

The Director

Industry Assessments

Department of Planning, Industry and Environment

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Parramatta NSW 2124

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Culburra Beach NSW 2540

Saturday 20th of February, 2021

Dear Sirs and/or Madams,

In relation to the West Culburra Concept Development Proposal - SSD 3846:-

I wish to make strong objections to the proposed west Culburra proposal to subdivide land, and clear land of coastal forest and tree canopies and develop the land with housing near sensitive coastal shores.

That coastal forest land contains a valuable natural resource that actually helps make the area cleaner, less exposed to high windy conditions and impacts from storms blown inland off the Tasman Sea and is just pretty to look at on the drive into Culburra. The land has lowland coastal forest and probably patches of old growth forest and provides open green spaces that supports numerous native wildlife all protected under Biodiversity and Conservation ACT 2016.

These dense native tree populations draw in carbon and store carbon in trunks, roots and soil and significantly reduce carbon emissions into the atmosphere. Just by **not clearing** a forest we will reduce carbon emissions. Ref. <https://www.climatecouncil.org.au/deforestation/> By supporting tree and forest growth we help sequester carbon and reduce atmosphere damage. Clearing 47 hectares of forest is a significant contribution to carbon release rather than sequestering it.

This first and second concepts raised overall are important for our survival as a species on Earth. This seems to be something that some people forget. Planning assessment or councils tend to view legislation as being the 'instrument' that brings clarity? into the assessment process but underneath the microscope, it really is a guide as a means to protect lives and using it in good faith to support those principles. If assessments get 'bogged down' in legislation and red tape without stepping outside of the box or 'comfort zone' that this creates, taking away reasoning and only using law as a 'tool' it draws us further into these 'battles' whereby any of these such proposed plans can be brought into being into a court, and this instance challenge an original refusal decision made in 2018. All of the valid points are raised once more and for yet again the same argument even with an amended plan.

Crown lands, People's heuristic approach to common land use, and NSW Government Trades and Investments Crown lands; and Lake Wollumboola catchment and land development (Lot 1 East Cr. Culburra Beach)

Crown Lands should be managed with great care considering the councils efforts to maintain environmental care for sensitive and protected coastal communities like mangroves and estuarine areas. No amount of careful planning would still protect these areas once developed for urban use; people often use heuristic approaches for using out-of-bounds areas as expressed in the **'NSW Government Trades and Investments Crown Lands'** document 18 June 2013, Ref: <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-3846%2120201216T021304.783%20GMT> Page 2, section 3 Vegetation Management, paragraph 3.

Drawing from this statement:

"Development adjacent the wetland such as installation of BBQs, seating etc, creates a desire within the public to have an unimpeded view to the waterway, regardless that wetlands and mangroves are an integral part of the riverine environment. This could result in ongoing unauthorised and illegal clearing of and damage to the wetland, estuarine and other native vegetation."

This is just one example as to how people behave with complacency and in relationship with their occupancy of a property and its surrounding common area. Even now council (Shoalhaven Council) has inefficient resources to effectively manage and maintain an appropriate level of management under LSPS planning priority 10 Protecting the environment, to certain areas of the Lake Wollumboola catchment and that leaves this part of the lake vulnerable. The Crookhaven River is an important river catchment in the Shoalhaven region and specifically to the pristine waterways that surround Culburra Beach and Curleys Bay.

In addition to the above, The Lake Wollumboola Protection Association Inc. volunteered a Bush Care Plan be attributed to protecting the Lake Wollumboola catchment, yet this plan does not appear to be in use through councils initiatives. The Bushcare Plan when volunteered, would be productively and efficiently managed by responsible and experienced members of that group.

