

19 September 2013

Lisa Proctor
Greater Taree City Council
PO Box 482
TAREE NSW 2430

Dear Lisa

RobertsDay
planning design place

RE: BRIMBIN PLANNING PROPOSAL

Further to our telephone discussion we understand that the Department of Planning and Infrastructure requires further justification for adding special LEP provisions relating to the RU4 and E4 zoned land (proposed clauses 7.8 and 7.9).

Over the course of Council's assessment of the Planning Proposal, we have provided significant explanation about the vision and intent for these areas, supported with research and precedent examples. The wording of the proposed LEP clauses has been developed in consultation with Council to achieve a planning control that will effectively achieve the vision. We are therefore confident that the Planning Proposal is suitable in its current form and provide justification for this position below.

Intended objective for the RU4 zone:

Two of the five objectives for Brimbin New Town as stated in the Planning Proposal relate to the creation of agricultural employment opportunities:

- Provide significant employment lands for industry and agricultural support businesses to ensure a sustainable economic base for the new town and broader region;
- Provide land for intensive agriculture to offer a broader range of agricultural opportunities for the region.

Just as a variety of housing sizes and price points are required for a diverse and balanced community, a range of agricultural lot sizes are required for varying scales and types of agriculture. Our research shows a global trend towards intensive small-lot agriculture as a sustainable way to meet growing food needs.

The benefits of small-scale farming include:

- Greater employment density compared to large scale farming. A typical 100ha dairy farm would require 3 full-time equivalents (FTE); a 2ha market garden typically require 2 FTE; and a 0.4ha small plot intensive (SPIN) farm requires 2 FTE. With 400ha of potential agricultural land at Brimbin small-scale intensive agriculture could create 1000 more jobs than large-scale farming;
- Lower establishment costs of land, machinery and outside labour;
- Ability to target high-value markets through specialty produce such as organic or low volume products and/or collaborating with local/boutique food businesses;
- Promotes more independent businesses with farm direct sales and/or the establishment of local farmers markets, enabling farmers to retain 100% of revenue;
- Can be combined with agritourism operators to attract more visitors to Greater Taree and showcase local produce, as well as building the image of the area;
- Agriculture can become more place-based and embedded in the community, helping to create a strong place identity, forge strong networks in the community and re-establish more locally-based food systems;

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- The networks and collaboration needed to make small-scale agriculture successful builds social capital in the community.

It is proposed that within the agricultural areas of Brimbin the full range of agricultural options will be permitted from broad acre farming, to market gardens, through to small lot intensive farming.

Limitations of standard LEP controls:

The land is currently zoned RU1 Primary Production, with the objective of general agricultural uses. Consistent with the vision for enabling intensive small-scale agriculture, the RU4 Primary Production Small Lot Zone is considered more appropriate as the zone objective is more specific to a diversity of employment and agriculture types, particularly those that require smaller lot sizes.

Under Council's existing LEP, minimum lot sizes of 40ha to 100ha are applied to RU1 zoned land in order to prevent subdivision, whereas minimum lot sizes of 20ha have been applied to the RU4 Zone. However to facilitate small lot intensive farming the planning framework for Brimbin needs to allow alternative patterns of development such as clustering of houses, alternative land tenure arrangements such as community titles, and a range of lot sizes less than 20ha (2ha is the average size for a market garden). There also needs to be provision for smaller homesite lots can be clustered amongst larger productive lots.

Council has expressed a concern that allowing its normal minimum lot size of 20ha (which was originally sought) for the RU4 Zone may result in hobby farms or rural-residential/ lifestyle lots being created and was therefore considered unsustainable and inconsistent with the objectives for Brimbin New Town for this land as these lots may not be economically productive or generate meaningful employment. Therefore it was considered necessary to incorporate additional controls in the LEP in order to both facilitate the vision for intensive small-lot agriculture and protect against unintended outcomes such as hobby farms and lifestyle lots.

