

Environmental Impact Statement

West Culburra Beach Expansion Area
Revised Concept Plan
NSWLEC Case Number 2019/00078149
(in response to Section 34 Conciliation Conference)

Prepared for
Sealark Pty Ltd

SSD Application No: 3846

Site address
Part Lot 5 & Part Lot 6 of DP 1065111 and
Part Lot 1 DP 631825

Date
4 November 2020

allen price & scarratts pty ltd
land and development consultants

Surveying



Town Planning



Civil Engineering



Project Management



Declaration

I, James Harris, Town Planner of Allen Price & Scarratts hereby certify that the information in this EIS for West Culburra Beach Expansion Area Concept Plan has been prepared with professional care and nothing in the report is neither false or misleading.



James Harris

4/11/2020
Dated

Table of Revisions

Initials	Rev	Date	Details
JH	0	4/11/2020	Document completed

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Abbreviations

ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
APZ	Asset Protection Zone
ASS	Acid Sulfate Soils
BC Act	Biodiversity Conservation Act 2017
CIV	Capital Investment Value
CEMP	Construction Environment Management Plan
CBSTP	Culburra Beach Sewer Treatment Plan
Council	Shoalhaven City Council
DA	Development Application
APS	Allen Price & Scarratts
DCP	Development Control Plan
DGRs	Director-General's Environmental Assessment Requirements
DPIE	NSW Department of Planning, Industry and Environment
DOPI	NSW Department of Planning & Infrastructure
E&CDC	SEPP (Exempt and Complying Development Codes) 2008
EIS	Environmental Impact Statement
EA	Environmental Assessment
EEC	Endangered Ecological Communities
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
ESD	Ecologically Sustainable Development
FM Act	Fisheries Management Act 1994
Ha	Hectares
IPC	Independent Planning Commission
ISRP	Illawarra – Shoalhaven Regional Strategy
ISUDP	Illawarra-Shoalhaven Urban Development Program
IWCMS	Integrated Water Cycle Management Strategy
JBSS	Jervis Bay Settlement Strategy
LEC	Land & Environment Court
MHWM	Mean High Water Mark
NorBE	Neutral or Beneficial Effect ()
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
PBP	Planning for Bushfire Protection
RF Act	Rural Fires Act
SCRS	South Coast Regional Strategy
SCSULR	South Coast Sensitive Urban Lands Review
SDCP	Shoalhaven Development Control Plan
SGMS	Shoalhaven Growth Management Strategy
SEPP	State Environmental Planning Policy
SLEP 1985	Shoalhaven Local Environmental Plan 1985
SLEP 2014	Shoalhaven Local Environmental Plan 2014
SSD	State Significant Development
TSC Act	NSW Threatened Species Conservation Act
Trust	The Halloran Trust
WSUD	Water Sensitive Urban Design

Executive Summary

On 29 April 2010, John Toon Pty Ltd (on behalf of Sealark Pty Ltd) lodged a request for Director General Environmental Assessment Requirements for the West Culburra Beach Expansion Area Concept Plan (**Application**). The Application was then lodged with Department of Planning (Major Project 09-0088) for determination by the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).

The Application was transitioned in 2015 to State Significant Development (**SSD**) under Part 4 Division 4.7 of the EP&A Act, where it remained an application for Concept Plan approval.

After a long assessment period, the Department of Planning & Environment on 16 June 2018 recommended refusal of the Application to the NSW Independent Planning Commission. A subsequent review by the NSW Independent Planning Commission refused the Application on 17 October 2018.

On 12 March 2019, the applicant lodged an appeal against the Application's refusal with the NSW Land & Environment Court (**LEC**)(Case Number 2019/00078149). As a part of this appeal process, the applicant's details were transferred from John Toon Pty Ltd to Sealark Pty Ltd. Sealark Pty Ltd is the majority owner of the Concept Plan site with the exception of the foot/cycle connection to the proposed development through the foreshore reserve, which is owned by Shoalhaven City Council.

A Section 34 Conciliation Conference, under the Land and Environment Act 1979 (**LEC Act**), commenced on 14 November 2019. One outcome of the Conciliation Conference process was for the applicant to provide a revised Concept Plan (**Proposal**) to reduce the size of the development and to provide additional environmental assessment to address the issues raised by the Independent Planning Commission (**IPC**) in its reasons for refusal and, in addition, to address the Statement of Facts and Contentions which has been compiled for the LEC appeal. The revised Concept Plan and its environmental assessment is presented in this Environmental Impact Statement (**EIS**). The EIS builds on and updates the previous Environmental Assessment (**EA**) for the original Concept Plan proposal submitted by John Toon Pty Ltd.