Land unfit for development - over 47 hectares of coastal forest could be cleared as a result of land development proposals. Green spaces provide security, tranquillity, and protect the land and water

Decimating a forest for this concept proposed is not warm, humanly or kind to anyone. It becomes a 'business-of-the-day' approach. People can 'wash their hands of It'; yet others like me, and children, and local residents, and visitors, and overseas tourists, and people who just love to see tall trees, will be upset, distressed; some might even end up coming to harm because the thought is too much to bear. These are just standard hypotheses, but there is evidence to support these in theory. People are not superhuman. We NEED to see trees and open spaces more so than ever before with the current health alerts; We also need to feel safe and secure in our environment and those proposed changes in the West Culburra plan do not make a person feel safe and secure in their environment for many reasons. It is essential for people to be in open green spaces or just to be able to feel at peace underneath high tree canopies and to find tranquil settings near natural rivers and lakes, bays and oceans that are seemingly cradled into their natural bush settings. As a whole picture, this is what people expect to see. We need to know they exist and will exist in 20, 40 or 100 years.

Aboriginal heritage Artefacts in nature reserves, forests and Crookhaven River and Lake Wollumboola catchments

There are known aboriginal heritage sites within the Crookhaven River catchment *and artefacts found in the Lake Wollumboola catchment*. Drawing on comments for the protection of Aboriginal Heritage and artefacts and Jerrinja communities sacred sites provided from **Shoalhaven Council LSPS Planning priority 14 Heritage Items and Places**.

Much Opposition exists to the West Culburra proposal – some people do not have time or the words, or access to make comments, thereby lessening the impact of recorded public opinion during the public exhibition period. And a fair honest voting system to record all comments from people within the region

This is a version of a laypersons argument. I have been told that there are many many people who by word of mouth have strong opposition to the proposal, but because their lives are busy, or because they cannot find the words, or because they do not know who to contact or do not have access to give their comments during the public exhibition, their comments go unrecorded. It then could appear that there is a lower percentage of objections to the proposal, but that is NOT the case.

I broached this subject with someone recently and we discussed that perhaps we need to form an association within the community (E.g Culburra – Oyster Point) and then send petitions under the purview of the association. This way, more people get to have their say fairly and formally recorded during 'public exhibitions using this method for public comment. How many people need to raise objection to a SSD for the planning assessment to form a refusal determination on these merits? If there is a method in which the public can comment, present scientific data, research and reports, expressions and comments, how can the public be confident that these merits are used as part of the assessment process? Where does that leave us if we have to cope with the amount of mess, damage to natural environments, road congestion, traffic fumes, less safety on the roads during and after development plans and the meaning of how much time it takes for a person or group to submit their comments and concerns. We are working hard too.

I would like to know who reads all submissions? Do all committee members in the assessment process read each submission? Is the assessment a majority rule? How can we be assured and confident that this will be a fair decision for people who object to it? If there are many submissions of objection, does this carry weight in the analysis or assessment process?

In being based on a fair and just assessment, if the points raised by a larger percentage of submissions are in objection, then this should hold weight in the determination to refuse the application. All of the points are the same and hold the same value then and the determination of refusal, as they do now in the review assessment in 2021.

Another way I believe to fairly form a major part of the assessment process would be to hold a regional local referendum. This allows the regional population that are affected by this and other decisions for the region, to fairly put their honest opinions forward to be used in a larger part of the pie % as part of the assessment and determination. This seems to be a fair way of gathering honest statistics and allowing people to hold weight in the voting system as part of the assessment and determination of significant or designated projects (or any project, even local ones where the public is largely affected by the outcome).

I would like to know what the percentages are for the different parts or components of assessment? What assessment % part holds most weight in the assessment process and final determination?

