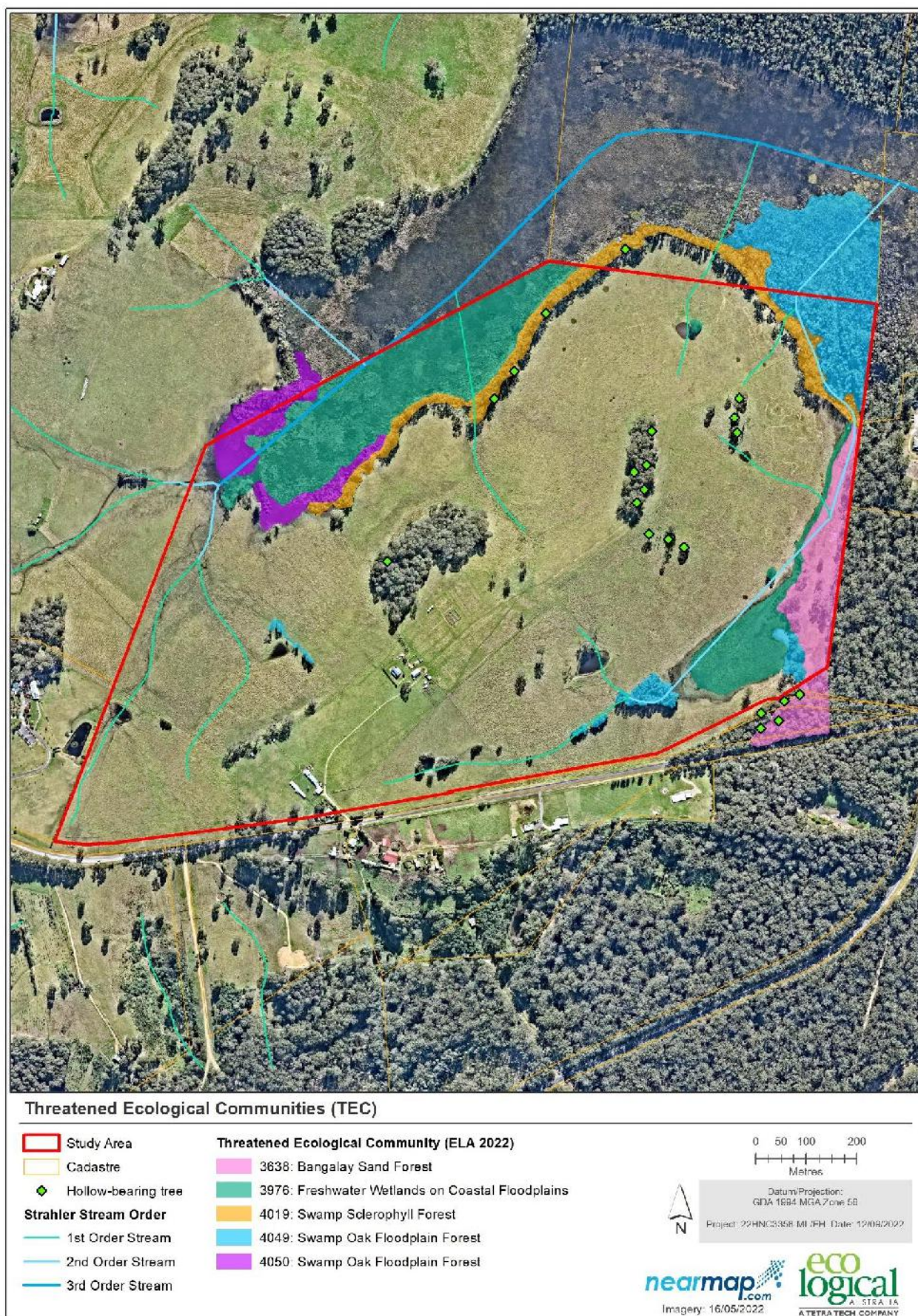


Figure 2: Threatened ecological communities within the subject land



Photo 1: The bulk of the forest that would have once dominated the subject land has long been cleared and converted to grazing pastures dominated by common exotic pasture grasses such as *Cenchrus clandestinus* (Kikuyu).



Photo 2: The northern parts of the subject land fringe Longvale Swamp, which is a very large freshwater wetland complex extending to the north and east of the subject land. The swamp margins are fringed by large *Eucalyptus botryoides* (Bangalay) trees, some of which support hollows. The swamp and the fringing forest comprise TECs.



Photo 3: The largest patch of remnant forest within the subject land comprises an approximately 3 ha patch of moist *Corymbia maculata* (Spotted Gum) dominated forest associated with a small outcropping of Coila Basalt, which occurs in the western central and southern parts of the subject land extending to just south of Broulee Road. This is the same unit that outcrops at South Broulee.



Photo 4: The Spotted Gum forest on the Coila Basalt supports a diverse mesic understorey and groundcover, as is typical on the few higher fertility patches of basalt that occur within the shire. The nearest patches of Coila Basalt are in the Jeremadra and Congo – Meringo areas. This forest is in excellent condition despite minor infestations of weeds such as African Olive and Asparagus Fern. The many small basalt boulders make walking difficult and presumably deter cattle.



Photo 5: The second largest patch of remnant forest within the subject land is very different to the largest, despite only being 250 m to the east on the same ridge. This patch is not underlain by basalt and is associated with a capping of ridgetop sand that presumably has been transported by wind or waves from the Bengello sand sheet. The influence of the sandy soils is evident by the presence of *Corymbia gummifera* (Red Bloodwood), *Banksia integrifolia* (Coast Banksia) and *Monotoca elliptica* (Tree Broom Heath). This patch has been more heavily affected by grazing but continues to have good recovery potential and to support many hollow-bearing trees.



