

26<sup>th</sup> February 2021

Claire Haywood

Culburra Beach 2540

Director, Industry Assessments, Planning and Assessment

Department of Planning, Industry and Environment

Locked Bag 5022

Paramatta NSW 2124

West Culburra Concept Proposal (App no. SSD 3846) – Public Submission

When making this submission, I declare that I have not made a reportable political donation in the previous 2 years.

I OPPOSE the West Culburra Concept Proposal (SSD 3846) for the following reasons:

1. The creation of a West Culburra precinct that consists of 244 housing lots and 293 dwellings represents overdevelopment that is inappropriate for a town the size of Culburra Beach which has one road in and one road out. It will negatively impact the Culburra Beach environment - in particular the Crookhaven catchment, its coastal forest and wetlands, and the Crookhaven River and Curley's Bay.
2. The proposed area to be cleared involves over 47 hectares of coastal forest that has not been logged for over 80 years and as such, is part of an important habitat that supports a number of threatened species of wildlife.
3. The 2019-2020 south coast bushfires displaced a great deal of native wildlife with 80% of the Shoalhaven region burned in the fires. This remaining coastal forest has become an even more important refuge for that wildlife. Moreover, to destroy 47 hectares of natural habitat after so much was already lost in the bushfires is not in keeping with the recommendations of the published *paper by the Department of Agriculture, Water and the Environment* on 20 March 2020 which states:  
“...to support protection and recovery of these species, conservation action will be needed for many species at many sites” and “...such informed management will need to be supported by a wide range of government agencies, non-government conservation organisations, university researchers, community groups and the public.”

Further to this, the Wildlife and Threatened Species Bushfire Recovery Expert Panel lists a number of bird species that have their nests in the West Culburra forested area as being particularly in need of protection since the 2020 bushfires. These include the Black Cockatoos, the Powerful Owls and the Sugar Gliders.

4. The developer's own environmental assessment reveals that native forest in the West Culburra area is on low-nutrient, highly erodible soil. The logical conclusion to be taken from this report is that clearing 47 hectares of forest raises the risk of significantly increasing the instability of the land in that area.

5. The clearing of forest for the proposed housing estate will degrade Aboriginal cultural heritage. The developer acknowledges that there are several middens in the area that have already been recognised as being of significance to the local Jerrinja community. However, the developer has not yet undertaken close consultation with the Local Jerrinja Land Council to determine what artefacts might be uncovered once excavation commences on the site. Failure to carry out thorough due diligence on the site at concept stage, is irresponsible and may result in delays and expensive legal fees and procedures for buyers of the lots, once they are sold. But most importantly, it represents a failure to conduct appropriate community consultation with the Jerrinja people who are the custodians of that land and reveals a disrespect for our cultural heritage.

6. Pollution from residential water run-off will negatively impact the Crookhaven River, the wetlands and the oyster and fishing industries. While there is a plan to recycle urban stormwater back onto the housing estate, there has been no independent study to date, showing that there will be no contaminated runoff into the Crookhaven River.

The developer has also failed to produce a report on the long term impact of the change in the quality and Ph values of the water in the Crookhaven River and estuary and the effect this will have on the Shoalhaven's aquaculture resources. Oyster harvests globally, are already being significantly impacted by acidification of the oceans due to changes in marine carbonate chemistry caused by the combustion of fossil fuels. The potential risk to the oyster beds in this area and to the shellfish that are a food source as well as being part of Culburra's appeal as a tourist destination, is extremely high. Much more research would need to be undertaken to ensure that these valuable resources are not going to be destroyed.

Moreover, the developer has failed to address the issue of potential additional pollutants finding their way into the Crookhaven River from the herbicides and chemical fertilizers that will be used to maintain the proposed sports field.

7. A large increase in population will create severe traffic congestion on the only road that comes in and out of town. This population increase in such a small town will have a number of detrimental effects on the existing infrastructure and community health and welfare of Culburra residents, including: compromising the safe evacuation of residents in the event of bushfires; congestion of existing roads leading to the beaches with vehicles coming from the West Culburra estate; traffic hazards and greater potential for pedestrian accidents in the beach areas where there has traditionally always been a high level of pedestrian and bike traffic. The

existing beach parking in Culburra is already congested, with cars spilling on to verges and front lawns. This population influx will put more pressure on available parking, potentially leading to even more land clearing and parking lot construction that will degrade the look of the existing beach access roads and pathways.

8. The 29 metre wide Asset Protection Zone is a grossly inadequate buffer against a raging bushfire, such as the kind we experienced in the 2019-20 South Coast Bushfires, where the Forest Road fire came within 9 kilometres of Culburra Beach.

9. The developers have informed the community that they will sell the small lots to an “affordable housing” agency. Potentially, this type of housing will generate the usual problems associated with low socio-economic groups living in small, high-density housing, such as an increase in the crime rate, drug abuse and mental health issues such as depression and trauma as a result of stigmatization. It is an uncomfortable truth that cramped, high-density housing for the socio-economically disadvantaged produces negative outcomes for the most vulnerable people in our society. This proposed “affordable housing” is not an appropriate type of housing arrangement for disadvantaged people in the community. The history of urbanization around the world tells us that grouping disadvantaged people together results in “ghettos” and this would not be of any benefit to the residents of Culburra. It would be a dividing, rather than cohesive influence within the population.

