

12 October 2023

Ref: 23606

Tony Polvere
Unit 407, 5 Warayama Place
ROZELLE NSW 2039

c/o tony@polvere.com.au

Dear Tony,

Planning Proposal, PP-2023-1734, 207 Broulee Road, Broulee

We have been engaged by Eurobodalla Shire Council to assist Council staff in the progress of the Planning Proposal and we write to you in this capacity.

Further to Council's advice to you dated 4th August 2023, we have been asked to provide additional preliminary advice regarding the strategic and site-specific merits of the proposal.

The advice contained herein has been provided on the basis of a review of the Planning Proposal and any supporting information, a site inspection and Council internal specialist feedback. The Planning proposal has not been referred to any authorities or government agencies at this time.

The review is not a full merit assessment of the proposal, and this advice is provided in good faith. You are invited to consider the advice in determining whether to proceed with the planning proposal.

A comprehensive assessment of the planning proposal will be undertaken following lodgement of all the necessary information. Following the assessment, further issues may be identified for addressing.

Part 1: Preliminary Advice on whether the proposal has Strategic and Site-Specific Merit

In terms of the strategic planning framework the proposal is considered to be:

1. inconsistent with the draft South East and Tablelands Regional Plan 2041, principally because it has not demonstrated that:
 - the proposal is a predominantly genuine 'agri-tourism' use and place based project;
 - the proposal will provide genuine 'affordable housing' and the site is a suitable location for such housing;
 - areas of high environmental value can be protected and impacts of the development on aquatic habitats in freshwater systems and aquacultural estuaries can be avoided;
 - potential conflicts with surrounding land uses (internal and external to the site) can be avoided;

- sufficient consultation with state agencies, the community and industry groups has been undertaken;
 - the site enjoys proximity to an efficient public transport service commensurate with the target 'seniors living' character of the population;
 - existing services can cater for an increase in population (i.e. social infrastructure, education and health);
 - the site is not in an existing centre, nor is it supported by Council's Settlement Strategy (discussed below); and
 - the site can be serviced by appropriate utilities infrastructure.
2. inconsistent with the Eurobodalla Local Strategic Planning Statement 2040 principally because:
- the site is not located in an identified future residential growth area;
 - the site is located outside the identified Broulee 'Activity Centre,' identified to accommodate future housing; and
 - the proposal does not consolidate development within towns and centres.
3. inconsistent with the Eurobodalla Rural Lands Strategy principally because:
- development of the site would not retain the agricultural land resource; and
 - the proposal has not demonstrated that it is a predominantly genuine 'agri-tourism' or 'agri-business' use; and
 - the proposal does not maintain the landscape qualities of the site.
4. inconsistent with the Eurobodalla Settlement Strategy principally because:
- the site is located outside the settlement boundary of Broulee;
 - development of the site would represent ribbon settlement and dispersal of activity eroding the compact footprint and settlement character of Broulee;
 - development of the site would not respect and complement the scenic setting of Broulee;
 - the site is isolated and distant from community, commercial, recreational and health services and is inappropriate for the proposed dwelling typologies, particularly senior living housing;
 - the proposal has not demonstrated that the site can be adequately serviced with reticulated water, sewer and stormwater disposal in accordance with development servicing plans;
 - rural land in or adjacent to isolated villages and hamlets is of a low priority for release; and
 - the proposal does not represent urban residential land that may be developed in an orderly sequence that responds to the market and is able to be serviced economically.

Based on an assessment of the planning proposal and supporting material provided to date, it is considered that the proposal is not consistent with the strategic planning framework and does not have strategic planning merit.

Part 2: Recommended Changes and Further Investigations and Studies to Support the Planning Proposal

Should you wish to proceed with the planning proposal the following additional information will be required to be submitted:

