

9th April 2024

Southern Region
Local and Regional Planning
NSW Department of Planning, Housing and Infrastructure
PO Box 5475, Wollongong NSW 2520

Request for Rezoning Review of Planning Proposal for The Farm, 207 Broulee Road, Broulee (PP-2023-1734)

Polvere Planning and Development (PPD) act on behalf of Brightlands Living, the proponent of a Planning Proposal to rezone land at 207 Broulee Road, Broulee (PP-2023-1734).

Eurobodalla Shire Council has updated Planning Proposal Application PP-2023-1734 to advise that the proposal is not supported.

PPD are requesting an independent planning panel evaluate if the proposal should progress to Gateway determination.

1. Rezoning Review

This request for a rezoning review has been prepared having due consideration to the relevant provisions of

- *Local Environmental Plan Making Guideline* dated August 2023 and prepared by the then Department of Planning and Environment and
- Planning Circular PS 22-003 *Independent reviews of plan-making decisions*.

Table 1 provides a chronology of relevant events relating to the progress of the proposal.

Table 1 – Chronology of Events

Date	Action
10/08/23	Planning Proposal submission.
23/08/23	Planning Proposal accepted as part of Completeness check.
12/10/23	Letter from Council's consultant, Inspire Planning, detailing preliminary advice regarding the strategic and site-specific merits of the proposal and request for additional information.
20/10/23	Meeting to clarify the request for further information.
06/11/23	Letter dated 12/10/23 from Council requesting additional information.
12/12/23	Additional information provided as requested
27/02/24	Planning Proposal not supported.

Table 2 below addresses the requirements a rezoning review request must contain as prescribed in the *Local Environmental Plan Making Guideline (August 2023)*.

TABLE 2 – REQUIREMENTS FOR A REZONING REVIEW REQUEST

Rezoning Review Requirement	Response
<p>A copy of the proponent's latest version of the planning proposal, including all supporting material and information that was submitted to council.</p>	<p>A copy of the latest version of the planning proposal, including all supporting material and information that was submitted to council accompanies this application.</p> <p>The material that was submitted to Council with PP-2023-1734 remains unchanged and relevant and includes:</p> <ul style="list-style-type: none"> • Planning Proposal • Agriculture Assessment • Biodiversity Report • Broulee Housing Date • Bushfire Report • Concept Masterplan • Heritage Constraints • Housing Study • Sewer and Water Feasibility Assessment • Site Suitability Analysis • Survey Plan • Traffic Report • Urban Design presentation <p>The following was submitted to council in response to a request for additional supporting information:</p> <ul style="list-style-type: none"> • Response to RFI • Amended Planning Proposal • Amended Concept Plan • Response to Agricultural Assessment Issues (including LUCRA Guide & Living and Working in Rural Areas handbook) • Letter of support from Carroll College • Letter of support from Blackrock Industries • Eurobodalla Local Housing Strategy Workshop, October 2023 presented by Judith Stubbs. • Response to Agriculture Assessment Issues • The Farm Design Guidelines • Video Presentation
<p>All correspondence that the proponent has received from the council in relation to the planning proposal request, including (if relevant) any copies of the council's written advice to the proponent and/or the Council resolution not to proceed with the proposal.</p>	<p>A copy of the following relevant correspondence the proponent has received from Eurobodalla Shire Council in relation to the Planning Proposal and any written advice is provided:</p> <ul style="list-style-type: none"> • Advice (RFI) dated 12 October 2023 • Minutes of meeting to discuss advice dated 12 October 2023 • Email from Council dated 27 February 2024 confirming Council's resolution not to proceed with the proposal

All correspondence and written advice from other public authorities and government agencies, if available.	There is no correspondence or written advice from other public authorities or government agencies.
The proponent's written justification of the strategic and site-specific merit to confirm why a review is warranted.	The following sections provide a written justification summary of the strategic and site-specific merit to confirm why a review is warranted. This justification is supported by the more detailed written justification of the strategic and site-specific merit of the proposal provided in the Planning Proposal submitted to Eurobodalla Shire Council. This justification was prepared having due regard to the matters outlined in Part 3 of Section 2 in the <i>Local Environmental Plan Making Guideline (August 2023)</i> .
Disclosure of reportable political donations under section 10.4 of the EP&A Act, if relevant.	No reportable political donations have been made by the proponent.
The rezoning review fee to the Department.	Has been paid.