Photo 6: There are several patches of scattered remnant trees above exotic grazing pastures throughout the subject land. Many of the remnant trees are large-diameter and hollow-bearing.



Photo 7: The far eastern and southern parts of the subject land are dominated by a heavily modified wetland that is connected to Longvale Swamp by a narrow channel. To the east, a band of partially cleared Bangalay Sand Forest (BSF) TEC occurs along the eastern property boundary and adjoins the extensive BSF to the east and south that is associated with the Bengello holocene sand-sheet.



Photo 8: Swamp Oak Floodplain Forest (SOFF) extends in patches along the watercourse in the southern and eastern parts of the subject land. This community, a TEC under both the BC Act and EPBC Act, would have once dominated much of the most low-lying parts of the subject land.



Photo 9: The SOFF adjoining the wetland continues to be degraded by cattle grazing. Despite this, it continues to be dominated by native species and has excellent recovery potential. It would respond well to the exclusion of cattle and other recovery efforts.



Photo 10: The wetland in the east of the subject land, whilst impacted by historic clearing and ongoing grazing, is highly diverse floristically and provides excellent habitats for a diverse range of waterbirds. The approximately 3 ha of partially cleared BSF to the east is dominated by native plants in all strata and would recovery well with appropriate management.

Fauna Habitats

Twenty-one hollow-bearing trees were recorded within the subject land or immediately adjacent during the site inspection, Figure 2. This is likely to be an underestimation of the hollow resources on the subject land. The hollow-bearing trees within the subject land, which include some very large living and dead trees with excellent quality hollows provide potential denning, roosting and breeding habitat for a range of hollow-dependent threatened fauna species.

Threatened arboreal mammals including *Petaurus australis* (Yellow-bellied Glider) and *Petauroides volans* (Greater Glider) are well known from contiguous forests and may utilise the narrow band of remnant forest fringing Longvale Swamp. This fringing forest provides potential nesting habitat for a range of raptors as does the wetland vegetation within Longvale Swamp. Hollows in the isolated patches of remnant trees within the subject land provide habitat for more mobile threatened hollow-dependent fauna including threatened cockatoos such as *Callocephalon fimbriatum* (Gang-gang Cockatoo), threatened owls such as *Tyto novaehollandiae* (Masked Owl) and a range of hollow-dependent threatened microchiropteran bats.

Water habitats within the subject land provide potential habitat for a diverse range of waterbirds, and a wide range of waterbirds were observed within the swamps within the subject land during the site inspection. The water habitats also provide potential habitat for threatened amphibians such as *Litoria aurea* (Green and Golden Bell Frog). The sand forest in the far east of the subject land provides potential habitat for the threatened *Heleioporus australiacus* (Giant Burrowing Frog).

A search of the Bionet Atlas did not identify any threatened fauna species records within the subject land, however this is likely an indication of the absence of survey effort rather species usage.

Given the heavily modified nature of the fauna habitats within the subject land it is considered unlikely that threatened fauna will comprise a major constraint to future residential development within the subject land. However, targeted surveys will be necessary to assess potential usage, particularly breeding or roosting habitat for threatened hollow-dependent birds such as the Masked Owl and Gang-gang Cockatoo, and threatened microchiropteran bats such as the *Myotis macropus* (Southern Myotis). Surveys will also be necessary to assess usage by threatened amphibians, raptors, arboreal mammals, and to a lesser extent, threatened flora.

Eurobodalla Shire Council Yellow-bellied Glider Policy

Eurobodalla Shire Council (ESC) has a Yellow-bellied Glider policy that pertains specifically to the Broulee area. The objectives of the policy are relevant elsewhere in the shire however, where the species is present the policy has the following objectives that pertain to subdivisions:

- Retain all Yellow-bellied Glider sap feeding trees.
- Retain all large hollow-bearing trees except where it can be demonstrated that Yellow-bellied Gliders do not utilise the tree.
- Retain connectivity to sap feeding trees and large/important hollow-bearing trees.
- Retain connectivity for Yellow-bellied Gliders across the property and onto adjoining properties.

Future residential design will need to retain Yellow-bellied Glider sap feeding trees in the unlikely event that they are detected within the subject land and provide adequate access to these trees. Ideally, future development will retain as many of the hollow-bearing trees within the subject land as possible, particularly trees that are found, through future targeted surveys, to be den trees. Large hollow-bearing trees proposed to be removed will need to be subject to targeted surveys to assess their importance to Yellow-bellied Gliders.



Photo 11: The remnant patch of forest in the east of the subject land supports some excellent quality hollows including in this large stag (dead tree) which provides potential nesting and roosting habitat for the Masked Owl.



Photo 12: The large patch of Moist Spotted Gum Forest in the northern parts of the subject land has been more heavily affected by logging and whilst it supports many large trees, only a few are hollow-bearing. Notwithstanding, it provides a diverse range of fauna habitat, including shelter for macropods, birds and bats. If linkages to the extensive forests surrounding the subject land were improved, the patch could provide habitat for a range of arboreal mammals, potentially including threatened species such as the Yellow-bellied Glider and Greater Glider.



Photo 11: The patches of remnant trees and to a lesser extent isolated remnant trees within the subject land include many large and hollow-bearing live and dead trees which support potential habitat for hollow-dependent threatened birds and bats.



Photo 12: The BSF and large remnant trees fringing the freshwater swamp complex in the eastern parts of the subject land provide excellent fauna habitats, particularly for waterbirds. The scratches and wear on the tree trunks suggest arboreal mammal usage and usage by Goannas. This vegetation also provides a valuable linkage to the adjoining forest and an important north-south wildlife corridor.

