

<b>This meeting is part of the determination process.</b>		
<b>Meeting note taken by:</b> Alana Jelfs	<b>Date:</b> 18 July 2018	<b>Time:</b> 4.30pm
<b>Project:</b> West Culburra Concept Proposal (SSD 3486)		
<b>Meeting Place:</b> IPC Office		
<b>Attendees:</b>		
IPC Members: Mary O’Kane (Chair), Ross Carter, Ilona Millar		
IPC Secretariat: Alana Jelfs (Senior Planning Officer) and David Koppers (Team Leader)		
Department of Planning and Environment: Chris Ritchie (Director, Industry Assessments); Anthea Sargeant (Executive Director, Key Sites and Industry Assessments) and Deana Burn (Industry Assessments); Tony Weber (BMT); Dr Michael Barry (Alluvium)		
<b>Meeting Purpose:</b>		
For the Department to brief the Commission on the West Culburra Concept Proposal. The following matters were discussed:		
<ul style="list-style-type: none"> <li>• Project overview: <ul style="list-style-type: none"> <li>- the Concept Proposal was first submitted in 2013 under Part 3A of the Environmental Planning and Assessment Act 1979;</li> <li>- the site is surrounded by the Crookhaven River estuary to the north, Curleys Bay to the northwest, Culburra Beach to the east, Long Bow Point to the south and Culburra township to the west. Lake Wollumboola is located southeast of the site and forms part of Jervis Bay National Park;</li> <li>- the site has been subject to a number of environmental studies and several strategic plans apply to the site;</li> <li>- since the application was first submitted, the applicant has been unable to provide the necessary level of information, with the Department providing a number of opportunities for the applicant to submit further information required by the Department and to revise the proposal;</li> <li>- the Department explained that a number of assessment issues were insufficiently addressed by the applicant and, following a lengthy assessment process, it concluded that the Concept Proposal may not be approvable. However, the Department supports some development at Culburra Beach;</li> </ul> </li> <li>• Water quality: <ul style="list-style-type: none"> <li>- the Department’s water quality experts, BMT and Alluvium joined the meeting over the phone. The experts were engaged to review the water quality modeling and assessments submitted by the applicant;</li> <li>- BMT was original engaged in 2013 to evaluate the applicant’s stormwater management plan. The peer review raised concerns with the effectiveness of treatment systems, the veracity of modeling, and a lack of clarity on potential impacts to the sensitive receiving environments;</li> <li>- BMT found many of the applicant’s conclusions to be unsupported by contemporary science, literature or adequate data; BMT worked with the applicant’s consultants to address gaps in information but ultimately questions remained unresolved regarding downstream impacts, particularly on sensitive receiving environments;</li> <li>- BMT found that given the significant increase in intensity of development and activity on the site, there would likely be impacts on the estuary;</li> <li>- Alluvium first peer reviewed modeling in 2014, and found it to be of a poor standard with fundamental elements missing. The reviewer requested that the applicant source more data. Data collection improved the modeling somewhat however further recommendations were made at the end of 2015;</li> <li>- a final review of the modeling was undertaken in mid-2017, however gaps remained, particularly that the final land use scenario had not been modeled;</li> <li>- concerns that inadequate statistical analysis and subsequent mapping submitted may not be accurate;</li> <li>- no pathogen analysis or simulation was undertaken to determine potential impacts on oyster/fishery activity;</li> <li>- the treatment train was ‘off the shelf’ and was not supported by field/peer reviewed performance information. In the configuration modeled it was considered insufficient to mitigate the impacts;</li> <li>- the applicant assumed that if the groundwater system was disturbed, there would be no impact. Groundwater is high in areas of the site and with the potential for increased infiltration may increase outflow into the estuary and the likelihood of impact on sensitive receiving areas such as the SEPP 14 wetlands;</li> <li>- BMT noted that some groundwater treatment would be possible, but the increase in discharge to groundwater had not been addressed;</li> </ul> </li> </ul>		