2. Background

A key concept to understanding how the Planning Proposal can reasonably meet the assessment criteria for strategic and site-specific merit is to understand the merits and uniqueness of 'agrihood' development in the context of the NSW planning framework.

The proponent of the Planning Proposal, Brightlands Living, is a group committed to creating wellness communities where people can be happy, healthy and belong.

Brightlands Living's primary objective is to develop an agrihood that can become a model of sustainability for future developments in NSW and that also improves upon the learnings and 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. In particular, the proposal will provide for

- Over 50% of the site as open space.
- Five (5) hectares of new biodiversity corridors and revegetation.
- Market gardens
- Approximately 10km of new bike and walking trails.
- A Discovery centre that will be a community building teaching students from the local school and community about sustainable agriculture and conservation.

Brightlands Living has provided the following commentary in relation to creating age-integrated agrihood community:

What we are proposing is not a typical development. Our vision is to create Australia's leading wellness community and in doing so create a legacy for Broulee and Eurobodalla and a new way

of living across NSW, while simultaneously directly addressing Eurobodalla's housing crisis in a highly sustainable way.

The feedback we have had from council planning staff is that this proposal should be refused because this new type of use isn't in any Council or State Government strategic document. However, no one in planning has ever considered a development like this in NSW and it certainly wasn't considered when the Eurobodalla settlement strategy was adopted 17 years ago.

When we initially came across the agrihood developments in the USA, and then the Cape and Witchcliffe Eco villages in Vic & WA respectively, we knew this was something that regional NSW and Australia needed to directly address the housing crisis in a highly sustainable way.

Unlike the other developments in Broulee, which are destroying endangered Bangalay sand forest and communities for Gang Gang Cocaktoos, this development will not remove a single tree. Instead we will create significant biodiversity corridors and revegetation.

We acknowledge that many of the concepts we are proposing are not within the strategy documents. You won't find key worker rent to buy initiatives or the term 'agrihoods' in any strategic document, although it is interesting to note that 10 years ago there was little mention of agri-tourism and now it is a major theme of the draft destination management plan. My view is that with an approval in Broulee and the ability to showcase this model to NSW, then this model will become a new planning priority in the future.

3. Strategic and Site-Specific Merit

Section 5.3 of the Planning Proposal provides a detailed assessment of how the proposal reasonably (ie to a moderate or acceptable degree) meets the assessment criteria for strategic and site-specific merit, particularly as it relates to general objectives for the provision of housing, because:

- It gives effect to the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site including NSW Government's South East and Tablelands Regional Plan 2036 (Region Plan) and the Draft South East Tablelands Regional Plan 2041 (Draft Region Plan).
- It demonstrates consistency with Council's Local Strategic Planning Statement that has been endorsed by the Department.
- Delivering housing supply is a priority issue for all levels of Government and this proposal will deliver significant housing choice. This will include:
 - approximately 160 homes for key workers such as teachers at the local schools (ie Carroll College, St Peter's College) and doctors, nurses, staff etc at the new Eurobodalla Regional Hospital in Moruya, and
 - new innovative rent-to-buy scheme

The Planning Proposal also responds to a change in circumstances that has not been recognised by the existing strategic planning framework.

A key premise of the Eurobodalla Local Strategic Planning Statement (ELSPS) 2020-2040 is the projected need for "28,767 dwellings by 2036". In a submission to the Regional Housing Taskforce (accompanying this request) Eurobodalla Shire Council acknowledges a projected need for 28,767 houses in 2036 is now revised to 29,950 new homes by 2036. This is an immediate increase of 1,183 houses (+4.1%) in a matter of around 1 year later without any commensurate increase in land zoned to provide additional housing.

Council's submission goes on to report the following key issues that directly relate to changes in population and housing demand;

- Housing shortages in Eurobodalla Shire extend across all markets but are particularly exacerbated in the low to middle income brackets and for smaller dwelling types.
- There is an acute need for social housing associated with high unemployment, domestic violence and vulnerable people.
- In all housing sectors, supply has not been able to keep up with demand.
- Adjusted figures shows the population to grow by over 5,554 people to 43,520 by 2026, at a revised average annual growth rate of 1.37%. This is based on an increase of over 2,726 households during the period.
- The average number of persons per household has fallen from 2.16 to 2.14 from 2016
- 12% of households across the Eurobodalla Shire are experiencing housing stress. This is higher than other regional areas in NSW, across NSW and throughout
- Rental housing/housing is unaffordable and in low supply.
- Eurobodalla is experiencing increasing homelessness with more people living long-term at Council's low cost, primitive camping grounds.
- Greenfield/new development is increasingly more costly, slow, complex and not keeping up with demand.

