

Submission by Rod Sleath

**With regard to development application:  
West Culburra Concept Proposal SSD 3846**

**I oppose the West Culburra Concept Proposal SSD3846  
at Culburra Beach for the following reasons:**

**I object to the proposed development due to the risk of pollution** to the Crookhaven estuary which could negatively affect a known fish nursery, the SEPP14 wetland adjacent to the planned development and the oyster farming operations that take place in Curley's Bay and the Crookhaven estuary.

I note the developer's application states that the Integrated Water Cycle Management Strategy (IWCMS) will result in Neutral or Beneficial Effect (**NorBE**) in respect of stormwater released from the development footprint, therefore ensuring no harm to receiving waters. However, I would like to point out that the developer has made this same statement in all previous revisions of the IWCMS. Yet on each of these revisions NSW Planning-appointed consultants have rejected the assertion of neutral or beneficial effect of stormwater on the surrounding fragile environment.

In its 2018 report the UNSW Water Research laboratory made the following comments with regard to the pre-revision West Culburra Development application:

*The proposed stormwater treatment solution relies on a combination of bio-retention basins connected to filter catch-basin type devices (Enviro Pod Storm Filter). We are familiar with these type of devices, having tested a number of them in our facilities for a range of manufacturers. We commend the proponent for representing these devices in MUSIC using field based test data provided by the manufacturer (Cardno, 2018). **We are, however, concerned that the available data used to represent the***

*effectiveness of this type of device may not be appropriate for the conditions experienced in the Shoalhaven area, due to the potential for dissolved iron to rapidly clog the filter media used in the catch-pit. This potential clogging has a high risk of rapidly decreasing the effectiveness of the proposed solution and will likely require additional monitoring and maintenance. As such, it is imperative that an Operation and Maintenance Plan for the site be developed in collaboration with Council for the proposed development. It appears that the proponent will rely on constructed wetlands to perform as bio-retention basins within the Lake Wollumboola catchment. While we do not support any development within the Lake Wollumboola catchment, if development was to occur, **it should be noted that this proposed solution has the inherent risk of overflow and release of untreated, nutrient rich run-off into the neighbouring coastal wetlands and Lake Wollumboola.** Additional design detail for these ponds is required to fully assess their functionality and likely performance.*

Although I note the current proposal no longer includes risk of run-off into Lake Wollumboola, I am concerned the technology and methodologies being employed in the current revised application are broadly the same as those in the previous application IWCMS and poses the risks outlined above.

I am also concerned by the increasing risks of flooding and high rainfall events that may be associated with likely climate change over the next century and would ask that modelling of stormwater predictions is based on extreme possible future scenarios, not historic 1% events. The modelling should also assume such events could take place during the construction and clearing phases of the development as well as post construction.

I strongly urge NSW Planning and IPCN to continue to take a zero acceptable risk approach to potential contamination of the Crookhaven estuary.

### **I object to the proposed development due to bushfire risk**

The amended development application places the main body of the West Culburra development in a green thoroughfare that runs from Jervis Bay through to the Crookhaven river. In late 2020, Culburra Beach was threatened by bushfire that was tearing toward the town from a fire on Forest Road. If the wind had not changed when it did, and the bushfire had progressed to Culburra, a development at the proposed location would be in far greater jeopardy of a firestorm driven by southerly, south-westerly and possibly even westerly winds than the rest of the town. The terrible events of the 2019/2020 fire season show the risk of what can happen. There is no certainty given climate change that 2019/2020 will not be repeated in the future. The location of the main body of the proposed development compared to Culburra Beach is reminiscent of Conjola Park versus Lake Conjola. Lives were lost at Conjola Park as were many houses.