1. Planning Proposal Report and Maps

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| 1. | Objectives and Intended Outcomes | <p>There are a number of terms that require additional detail in order to gain an understanding of the proposal. For example:</p> <ul style="list-style-type: none"> • “Agrihood” needs greater definition. More detail on the management, viability, operation, commercial aspects, visitation and interface / impacts with the residential use and environmental context of the site is required. • “Wellness Community” needs greater definition. More detail is required on aspects such as level of health care, permissibility of uses. • Housing typologies requires additional detail, particularly the intention to target 50% of the development to over 55s as this represents a Senior Living development. • “Rent to Buy” needs greater definition. |
| 2. | Explanation of Provisions | <p>The proposal lists the ELEP 2012 aims and C2 zone objectives. However, the assessment should demonstrate how the proposal achieves the aims and objectives.</p> <p>The proposed housing mix and commercial uses seeking permissibility in the proposed C4 zone requires more explanation.</p> |
| 3. | Justification of Strategic and Site Specific merit | <p>The comments in Part 1 of this advice need to be addressed.</p> <p>While the proposal lists principles and regional themes more detail is required on how they are addressed. For example, how will Black Rock Industries be involved (p.29) and other partnerships? A letter of commitment would assist.</p> <p>“Niche employment lands” are identified (p.29) but not evident in the master plan. More detailed description is required.</p> <p>More detail on how the 14 ha of livestock and vegetable and fruit growing will operate is required including strategies to address compatibility. A farm operational plan should be submitted to be incorporated into the DCP.</p> <p>The proposal needs to provide evidence that it does not exacerbate ‘ribbon development’ (p.30). The location requires more justification. For example, the proposal needs to demonstrate it is consistent with the character of existing Broulee village, as well as principles of urban consolidation. Residential development on the western side of George Bass Drive, may set an undesirable precedent in the absence of studies being undertaken to inform a future plan for Broulee Village.</p> |

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| | | The proposal advises that the target market is older households seeking affordable low maintenance housing options (p.9). Discussion is required on how this is consistent with the Site vision. |
| 4. | Community / Agency Consultation | <p>Evidence of discussions, collaboration and/ or tangible agreements with the following parties, that appear to be fundamental to the success of the development are required:</p> <ul style="list-style-type: none"> • Carroll and St Peters Colleges (P.17) and TAFE (P.19), SAGE (p.39); • The relevant Local Aboriginal Land Council(s); • NSW Department of Education (School's Infrastructure) to determine its ability to serve site; • DPE Water (formerly NRAR) to determine whether a controlled activity approval would be required; • Commonwealth Government (DCCEEW); • Transport for NSW and local bus operator (Priors) regarding the ability to service site; • Southern NSW Local Health District (SNSWLHD) regarding ability to service site, particularly given senior living focus; and • NSW National Parks and Wildlife regarding possible existing wildlife agreements (refer comment 2.1 below). |
| 5. | Consistency with SEPPs and Ministerial 9.1 Directions | <p>Refer to the additional matters required to be addressed in the advice dated 4 August 2023, specifically:</p> <ul style="list-style-type: none"> • Consideration of the Resilience and Hazards State Environmental Planning Policy (SEPP) due to proximity of wetlands; and • Local Planning Directions: a. 5.1 Integrating Land Use and Transport; and 5.3 Development Near a Regulated Airport. • |
| 6. | Amended Land Use Zoning map | <p>Zoning changes are described. However draft maps need measured areas. Any possible decline in C2 zoned area requires addressing.</p> <p>The zone change at northern boundary appears to extend into neighbouring property. This requires clarification.</p> <p>There does not appear to be any correlation between the proposed uses and C4 permissibility.</p> |
| 8. | Amended Minimum Lot Size | The proposal provides gross site density, but no minimum lot size. This needs to be identified and mapped. |
| 9. | Amended Minimum Height of Buildings map | This requires clarification. |
| 10. | Amended Heritage map | Any amendments to the Heritage maps need to be provided. |