The revised Concept Plan removes all development from the Lake Wollumboola catchment with the exception of a small area required for an extension to the existing road network for access purposes. Within the development footprint there are no identified watercourses. The Proposal has minimised its impact on Lake Wollumboola whilst increasing stormwater quality controls to the Crookhaven River and Curleys Bay.

In response to issues raised by the IPC, more detailed assessment has concentrated on stormwater and groundwater management design and controls which have been incorporated into the revised Concept Plan. Increased stormwater quality controls have resulted from a much more detailed proposal layout which provides certainty on the location of expected roads, lots and land-uses, and the location and type of all stormwater management infrastructure. Further stormwater treatment has focused on re-use and pathogen control which includes some groundwater recharge and stormwater re-use. All urban runoff will be directed to one of three precinct dedicated stormwater ponds for collection and re-use on dedicated public parks and sports fields.

The revised Concept Plan has an urban development footprint that has resulted in a greater than 50% reduction from 102.23ha to 47.34ha whilst providing a minimum of 100m buffer (approximately 16 ha foreshore reserve) from the road reserve edge to the Mean High Water Mark (**MHWM**). To ensure the Proposal is both viable and meets the needs of the future Culburra Beach community, higher residential densities and sporting facilities are located in close proximity to the town centre.

The Proposal remains a staged mixed-use development as originally lodged in the previous Concept Plan and continues to relate to the land that is legally known as part Lot 5 & 6 of DP 1065111 (**Site**). Lots 7 and 8 of DP 1065111, Lots 61, 62, 81 and 90 of DP 755971 and Lot 2 of DP 1182151 have each respectively been removed from the land the subject of the proposal. The Proposal also includes part Lot 1 DP 631825 (part of Culburra Beach Sewerage Treatment Plant (**CBSTP**) that facilitates connection of the site to the town centre via a shared foot/cycle path in the foreshore reserve.

The Proposal continues to be an application for Concept Plan approval which will involve a staged release / development of the Site to be undertaken over several years via separate future Development Applications (**DAs**) consistent with the revised Concept Plan. The exact layout of individual lots, roads, public reserves, etc will be addressed in subsequent DAs. Clearing of any vegetation, earthworks and on-site erosion controls will also be detailed in relevant future DAs.

The Proposal is supported by a number of accompanying plans and reports which analyse key considerations related to the Site and are listed in the Appendices of this EIS.

The Proposal can be described in 3 precincts with a total urban development footprint area of 47.34 ha (65.59ha when including foreshore & woodland reserve) with supporting infrastructure, being:

- 1. Town Centre Expansion** (Business, residential & recreation land) which covers an approximate area of 14.24ha and incorporates:
 - 3 mixed use lots ranging in size from 1,319m² to 6,559m²;
 - 45 integrated housing lots ranging in size from 350m² to 508m²;
 - 12 medium density residential lots ranging in size from 2,401m² to 4,073m²;
 - Sportsground (multi field capacity) with supporting amenities;
 - Parkland / Open Space area; and
 - Road areas.
- 2. Industrial Centre Expansion** (industrial land) which covers an approximate area of 6.32ha (does not include area of lot within town centre expansion) and incorporates:
 - 13 industrial lots ranging from 1,937m² to 5,783m²;
 - Parkland / Open Space area and,
 - Road areas
- 3. New Residential Area** (Residential & Recreation land) which covers an approximate area of 26.78ha and incorporates:
 - 244 low density residential lots ranging in size from 511m² to 1,230m²;
 - 20% of the low density residential lots are assumed to have capacity for dual occupancy dwellings, therefore the precinct could provide up to 293 dwellings; and,
 - Provision of 2 Parkland / Open Space areas .

Roads and access which are provided in each precinct and incorporates:

- Three roundabouts on Culburra Road that are the main entrance points to the residential and town centre areas;
- Perimeter road for the residential areas;
- Internal roads to access proposed lots in all stages;

- Emergency egress fire trail; and,
- Relocation of the intersection of Regmoore Close, Strathstone Street and Culburra Road further eastward to avoid the potential of unnecessary traffic queuing.

Supporting Infrastructure which is provided in each precinct and incorporates:

- drainage infrastructure;
- drainage ponds to irrigate dedicated public reserves and sportsground;
- new electrical substation near the industrial area;
- various stormwater quality treatment devices;
- water & sewerage infrastructure; and,
- electricity & telecommunications infrastructure.