Additionally, Culburra Beach has a single access road which is lined by bushland on either side. In the event of an emergency evacuation, whether fire related or otherwise, a

potential additional 1,000+ residents and holiday makers resulting from this development would add further complication, congestion, panic and risk. By considering a residential development in a green thoroughfare you are not only playing with the safety of future residents of the development, but also increasing the risks to all the current residents in Culburra Beach by making our one exit route significantly more congested. In this respect developments West of Coonemia Road may be more suitable than direct and dramatic increases to the Culburra Beach population.

**I object to the proposed development due to the risk it poses to aboriginal heritage sites. I**

note that even the applicant's own aboriginal heritage assessment in 2012 identified aboriginal artefacts up to 100m South from the shore of the Crookhaven River and suggested they would likely extend with digging 200m or further south of the river, well within the revised development area. I defer to the Jerrinja Community on importance of this area and support their recommendations and concerns. I object to any further development that the Jerrinja Community consider invasive or damaging to their heritage.

**I object to the proposed development due to the destruction of natural heritage.** The proposed development will result in the destruction of some 50ha of native forest. This seems an extraordinarily poor choice of location for a housing estate development when you take into account the already cleared available landbank within the Shoalhaven region. It is a location choice that is even more repugnant when considering the horrific devastation of southern NSW forests in the 2019/2020 bushfire season. We need to protect the flora and fauna that has survived, not urbanise it!

I note and agree with the following from the Lake Wollumboola Protection Association 2013 submission:

*The coastal forests and wetlands of the lower Crookhaven River catchment are areas of high biodiversity, identified in the South Coast Regional Conservation Plan 2010 as being of "High Conservation Value" to be protected as "Wildlife corridors." Threatened species include the Glossy Black Cockatoo, Powerful Owl and micro bat species. This area provides a significant wildlife habitat corridor linking Seven Mile Beach National Park and Comerong Island Nature Reserve in to the Crookhaven/Shoalhaven River estuary south to the Jervis Bay National Park as well as providing a corridor to reserves west to the mountains and Morton National Park. Maintenance of this wildlife habitat corridor is critical for assisting endangered coastal species and ecological communities to migrate and adapt to climate change and sea level rise.*

In addition, the forest to be destroyed is simply eye-wateringly beautiful. It is a poor environmental decision to locate a housing estate at this location, when other options in the region are available. Below is a photo of the proposed West Culburra Development site:



**I object to the proposed development due to the additional pressure it will place on medical services.** Today in Culburra Beach there are already long waits for appointments to see local doctors. In his 2018 submission to the IPCN, Dr. Trevor Smith referred to the difficulty of hiring GPs to work within the community. The additional 847 residents the proposal envisages will place a large additional burden on an already strained local medical profession.

**I object to the proposed development as there has been insufficient Community Consultation.** There has been no engagement with the general public since the announcement of the revised West Culburra Development by either Shoalhaven City Council (which voted to support the revised concept plan with no electorate consultation one day after the revised West Culburra development proposal was released on public exhibition) or by the applicant. The only meeting that has taken place, which was attended by the applicant's representatives, has been a meeting for supporters of the development (billed and advertised as such). This meeting (according to the same advertisements) required pre-registration of attendance with a local real-estate agent who is a rabid proponent of the development. This is unacceptable and we do not believe it meets the requirement that developers engage with the community.

**I reject the developer's statement that the majority of local residents support the development**

This statement is incorrect and has been based on feedback from a small sub-set of the population. It is based on 2018 submissions from a small portion of the community,

including 57 form letters. Petitions objecting to the development are ignored by this statement. This idea that the proposal has majority support has been used by our local councillor to rush through a vote of support by council for the proposal without consultation with his electorate on the matter. There is a large and still growing groundswell of discontent in the community with regard to this development.

Where there is support for the development much of it is due to false claims by the proponent and/or its local supporters who will directly financially benefit from the development. These include the inference there will be a material increase in availability of housing stock for local families and a material decrease in housing prices. The idea that retail services and space can be increased, when the developer's own economic impact statement shows there is already massive oversupply of retail space in Culburra. The promise of over 200 jobs in the town post development phase, which is completely unjustifiable (as demonstrated in my rejection of the developer's economic impact statement).