Coastal Wetlands

Longvale Swamp is a Coastal Wetland under Chapter 2 - Coastal Management - of the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021. Longvale Swamp and the associated Proximity Area under the SEPP, as shown in Figure 3, constrain development within the subject land in that all development should avoid impacting on the swamp, either directly or indirectly, and a vegetated buffer will be required adjoining the swamp. The intention of the vegetated buffer or proximity area, is to mitigate any indirect impacts on the wetland.

If the proposed development was to impact areas mapped as Coastal Wetlands, the development would be considered designated development under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and an Environmental Impact Statement (EIS) would be required to demonstrate that sufficient measures have been, or will be taken, to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland. Development in the proximity to coastal wetlands buffer, should not impact the adjacent coastal wetland or the quality and quantity of surface and ground water flows to and from the coastal wetland. The development will need to demonstrate avoidance and mitigation measures to avoid and minimise impacts to the adjacent wetland.

As Chapter 2 Coastal Management of the SEPP (Resilience and Hazards) 2021 applies to the subject land, and the subject land includes areas mapped as Coastal Wetlands, any future development will need to address the relevant clauses in the SEPP, as identified in Table 1.

Riparian Areas

As shown in Figure 3, a number of unnamed 1st, 2nd, and 3rd order watercourses (using the Strahler system of ordering watercourses) occur within the subject land, draining to Longvale Swamp. Under the NSW *Water Management Act 2000* (WM Act), a minimum 10 m riparian buffer is required for 1st order watercourses, a 20 m buffer for 2nd order, and 30 m for 3rd order watercourses. The watercourses within the subject land are also mapped as Category 3 watercourses on ESCs riparian constraint map. Under the Eurobodalla Local Environmental Plan 2012 (LEP) a 10 m buffer from the top of bank is required for Category 3 watercourses.

A future development proposal will need to incorporate, as a minimum, buffers to watercourses consistent with the requirements under the WM Act and LEP, as shown in Figure 3. Note, the buffers shown in Figure 3 are from the 1:25,000 scale watercourse mapping and may not accurately correspond with the actual top of bank of the watercourses associated with the subject land.

There is capacity to review the watercourse mapping and riparian buffer requirements, and in some instances, it may not be necessary to provide buffers to some of the mapped 1st order watercourses. It is recommended that early liaison with NRAR be undertaken to clarify their expectations regarding riparian buffers.

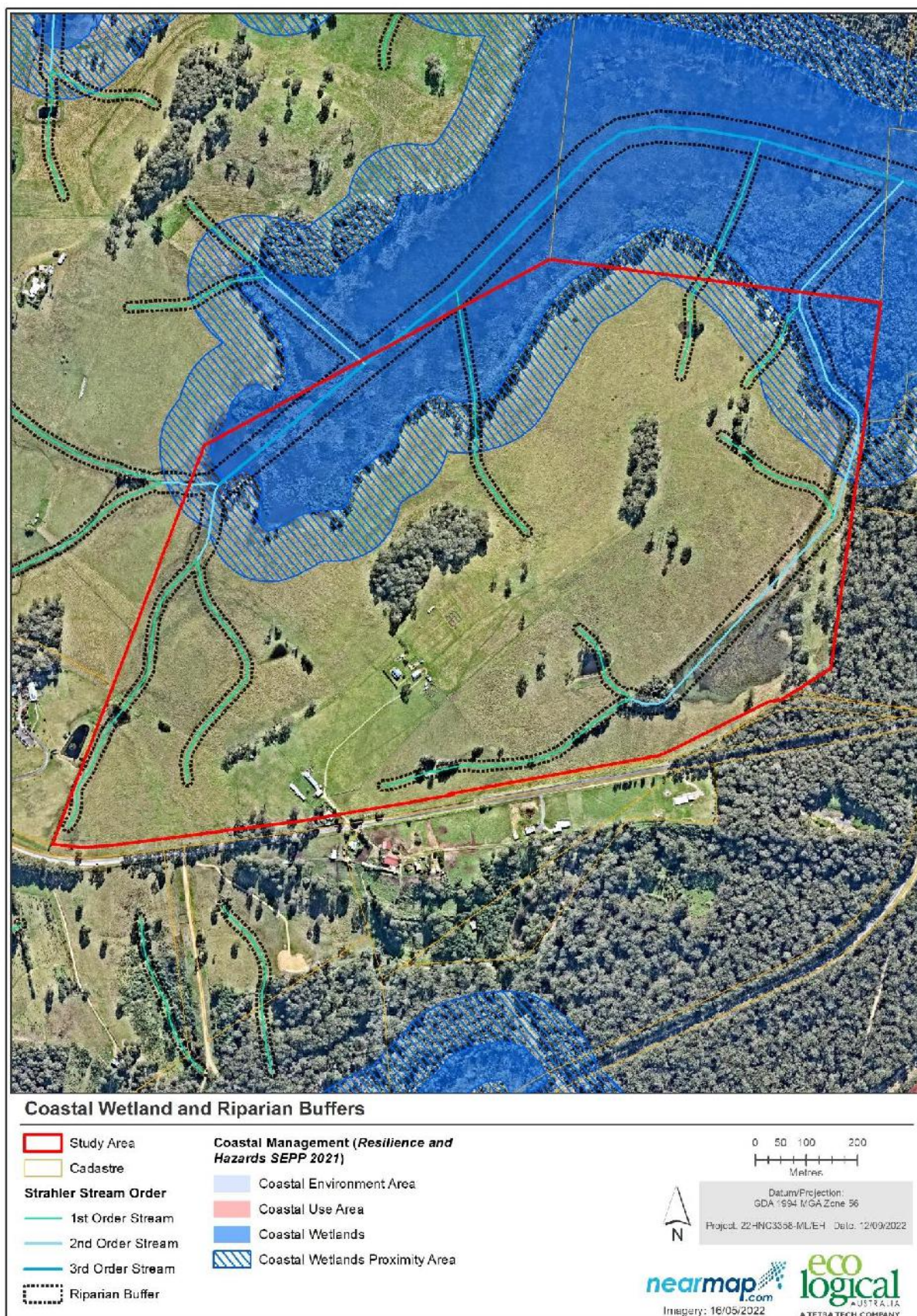


Figure 3: Coastal Wetlands and Riparian buffer mapping within the subject land.

