



Professor Mary O'Kane AC
Chair
Independent Planning Commission
GPO Box 3415
SYDNEY NSW 2001

Dear Professor O'Kane

SSD 3846 – West Culburra Concept Proposal

Please find attached a response to matters raised by the Independent Planning Commission during its consideration of the above application.

The response seeks to clarify matters raised in relation to independent water quality advice and strategic planning. In responding, the Department reaffirms its conclusions and recommendations presented in the Assessment Report dated 15 June 2018.

Should the Commission have any further enquiries about this matter, please contact me on 02 9274 6413.

Yours sincerely

Chris Ritchie
Acting Executive Director
Key Sites & Industry Assessments

7/8/18.

SSD 3846 – West Culburra Concept Proposal

Provision of water quality advice letters to the Applicant (specifically letters prepared by Alluvium dated 19 July 2017 and BMT dated 20 July 2017)

The Department identified water quality as a key issue early in the assessment process, due to the scale of the proposal and its proximity to sensitive ecological receptors in the Crookhaven River. These include priority oyster leases, protected wetlands and marine vegetation. Parts of the proposal are also located within the catchment of Lake Wollumboola, which is recognised as a lake of State significance.

In early 2014, the Department appointed independent water quality experts BMT WBM (Mr Tony Weber) to review the Applicant's Water Cycle Management Report (WCMR). This review identified some substantial deficiencies in the Applicant's assessment and recommended further work. The review advice was provided to the Applicant and its water quality consultant Martens for consideration. Martens provided an updated WCMR in August 2014. The Department re-engaged BMT (including Dr Michael Barry) to consider Martens revised work. The scope of the independent review extended from considering the Applicant's proposed landside stormwater treatment systems to evaluating the potential impacts on the receiving environment (estuary modelling). Dr Michael Barry was engaged for his expertise in authoring the advection dispersion component of the model used by Martens. Over the course of the review period, Mr Tony Weber moved employment and continued to provide technical advice to the Department through the company Alluvium.

This iterative review process continued for a period of three years. The Department engaged extensively with the Applicant and Martens, trying to bring the water quality modelling work in line with best practice. The Department provided multiple written advice from the independent reviewers to the Applicant, facilitated meetings and held a teleconference between the Applicant, Martens and BMT to work through the outstanding issues.

After an extensive process, the Department wrote to the Applicant in May 2017 providing BMT's latest advice dated 5 and 8 May 2017 (see Attachment A). In this letter, the Department advised the Applicant that the latest review advice represented the culmination of a lengthy collaborative process between BMT and Martens, however the advice still raised considerable concern with the proposed landside stormwater treatment, the modelling undertaken and its use to inform the water quality impacts on the Crookhaven River. The Department requested the Applicant provide a final Response to Submissions (RTS) no later than 26 May 2017. At that time, the Department considered it had adequate advice to form a view on the water quality aspects of the proposal.

The Applicant requested an extension of time to provide the RTS and the Department agreed to an extension until 16 June 2017. On 8 June 2017, the Applicant provided an Addendum to the WCMR. On 22 June 2017, the Department met with the Applicant and re-stated its concerns with the water quality aspects of the proposal and requested a final RTS. The Applicant provided the final RTS on 18 July 2017.

The Department sought a final review from Alluvium and BMT on the Addendum to the WCMR. This advice was received on 19 and 20 July respectively. This advice did not raise any new issues for consideration and re-confirmed earlier advice, that the Applicant's water quality assessments were inadequate. The Department then proceeded to finalise its assessment of the application.

As noted above, the Department provided multiple review advice to the Applicant throughout its assessment, including:

1. 6 March 2014 BMT Review of Martens Water Cycle Management Report & Groundwater
2. 23 October 2014 BMT Further Review
3. 7 November 2014 BMT review of Martens Estuary Modelling
4. 19 August 2015 BMT Review of Martens Vegetation Uptake Rates
5. 27 November 2015 BMT Review of Martens Updated Estuary Modelling
6. 24 February 2017 Alluvium Review of Martens Explanatory Note
7. 5 May 2017 BMT Review of Martens Estuary Modelling (3rd version)
8. 8 May 2017 BMT Supplementary Detailed Review

The Department provided the 19 and 20 July 2017 advice to the Applicant when requested on 17 July 2018.