In response to Council's concerns, Judith Stubbs was recently commissioned by Council to undertake background investigations *"to develop an evidence-based Housing Strategy that responds to current and projected housing needs and issues, and incorporates the perspectives of diverse stakeholders"* (refer Eurobodalla Local Housing Strategy Workshop, October 2023).

Judith Stubbs highlighted a need for 5,265 total additional dwellings from 2021-41 and recommended that 40% of this be provided in release area and 'other areas'. The report identified the following inter-related key issues for the Shire

1. Housing Diversity
2. Housing affordability

Notwithstanding the weight of evidence provided, Council continues to suggest the availability of 'suitable' zoned land to accommodate the growing need for additional housing is not an issue and suggests

- it is the planning system that needs to be simplified and made more efficient, and
- there should be direct financial involvement by the NSW Government.

4. Response to Reasons Planning Proposal is not supported

The following provides a response to the reasons provided by Council, identified in bold and italics, why the Planning Proposal was not supported.

Inconsistency with regional and local strategies, State Environmental Planning Policies and Ministerial Directions.

The Planning Proposal provides detail of how the proposal is reasonably consistent with the objectives and directions of the following;

- *Draft South-East and Tablelands Regional Plan 2041*

- *Eurobodalla Local Strategic Planning Statement 2020-2040*
- *Rural lands Study*
- *Eurobodalla Settlement Strategy 2006-2031*
- *Draft Local Housing Strategy*
- *Applicable SEPPs*
- *Applicable Ministerial Directions*

Due regard is given to there being no consideration in any regional and local strategies, State Environmental Planning Policies and Ministerial Directions to supporting initiatives to identify, and plan for, far more diverse rural residential developments such as agrihoods.

Council's most recent settlement strategy was adopted in 2006 and is now 18 years old and very outdated.

Notwithstanding, the planning Proposal does demonstrate consistency with:

- the relevant Eurobodalla Local Strategic Planning Statement (ELSPS) that has been endorsed by the Planning Secretary, particularly in relation to encouraging greater housing diversity and affordability and achieving the overarching vision of the ELSPS *"to create great places through more livable, sustainable, productive and collaborative communities"*; and
- draft South East Tablelands Regional Plan, particularly in relation to the general objectives for housing.

Consolidation of future development within town and village centres as proposed by Council cannot adequately address the key planning priority in the ELSPS to *encourage greater housing diversity and affordability* because much of the existing undeveloped residential zoned land in Broulee is identified as being constrained and will not provide for affordable housing.

In her background investigations to develop a housing strategy for Council, Judith Stubbs found *"housing diversity and housing affordability are inter-related"* and *"there has been no growth in housing diversity from 2011-21"*. This has had clear and defined implications on the lack of housing affordability in the region.

Further exacerbating the problem is acknowledgment by Council in their own submission to the Regional Housing Taskforce the population and housing projections underpinning the ELSPS have significantly changed.

The feasibility of significant infrastructure required to achieve the proposed future development is not demonstrate from a financial and environmental perspective.

Both water and sewer services adjoin the subject site.

A high-level assessment of the potential for servicing the proposed development from the existing water and wastewater network has been undertaken and forms part of the Planning Proposal documentation.

Early consultation has occurred with Eurobodalla Shire Council's Water & Sewer Technical Officer. The Council assessment identified:

- The Tomakin Wastewater Treatment Plant, which would theoretically service the proposed development, is scheduled for an upgrade within the next 3 years and this upgrade will have the capacity to accommodate the proposed development.
- Eurobodalla Shire Council's existing water supply network will require upgrading.

It is envisaged that as a minimum, lead in water supply infrastructure including trunk water mains, water booster stations and water reticulation network will be necessary to service the development.

The proponent, Brightlands Living, is committed to making a substantial investment to provide the site with water and wastewater infrastructure by forward funding the specific services needs of the agrohood.

