

The Director, Industry Assessments Department of Planning, Industry and Environment.

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Via email to:

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cc to Patrick Copas at:

Patrick.Copas@planning.nsw.gov.au

From [REDACTED]

[REDACTED] Culburra Beach NSW

Thursday 25 February 2021

Dear Patrick,

Re: West Culburra Concept Proposal SSD 3846

We object to the proposed West Culburra Concept Proposal SSD 3846 at Culburra Beach because of the following concerns.

In the Statement of Reasons for Decision dated 17 October 2018 the Independent Planning Commission (IPCNSW) the Commission gave a long list of reasons for refusing the Project- see attachment 1.

This revised Proposal is now for 62% of the original refused proposal and we believe that nearly all original reasons for refusal still apply.

We cannot see how the Applicant has sufficiently addressed all the reasons for refusal.

We therefore ask that this Proposal be refused.

In addition please take note of the following detailed reasons of Objection to the West Culburra Concept Proposal SSD 3846.

1. Proposed housing estate North West of the sewerage treatment works.

The proposal is for 244 housing lots, with 293 dwellings and 13 industrial lots proposed in the Crookhaven River catchment

This is a **significant** expansion of the Culburra Beach Township.

This site is located north west of the Culburra Beach sewerage treatment works and existing industrial area. It would be separate from the existing town and represents suburban sprawl.

The proposal conflicts with the Department of Planning's requirement for "limited development" in the Crookhaven River catchment" to be located adjacent to the existing township.

We believe that the existing Industrial area defines the western limit of Culburra Beach

If allowed this significant expansion (over-development) proposal would result in:

- damaging impacts from polluted urban runoff for the Crookhaven River, its wetlands and the oyster and fishing industries it supports.
- clearing of over 47 ha of Lowland Coastal Forest, part of a habitat corridor which supports threatened species, extending west to the Shoalhaven escarpment and north to the Crookhaven River Wetlands. This area has been relatively untouched for at least 80 years and is in good condition.
- clear-felling of remnant coastal forest and which provides significant refuge habitat for native species displaced by the 2019-2020 South Coast fires.
- degradation of Aboriginal middens along the Crookhaven River shore which are recognized as Regionally Significant Aboriginal cultural heritage.
- A densely populated urban area well away from the town centre

2. Proposed high density development north of Culburra Rd, west of Canal St and existing commercial area.

The proposal for 12 medium density residential lots , 45 integrated housing lots, 3 mixed use lots and a sports ground in this area at first glance appears to be consistent with the Department of Planning, Industry and Environment's condition for "limited" development expansion immediately adjacent to the existing town centre.

However this proposal does not represent "limited" development. The proposed density, lack of character and height for this proposed "centre of town" are not acceptable. Too much appears to be squeezed into this area.

Yes, this application is a "concept" proposal, but greater detail is required.

For instance:

- No community consultation was undertaken. The applicant did hold so-called community meetings after the application was lodged and only supporters were invited or encouraged to attend
- the proposal includes high and medium density housing as well as mixed commercial-residential development. The proposed heights of buildings are unclear with potential for up to 11 m, likely inconsistent with the existing heights in Culburra Beach.
- no Architects drawings are provided and no mention is made of the proposed visual character of the mixed use residential and commercial area or its relationship to existing development or to the Curley's Bay environment.
- No details are provided for the proposed commercial site so we suggest that commercial development could be combined with public open space e.g. a public plaza, with a park and community garden or a modest swimming pool.
- whilst supporting provision of Integrated Housing and some medium density housing development, the proposed density, suitability of 2 storey housing for seniors and lack of open space surrounding the buildings both for integrated housing and medium density residents, is cause for concern.
- along the north side of Culburra Rd, the proposal involves medium density ribbon development extending about 1km to the current industrial area. Back fences and a single line of trees are the only attempt to lessen the impact of the wall of 12 large medium density sites that would result from 95 medium density dwellings along Culburra Rd with a potential height of 11 m.

3. Risk to Crookhaven River and estuary

The IPCNSW found that;

“the Project has the potential to adversely impact quality in the Crookhaven River and estuary and the immediately adjacent SEPP 14 wetlands..”