- the applicant did not address the construction phase which could have substantial impacts given the potentially long construction period of up to 20 years, opting to defer details till the construction certificate stage;
- the applicant claimed a neutral or beneficial effect (NorBE) based on their modeling, but the veracity of the assumptions, including the treatment train, in the modeling has not been demonstrated with evidence. Given the change in intensity and extent of the proposal, achieving NorBE is unlikely;
- the Department's experts discussed the configuration of the model and how to represent land use change and treatment systems, indicating that the applicant adopted around half of the experts' recommendations;
- the Department's experts confirmed that the MUSIC model is a suitable model and is often utilised for these types of developments but, as for any modeling, its accuracy is dependent on the assumptions and data supporting inputs;
- no information was presented by the applicant to demonstrate how surface water would drain from Stage 1 of the development, across to the Crookhaven River estuary, as proposed;
- the applicant did not collect adequate data to support the initial models. The Department's experts provided assistance to the applicant's consultants as they were unsure of the data to collect. Instrumentation was limited, with instruments being pulled and only limited data collected;
- Groundwater Dependent Ecosystems (GDEs):
  - Alluvium noted that the vegetation mapping prepared for the site did not identify GDEs within the site however some GDEs were identified in close proximity. State Environmental Planning Policy 14 Wetlands (SEPP 14) are present adjacent to the site and while not specifically groundwater dependent, wetlands are influenced by groundwater changes;
  - potential impacts on Lake Wollumboola were not addressed. Changes within catchment need to be managed sensitively;
- Planning Proposal:
  - the Shoalhaven Local Environmental Plan was updated in 2014. The applicant requested zoning of the subject site be deferred due to consideration of the SSD application for West Culburra. Accordingly, the site is shown as a 'deferred matter';
  - the Gateway Determination identified the strategic studies to be undertaken to inform the Planning Proposal, including a two-year groundwater study (commissioned by council, undertaken by HGEO) to determine appropriate development yields, define catchment, and groundwater interactions and preparation of an ecological study (Ecological Australia);
  - Planning Proposal was recently split to separate the southern sites;
- Cultural heritage:
  - Midden complex located in the northern section of the site;
  - the applicant's Aboriginal Cultural Heritage Assessment (ACHA) did not cover the tourist development at Cactus Point and the walkway/cycleway long the foreshore. The ACHA recommended further survey work be done, and reiterated by OEHL, the additional survey work was not undertaken;
- Traffic and transport:
  - Roads and Maritime Service (RMS) identified concerns with access to the site;
  - roundabout proposed is within the Lake Wollumboola catchment;
  - RMS' final submission identified concerns over insufficient information in relation to the proposed entrance roundabout;
- Crown land:
  - plans submitted showed some development along the foreshore within area of Crown Land however the final submission confirmed that the development would not encroach on Crown Land;
- Biodiversity:
  - 9.5 ha of EECs evident on the site. The area identified for clearing did not correlate with the Concept Proposal.
  - the Office of Environment and Heritage (OEH) did not raise significant biodiversity issues for the West Culburra site however had significant concern with the Long Bow Point site;
  - despite the recommendation that the applicant refer the project to the Commonwealth, no referral was made under the Environment Protection Biodiversity Conservation Act (EPBC Act).
- Socio-economic:
  - the applicant provided some Australian Bureau of Statistics (ABS) data but no socio-economic study or analysis provided or data to demonstrate need and housing supply and demand in the area. One in every three homes in Culburra area are holiday homes;
  - the Illawarra Shoalhaven Regional Plan establishes the strategic direction for the region and identifies the areas where further housing development is likely;
  - the Crookhaven River contains regionally significant oyster farms. The Department notes that approximately 8% of NSW oyster production comes from the Crookhaven River. Oyster production in NSW generates \$37 million, of which approximately \$3 million is generated from the Crookhaven. The Department of Primary Industries: Fisheries made a strong submission which did not support the Concept Proposal;
- Council generally supportive of some development, however subject to substantial amendments to the Concept Proposal, including provision of a 400m buffer around the sewerage treatment plant.

**Meeting closed at:** 5.45pm