



The Hon. Rob Stokes, MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001

29 November 2016

Dear Minister

**Advice on an Application for Ministerial Call-In
Long Bow Point Golf Course, Culburra**

We refer to your letter of 4 November 2016 seeking advice from the Planning Assessment Commission (the Commission) on the State and regional planning significance of a development application (DA11/1728) for an 18 hole golf course at Long Bow Point, Culburra in the Shoalhaven local government area.

Ms Lynelle Briggs AO, Chair of the Commission, and Mr Ross Carter constituted the Commission for this matter. As part of its consideration of this matter, the Commission visited publicly accessible areas in and around Lake Wollumboola on 21 November 2016.

Background

A brief history of the site and its surrounds is summarised in the table below:

Year	Action(s)
1993	A development application was received by Shoalhaven City Council for the subdivision of the site into 827 lots for residential use.
1996	A Commission of Inquiry was established to examine the environmental and other impacts of the development application. The Inquiry was later adjourned to enable the developer to prepare a Fauna Impact Statement because of potential threatened species on the site.
2000	The Commission of Inquiry finalised its report and recommended the refusal of the development application because of the likely impacts on the water quality and high conservation values of Lake Wollumboola. Based on the Commission of Inquiry's recommendations, the Minister refused the development application.
2002	The NSW Government asked the Health Rivers Commission to undertake an Inquiry into the coastal lakes of NSW. The Healthy Rivers Commission recommended that Lake Wollumboola be afforded the highest levels of protection and that any new residential development should be limited to the existing urban area.
2006	To inform the finalisation of the draft South Coast Regional Strategy, the Minister appointed an independent panel to report on the suitability of environmentally sensitive sites for urban development. The panel concluded that the land within the Lake Wollumboola catchment area, including the subject site, was unsuitable for urban development.
2010	A State significant development application (MP 09_0088) was received by the then Department of Planning for mixed use residential, commercial and industrial development in West Culburra. The application is currently being assessed.
2011	The subject development application for an 18 hole golf course was received by Shoalhaven City Council.

2013	The Office of Environment and Heritage commissioned a peer review of the major landholder's water quality study of Lake Wollumboola. The peer review identified concerns with the study's assessment and modelling of the lake's water quality and recommended limiting development within the Lake Wollumboola catchment area due to its environmental significance.
2014	A Gateway determination was issued that requires the land in the Lake Wollumboola catchment to be zoned for environmental protection, dependent on the outcomes of biodiversity offset and water quality management strategies.

Commission's Consideration

The Minister's Guideline on 'call in' of State significant development under the *Environment Planning and Assessment Act 1979* requests the Commission to consider six general issues in determining the State and regional planning significance of a development application. The Commission's consideration of these issues is provided below:

1. *Whether the proposal is of regional or State importance because it is in an identified strategic location, or is critical in advancing the nominated strategic direction or achieving a nominated strategic outcome, contained in a relevant State policy, plan or strategy, or regional or sub-regional strategy;*

The Commission is of the view that the proposal is of State and regional importance because it is in an identified strategic location, as specified in the Illawarra Shoalhaven Regional Plan, *State Environmental Planning Policy No. 14 – Coastal Wetlands* and *State Environmental Planning Policy No. 71 – Coastal Protection*.

The site is identified in the Illawarra Shoalhaven Regional Plan as being unsuitable for urban development because of potential negative impacts on Lake Wollumboola. The Commission notes that the Department of Planning and Environment has classified the proposed golf course as urban development.

The Commission is concerned that the proposal is inconsistent with a strategic direction contained within the Illawarra Shoalhaven Regional Plan. Direction 5.4 of the plan is to secure the health of coastal landscapes by managing land uses and water quality. The direction identifies that as the Illawarra region grows, coastal landscapes such as Lake Wollumboola will need to be protected to preserve the unique characteristics of the natural environment. The direction also states that the NSW Government will protect these sensitive landscapes from inappropriate development that affects water quality or ecological function.

Parts of the site are mapped as coastal wetlands under *State Environmental Planning Policy No. 14 – Coastal Wetlands*. The aim of this policy is to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the State. The Commission acknowledges that no areas of the identified coastal wetlands are proposed to be removed under the proposal. The Commission is of the view that consideration needs to be given to whether the proposal will have any environmental impacts on the identified coastal wetlands.

The site is located within a coastal zone under *State Environmental Planning Policy No. 71 – Coastal Protection*. This policy requires the consent authority to take certain matters into consideration when it determines a development application in a coastal zone, including:

- providing opportunities for new public access to the coastal foreshore;
- any detrimental impact a development may have on the foreshore;
- the scenic qualities of the coastline;
- the conservation of threatened species;

- protection of wildlife corridors; and,
- the likely impact of coastal processes and coastal hazards on the development.