“the Project has the potential to adversely impact water quality and in turn adversely impact direct harvest POAA and the economic viability of oyster leases..”

- Yet this application involves an active sports ground close to Curleys Bay and its wetlands. Such facilities require regular use of fertilizers and herbicides, which would pose a threat to the wetland vegetation and water quality of Curleys Bay, so the location should be reconsidered.
- Likewise, the scale, density and location and of all of the proposed mixed commercial-residential development and recreational facilities should be reconsidered taking account of likely degradation of the wetlands along Curleys Bay shores due to both surface and ground water pollution.

These are risks that should not be taken.

4. Surface and Ground Water - Pollution Risk

In The Commissions refusal document dated 17 October 2018 it said

“the model used to assess the water quality impacts of the Project was not calibrated to local conditions and accordingly is not appropriate in its current form in the context of the sensitive receiving environments, as outlined in paragraphs 151-154 and 156”

This application is required to demonstrate “a neutral or beneficial effect” (NorBE) for the quality of surface and ground water in the Crookhaven catchment, SEPP 14 Wetlands, the River and Curleys Bay, but no NorBE assessment of the proposed water pollution control measures is provided.

We believe that the clearing of native vegetation in areas of low nutrient highly erodible soils for urban development as would occur in the Crookhaven catchment, would result in significant increases in polluted runoff and reduction in water quality, despite the proposed controls.

5. Impacts of expanded population and proposed Industrial and Commercial development.

In its refusal in paragraph 248 the IPCNSW said

“there is insufficient empirical evidence in relation to the social and economic benefits and detriments of the Project and the need for the Project as outlined in paragraphs 213,214 and 218-220 “

As a dormitory suburb of Nowra, the Culburra Beach economy is impacted by Nowra’s growth as the region’s commercial, industrial and service centre. There is no evidence provided to support the scale of proposed industrial and commercial development proposed in this application

Culburra Beach has a flourishing building and renovation industry, together with health and well-being services, aged care, cafes, holiday accommodation and associated services and economic and social activities. Culburra Beach’s environment also contributes to the economy with many visitors associated with Lake Wollumboola’s internationally significant birdlife, regular surfing events, wedding locations etc.

There is considerable potential for Aboriginal Cultural Heritage tourism and nature tourism.

Tourism is, we believe the economic driver in the Shoalhaven.

Putting the tourist magnet of the Crookhaven River and Estuary at risk would be a tragedy

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING DECISION

245. The Commission has taken the community views into account via public submissions to the Department and written comments to the Commission, as well as speakers at the public meeting. The Commission also received further written comments from members of the public following the public meeting.
246. The Commission carefully considered all views of the community. The way in which these concerns were taken into account by the Commission is set out in detail in section 5 above.

7. CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

247. The Commission has carefully considered all of the Material.
248. The Commission finds that:
- the Project is inconsistent with the objectives of certain EPIs, as outlined in paragraphs 75, 78, 85, 89, 97, 98, 104 and 105;
 - the model used to assess the water quality impacts of the Project was not calibrated to local conditions and accordingly is not appropriate in its current form in the context of the sensitive receiving environments, as outlined in paragraphs 151-154 and 156;
 - the Project has the potential to adversely impact water quality in the Crookhaven River and estuary and the immediately adjacent SEPP 14 wetlands, as outlined in paragraphs 75, 76, 78, 154, 157, 159, 161, 162, 164, 214, 230 and 244;
 - the Project has the potential to adversely impact water quality and in turn adversely impact direct harvest POAA and the economic viability of oyster leases, as outlined in paragraphs 40, 85, 98, 157, 162, 230 and 244;
 - there is uncertainty in relation to construction impacts and adequacy of management measures over the 20-year construction period, as outlined in paragraphs 40, 157 and 159;
 - there is insufficient empirical evidence in relation to the social and economic benefits and detriments of the Project and the need for the Project, as outlined in paragraphs 213, 214 and 218-220; and
 - the Project is not in the public interest, as outlined in paragraph 244.
249. For all the reasons outlined in this Statement of Reasons for Decision, the Commission has decided to refuse consent to the Project.

Mary O'Kane (Chair)
Chair of the Commission

Ross Carter
Member of the Commission

Ilona Millar
Member of the Commission