Table 1: Coastal Wetlands requirements under Chapter 2 Coastal Management of the SEPP (Resilience and Hazards) 2021

Coastal Zone	Development Controls	Notes
Clause 2.7 Coastal wetlands and littoral rainforests	<p>(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—</p> <ul style="list-style-type: none"> (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013, (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994, (c) the carrying out of any of the following— <ul style="list-style-type: none"> (i) earthworks (including the depositing of material on land), (ii) constructing a levee, (iii) draining the land, (iv) environmental protection works, (d) any other development. <p>Note—</p> <p>Clause 2.14 provides that, for the avoidance of doubt, nothing in this Part—</p> <ul style="list-style-type: none"> (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent. <p>(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.</p>	<p>Anything other than environmental protection works will be designated development.</p> <p>It is best to avoid any direct impacts on mapped Coastal Wetlands.</p>
Clause 2.8 Land in proximity to coastal wetlands or littoral rainforest	<p>(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—</p> <ul style="list-style-type: none"> (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. <p>(2) This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.</p>	<p>Development can occur with consent if the applicant can demonstrate no significant impact on the adjacent wetlands.</p>

Biodiversity Offset Scheme

The BC Act introduces a mandatory framework for addressing impacts on biodiversity from development and clearing, including the BOS and Biodiversity Assessment Method (BAM). If the BOS is triggered a Biodiversity Assessment Report (BAR) prepared in accordance with the BAM is required. Future development within the subject land will trigger the BOS if:

- any native vegetation on the biodiversity values map (see Figure 4) is cleared
- the development exceeds the clearing threshold for the BOS which applies to the subject land (1 ha); or
- the development is likely to result in a significant impact on any threatened entity listed under the BC Act.

Whilst it is possible that future development within the subject land may trigger the BOS, there is ample opportunity to avoid triggering the BOS, given the extent of cleared land associated with the subject land.

Preliminary BAM assessment

A preliminary assessment using the BAM calculator (BAMC) was undertaken to assess the potential biodiversity credits requirements if the proposed development was to trigger the BOS. Note, this is preliminary advice only, and is based on limited survey and plot data. It is intended only as a preliminary assessment of the potential biodiversity credit obligations of future development within the subject land. As discussed above, there is ample opportunity to avoid triggering the BOS, given the extent of cleared land associated with the subject land, the intention to not only avoid and minimise any clearing of native vegetation, but to recover and rehabilitate native vegetation across the site.

Ecosystem credits

The majority of the subject land comprises grazing pastures dominated by exotic pasture grasses. Some hardy native grasses and forbs, and to a lesser extent shrubs, are scattered throughout the grazing pastures to varying degrees. A preliminary assessment of the grazing pastures within the subject land suggests that they are well below the thresholds at which they may be considered native vegetation and/or the vegetation integrity score that would require offsetting under the BOS.

In general, any development and impacts in the grazing pastures within the subject land will not trigger the BOS or incur any biodiversity credit obligation. The exception to this is those grazing pastures in close proximity i.e. within approximately 20-40 m, of remnant vegetation, particularly the forest fringing Longvale Swamp in the northern parts of the subject land. As shown in Photo 14, these areas typically support a greater cover and diversity of native plants and, in some areas, would be above the threshold at which offsetting is required under the BOS. In general, given that these areas are within the required buffers to the wetland required under SEPP, WM Act and LEP, they will not be developed. However, any permissible development that is proposed in these areas, i.e. perimeter roads, walking or bike paths, stormwater management infrastructure etc, may require offsetting. Given the relatively low condition of this vegetation, any offset requirements are likely to be relatively modest with respect to quantum and cost.

Notwithstanding the objective of the proposed development to protect and enhance the biodiversity values within the subject land, the BC Act requires proponents to demonstrate appropriate application of the hierarchy of “avoid, minimise and mitigate” impacts through reasonable measures prior to consideration of offsets. Recent Land and Environment (L&E) court judgements have provided more clarity about the application of the hierarchy, and demonstrated that a minimal approach i.e. only retaining areas that are not developable, is not a sufficient demonstration of “reasonable measures”.