The Commission notes that the NSW Government is in the process of preparing legislation to provide additional protection to sensitive coastal areas, including the Lake Wollumboola catchment area.

Specifically, the draft *State Environmental Planning Policy (Coastal Management) 2016*, which is on exhibition until 23 December 2016, identifies the site as being part of the coastal zone. The draft provisions that apply to the site require the consent authority to ensure that any future coastal development is appropriate and sensitive to the coastal environment. In addition, the *Coastal Management Act 2016*, which will not commence until public consultation on the draft *State Environmental Planning Policy (Coastal Management) 2016* is completed, also contains provisions to ensure the appropriate planning and management of the site and the Lake Wollumboola catchment area.

2. *Whether the proposal delivers major public benefits such as large-scale essential transport, utility infrastructure, or social services to the community;*

The Commission understands that the proposal will not have major public benefits, but will have local public benefits, including:

- making the site accessible to the general public;
- broadening the range of recreational opportunities in the area; and
- providing an additional tourist attraction.

3. *Whether the proposal is likely to have significant environmental, social or economic impacts or benefits, be of a significant hazardous or environmentally-polluting nature, or is located in or in close proximity to areas or locations that have State or regional environmental, archaeological or cultural heritage significance;*

As outlined in the background section, Lake Wollumboola has been the subject of four independent Government inquiries, which have determined that the lake is of State environmental significance. The lake is environmentally significant due to its ecological value, the relative rarity of its biotype and its environmental sensitivity. The Commission also notes that the lake is a wetland of National and international significance for migratory birds. Given its close proximity to Lake Wollumboola, the proposal has the potential to have significant adverse impacts on the environmental significance of the lake.

The Commission also notes that the Aboriginal cultural heritage assessment report submitted as part of the development application has recorded a number of Aboriginal objects on the site and has identified five areas within the site as having archaeological potential. The Jervis Bay National Park and Woollamia Nature Reserve Plan of Management, prepared by NSW National Parks and Wildlife Service, has also identified the immediate hinterland around Lake Wollumboola as being of high Aboriginal social value.

4. *Whether the proposal is of significant economic benefit to the region, the State or the national economy, such as those with high levels of financial investment and continuing or long-term employment generation;*

The proposal does not have significant economic benefit to the State or the national economy. However, the Commission acknowledges that the proposal would have economic benefits for the Illawarra region and the Shoalhaven local government area, including the provision of an additional

tourist attraction and the creation of employment opportunities during the construction and operation of the golf course.

5. *Whether the proposal is geographically broad in scale, including whether it crosses over multiple council and other jurisdiction boundaries, or impacts a wide area beyond one local government area;*

The proposal is not geographically broad in scale and does not cross over multiple council boundaries.

6. *Whether the proposal is complex, unique or multi-faceted and requires specialist expertise or State coordinated assessment, including where councils require or request State assistance.*

Given the potential environmental impacts of the proposal and the unique State environmental significance of Lake Wollumboola, the Commission considers that the proposal would benefit from specialist expertise. A State coordinated assessment would allow for better co-ordination with other State agencies' input on the proposal, which may streamline the determination process.

Commission's Advice

Based on its consideration of issues 1, 3 and 6 in particular, the Commission's advice is that the proposal meets the criteria for State significant development.

The Commission is of the view that the proposal is of State and regional importance because it is in an identified strategic location, as specified in the Illawarra Shoalhaven Regional Plan, *State Environmental Planning Policy No. 14 – Coastal Wetlands* and *State Environmental Planning Policy No. 71 – Coastal Protection*. The Commission notes that the *Coastal Management Act 2016* and the draft *State Environmental Planning Policy (Coastal Management) 2016* identify the site as being within a coastal zone and prescribe additional management and protection provisions for the site.

The Commission considers that the proposal is of State and regional importance because the site is in close proximity Lake Wollumboola, which is of State environmental significance. The site also contains Aboriginal objects and areas of archaeological potential. The proposal has the potential to have adverse environmental impacts on the lake and Aboriginal cultural and social heritage and therefore requires specialist expertise and coordination across multiple government agencies to determine the application. The proposal may benefit from State coordinated assessment as it would allow for better co-ordination with other State agencies, which may streamline the determination process.

Yours sincerely



Ms Lynelle Briggs AO
Chair of the Commission



Mr Ross Carter
Member of the Commission