Figure 1 – Indicative aerial interpretation of Concept Plan area (looking from east to west)

The Proposal has been assessed against and is consistent with the following:

- Environmental Planning and Assessment Act 1979;
- Relevant State Planning Policies;
- Shoalhaven Local Environmental Plan 1985;
- Shoalhaven Local Environmental Plan 2014;
- Director-General’s Environmental Assessment Requirements issued 27 May 2010;
- Illawarra Shoalhaven Urban Development Program 2018;
- Illawarra-Shoalhaven Regional Plan 2015;
- South Coast Sensitive Urban Lands Review 2006;

- South Coast Regional Strategy;
- Shoalhaven Growth Management Strategy (Version 1);
- Jervis Bay Settlement Strategy; and
- Shoalhaven City Council population / dwelling forecasts.

This EIS provides the NSW LEC and NSW Department of Planning, Industry and Environment (**DPIE**) with all relevant information necessary to assess the Proposal and to determine the Application in accordance with the EP&A Act. It should be noted that the DGRs requested a response to be provided as an EA however to meet the transitioned SSD assessment requirements it is addressed in the format of an EIS.

The applicant and project team have previously carried out consultation with a wide range of stakeholders, including state government departments, local government, local businesses, community and specialised expert consultants. Feedback from this past consultation which is related to the previous application has informed the Proposal as detailed in this EIS. Where past expert consultant assessments have adequately investigated a matter, and no further impacts arise in the revised Concept Plan, no further related assessment has been deemed warranted and therefore the relevant accompanying document has not been updated.

The Proposal achieves acceptable amenity outcomes, including desirable economic, social and environmental outcomes for both the current and future community of Culburra Beach and surrounds. The Proposal results in an estimated 387 new dwellings which is an 18% increase on the existing dwelling stock at Culburra Beach (2,134 identified in 2016 by Australian Bureau of Statistics). Furthermore, the Proposal incorporates a raised benchmark for stormwater quality management and ecologically sustainable design which are significantly greater than current methods applied to development in this area.

The Proposal contributes to urban consolidation and strengthening of the existing commercial town centre whilst being sympathetic to the coastal environment. It does this by having an urban layout that connects to the adjacent existing town centre and that takes advantage of surrounding natural landform attributes. The site also makes practical use of a predominately north facing and gentle sloping site.



Figure 2 – Photo looking from the western end of the Whistler Street, Culburra Beach towards the site

1. Introduction

1.1. Purpose of this Report

Allen Price & Scarratts (APS) has been commissioned by Sealark Pty Ltd to prepare an EIS to accompany a revised Concept Plan for the West Culburra Beach Expansion Area (**Appendix 1**) which applies to part Lot 5 & 6 of DP 106511 and Lot 1 DP 631825 (the Site). The site is defined by the accompanying Site Survey Plan (**Appendix 2**) and the Deposited Plan 1065111 (**Appendix 3**).

The Proposal is for a staged mixed-use development with an estimated Capital Investment Value (CIV) of more than \$26 million (**Appendix 4**). The Proposal is a revision of the original Concept Plan to reduce the size of the development and to address issues raised by the IPC in relation to the original Concept Plan. The Proposal is deemed to be SSD after it was transitioned from Part 3A to Part 4 Division 4.7 of the EP&A Act in 2015.

On 27 May 2010, the Secretary of the Department of Planning issued the Director-General's Environmental Assessment Requirements (DGRs) which are detailed under **Section 1.7** and **Appendix 5** of this EIS. The DGRs were prepared in accordance with the EP&A Act in 2010. The DGRs detailed three (3) key attachments to the covering letter and which are summarised below:

Attachment 1 – Lists the actual Director-General's Environmental Assessment Requirements which are required to be addressed on submission of the Proposal.

Attachment 2 - Lists the relevant plans and documents to which are required on submission of the Proposal.

Attachment 3 – Lists State Government technical and policy guidelines for consideration in the EIS preparation.

Since receiving these DGRs, no additional DGRs have been issued for this Proposal.

This EIS has been prepared in accordance with the DGRs, Part 4 of the EP&A Act and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* to provide the NSW LEC and DPIE with all relevant information necessary to assess the Proposal in accordance the EP&A Act.

It should be noted that the DGRs requested its responses to be provided as an Environmental Assessment (EA) however to meet SSD assessment requirements it is addressed in the format of an EIS.



Figure 3 – indicative aerial interpretation of Concept Plan (looking from west to east)

1.2. Landowner Background

Sealark Pty Ltd is administered by The Halloran Trust (**Trust**). Companies controlled by Henry F Halloran were the original owners of land that now forms the township of Culburra Beach and surrounds. The Trust is a not-for-profit organisation that has a mandate to distribute surpluses to charitable beneficiaries including some in the Shoalhaven region.