## **I refute the findings of the proponent's Economic Impact Statement**

### **Employment**

I note the developer has suggested as part of its economic assessment a benefit of 501 jobs, of which 208 will be in the Culburra Beach / Orient point catchment area on an ongoing (i.e. post development completion) basis.

This seems extraordinarily high and is worthy of a reality check.

The developer suggests, and its numbers are based on, an 847 person increase in permanent population resulting from the development. I would note that, based on the age mixes given for the Shoalhaven area in the developer's economic assessment, it is likely that 26% of those are over retirement age and 19% are likely to be under the age of 18. This brings the approximate increase in working age population to 474 and some of these will not be actively seeking work (for example stay-at-home mum and dads). It seems extremely unlikely that a residential development would lead to more than one job for every working age person, and I call into question the integrity of the proponent's analysis.

The above reality check assumes the development does bring in 847 permanent residents. It is worth mentioning that the proponent's analysis has suggested just 1-2% of the proposed development will be composed of holiday homes. In our coastal location this seems exceptionally low.

I am equally concerned with the assumption that the development would lead to 208 jobs within the Culburra Beach / Orient point catchment area. **Please consider the following:**

- The figures rely on an assumption that the full industrial estate will be developed, will be fully leased and the lessees will all be running successful businesses. These are very large assumptions to make. In this context I note the concept plan envisages a massive 140% increase in the size of the industrial estate, versus a 23% increase in

the catchment area population. The only rationale given in the proponent's economic assessment for such a disproportionate increase is that the current industrial estate is fully let (!).

- The proponent's analysis suggests this massive increase in industrial space (for which they have provided no justification) will create 111 full-time equivalent (FTE) jobs. If the additional industrial space were to create 111 jobs, it would imply the current fully leased space should have 78 people working there on an FTE basis. There is no way this is the case. I estimate (based on discussions with business owners in the industrial estate) there are approximately thirty people employed within the industrial precinct today on an FTE basis. Using current employment as a base would suggest expansion of the industrial estate (assuming it is fully let and assuming the lessees are successful in their ventures) would lead to 42 additional FTE jobs ... not 111.
- The proponent's analysis assumes 49 jobs will be created from the addition of 2,438 square metres of retail space. The proponent's economic assessment has stated Culburra Beach currently has excess retail space of 3,000 square metres over absorbable norms and that the development (assuming it brings in 847 residents) will be enough to absorb approximately 900 square metres of the excess. This would still leave Culburra Beach with 2,100 square metres of excess retail space even if not another single square metre of retail space is built. Yet astoundingly the proponent intends to build a further 2,438 square metres of retail space – and then for its economic assessment includes an assumption that this new space will be fully let, and the businesses will be successful. Miraculously, within the proponents economic assessment the overdevelopment of an already overdeveloped retail precinct provides no competition for existing businesses in Culburra. In reality, it should be expected increasing capacity in an already oversupplied retail market will lead to business failures and job losses within pre-existing shops. The proponent's economic analysis is appalling.
- I believe a more realistic measure of potential job creation would be based on the jobs 900 square metres of retail space would be likely to produce. This is approximately the space the proponent has suggested is suitable for 847 residents. The number of FTE jobs this would lead to depends on the businesses that occupy the space. The hardware store that closed down in 2018 used approximately 866 square metres of space and provided approximately five FTE jobs. Using this as a benchmark, the potential additional employment in retail space from the development would be five people. I accept the hardware store is a particularly harsh example, so let's be generous and assume it leads to an additional 12 FTE jobs. This compares to the proponents suggested 50 jobs.
- I note the proponent includes an assumed 48 jobs attributed to people who work from home. Based on working age population resulting from the development this would suggest 10% are working from home in full-time employment. I find this

extremely difficult to accept. It is certainly not the case that of the people I know in Culburra 1 in 10 of them works from home on a fulltime equivalent basis. I would also highlight that these are not jobs resulting from the development. They are jobs that would exist in any case.