The Natural Environment and Native Wildlife (in the Crookhaven River catchment)

There are many native trees with hollows on the land that support native wildlife and habitats for marsupials, parrots and owls. Protecting our native wildlife is an important principle to uphold and part of Shoalhaven Council principles in

LSPS Sept, 2020:- Direction 2: Natural and built environments and lifestyles and Planning priority 10

Protecting the Environment . Any removal of these trees would destroy habitats for many marsupials and parrots that rely on these places as nests and survival. It would be a cruel act for a developer to expect they have the right to:-

1. Destroy a native forest with prominent tree canopies and hollows as nesting areas for marsupials and wild birds; all of which are protected under *Biodiversity and Conservation ACT 2016*. Surely, this is a breach of legislation. If the developer had more respect for the towns peoples livelihoods, native wildlife, our love and concern for the open spaces and tranquil views that it provides coming into the town, and the act of an appeal to the LEC for another go at getting it approved – we would not have to be put through this stressful process wasting people's valuable time and the planning department and courts time once more.
2. Legislation is one aspect of the entire administrative process but another aspect which perhaps could form a carefully considered component of the assessment for application of this proposal, is the amount of major upheaval , stress, major construction work, offensive noise and traffic congestion and more toxic fumes into the atmosphere and how this impacts upon people communities who have made their homes here already at Culburra and Oyster Point; and the homes of native marsupials and wild parrots and cockatoos that already exist on the land. (If marsupials are moved from their habitats especially tree dwelling marsupials they are likely to perish. No manner of care will prevent it. This is just their physiological reaction to the stress of being moved from their natural habitat that is their secure home. They rely on scents, regular trails, feeding and nesting sites as part of their natural habitats.

The Culburra Beach Town, Infrastructure and Traffic

1. Over 600 dwellings equals years of high level construction work, oversized trucks and machines, car and road congestion, delays on Culburra Road, Coonemia Road (and probably Forest Road and Greenwell Point Road). The roads are suitable for the amount of cars that use them to get to their destination and homes at Culburra Beach and Oyster Point, and to Nowra CBD. Culburra Road is the main thoroughfare to the coastal towns of Culburra Beach and Oyster Point from Nowra CBD. Forest Road is a longer secondary route.
2. With more wide-load trucks and heavy-bearing machines monopolising the roads made for the towns people and their personal vehicles it would be absolute mayhem. Do the developer groups not see this? One of the obvious reasons many people still object [and this is most of the residents and patrons] is that a developer group would offer to decimate an entire forest to build houses that will not fit with the current planning priorities that local council have carefully assessed, nor will it be a viability for the protection for native wildlife, nor does it support the current town infrastructure and coastal relaxed way that encourages tourism and visitors, but builds on an idea of a separate small 'town' altogether aside of the original Culburra town. This seems like a nasty way to conduct business. I think it is time for residents who do actually care about others to be counted as a genuine component of the assessing process for the many reasons not do it and concerns raised about this entire project.
3. I notice that the developer group had taken the appeal to the Land and Environment Court NSW with an appeal made based upon merit/s. This also shows a level of disrespect for the initial refusal of the application. The developers have NOT consulted the public or desired to do so. If they cared about what

people truly wanted, there would not have been need for the matter to be raised for an appeal with the LEC of NSW.

As a correlation between this project and Lot 1 East Cr Culburra Beach (near Lake Wollumboola catchment)

E.g. *with reference to DA - SF10071 and DS18/1491 Shoalhaven Council

**A similar situation occurred with an application to develop land near the Lake Wollumboola catchment; land deemed as Lot 1 East Crescent Culburra Beach. This area is another sensitive area with aboriginal heritage artefacts and endangered ecological communities. Drawing on these concepts and the legislation involved in protecting them, the developer has not been gracious or acted in good faith and considered the impact to the environment.*

*On this note, I believe an **EIS (Environmental impact studies)** should be forced under legislation as a **State Legal Instrument**; Considering that the developer/s felt it necessary to take the initial refusal for this application (Shoalhaven Council Ref SF10071) to the LEC NSW under appeal to acquire a legal state instrument (order) for consent to develop the land. In a way, this then places the land under a state legal instrument (rather than a regional one) and land development would have a significant impact to the natural environment. In this case and an **EIS** should be a necessary and legal component in that application process through Shoalhaven Council.*