2. Urban Design Master Plan

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| 1. | Site Area | <p>The Concept Masterplan shows development extending into the Illawong Nature reserve, including a shared pathway / interpretative trail. Greater clarification on the impacts of this on biodiversity protection is required.</p> <p>The Planning Proposal report concludes one of the key public benefits will include the ability to activate Council owned land and Illawong Nature Reserve for the community. Council will thus be a party to, and have an interest in, the proposal.</p> <p>Furthermore, Council records indicate that the Illawong Wildlife Refuge Agreement ID WR00045 exists on the site.</p> <p>These matters will impact the processing of the Planning Proposal if supported. Further detail is required.</p> <p>Construction and ongoing impacts associated with this have not been considered in the information provided with the Planning Proposal.</p> |
| 1. | Vision statement | <p>More detail is required on how the proposal will achieve Council's "Smart growth" objectives, particularly the concept of the self-sustaining 'complete community' where residents do not need to leave Broulee.</p> <p>More detail is required on the synergies and linkages with the Bower, particularly the role of the site in "eco-tourism" (for example, operational relationships, business plan, funding, management for the 'Discovery Centre' and 'paddock to plate' etc).</p> <p>More description required as to the management and operation of an "Agri community" with social interaction / mental health facilities / festivals / community discovery (education) centre e.g. Community Title (to what extent and security of outcomes for Council), viable agricultural operation, senior living aspect (levels of care and management) etc.</p> |
| 2. | Opportunities and constraints analysis | <p>The master plan does not correlate with consultant reports. Both sets of documents are required to iteratively address each other, so that each informs the other.</p> |
| 3. | Proposed land uses and distribution | <p>There is insufficient detail on housing typologies such as 'key worker housing' and affordable housing (e.g. how will this be delivered, e.g. CHP mechanism).</p> <p>There is insufficient detail on open space (passive / active). Is a sports oval required given the proposed scale of the development (800 lots) or will existing facilities in Broulee suffice?</p> |
| 4. | Existing and proposed transport network (roads, public transport, pedestrians, cycles, linkages / connectivity and hierarchy | <p>Pedestrian connections through C2 land to schools requires more detailed explanation. Land ownership? Maintenance?</p> <p>If this is a material connection in the plan it needs to be included in the proposal and DCP.</p> |
| 5. | Proposed open space planning and design | <p>Clarification is required on the extent of area (ha) of parkland (passive / active) required and the role of agriculture or environmental protection land in meeting that demand.</p> |

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| | principles, distribution and connectivity | <p>A dwelling yield and the demand for passive and active open space and recreation facilities are required to be identified. It should be based on an estimated resident population calculated from a nominated household occupancy rate.</p> <p>Similarly, there is no clarity on whether the recreation facilities and open space proposed as part of the development will form part of the future community title subdivision (and remain a private asset) or will the community land/assets be dedicated to Council to maintain (as a public asset) and publicly accessible.</p> <p>The proposal should discuss whether an offer to enter into a planning agreement is anticipated to be made to provide for delivery and / or funding of community infrastructure in the absence of a site and area specific contribution plans.</p> |
| 6. | Proposed high-level landscape concept and visual impact assessment | Residential development in the site will be visible from Broulee Road and the crematorium. It is also located on a local ridgeline. Discussion is required on the potential impacts on the change in the landscape and visual character of the area that will result from development |
| 7. | Indicative yield (range) and staging | This is required to ensure that appropriate and timely infrastructure is provided to the development. |
| 8. | Provision and distribution of floor space controls / gross floor areas for non-residential uses (if relevant) | This information is required to be provided to enable economic impact assessment, traffic generation and ensure residents are adequately serviced. |
| 10. | Draft Site-Specific Development Control Plan | A draft DCP is required to enable an appropriate assessment of the detail of the proposal. |

3. Environmental and Technical Investigations

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| 1. | Flooding Risk Assessment | Refer to the additional matters identified in Council's advice dated 4 August 2023. |
| 2. | Strategic Bushfire Risk Assessment | <p>The report relies on generalisations and is vague. For example, "practically a lower risk location for bushfire safety" (p.1) provides insufficient certainty that hazard has been addressed.</p> <p>The investigation does not address the master plan in terms of future revegetation, habitat linkages or street trees. It is not clear whether these measures are able to be implemented in accordance with planning for bushfire requirements (e.g. APZ strategy).</p> |
| 3. | Water Cycle and Stormwater management Report | The Proposal does not address how stormwater will be managed. This is particularly relevant given the site is surrounded on 2 sides by sensitive wetland environments. There is potential for stormwater run-off to impact on waterways and wetlands within and adjacent to the lot. |