The Proposal relates to land owned by Sealark Pty Ltd which is located to the west of the Culburra Beach township and has the ability to provide additional mixed development opportunities such as:

- Town Centre Expansion (Business & Residential);
- Residential Development;
- Industrial Area Expansion;
- Public Reserves, Open Space, Sportsground and supporting amenities; and,
- Related supporting Infrastructure.

Landowners consent for use of part Lot 1 DP 631825 (part of CBSTP) that facilitates connection of the site via a shared foot / cycle path in the foreshore reserve is provided as **Appendix 6**.

1.3. Project Objectives

The overall objective of the Proposal is to extend the Culburra Beach township westwards to consolidate and strengthen the existing town's urban function whilst being sympathetic with the surrounding coastal environment. The Proposal provides a planned and logical linear extension of the town which uses available urban land which is generally zoned for this purpose.

Further key objectives of the Proposal are :

i. Planned expansion of Culburra Beach township

The Proposal's primary objective is to extend the Culburra Beach township westwards to consolidate and strengthen the existing town's urban function whilst being sympathetic with the surrounding coastal environment. The Proposal is to provide a planned and logical linear extension of the town which uses available urban land.

ii. Protect and enhance the cultural, ecological and visual character of the locality.

The Proposal is to protect and enhance the catchments of Lake Wollumboola / Crookhaven River and the Aboriginal Middens within and adjacent to the Site through the provision a foreshore reserve.

iii. Protect and enhance the adjacent watercourses.

The Proposal is to minimise impacts on adjacent watercourses through treating stormwater runoff before it enters a natural setting.

iv. Integrate new development with surrounding land uses.

The Proposal is to be integrated with the existing town and to strengthen the commercial centre as it complements existing facilities rather than competing with them.

v. Integrate land use with transport.

The Proposal is to be integrated within itself as well as being integrated with the existing town structure.

vi. Protect local character.

The Proposal is to enhance the local character around the town centre and minimise the visual impact of future built form to be minimised with the use of street tree plantings and large foreshore buffers.

vii. *Create neighbourhood services and facilities.*

The Proposal is to provide new residential areas with proximity to a foreshore reserve, maintain parklands, shared footpath/cycle paths that connect to a sportsground and town centre. Whilst it is anticipated that these facilities will benefit the new neighbourhood they will also be significant assets for both the local and wider communities.

1.4. Concept Plan Feedback

The original Concept Plan was refused by the IPC. The Applicant lodged an appeal in the Land and Environment Court against the refusal. The appeal has not yet been heard. However, the Applicant and the IPC (through DPIE) are continuing to participate in a Section 34 conference.

The Applicant has prepared a revised Concept Plan to reduce the size of the development and address issues raised by the IPC in the refusal of the Concept Plan and the appeal. The revised Concept Plan has considered feedback from the previous Concept Plan lodged on 29 April 2010 and feedback via the Section 34 Conciliation Conference process, under the LEC Act.

The revised Concept Plan represents a scaled down version of the previous Concept Plan and provides a more environmentally sensitive development with a key focus on stormwater treatment. The previous Concept Plan and accompanying environmental assessment documents can be viewed on the following agency assessment websites:

NSW Independent Planning Commission – West Culburra Concept Plan

<https://www.ipcn.nsw.gov.au/projects/2018/06/west-culburra-concept-proposal>

NSW Planning & Environment – Major Projects Assessment – West Culburra Mixed Use Subdivision – SDD 3846

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8674

The Proposal remains a staged mixed-use development which is consistent with the original application and continues on the site that is legally known as part Lot 5 & 6 of DP 1065111 with a shared path link over part Lot 1 DP 631825 (part of **CBSTP**) that facilitates connection of the site to the town centre via a shared footpath/cycle path in the foreshore reserve. Lots 7 and 8 of DP 1065111, Lots 61, 62, 81 and 90 of DP 755971 and Lot 2 of DP 1182151 have each respectively been removed from the land the subject of the proposal. As outlined below, the revised Concept Plan makes use of SSD provisions that allows part of the Proposal to be granted despite the development being partly prohibited by an environmental planning instrument.

1.5. State Significant Provisions

To enable urban consolidation and strengthening of the town, the Proposal makes use of SSD provisions, being section 4.38 (3) under Part 4 Division 4.7 of the EP&A Act which allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument. This provision is applied to seek approval for residential development to occur on certain business and industrial land use zones (see **Appendix 1, Figure 9 & Table 3**).