'Greening' our Environments to beautify our cities and places, and sequester carbon

In Sydney there is a project to **re-green** the Sydney city by planting *1 million trees by 2022 and 5 million trees by 2030*. We don't want Shoalhaven becoming another 'Sydney' with built up environments and lacking more green areas and open spaces. Naturally the Shoalhaven region and specifically Culburra Beach comprises of pristine beaches and water ways, and national parks and reserves with a biological diverse native wildlife. The Shoalhaven region supports that percentage of native wildlife endemic to the area; All of which surrounds our towns. It is geared toward greener spaces, hydro-energy, farming, and coastal markets boasting cottage crafts and pretty flowery, bushy green areas – people are drawn to it; It is a tourist attraction. It also allows people friendly small businesses to prosper and provide for the tourist industry within the existing town infrastructure, albeit at intervals and at a regular pace.

In summary and in theory, the Shoalhaven Region is already *half way there* to greening our areas. We just need to *ward off reducing this through forest clearing; esp 47 + hectares in the west Culburra proposal*. Culburra Beach is a place where people come to, *to get away from places like Sydney*. If it starts changing it will only become what most people on holiday, retirees, tourists and residents wish to avoid in built up environments. This is a significant view because it lends to holiday relaxed coastal areas. Sydney is not a 'relaxed' atmosphere; So when people in their submissions state...*the west Culburra proposal is not within the character of Culburra Beach or the town..* I think that this conveys that the overall plan seems to be more geared for built up city environments not little old coastal towns. It just doesn't fit. In using the **5 million tree planting project** as a model for Shoalhaven expansion, more tree canopies and flora, this is more of an appropriate concept for the Shoalhaven Region and Culburra. This also supports greening towns, sequestering carbon, keeping our towns cleaner and greener and providing cool shaded areas for healthier communities. This is the Shoalhaven regions chance to start aligning the region and communities with these models. *[A subsidiary idea could be to incorporate wind mill energy onto farmers lands to support generating their energy for crop production, storage facilities. If windmills were to line the streets near lighting posts in towns this could reduce need for hydroenergy (or fossil fuel energy sources) and create green alternative energy sources for powering small communities and towns. This would provide jobs for people during wind-mill energy projects and help to power communities with their own energy grids.*

Environmental protection, and respect and appreciation in preserving what we have now. New concepts for the existing town of Culburra Beach; and projects for using 'green' energy sources to power towns.

Here is an idea: What if the plan for west Culburra for more housing is refused. What if the developer or an associate leaning toward green spaces uses their skills and employs people to green the area.. Rather than removing trees and native lowland forest, what if the project protected the 47 hectares of forest and incorporated plans such as a wind-mill energy projects along our streets. It is a *cleaner* project with a clean energy source. This would then help to power the Culburra Beach community. It saves clearing forests and the release of tonnes of carbon into the atmosphere and the town can utilise energy as an alternative to infrastructure, construction, more gas and standard electrical services. It would be a greater gain for the town of Culburra. It would employ people to work on the project. It would save billions of dollars in planning and infrastructure and support the ideals of a minor to modest infrastructure. Other concepts would be to apply small planning ideas within the current immediate **business district (BD)** of Culburra which would be a much kinder process overall for all concerned about the west Culburra proposal. Using smart design models within the guidelines of reducing and sequestering carbon, conserving forests and protecting native wildlife but allowing for some **BD** infrastructure to a lesser scale would suffice and support work and utilise local trades work to do so. The current idea of the west Culburra plan will employ people under contract to the developer and not offer a high economic support to local Culburra residents.