10. There is a notable lack of detail in the developer’s proposal regarding the visual character of the proposed development. In particular, the 1 kilometre long, medium-density housing along the north side of Culburra Road is of huge concern. It allows 95 dwellings with a height of up to 11 metres to be built, potentially creating a singularly unattractive approach to the town of Culburra Beach, and a negative impact on the currently thriving tourist industry. Visitors are attracted by the natural beauty of Culburra Beach and this development is not only not in harmony with that, but will destroy large areas of natural beauty. This will have a detrimental effect on the local tourist economy.

11. As the developer proposes to sell off the lots to independent buyers, there is no obligation for them as the land and infrastructure developer, to ensure that the buildings in the housing estates will meet a sufficiently high level of building standards to prevent a negative impact on the visual character of the area as well as adverse effects on the environment, as outlined in my earlier points.

12. The proposed rollout of the development means that this proposal can significantly change at the Development Application (DA) stage. As this is a “concept plan” as part of Sealark’s appeal, there are still be multiple DAs to go through Shoalhaven Council. If Skylark win their appeal, there is no guarantee that they will deliver on their promise to the community to provide upgraded facilities, sports fields and infrastructure, nor are they obligated to adhere to their “concept” in terms of lot sizes and housing density. In the absence of critical detail and of infrastructure commitments being presented to the court as part of their appeal process, the developer would essentially be given free reign to clear and subdivide the land and sell it to the highest bidder, WITHOUT having to follow through on any promises they have made to the people of Culburra.

13. Benefits to local business have not been substantiated or adequately researched and updated. Both the population and business economy of Culburra Beach have changed significantly since the developer's proposal was rejected by the Land & Environment Court in 2018. This is natural growth as well as a direct result of the COVID19 pandemic and is a change that has not been taken into account in the developer's proposal concept. The town is increasingly attracting 60 plus aged residents who have been forced by COVID19 into retirement in existing holiday homes that prior to 2019 stood empty for long periods of the year, people who are now able to work from home, and who want larger backyards and more green spaces, beaches and safe outdoor areas for their families to congregate. There are more permanent residents in the area, house prices have substantially increased and local businesses have been trading well. The business reports on which the Sealark development proposal is based are out of date and depict a town that is 'dying'. This would appear to be far from the truth. Culburra has always had a seasonal economy and will continue to grow within the boundaries of its currently sustainable framework.

14. Insufficient community consultation in the formulation of this proposal. By holding a meeting that was advertised as being for "Supporters" of the development, Sealark attempted to create the impression that the majority of residents in Culburra support their amended proposal. They failed to take a consultative approach and listen to what all of the residents and ratepayers had to say about the future development of Culburra. The manner in which Sealark have carried out their 'community consultation' in a transparent effort to win their court appeal has been underhanded and undemocratic.

In January 2021, two Shoalhaven Councillors put forward a motion to the Shoalhaven City Council to support the amended West Culburra Concept Proposal. They asked the council to "acknowledge the overwhelming community support of Culburra Beach residents and ratepayers for the Culburra mixed use concept plan" stating that there was 85% of community approval and that the development proposal "has never been contentious". The Council passed this motion and resolved to put in a submission supporting the amended concept proposal without any evidence whatsoever of FULL community consultation having been undertaken by them, or anyone else.

The council also neglected to take an independent approach to community consultation by allowing Sealark to present their amended development concept proposal to councillors in a briefing session and then passing a motion shortly afterwards to support it. They did this BEFORE allowing sufficient time for any resident who had concerns about the development to respond to the developer's amended concept proposal. Sealark then conducted their "Supporters Meeting" a few days later, claiming that they had the strong support of the Shoalhaven Council for the amended West Culburra Concept proposal.

In order to test this claim, despite having only two weeks left before the submissions deadline, I started a petition opposing the West Culburra Development Concept Proposal which secured over 2500 signatures with 30% of those coming from the Shoalhaven area.

When I challenged one of the councillor's statements made to council in support of his motion, he responded in writing on my facebook page : "My comments were based on the original Community consultation that was undertaken in 2018 which saw a significant number of this community submit submissions in favour of this development. " In making this statement, the Councillor implied that there had been no recent community consultation and admitted that he represented the town's views regarding the amended West Culburra development concept proposal based on a figure that is 3 years out of date.

The fact remains that NO comprehensive survey has EVER been conducted to ascertain the level of town support or opposition to the amended West Culburra development.

A group was recently formed – The Culburra Residents Action Group – to put questions to the Shoalhaven Council about the lack of community consultation and the, unheard, views of a large section of the Culburra community. The Mayor has tabled the questions for discussion which will occur once a report on the matter has been produced.

I believe that the way in which the Shoalhaven Council support for the West Culburra Development Concept Proposal was secured, undermines the credibility of the Shoalhaven Council submission and should be taken into account by the court in determining the outcome of the Sealark appeal.

## **CONCLUSION**

In conclusion, in light of the recent bushfires which destroyed 80% of Shoalhaven bushland, and in terms of how regional land is developed as we move into a future in which climate change is a major determinant, I urge the department to make a judgement that will preserve and protect our environment and our cultural heritage and ensure that our occupancy of the land is appropriate and sustainable. I urge the Department of Industry, Planning and the Environment to reject the West Culburra Concept Proposal (SSD 3846).

Thank you for taking the time to read my submission.

Sincerley,

Claire Haywood