There are recent precedent examples where special provisions have been included in LEPs to allow for reductions to the minimum lot size in rural areas to facilitate community title and cluster housing. For example:

- Bega Valley Local Environmental Plan 2013 Clause 4.1B (lot averaging to allow for cluster housing)
- Cessnock Local Environmental Plan 2011 Clause 7.8 (no minimum lot size for tourist accommodation)
- Eurobodalla Local Environmental Plan 2012 Clause 4.1E (lot averaging to allow for cluster housing)

However we have not found any existing LEP controls that would adequately facilitate the intended outcome for intensive small-lot agriculture at Brimbin. We appreciate that intensive small-lot agriculture using cluster housing and community title is relatively new and uncommon in NSW, therefore believe a non-standard LEP provisions is required in order to facilitate this progressive concept.

Proposed LEP provision for the RU4 zone:

In order to achieve the vision and protect against unintended outcomes it is proposed to prohibit subdivision in the RU4 zone unless a range of matters are addressed that will ensure successful small-scale agriculture.

Specifically, a minimum lot size of 300ha for the RU4 area (to prevent subdivision) is proposed, and a new Part 7 Additional Local Provision (clause 7.8) that allows for reductions to the minimum lot size subject to a masterplan being adopted which addresses a range of items including principles of sustainable agriculture subdivision design, lot size, access, tenure, infrastructure requirements, and a management statement setting out the terms of a management association.

It is considered that this provides a simple yet effective control to enable Brimbin to become a leader in intensive small-scale farming, which is considered an essential part of creating a sustainable New Town at Brimbin.

Intended objective for the E4 zone:

The eastern land on which the E4 zone is proposed is largely flood prone; contains a number of native vegetation types including endangered ecological communities (EECs); and OEH has identified a regional corridor traversing part of the site (refer to attached flood and vegetation maps). For these reasons the land is unsuitable for agriculture (conservation land), and is considered worthy of preservation for environmental and flood management purposes. Discussions have been held with OEH and Council in regard to their interest in this land as a State or Local asset but to date these discussions have been unsuccessful. The maintenance and management of these lands is therefore required under private ownership arrangements.

To provide the opportunity for private management and an associated funding mechanism for the conservation land a cleared portion of land in the proposed E4 zone that is unconstrained by the flood zone and environmental qualities has been identified as being suitable for development of low-impact housing.

Limitations of standard LEP controls:

The land is currently zoned RU1 Primary Production, which is intended for productive agricultural land. As outlined above, the flood-prone nature of the land and presence of endangered ecological communities and identified regional corridor renders the land unsuitable for agriculture, therefore a more appropriate zone is proposed. The land is not of a quality to warrant reservation for National Parks and Wildlife (E1 Zoning) and would be a significant burden on Council resources if it were dedicated as a local reserve for conservation, therefore the land is proposed for private ownership and management.

Whilst the majority of the land is proposed to be protected from development, there is a portion of the land suitable for low impact housing. The E4 Environmental Living zone is considered the most appropriate zone to facilitate this with the objective of *"low-impact residential development in areas with special ecological, scientific or aesthetic values"* and permitting with consent a range of residential land uses.

With regards to lot sizes, Council's existing LEP does not contain any land zoned E4 from which we can compare. From review of other rural LEPs a range of lot sizes are applied to E4 zoned land, for example:

- Bega Valley Local Environmental Plan 2013 applies minimum lot sizes between 2ha- 5ha.
- Eurobodalla Local Environmental Plan 2012 applies minimum lot sizes between 1ha – 10ha.
- Hawkesbury Local Environmental Plan 2012 applies a 40ha minimum lot size.

In order to enable low impact housing to occur on the unconstrained portion of the land, and achieve a level of development that can support the management arrangements and associated funding required for the conservation land smaller lot sizes are required to be permitted. Additionally, controls are required to prevent development and subdivision of the remaining land area in order to protect the ecological and flood control qualities. In order to facilitate this outcome a non-standard LEP provisions is required.

Proposed LEP provisions for the E4 zone

Similar to the approach used for the RU4 zone, it is proposed to prevent any further subdivision of the land unless a range of matters are addressed that will enable a reasonable level of housing and protect/manage the conservation land.

A minimum lot size of 600ha is proposed for the E4 area to prevent subdivision and a new Part 7 Additional Local Provision (clause 7.9) that allows for reductions to the minimum lot size subject to a masterplan being adopted which addresses a range of items including subdivision design, lot size, access, tenure, effluent disposal, drainage, infrastructure requirements, and a management statement for the conservation land.