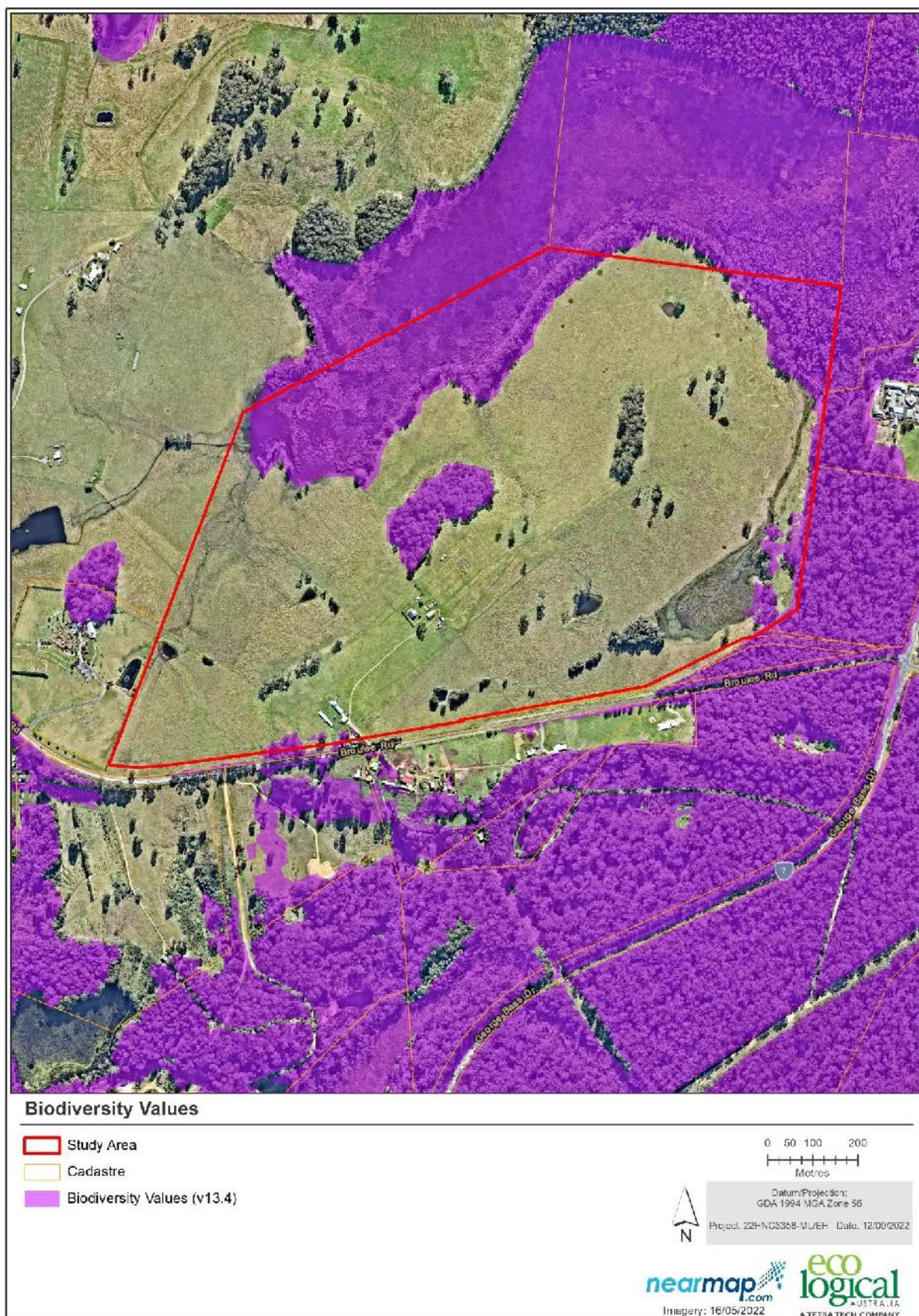


Figure 4: Biodiversity Values map as it applies to the subject land



Photo 13: The grazing pastures which dominate the subject land are dominated by exotic pasture grasses and typically only support occasional patches or scattered individuals of hardy native grasses, forbs, plants or shrubs. As such they are below the threshold where they would be considered a constraint to the proposed development. On the contrary, they are the areas where development should be concentrated given their low biodiversity value.



Photo 14: Areas fringing the remnant forests and wetlands within the subject land typically support higher cover of native plants, and thus present a moderate constraint to development. However, these areas are typically within the buffers required to avoid and manage indirect impacts, and thus should not typically be impacted by the proposed development.

The L&E court judgements indicate that development designs need to respond to the biodiversity values/constraints, and demonstrate how these have been retained/avoided, and adverse impacts avoided and minimized. Consistent with the requirements of the mitigation hierarchy and the sustainability objectives of the proposed development, clearing of the remnant forest, wetlands or isolated trees within the subject land should be avoided. If it is not entirely possible to avoid clearing, then ecosystem credits are likely to be required. However, as noted above, offset requirements are likely to be relatively modest with respect to quantum and cost.

Species credits

Regardless of the approval process future development of the subject land is subject to a range of targeted surveys using approved methods and effort during the appropriate season will be required. This is irrespective of whether the BOS is triggered or not. Each candidate threatened species will need to be surveyed for to demonstrate presence/absence within the subject land. If the BOS is triggered, these surveys will determine whether biodiversity credits will be required to offset any potential impact on the species. If the BOS is not triggered, these surveys will be used to inform the development design and enable the appropriate application of the mitigation hierarchy. It is unlikely that that many threatened species impacts will need to be offset, given the habitats within the subject land and the objectives of the proposed development. As such, if a species credit obligation is created by clearing for a future development, then any offset requirements are likely to be relatively modest with respect to quantum and cost.

Biodiversity Constraints

A summary of identified biodiversity constraints in the subject land is provided in Table 2 and Figure 5.

Table 2: Classification of biodiversity values

Constraint Level	Value present	Ranking criteria
High	Riparian buffers to 2nd and 3 rd order watercourse	<ul style="list-style-type: none"> • Riparian buffers to larger watercourses. • Important wetlands.
	Mapped Coastal Wetlands	<ul style="list-style-type: none"> • Threatened ecological communities.
	TECs	<ul style="list-style-type: none"> • Hollow-bearing trees occur across the subject land and should be retained.
	Hollow-bearing trees	<ul style="list-style-type: none"> • Known and potential denning habitat for Yellow-bellied Glider
Medium	Native vegetation in good condition	<ul style="list-style-type: none"> • Potential threatened flora habitats. • Potential denning, roosting, and breeding habitat for threatened mammals, birds and microbats.
	Proximity to Coastal Wetlands	<ul style="list-style-type: none"> • Buffers to important wetlands
	Riparian buffers to 1 st order watercourse	<ul style="list-style-type: none"> • Not all mapped 1st order watercourses will necessarily be considered so by NRAR and thus may not require a riparian buffer.
	Potential habitat linkages	<ul style="list-style-type: none"> • Areas that could be revegetated or planted with trees to provide habitat linkages, particularly for birds, bat and arboreal mammals.
Low/Negligible	Scattered/isolated remnant trees	<ul style="list-style-type: none"> • Isolated trees should be retained where possible, particularly where they are hollow-bearing, and where possible should be included within proposed habitat linkages. • Potential foraging habitat for threatened fauna species.
	Exotic pastures or otherwise substantially degraded areas.	<ul style="list-style-type: none"> • These areas have negligible biodiversity value.

