

CULBURRA RESIDENTS AND RATEPAYERS ACTION GROUP INCORPORATED

2nd September, 2025

Objection to Modification Application SSD-3846-Mod-1 – Realign Development Footprint (West Culburra Development)

The Culburra Residents and Ratepayers Action Group wishes to register its objection to the proposed modifications to the West Culburra development, currently on public exhibition. We believe that while presented as minor, a number of the requested changes are not relevant to a 'realignment of the development footprint', but instead have significant implications for the conditional consents granted by the EPBC Act in May 2025 and the LEC in December 2021. The conditions imposed by both of these bodies are not attributed lightly. They are set as the result of long processes of investigation and are in place to ensure environmental protections and legitimate legal procedures. These should not be allowed to be sidestepped, sidelined, altered or overlooked.

In addition to these questionable alterations, also included in the modification application are 'amendments to the stormwater basin layouts and sizes'. Historically, there have been significant issues with the proposed water management strategy for the West Culburra development site. An independent, experienced, local coastal engineer has previously pointed out flaws in the data used, the logic applied and the resulting modelling. While modifications to the stormwater ponds have occurred, the new solution still falls short of being a workable solution. Given that the consequence of getting this aspect of the development wrong will be the inundation of new housing with stormwater and pollution of sensitive local waterways, it is essential that these new modifications are not approved without robust analysis by coastal engineers independent of the developer's payroll, using up-to-date local data and suitable methodology.

Particularly given the current environment and expected climate changes in the future, the government cannot afford to allow developments with such serious consequences to both residents and the local environment.

1. Objection to modification: Amending the definition of 'baseline'

The developer seeks to change 'works' to 'construction' in the definition of baseline data for West Culburra. Altering the wording of the definition of baseline has nothing

to do with the 'realignment of the development footprint', which this modification application is for. However, it would alter the timing and timeline of collecting baseline data for the site.

Currently, baseline refers to data recorded about the site "in the period between granting of consent and commencement of works". That is, the baseline is established before ANY work starts on the site, to establish the conditions pre-development. To allow the developer to change 'works' to 'construction' would mean that this important baseline data would be muddled as pre-construction early works could potentially start during the baseline data collection stage, which is not acceptable. For example, included in the consent conditions imposed by the EPBC Act are a number of items that require post-construction monitoring compared to the baseline data. If the baseline data is altered by changing definitions after the fact, this impacts a) the intent of the EPBC Act's conditions and b) the actual baseline data collected, which is then to be used in reports to fulfil these conditions.

Baseline data is critical to ensuring that the environmental protections laid out by the government are met and adhered to. Altering this definition undermines the Federal EPBC conditions, which were imposed specifically to safeguard threatened species and fragile ecosystems. We strongly oppose this modification.

2. Objection to modification: Altering condition A9 regarding lapse of consent

Again, altering a condition relating to the lapsing of consent is not relevant in the context of an application to realign a development footprint. Also again, it is seeking to adjust a legal process that exists to ensure due process and adherence to the law. This should not be undermined by allowing the applicant to rewrite the conditions of consent and we strongly oppose this modification.

3. Objection to modification: Stormwater basin layouts and sizes

The water management strategy being applied to this proposed development is crucial to the long-term success of the development. We implore you to investigate fully and consult with independent coastal engineers to thoroughly assess the modelling and calculations being applied to the design before approving this modification.

The residents of Culburra Beach are no strangers to inadequate stormwater solutions flooding the village during the increasingly frequent extreme weather events. We do not need another portion of the future population to suffer in this way, nor do we need the local waterways polluted by runoff from an extended population base.

We recommend reading the [submission by local coastal engineer](#), Elizabeth Freeman, MPhil (Civil and Environmental Engineering) and BE (Civil), to the LEC

hearing in 2021. While the placement of the stormwater basins has been modified, we notice they are now positioned only barely above the 1% annual flood height. The advice we have received from consulting with this independent coastal engineer is that this simply does not reflect the nature of flooding in this coastal area. The specific items identified as flawed in the developer's modelling and calculations include:

- In the coastal area of Culburra Beach, floods generally coincide with heavy rainfall and high and/or king tides, which means the 1% annual flood height is not going to protect the area from flooding.
- The developer's calculations do not account for increased runoff after development is complete, which will increase flood impacts.
- Due to no local streamflow data being available, the developer has not calibrated the model ... but without calibration, the results cannot be relied upon to confirm a solution will work.
- The developer only used eight years of rainfall data in its modelling when 20 years is recommended for robust analysis.
- The climate data used was from 1965-1973. This is despite there being a complete set of rainfall data available for the period 1993-1997.
- The climate data used was from a location 21 km inland of the development site - so not actually a similar coastal environment to Culburra Beach at all.

In summary, the process the developer has used to choose the location of the stormwater ponds is based on outdated data from an incomparable location using an incomplete methodology. And that is before taking into consideration the pressures of climate change in the coming decades.

It is essential that before this modification for the stormwater ponds is approved the entire water management strategy is independently and comprehensively reviewed by qualified engineers to verify the developer's claims.

The consequence of getting this wrong is irreversible damage to sensitive waterways like Lake Wollumboola and the Crookhaven River, plus potentially disastrous outcomes for new residents to the area.

We urge the government to reject the developer's application for modifications, to hold the developer to the original conditions of the DPIE consent, and to impose more stringent conditions to protect our already overstressed waterways in Culburra.

Yours sincerely

Culburra Residents & Ratepayers Action Group Committee