



Office of
Environment
& Heritage

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Contact: Calvin Houlison
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Dear Mr Byrne

RE: West Culburra Mixed Use Concept Plan Supplementary Response To Submissions (SSD 3846)

The comments below are provided in regard to the abovementioned document:

Water Quality

- We support the proposal achieving a neutral or beneficial effect (NorBE) on water quality in the Crookhaven estuary catchment. While OEH has been focussed on the water quality issues associated with the Lake Wollumboola catchment, we are aware that the Department has undertaken independent technical assessment and liaised with DPI Water and DPI Fisheries. We therefore defer to the Department to determine the capacity to achieve the NorBE outcome.
- With regard to the Lake Wollumboola catchment, we strongly support a NorBE outcome on water quality given the Lake's inherent ecological sensitivities. The majority of the proposal is within the Crookhaven catchment but there are development areas within the Lake's catchment.
- Hydrologic/geomorphic studies are well advanced that will delineate the extent of the Lake's catchment. Until known, the Department is advised that a precautionary approach is needed in determining the extent of any proposed development within (and close to) the Lake Wollumboola catchment.

Development within the Lake Wollumboola catchment

- The Illawarra Shoalhaven Regional Plan (ISRP) 2015, which is the current planning strategy for the area, expressly states that *'lands within the catchment are considered unsuitable for urban development because of potential negative impacts upon the lake, which is a sensitive, intermittently closing and opening lake with very high conservation values'*.
- While the majority of the Concept Plan area is within the Crookhaven catchment, some sites are within (or close to) the Lake's catchment. The justification for developing within the Lake Wollumboola catchment will therefore be need to be robust (especially in the absence of the hydrologic/geomorphic study outcome).
- Sites which appear within the Lake's catchment include the proposed public oval adjacent to the southern perimeter road at Site D and the south-western corner of Site C encompassing proposed industrial land. The majority of Site B, which is proposed for residential use, is within the Lake's

catchment (the enlargement of this area since 2014 documents is not supported). There is also a small area of residential zoned land within the southern portion of Site D that appears to be within the Lake's catchment.

- We recognise the justification for locating the oval within the catchment, which appears capable of being drained by gravity back to the Crookhaven catchment. However, the proponent's justification for Site B and Site C is premised upon an administrative land use zoning legacy (established in 1985) rather than a contemporary scientific appreciation of environmental sensitivities (established two decades later and continuing to evolve).
- The ongoing and long-term capacity to adequately manage waste water away from the Lake catchment and into the Crookhaven catchment remains a concern as it largely relies upon engineering solutions and is unlikely to deal with cumulative groundwater infiltration implications. We acknowledge that engineering solutions can, and do, fail.
- We suggest that development in the Lake's catchment would be irreversible and any decision would be better informed by the final catchment boundary (and understanding of water quality processes) which are being studied as part of the broader planning proposal.

Biodiversity & Offsetting

- The project had been adequately assessed in accordance with the NSW Framework for Biodiversity Assessment, as described in the Biodiversity Offset Strategy summary (Appendix 6). We had provided earlier advice to DPE as to a draft offset consent condition. The current Response to Submissions refers to minor changes to the proposed clearing so any condition of consent would need to be re-visited to align with any revised credit calculations and updated consultant report. Our office remains available to assist with the wording of offset-related consent conditions.
- Our preference remains for biodiversity offsets within the Concept Plan area to be sourced from within the Lake's catchment as required by the Government's Sensitive Urban Land Review.

Aboriginal cultural heritage

- We support Recommendations #2 and #5 of the Aboriginal cultural heritage assessment (South East Archaeology 2012) for conducting archaeological test excavation and developing a Conservation Management Plan.
- We do not support impact to the Crookhaven River midden complex. The site complex will come under threat from the proposed increased recreational use of the foreshore.
- An Aboriginal Heritage Impact Permit (AHIP) is required if harm to Aboriginal objects is unavoidable.

Please contact Calvin Houlison, Senior Conservation Planning Officer on 42244179 or via e-mail calvin.houlison@environment.nsw.gov.au should you have any further queries.

Yours sincerely



h **MICHAEL SAXON**
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