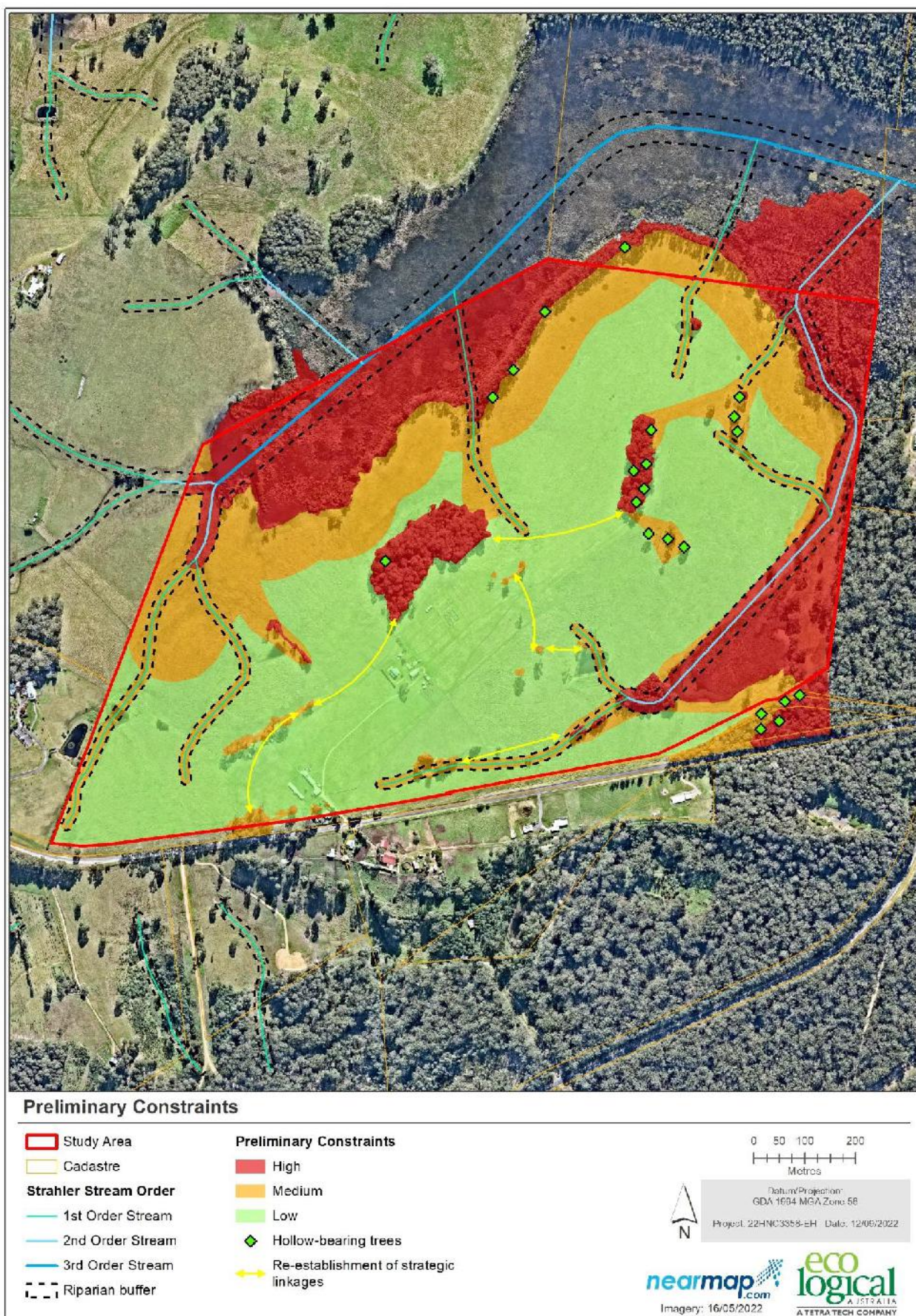


Figure 5: Preliminary biodiversity constraint levels within the subject land

On the basis of the assessment undertaken to date, those areas that are identified in Figure 5 as High biodiversity constraint (30 ha) are unsuitable for future residential or other types of development and will need to be retained, protected and buffered from any indirect impacts.

Those areas identified as Medium (29 ha) constraint appear, on the basis of the preliminary analysis, to be less constrained from a biodiversity perspective. Limited impacts on riparian areas or buffers to coastal wetlands may be acceptable in some circumstances for road crossings, stormwater infrastructure, for walking and bike paths, or other relatively minor impacts. Any residential or other development in these areas will need to be minimal and compensated for elsewhere. Isolated trees, whilst they should ideally be retained, pose a medium constraint to development, particularly if they are not hollow-bearing. Similarly, not all mapped 1st order watercourses will necessarily be considered by NRAR and may not require a riparian buffer. The areas identified as potential habitat linkages are indicative only, and the exact location and shape of habitat linkages is flexible such that the mapped linkages are only considered a medium constraint. However, parts of these areas are constrained more heavily by hollow-bearing trees. These constraints, and other potential biodiversity constraints that may be identified during a comprehensive biodiversity assessment, required for any future development, may further constrain the Medium constraint areas identified in this preliminary assessment.