Justification for extending the Planning Proposal over the eastern lands

The Planning Proposal includes land outside the Urban Release Area identified in the Mid North Coast Regional Strategy and proposes to rezone these areas R5, RU4, E1, E2 and E4. These are not urban zonings, therefore are not inconsistent with the Strategy.

There are several reasons for this land being included in this Planning Proposal, rather than in a separate proposal:

- The Planning Proposal relates to all land in the ownership of Roche Group
- OEH has identified the Lower Manning Valley Subregional Corridor traversing part of Roche Group's contiguous landholding, which spans beyond the URA. This land is currently and predominantly zoned RU1 Primary Production, which affords no protection to the bushland. Roche Group proposes to dedicate this land for conservation purposes ensuring the long term protection and management of the corridor/conservation areas.
- In order to develop the URA in accordance with the objectives of the Strategy, there will be some clearing of vegetation in the urban area. The vegetation contained within the conservation areas is proposed to offset this clearing and therefore it is logical and necessary to be included in the same proposal.
- The eastern most land has not been identified for inclusion in the E1 reserve, although the subregional corridor traverses this area, and under the current RU1 zoning there is no protection or management plan in place for this area. In order to establish protection and management of this land provisions need to be included in the LEP as outlined above.
- The reason for including the RU4 zoned land in this Planning Proposal is to enable a more productive use and higher employment generation of this land, which is consistent with the overall objective for the Brimbin New Town to create intensive small scale agriculture and significant employment opportunities. A lot of employment generating uses require the support of a significant local population base, infrastructure and amenities to support them, and are therefore delivered later in the project. Intensive small scale agriculture has the potential to be commenced early in the project, helping to deliver more jobs to the area sooner.

Summary

Roche Group is committed to creating a vibrant and sustainable New Town at Brimbin which incorporates innovative design; achieves the employment and residential targets for the urban release area; delivers the basis for a diverse and healthy community; and enhances the local character and sense of place. Integral to this vision is the strengthening and engagement with the local agricultural industry and implementing long term environmental management.

In order to deliver a new town for 20,000 people in line with this vision, a robust and tailored planning framework needs to be established which is likely to require variations from the standard controls that exist for established areas. The LEP provisions proposed for the RU4 and E4 zoned land are simple and are considered an effective way to facilitate the intended outcomes for small-scale intensive agriculture and low impact housing. We also believe that it is necessary to include the land outside of the URA as part of the Proposal in order to achieve all the objectives of the New Town, particularly with respect to environmental protection and employment.

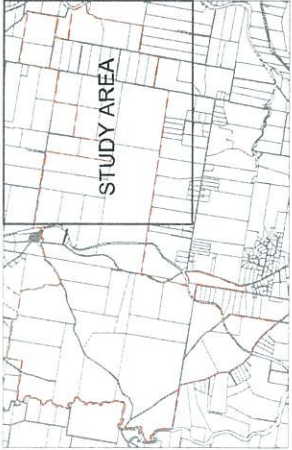
We trust this information assists the Department in its assessment of the Planning Proposal for a favourable outcome.