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| 4. | Traffic, Transport and Access Assessment | <p>More detail is required on how the proposal addresses active transport and how pedestrians/cyclists will be catered for particularly crossing of George Bass Drive.</p> <p>The proposal notes that no retail facilities will be provided within the site. However over 50% of the population may be over 55 (i.e. it may be predominantly a Seniors Living development). Detail on how the aged and infirm will access retail and personal services is required.</p> <p>Furthermore, the viability of access by public transport requires addressing including consultation with Priors and Transport for NSW</p> <p>Commentary is required on the feasibility of providing the proposed secondary access closer to the highway due to its proximity to a crest (approximately 150m to the west). This would be a plan detailing:</p> <ul style="list-style-type: none"> • Approach Sight Distance (ASD) • Safe Intersection Site Distance (SISD). • Minimum Gap Sight Distance (MGSD) |
| 5. | Demographic, Social Infrastructure and Community Needs Assessment | <p>The investigation needs to identify dwelling occupation, population estimate, demand for schools, open space etc and assessment against common benchmarks.</p> <p>The proposal suggests the model is a "Compact, mixed-use, walkable Communities" 'housing clusters' street activity' (p.10). However how are services accessed (nearest shops, hospitals etc)? This is not evident in, or a characteristic of, the master plan.</p> |
| 6. | Housing Market Needs Assessment | <p>The data suggests pipeline of 77 lots in Broulee (2 years supply?) and 366 ha of land but constrained. Maps are not provided and the data vague. More detail is required to support the justification, particularly the housing typologies sought by the proposal (over 55s / senior living, key worker (affordable) housing etc).</p> <p>The data suggests that the Shire has a housing supply and affordability issue. This is a generic comment and would be relevant to any proposal. Commentary and evidence are required to demonstrate that the site is the most appropriate location for it.</p> |
| 7. | Economic Impact Assessment | <p>The proposal suggests it "would foster value adding by supplying farm produce directly to restaurants and consumers rather than through wholesale channels." More evidence and detail are required to support this opportunity.</p> |
| 8. | Preliminary Geotechnical and Salinity Assessment | <p>This has not been provided. It is required given the topography and potential salinity in the areas of the proposed housing footprint and agriculture.</p> |
| 9. | Preliminary Site Investigation (Contamination) | <p>A preliminary (Phase 1) study is required at this stage if a change of use to residential is contemplated.</p> |
| 10. | Historical Assessment | <p>The whole site is currently listed in the ELEP 2012. However, the study does not adequately address heritage or archaeological impact on the site of the Mt Oldrey Homestead. For example, it does not appear that the site has been inspected for archaeological remains and no description of items and appropriate curtilage have been identified and incorporated into the master plan. It defers the detail it to development application, which is inappropriate.</p> |
| 11. | Recognising and Demonstrating Connection to | <p>Addressing this matter is considered good practice and should be provided.</p> |

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| | Country Assessment | |
| 12. | Proposed Sustainability Strategy | Addressing this matter is considered good practice and should be provided. |
| 13. | Biodiversity and Riparian Assessment | <p>The investigation does not make any definitive recommendations to remove Category 1 streams and any proposed offsets. This is required as many are shown removed in plan.</p> <p>The investigation notes large areas containing EECs and buffers. However, it does not demonstrate that future development will not significantly impact on the wetlands and buffer areas. Further consideration of impacts to this SEPP wetland needs to be considered at this stage to avoid impacts from land use intensification, i.e., urban development, higher intensity agriculture on part of the land, stormwater run-off, public access / pathways, potential impacts to water quality.</p> <p>Further assessment, including a survey of Yellow-bellied glider is required to determine any potential for impact on this species.</p> <p>The report needs to be definitive on how the EECs will be assessed and managed BDAR/ BSA /EPBC Offsets etc. The report suggests the need for a BDAR given the sensitivity of site.</p> <p>It is recommended that a BDAR is requested, or minimum BAM stage 1-2 assessment.</p> |
| 14. | Agricultural Lands Assessment | <p>According to Council's GIS mapping, the subject site is located on a large rural holding identified as class 3 agricultural land. Whilst the site may not currently be being farmed to its potential, the proposal needs to address the potential loss of vital agricultural land.</p> <p>Of note, while the current grazing business not commercially viable this is not, in itself, justification for a change in use.</p> <p>The report should address compatibility / conflicts of urban housing interspersed into agriculture (e.g. impact of noise, odour, spraying, truck movements etc on residential amenity). Refer to page 36 of the proposal.</p> |
| 15. | Infrastructure Servicing Strategy inc Infrastructure Delivery Plan | The detail provided needs to be supplemented with indicative concept plans and maps showing lead in connections / routes etc to existing services. Is water and sewer augmentation viable? (The report notes that it has not considered any environmental investigations, geotechnical limitations, community engagement or cost estimates associated with servicing the development with water and wastewater). |

We appreciate the efforts to follow the process in the NSW Government's Local Environmental Plan Making Guideline (the Guideline). Should you require any further details or clarification, please do not hesitate to contact me.

Yours sincerely,
INSPIRE URBAN DESIGN + PLANNING PTY LTD



Stephen McMahon
Director