The 68 ha of Low / Negligible constraint is, based on the assessment undertaken to date, considered to be unconstrained by biodiversity values. It is important to note that the Low and Medium constraint areas identified in Figure 5 do not necessarily represent a preliminary “developable area” as the constraint assessment does not include other considerations such as bushfire protection measures, cultural heritage, engineering or other constraints.

Additional Survey and Assessment

Whilst there is no legislative requirement to undertake a Biodiversity Development Assessment Report (BDAR) for a Planning Proposal (rezoning), it is increasingly requested by councils that Planning Proposals include a BDAR or completion of Stage 1-2 of the BAM. We recommend that the biodiversity assessment requirements to accompany any future Planning Proposal are clarified with ESC as soon as possible.

Regardless of the specific planning and approval pathway, additional targeted threatened species surveys will need to be undertaken to complete a BAR for any future Planning Proposal or development application. Some targeted surveys will be essential to demonstrate, as required by the BC Act and BAM, that adequate measures have been undertaken to avoid and mitigate impacts on native vegetation and threatened species. Other targeted surveys will be prudent to provide evidence that species credit species do not occur within the subject land and subsequently to justify why the potential impacts on the species may not need to be offset. These surveys may also significantly reduce, or potentially eliminate, species credit offset requirements and associated cost.

Targeted surveys required to complete an assessment for any future development proposal have seasonal requirements and a full year may be required to comply with all the seasonal survey requirements for each threatened species. Many species can be surveyed for during the spring and summer period, however some species such as the Glossy Black-cockatoo and large forest owls, can only be surveyed for during late autumn and winter. As such, we recommend that targeted surveys commence as soon as possible to avoid delays.

Threatened species that are likely to require targeted surveys include the threatened cockatoos the Gang-gang Cockatoo and Glossy Black-cockatoo, Masked and Barking owls, the arboreal mammals Yellow-bellied Glider and Greater Glider, threatened raptors and microbats, and Green and Golden Bell and Giant Burrowing frogs.

EPBC Act referral

Under the EPBC Act, actions that have the potential for a significant impact on a federally listed entity, must be referred to the Commonwealth. Proponents have a legal obligation to refer actions if there is a potential for a significant impact on a federally listed entity. There are significant penalties for not doing so. Despite the anticipated relatively limited impacts of the proposed development, and notwithstanding the potential benefits of the biodiversity recovery and rehabilitation opportunities associated with the proposed development, it would be prudent to liaise with the Commonwealth, and if recommended by the pre-referral process, to refer a future development proposal. Not doing so would leave the proposal and proponent open to the risk of potential prosecution and criticism for not referring, and associated delays and costs to subsequently refer if called in by the Commonwealth. When a referral is made, the Commonwealth will then determine whether the action is a “controlled action” or not, and thus whether it requires assessment and approval under the EPBC Act. The Commonwealth must determine whether the action is a “controlled action” within 20 days of referral.

Opportunities

Notwithstanding the diverse range and quality of the remnant biodiversity values on the subject land, the biodiversity values of the subject land have been heavily degraded by historic clearing for farming and associated practices such as logging for fence posts and firewood collection, and continue to be degraded by ongoing grazing. The proposed development, if it involves a change of landuse that promotes sustainability and ecological recovery and enhancement, provides an opportunity to significantly improve the biodiversity values which remain within the subject land and provide significant biodiversity benefits at a local scale. Some of the potential opportunities are discussed briefly below, and identified in Figure 6.

Recovery of native vegetation communities - The remnant native vegetation within the subject land has excellent recovery potential and will respond well to the removal of grazing and other recovery actions such as weed control, strategic planting and the installation of supplementary fauna habitats such as nestboxes. Furthermore, some areas that have been cleared, particularly those areas that would have formerly supported forested wetlands, could be reforested.

Improved buffers to Longvale Swamp and other waterbodies - Enhancing the vegetated buffers to Longvale Swamp and the other wetlands within the subject land would provide a significant biodiversity benefit generally, but will also enhance the ecological integrity of the wetlands, improve water quality, and mitigate the potential for indirect impacts from the proposed development. These buffers will also provide opportunities for kangaroos and other macropods which currently occupy the subject land to graze and move through the property to adjoining lands.

Improved habitat connectivity throughout the subject land and beyond - Re-establishing connectivity between the patches of remnant native vegetation within the subject land and the extensive forests and wetlands on surrounding properties will significantly enhance their biodiversity value, long-term viability, and the ecosystem services they provide.

Increased awareness and appreciation of the biodiversity values on the subject land and locally.

A system of walking /cycling paths, picnic areas, bird hides, boardwalks and interpretive signage that take advantage of and showcase the biodiversity values within the subject land would, in addition to being a valuable local recreational resource, increase awareness and appreciation of the truly wonderful biodiversity values within the subject land and locally.