The above points suggest the proponent's economic assessment analysis lacks integrity, possibly verging on fraudulence in its attempt to justify this development. I believe it is extremely unlikely that the job creation in Culburra Beach from this development will be material in the context of the population on an ongoing basis and certainly nowhere near that proposed in the developer's economic assessment.

While I have focused on job creation in this section, the conclusions I draw also suggest the proponent's output and GRP expectations are grossly inflated.

### **Retail Precinct**

Although I have discussed the retail precinct when talking about employment, it is important to understand the retail precinct and its success have been an emotive issue in the community debate on the West Culburra Beach development. Lots of people see the vacancy rates (around 20% according to the proponent), as a sign that the Culburra Beach economy is unhealthy. The proponent's economic assessment shows a different picture. It shows (and I agree in this instance) that Culburra does not have a poor economy it simply has too much retail space. I quote from the proponent's economic impact statement:

*"In regional areas such as Culburra Beach, it can be assumed that only around half of this demand would be retained by smaller local centres. This equates to 1.1sqm of local centre demand per person. Remaining demand is directed towards higher order, larger centres and bulky goods precincts. In the case of Culburra Beach, this would be Nowra City Centre and the South Nowra Bulky Goods Retail Precinct. At an existing population of around 3,600 residents, this would suggest the Culburra Beach Catchment Area could demand around 4,000sqm of retail floorspace. An estimate of retail floorspace in the Culburra Beach Town Centre identified some **7,100sqm of retail floorspace**, suggesting the Catchment Area is already oversupplied by some 3,000sqm of retail floorspace. It is therefore unsurprising that the Town Centre has faced historically high levels of vacancy ..."*

The proponent is clear that the additional expected residents from the proposed development should effectively absorb 930 square metres of this excess.

*"Based on a retail demand ratio of 1.1sqm per person, new residents accommodated through the Proposal could demand an additional 930sqm of retail floorspace."*

This still leaves 2,170 square metres of excess retail space over Australian local averages. Yet the proponent then goes on to recommend an ADDITIONAL 2,438 square metres of retail space is included in the development AND includes the output and job creation from this in its economic benefit conclusions. The net effect of the development would be to take

current retail space supply per capita in Culburra Beach from 178% of Australian local averages to 193%! This is verging on insane. It represents poor planning and will perpetuate high vacancy rates. It risks leading to business failures and will maintain the appearance of a failing local economy.

#### **Industrial Precinct**

I have already discussed the overdevelopment of the industrial precinct which is part of the West Culburra Development proposal under my section on employment. However, I would like to re-iterate the proposal envisages increasing the size of the current precinct by 140% versus the 23% increase in residents that are assumed will take place if the proposal goes ahead. No justification for this disproportionate increase is given or attempted within the economic assessment, and certainly no empirical evidence to support demand for the resulting space is provided. Culburra Beach is fifteen minutes drive from South Nowra which is a major industrial area. While the Culburra Beach industrial precinct is currently fully let that does not mean an additional thirteen businesses will be able to locate there and successfully compete against a relatively close regional centre. I believe the proponent is more interested in creating a desirable outcome for its economic assessment than developing sustainable industrial and retail precincts in Culburra Beach.