Consideration of Shoalhaven City Council's five centre growth strategy and Shoalhaven Growth Management Strategy 2014 (GMS). Consultation with Council regarding strategic planning, before finalising the assessment report

The Department formally consulted Shoalhaven City Council on three occasions throughout its assessment. Council provided three written submissions, with two of these submissions including sections on Strategic Planning. Council provided:

- 46 page submission in 2013
- 8 page submission in 2014
- 11 page submission in 2017

None of the submissions by Council referred to Council's five centre growth strategy or the Shoalhaven Growth Management Strategy.

The Department has now obtained a copy of the GMS, noting the final document is not publicly available on Council's website.

The Department notes the GMS refers to the recommendations of the South Coast Sensitive Urban Lands Review and the Healthy Rivers Commission Inquiry as the guiding documents for development considerations at Culburra Beach. It acknowledges the recommendations to limit new development in the catchment to within existing developed boundaries. In relation to development potential at Culburra Beach, the GMS states:

Opportunities for expansion limited by the Inquiry into NSW Coastal Lakes undertaken by the Healthy Rivers Commission (2002). This has recommended that any new urban development within the catchment of Lake Wollumboola be limited to within the existing boundaries of developed areas.

The GMS also states:

The remaining land within the catchment of the Crookhaven River is considered suitable for limited urban development.

The GMS is consistent with higher level strategic planning documents, such as the Illawarra Shoalhaven Regional Plan 2015, in its recommendation to limit development in the catchment of Lake Wollumboola and consider limited development within the catchment of the Crookhaven River. The Department reaffirms its conclusion that the concept proposal is inconsistent with strategic planning for balancing housing delivery with environmental protection. The Planning Proposal currently under assessment will be supported by detailed studies that will identify suitable areas, densities and yields for further urban development in Culburra Beach.

Consideration of the Illawarra Shoalhaven Urban Development Program Update 2016 (ISUDP) and map interpretation

The Illawarra- Shoalhaven Urban Development Program (ISUDP), identifies the 'Culburra Investigation Area' for consideration for urban development. The ISUDP notes:

The Sensitive Urban Lands Review determined that there is limited urban potential in this area outside of the Lake Wollumboola catchment. Potential yields are to be determined and will depend on evaluation of scale, water catchment issues, and other environmental considerations. A number of planning processes are currently proceeding for this area that will, once finalised, resolve appropriate land use yields.

The Department acknowledges it has misinterpreted the map that accompanies the ISUDP. The map shows two areas for residential consideration, subject to environmental assessment – development within the town centre and the 'Culburra investigation area', which aligns with the Applicant's West Culburra proposal (refer to figure from the ISUDP attached). The Department has considered the scale, water catchment issues and other environmental considerations, in its assessment of the concept proposal, as identified in the ISUDP.

The Department has not relied solely on the ISUDP to reach its conclusion that the proposal is inconsistent with strategic planning. These matters are clearly set out in higher level strategic plans including the Illawarra Shoalhaven Regional Plan 2015 and the South Coast Sensitive Urban Lands Review 2006. It is also important to note; the Gateway Determination for the Planning Proposal recommends land in the catchment of Lake Wollumboola be zoned for environmental protection. The Department maintains its conclusions that the development is inconsistent with strategic planning.

ATTACHMENT A – Letter to Applicant requesting Final RTS, 9 May 2017



Contact: Robert Byrne
Phone: 9274 6398
Email: robert.byrne@planning.nsw.gov.au
Our ref: SSD 3846

Mr John Toon
John Toon Pty Ltd
17 Bunyana Avenue
Wahroonga NSW 2076

Via email: evjotoon@bigpond.com

Dear Mr Toon,

**State Significant Development Application
Concept Proposal for a Mixed-Use Subdivision, West Culburra (SSD 3846)**

I refer to the meeting between officers of the Department and representatives of Halloran Trust on Tuesday, 4 April 2017 regarding the above proposal.

The Department has now received the peer review advice from its consultants and this is attached.

The advice represents the culmination of a lengthy collaborative process between BMT WBM and Martens. The advice still raises considerable concern with the proposed landside stormwater treatment, the modelling undertaken and its use to inform the water quality impacts of the proposal on the Crookhaven River.

You are requested to provide a Response to Submissions by no later than close of business Friday, 26 May 2017.

Should you have any enquiries, please contact Robert Byrne on the details above.