Mitigation of potential adverse effects on biodiversity and conservation of threatened species, ecological communities and their habitats and the surrounding Illawong Nature Reserve is not demonstrated.

This development will not remove a single tree. Instead the proposal will create significant biodiversity corridors and revegetation.

The Ecological report accompanying the Planning Proposal concludes:

- the bulk of the subject land (68 ha) is relatively unconstrained by biodiversity values given historic clearing and pasture improvement.
- There are 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.

The Ecological report also identifies that the high environmental aquatic habitats are currently being degraded due to agricultural use. The reeds in the wetlands are very sweet tasting and cattle can freely walk into the wetland and eat the reeds plus trample the soil and disturb bird life.

This proposal creates additional conservation land and significant buffer zones to ensure these habitats are protected.

The proposal seeks to rezone five hectares from rural to environmental conservation to create a habitat corridor for the Yellow-Bellied Glider as desired by Council and detailed in their draft Property Agreement that accompanies this proposal.

Preliminary work on the Eurobodalla Housing Strategy has identified housing supply and land zoned for future residential development exceeds the projected population needs past 2041.

There is conflicting commentary on housing shortage in Eurobodalla.

Council officers indicate the housing shortage is temporary and there is sufficient zoned land and supply coming through the pipeline to meet the needs of projected growth. Council's independent planning consultant noted in his report on the Planning Proposal that over the last decade population projections for Eurobodalla have not been realised and population growth has been lower than forecast.

However, In their submission to the Regional Housing Taskforce (26/08/21) Eurobodalla Shire Council acknowledged the following:

- In all housing sectors, supply has not been able to keep up with demand.
- There is a housing supply crisis in Eurobodalla.
- A projected need for 28,767 houses in 2036 is now revised to 29,950 new homes by 2036.

In her independent research for Council, Judith Stubbs found "a 'perfect storm' of housing, funding, economic and environmental factors" have led to long-term structural issues in the local housing market.

More specifically, the Broulee Housing Study prepared by Hill PDA and accompanying the Planning Proposal confirms the undeveloped and unconstrained residential zoned land in Broulee would equate to around 144 new dwellings and “*This falls substantially short of the dwellings that are needed to accommodate the projected population for the Broulee community*”.

The Hill PDA report (page 33) states:

By 2031, the most recent projections (2022) forecast an additional 1,827 dwellings compared to the 2014 projections. Similarly, by 2041 the latest projections (2022) are almost 8,500 dwellings greater than projected in 2019.

Furthermore, increasing housing demand can be identified with the drastic increase in students at both Carroll College which directly adjoins the property and St Peter’s College which is three hundred meters away. St Peter’s College has grown by more than 500 students in five years and was recently named the fastest growing school in the Illawarra and South Coast.

The proposal will divert the necessary critical infrastructure, funding, staging, sequencing, and delivery of housing away from the existing nominated growth areas and is therefore not in the public interest.

It is in the public interest for resources to be diverted to wherever they can best deliver the housing needs of the area. At present, this is not within the existing growth areas of the locality where over the past 10 years it is recognised by Council there has been considerable growth in population and housing demand that is not being met.

5. Conclusion

The information provided in the Planning Proposal demonstrates the Planning Proposal for 207 Broulee Road, Broulee meets the rezoning review requirements above, and in particular, reasonably meets the strategic merit test and site-specific merit test assessment criteria.

There is clear evidence from Council itself of changed circumstances in Eurobodalla in recent years with upward pressure on all forms of housing.

Housing targets are continually being reviewed upwards with evidence of systemic population growth in the Shire.

The strategic merit test should not preclude land that can be developed where that land can be brought online without significant impact particularly given the demand for all forms of housing and noting that the site:

- Can be developed generally without significant environmental or social impacts;
- Is capable of being serviced;
- Is unlikely to have any significant impact on current or potential rural land uses; and
- Will also support the development of the existing Broulee town centre without further undue pressure on development of existing constrained residential zoned land.

Given the uniqueness of the proposal and difficulty of finding suitable zoned land for agrihood developments, the recognised timeframe and difficulty in developing already zoned land, and the upward pressure on all forms of housing in the region, the PP should be evaluated by an independent planning panel and progress to Gateway determination.

Yours sincerely,

Tony Polvere

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a small dash.

Director