Yours sincerely

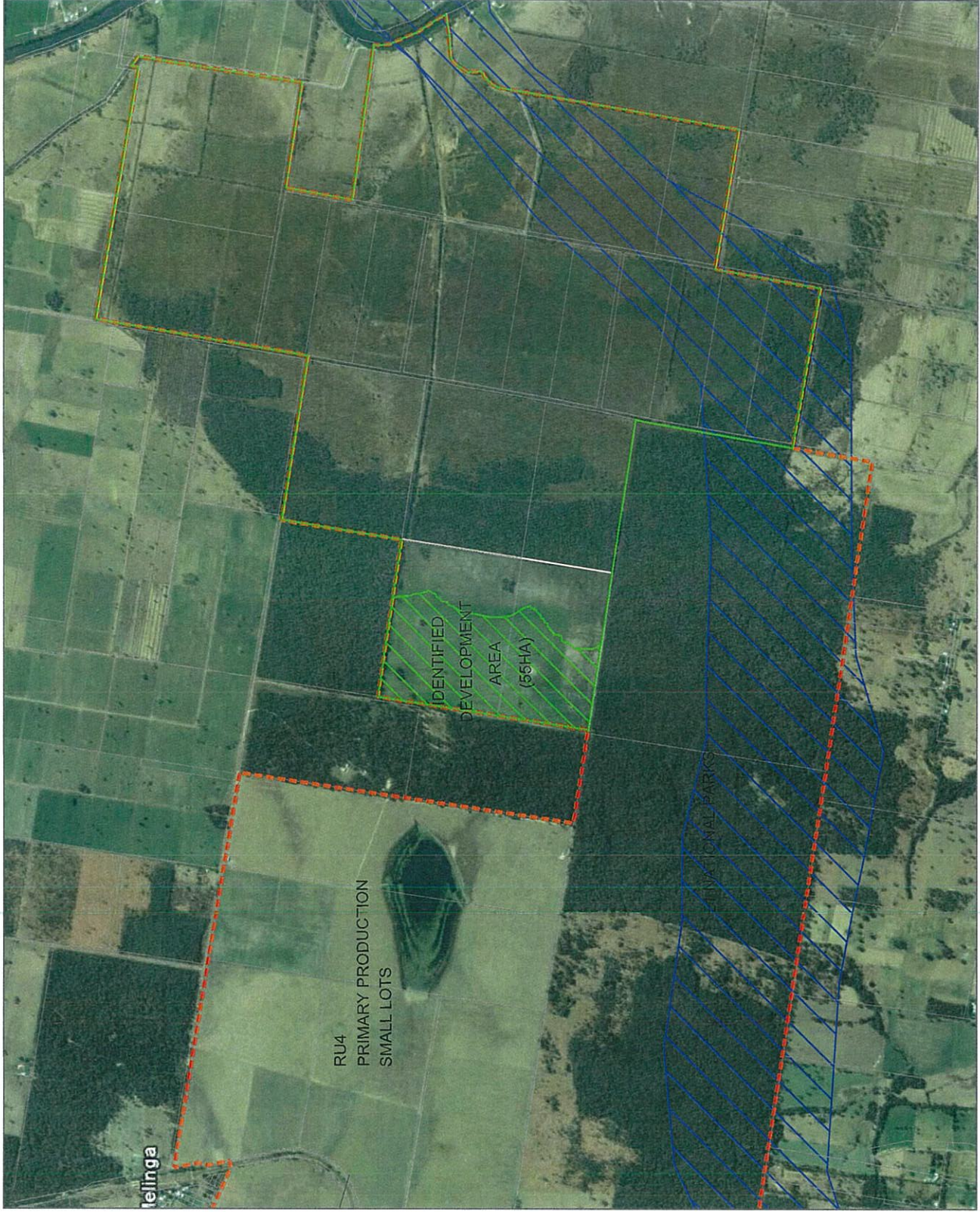
A handwritten signature in black ink, appearing to read 'S. George', with a long horizontal stroke above it.

Sam George
Senior Urban Designer

Attachments: E4 Environmental Living Zone aerial
E4 Environmental Living Zone vegetation types
E4 Environmental Living Zone EECs
E4 Environmental Living Zone flood mapping



- E4 ENVIRONMENTAL LIVING
- DEVELOPMENT AREA
- OEI REGIONAL CORRIDOR



RobertsDay
planning·design·place

CLIENT
ROCHE GROUP

PROJECT
BRISBIN

PRELIMINARY
This drawing is preliminary and is not to be used for construction purposes without the written approval of the design team.