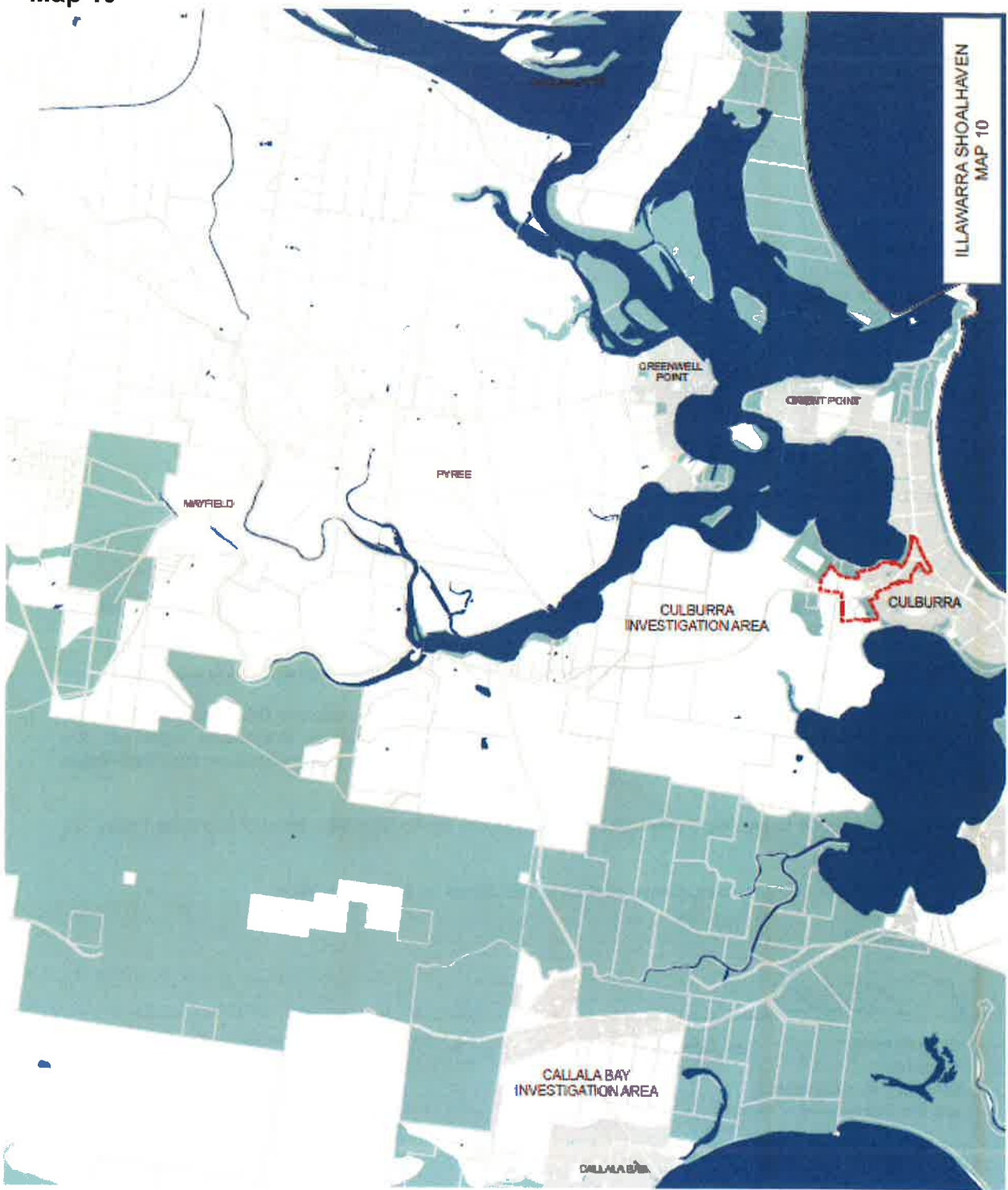
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'C. Ritchie'.

Chris Ritchie
Director
Industry Assessments
(as the Secretary's nominee)

9/5/17.

ATTACHMENT B - Illawarra Shoalhaven Urban Development Program Update 2016 - Map 10



ILLAWARRA SHOALHAVEN
MAP 10



Dwelling Completions (1995/99 - 2014/15)*

1 additional dwelling	51-100 additional dwellings
2-10 additional dwellings	101+ additional dwellings
11-50 additional dwellings	

*No dwelling completion data for Shoalhaven prior to June 2014



Major Site	Open Space / Environmental
Centre	LGA Boundary
Greenfield	Rail Line