#### **Miscellaneous**

I would like to comment on a number of other items from the proponent's economic assessment:

- With reference to effect on house prices the proponent suggests *"A lack of stock is a fundamental factor driving this rise in prices"*. A major focus for the locals who do support the proposal is their belief the development will lead to lower house prices in Culburra. The proponent and local real estate agents have been happy to feed this myth. I saw one local real estate agent comment on a public forum that *"at the end of the day it's all about supply and demand"*. The idea that this development will lead to materially lower prices in the Culburra Beach / Orient Point catchment is nonsense. Culburra Beach is seeing extraordinary demand from purchasers in the current overheated property market. The proposed development would see high demand from purchasers and prices will remain high as a result. The vast majority of that demand will not be from people who currently live in Culburra Beach. In this market it is interest rates and affordability that determine prices – not village level supply.
- The proponent states *"Culburra Beach is a tightly held market with limited housing options for older residents looking to remain in the area in smaller housing formats."* I would note there have been a number of recent medium density builds take place in Culburra Beach. So, certainly some of that demand is being met. I think a sensible

re-development of the shopping precinct (which as discussed earlier has potentially 3,000 square metres of excess space) could include excess retail space converted to medium density housing. In another section of its economic assessment the proponent states *"The Proposal will facilitate an increased diversity of housing stock in Culburra Beach and meet a **severely** unmet need for smaller housing formats"*. Such strong wording despite a lack of empirical evidence to support such a statement. The proponent does not even attempt to quantify the demand. I question just how much demand there is from older residents looking for smaller housing formats. I also question how the proponent intends to "reserve" those properties for the local resident demand, without it being absorbed by non-resident demand.

- The proponent in its background information tries to paint a picture of a poor town that needs development to increase employment. It talks about how the Shoalhaven LGA experienced 2011-2016 employment growth of 2.7%, but is dismissive of the increase in jobs in the Culburra Beach / Orient Point catchment area as *"nominal"* with *"circa 80 additional jobs recorded"*. This fails to take note of the fact that the primary source of employment for residents in the catchment is the regional centre of Nowra, not the village itself. Growth in Shoalhaven employment opportunities is growth in employment opportunities for Culburra Beach / Orient Point catchment residents. It also fails to note that the *"nominal"* employment growth in the catchment area actually represented annual average employment growth of 3.5%, which is an out-performance of the broader Shoalhaven despite lower population growth. I expect, though can't prove, that this out-performance has continued.
- I think it is also important to highlight the proponent's own analysis that the Culburra Beach / Orient Point catchment area resident population grew at 0.7% per annum from 2012-2019. This is not a long way below the Shoalhaven region growth as a whole at 1.2% annual average over the same period - despite large housing development expansion in areas of Nowra, Vincentia and Ulludulla area in that time frame. Anecdotal evidence, including comments from local real estate agents, is that the growth in the Culburra Beach permanent population has accelerated in 2020. In my view the level of resident growth reported by the proponents is sustainable and appropriate. I would also point out it is above the average growth rate required by the Shoalhaven as a whole to meet baseline 2041 population expectations. Continuing sustainable increases in permanent population are likely to come from a decreasing proportion of holiday homes overtime, gradual medium-density development of already cleared sites within Culburra and possibly from re-development of the retail precinct and other properties. Development represented by the West Culburra Concept Plan is not needed. Culburra Beach is able to grow permanent population at a sustainable level without the destruction of existing native forest.

**I am concerned approval of the West Culburra concept plan will have precedent ramifications for future intended development by the proponent along the Crookhaven River foreshore.**

I note Shoalhaven City Council, on behalf of the Halloran Trust is seeking re-zoning for development of up to 5,400 houses in Culburra Beach. It seems likely, this will include development of the Halloran Trust owned land on both sides of Culburra Road, from the current town almost as far west as Coonemia road.

Associated document history is available at:

[http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=5309&fbclid=IwAR1wHB4nn7ndWd8LpCPVCGtU90RRfcIY0E0KITGJLkKhESe-d\\_MsAafYtzQ](http://leptracking.planning.nsw.gov.au/proposal/details.php?rid=5309&fbclid=IwAR1wHB4nn7ndWd8LpCPVCGtU90RRfcIY0E0KITGJLkKhESe-d_MsAafYtzQ)

I note that while the documented gateway alteration request was rejected, this was due to the planning proposal expiring. Since then Shoalhaven City Council has resolved to renew the gateway alteration request.