13012 SG SG
YVWDD DRAWN APPD

A BASE PLAN
REV DESCRIPTION

E4 ENVIRONMENTAL LIVING

GRAPHIC NUMBER
RD1 401 K

SHEET 22

SCALE 1:50,000

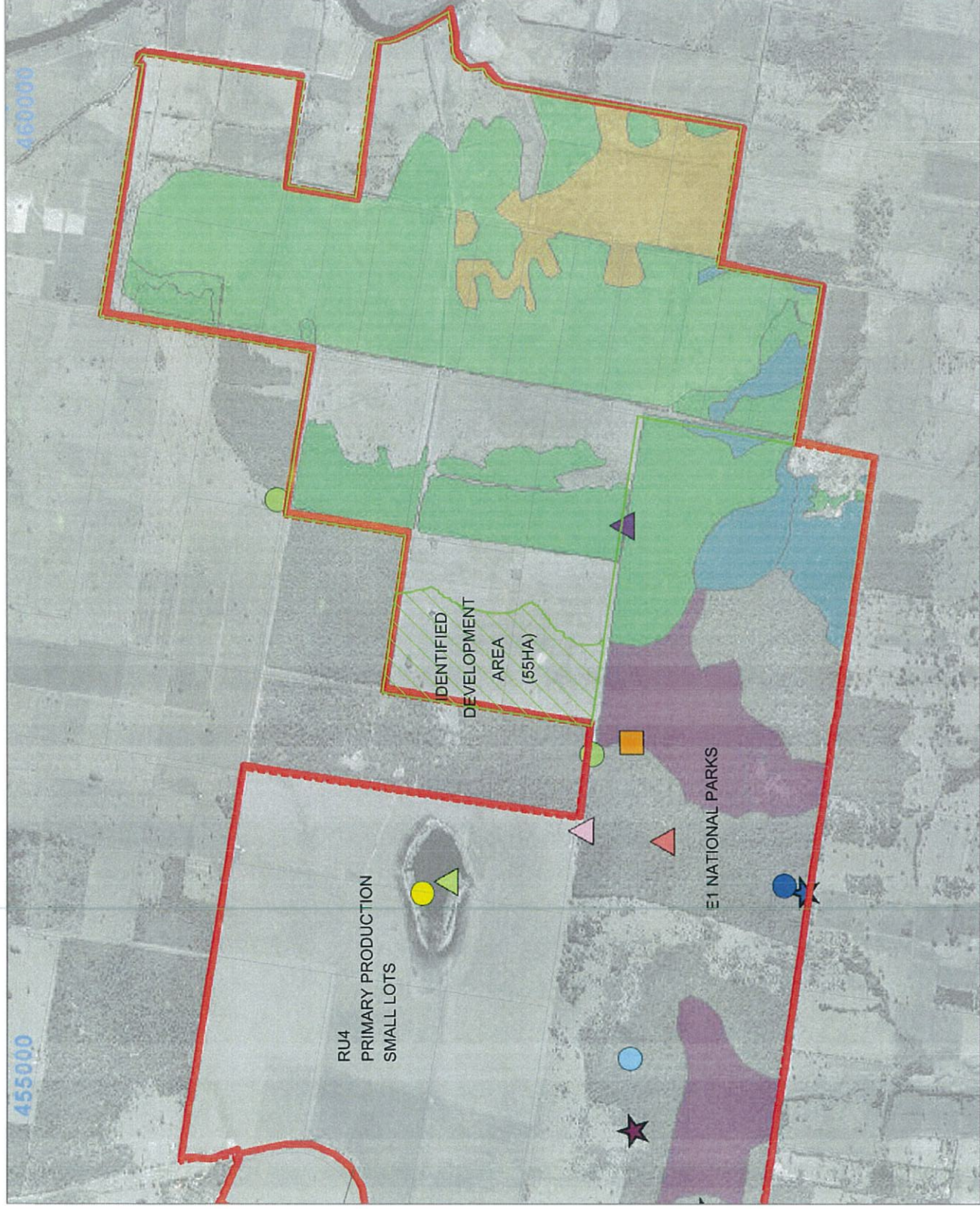




E4 ENVIRONMENTAL LIVING

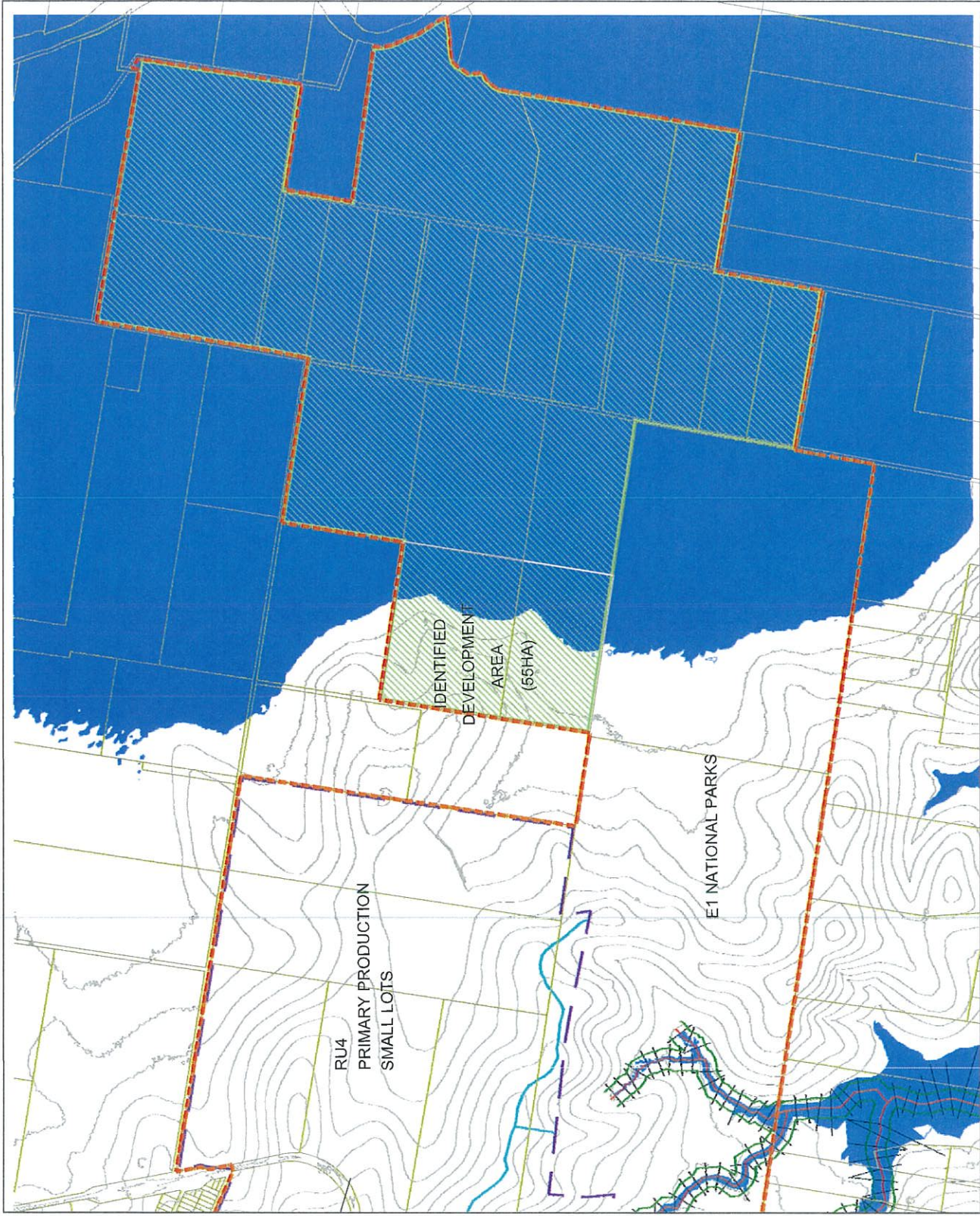
DEVELOPMENT AREA

- | | |
|---------------------------------|---------------------------------------|
| Subject Area | Glossy Black-cuckoo |
| Threatened Flora and Fauna | Grey-headed Flying-fox |
| Eucalyptus glauca | Koala |
| Corymba dillwynii | Koala signs |
| Black-necked Stork | Large Bent-wing Bat |
| Broad-tailed Phalarope | Little Bent-wing Bat |
| Comb-crested Jacana | Little Lorikeet |
| Masked Owl | EEC |
| Powerful Owl | Freshwater Wetlands |
| Scarlet Robin | Subtropical Coastal Floodplain Forest |
| Square-tailed Kite | Swamp Oak Floodplain Forest |
| Spotted Glider | Swamp Sclerophyll Forest |
| Varied Shrike | |
| Yellow-bellied Green-tailed Bat | |





-  E4 ENVIRONMENTAL LIVING
-  1/100YR FLOOD ZONE



A BASE PLAN
REV DESCRIPTION

1:25000 500 1000 1500
SCALE 1:25000

CLIENT
ROCHE GROUP
PROJECT
BRIMBIN
PRELIMINARY
DATE 10/10/2014
DRAWN BY J. JONES
CHECKED BY J. JONES
APPROVED BY J. JONES

REFERENCE NUMBER
RCH BRI
DRAWING NUMBER
RD1 401
SHEET 2/2

DATE