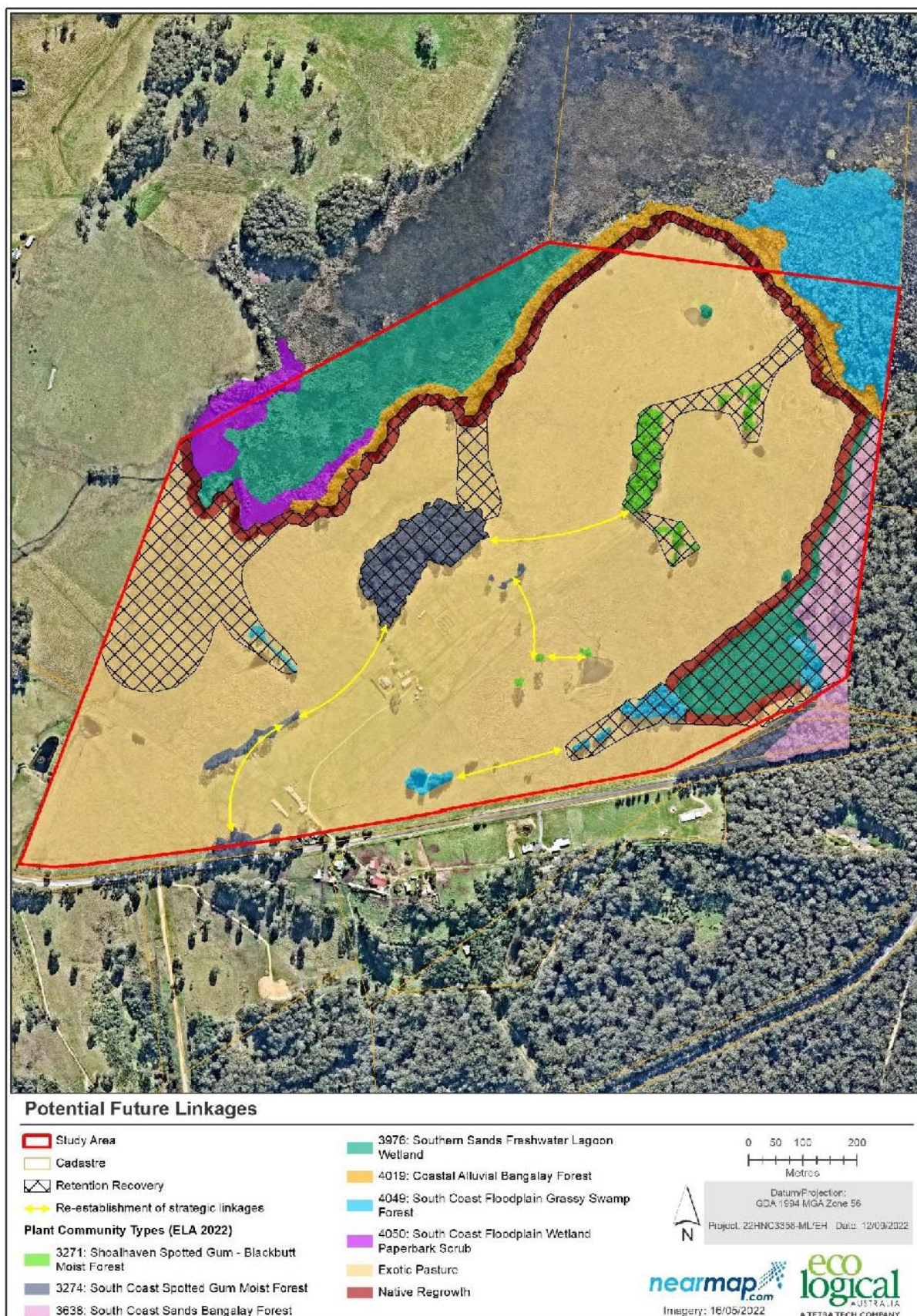


Figure 6: Potential areas for vegetation recovery and enhancement and potential habitat linkages.



Photo 15: The Forested Wetlands that have been removed from the low-lying and poorly drained areas fringing Longvale Swamp could be recovered through the cessation of grazing and strategic planting.



Photo 16: A walking /cycling path with exercise equipment bird hides, boardwalks and interpretive signage would be a great resource and an excellent use of the buffer to Longvale Swamp. Areas with good recovery potential could be revegetated and the buffer comprise a mix of vegetation and open areas used for recreation and other compatible uses.



Photo 17: 1st order watercourses and associated riparian buffers could be used as habitat corridors linking the remnant vegetation within the subject land to larger areas of forest, like the forest fringing Longvale Swamp.



Photo 18: The BSF in the eastern extremities of the subject land has excellent recovery potential and provides excellent opportunities to increase biodiversity values through recovering the TEC and enhancing the locally important north – south habitat corridor through this area. It could also be traversed by a walking/cycling path with exercise equipment, picnic areas, bird hides, boardwalks and interpretive signage.



Photo 19: Patches of isolated old-growth trees should be considered assets. With considered design and modest supplementary planting, the connectivity and integrity of these patches could be enhanced whilst also providing a safe and special community space.



Photo 20: Revegetating the degraded channel linking the wetland in the southern parts of the subject land to Longvale swamp will provide significant local biodiversity enhancement.

Summary

This preliminary assessment has identified:

- the bulk of the subject land (68 ha) is relatively unconstrained by biodiversity values given historic clearing and pasture improvement.
- areas of high biodiversity value, with significant opportunity to protect, recover and enhance the biodiversity values within the subject land.
- a change of land use of the subject land that promotes ecologically sustainable development, has the potential for significant biodiversity benefits both on the subject land and locally.
- approximately 30 ha is highly constrained by wetlands, watercourses and associated riparian buffers, TECs, hollow-bearing trees and other remnant native vegetation.
- approximately 29 ha is constrained to a lesser extent by buffers to wetlands, 1st order watercourses, isolated remnant trees, and potential habitat linkages.
- that future development may trigger the BOS, however it is unlikely to generate a substantial biodiversity credit obligation or associated cost given the intention to retain and enhance the biodiversity values of the land.
- that early liaison with the Commonwealth is recommended early in the development design process.
- that early liaison with NRAR is recommended early in the development design process.
- positive biodiversity benefits of ecologically sustainable residential development that protects and enhances the biodiversity values of the subject land, additional surveys and assessment will be required to document and clarify the biodiversity values on the subject land, and to comply with the required environmental assessment.

This preliminary assessment has identified there is considerable scope for ecologically sustainable residential development that protects and enhances the significant biodiversity values.

If you have any queries in relation to this advice please contact me by email or 0422 802 447.

Regards,



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