My personal appreciation of nature and appreciation of nature handed to us from generation to generation

My beautiful dad taught me to fish; he taught me how to humanely deal with a crab prior to cooking it (placing it in the freezer until it slows right down to sleep). He taught me to appreciate nature. Did you know that there is a species of honeysuckle where by you pull out the stamen and receive succour from the drop of honeydew at the end... My family grew nut trees and fruit vines; and bred quails for pleasure. From this I learnt to take care of animals and grow plants from seed. I would rescue abandoned birds eggs and keep them warm. I would find sick birds or injured animals and try to heal them; Into adulthood, stray cats and dogs would find me. I cared for their welfare, paid their vet bills and homed them. Why? Because I was raised appreciating nature, the natural bush around me and care of all things that live. This forms part of open green spaces too. The idea of sitting peacefully alone at the riverbank or bay and fishing. The idea of watching nesting birds in the bush, hearing baby birds chirper and watching their parents diligently move back and forth from the nest in search of food. Even if you cannot see it, just knowing it is there. Getting that whiff of a scent of lemony florals or fresh green damp foliage, or eucalypt blossoms, these are the props of nature that make it worthwhile holding onto.

The Planning Assessment and assessors and the community and local council roles in protecting our land layout, wildlife, heritage and culture

As adults we 'do a job'; but with this type of job for a planning assessor must carry a huge responsibility for the local communities that make up a large proportion of Culburra Beach in the Shoalhaven Region of NSW. *We already live here.* If a vast natural native bush of lowland coastal forest and probable patches of old growth forest are disrupted by clearing, it will not be a happy place. For most that will come with contention for the level of the land. I note too that most governing bodies and some businesses pay respect to aboriginal communities in their blurbs. Paying respect also comes with action. In using *these principles* to form part of the assessment process to preserve *aboriginal artefacts and heritage* as part of the land is important culturally and part of the true undeveloped Australian landscape; especially when these areas of state significance lay in and around sensitive coastline forests and near water catchments that have a significant bird life and important lakes and rivers that support the protection of birds and native marsupials. This is a huge mark of respect for protective legislation, state and regional heritage, native wildlife

populations and the culture of the current communities in the town of Culburra that form part of the state of NSW. This section of the assessment should carry much weight; a large % of the assessment process.

Oyster Farms, significant in the Crookhaven River Catchment

There are significant areas of oyster farms in the Crookhaven River catchment. Oysters need clean free flowing water to grow for 3 or 4 years before harvesting. Nothing that has the potential to pollute the waters for oyster farmers should be processed near their coastal lines. Oysters filter water and improve water quality filtering algae and nutrients from their catchments. Higher pollution levels through urban coastal use and living has the potential to degrade or damage Crookhaven River oysters and their aquatic environments; A valuable and highly prized Oyster Farming Industry in clean waters of the Crookhaven River and for human consumption.

The Initial Refusal and the Application for the West Culburra Concept proposal 2018

As I see it, if we move and disturb places of importance, if we keep clearing vast amounts of forest (and 47 hectares + is a vast amount) for housing – we will lose national heritage, artefacts and forests that already provide green cooling shading spaces with tall tree canopies. No matter how we interpret legislation and how we believe that *dictates* to us. There must be components of the original assessment that caused the planning commission committee to refuse the first attempt to offer this proposal – that still holds as much weight now as it did then even with an amended plan. This should be challenged as well by a government body or commission for these purposes through the courts to ensure that the respect for the initial decision of refusal is duly upheld. This is also a mark of respect to planning assessors and the assessment process.

The application was refused once before. Those reasons have not changed even if the plan has been amended. The refusal should be upheld to preserve the land and coastline under protective legislations and in line with council priorities of LSPS 10 and 14. The area is still under a local council district. It will be council's responsibility to uphold these principles within planning priorities after a decision from the state planning commission.

I do not believe that the West Culburra Concept Proposal is a wise choice for this land area and water catchments. Therefore, you have my deepest request to again refuse this application as was duly noted in the first application in 2018. I raise objections to the West Culburra Concept Proposal.

Sincerely,

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