It should be noted that the Application is to be assessed under Shoalhaven Local Environmental Plan 1985 (**SLEP 1985**) as the Shoalhaven Local Environmental Plan 2014 (**SLEP 2014**) was still under preparation at time of lodgement. Under SLEP 2014, part of the site is zoned in accordance with this instrument and part of the site is zoned as a Deferred Matter (deferring to SLEP 1985 zones). Hence, the revised Concept Plan identifies land zones from both SLEPs, although assessment is made against SLEP 1985.

The Application makes use of SSD provisions that will provide a better town planning outcome which encourages more residential density around the business centre. SSD provisions allow development consent to be granted despite the development being partly prohibited by an environmental planning instrument.

As outlined in the accompanying Economic Impact Assessment, the town centre area is identified to be already oversupplied by some 3,000sqm of retail floorspace. The Proposal generates additional demand for no more than 2,500sqm of retail floorspace. This over supply of business land is due to the full potential of surrounding residential zoned land at Long Bow Point not being reached. The business centre and industrial land zoning does not permit residential use (i.e. dwelling-houses and dwellings) except for the SSD provisions.

1.6. Project Scope Amendments

In response to Conciliation Conference feedback and associated expert assessments, the Concept Plan has been revised. The revised Concept Plan results in a reduction of scale and size of the development footprint. The revised Concept Plan removes all development from the Lake Wollumboola catchment with the exception of a small area required for modification of the existing road network for access purposes. The Proposal minimises impact on Lake Wollumboola while increasing stormwater quality controls to the Crookhaven River and Curleys Bay.

In response to issues raised by the IPC, more detailed stormwater and groundwater management design and assessment has been undertaken and more detailed stormwater management controls have been incorporated into the design of the development. Increased stormwater quality controls have resulted from a much more detailed proposal layout which provides certainty on the location of expected roads, lots, land-uses, and the location and type of all stormwater management infrastructure. Further, stormwater treatment has focused on re-use and pathogen control which includes some groundwater recharge and stormwater re-use. All urban runoff not collected in rainwater tanks will be directed to stormwater ponds for collection and re-use over dedicated public parks and sports fields.

In summary the revised Concept Plan makes the following main changes the original Concept Plan (shown in Appendix 8):

- reduction in the urban development footprint that is greater than 50% from 102.23 ha to 47.34ha;
- reduction in lot yield from approximately 650 dwellings to approximately 387 dwellings;
- the provision of a minimum 100m wide buffer from the edge of urban development to the mean high water mark along the Crookhaven River frontage;
- redesigned residential area providing 244 residential allotments;
- redesigned industrial area providing 13 industrial allotments to provide lots more suitable for industrial development as recommended by SCC;
- redesigned town centre area (based on the Economics impact Assessment – see **Appendix 32**) providing 45 integrated housing sites, 12 medium density sites (to accommodate approximately 95 dwellings), 3 commercial/mixed use sites adjacent to Culburra Rd and Canal St East frontages to better integrate with the existing town centre commercial areas and to provide some exposure on Culburra Rd leading into the existing town centre, and a new sports field / club house;
- dedication of large tracts of foreshore land to the public for both active and passive uses;
- dedication of various reserves to provide a buffer between the different land uses where required;

- modified stormwater treatment train that achieves a “Neutral or Beneficial Effect” for receiving waters and consists of rainwater tanks, gross pollutant traps, bioretention basins, stormwater re-use ponds and beneficial re-use over local parks and the sportsground forming part of the proposal, groundwater recharge and stormwater dispersal so that there are no concentrated flows leaving the development footprint area;
- provision of ongoing environmental monitoring;
- removal of various leisure/tourist hubs;
- removal of the “Vista Park”;
- relocation of the sportsground from the Lake Wollumboola catchment to the proposed town centre area;
- removal of the previous “Stage 1” residential area south of Culburra Rd from the Lake Wollumboola catchment;
- introduction of a new woodland reserve to the east of the main Residential Access Road.
- adjustments to the intersection treatments along Culburra Rd including introduction of two additional roundabouts to facilitate safe and reliable access points to the proposed development;
- removal of foreshore viewing platforms and any associated clearing;
- adjusted bushfire management measures to comply with Planning for Bushfire Protection .a guide for councils, planners, fire authorities and developers, dated November 2019;
- provision of additional detail around roads and stormwater design;
- provision of sustainability benchmarks that exceed the requirements of BASIX for future dwellings; and,
- provision of additional supporting reports to address feedback from the IPC.

When making the above changes, it is noted that the following past expert consultant assessments related to the previous Concept Plan have adequately addressed matters related to the revised Concept Plan and no further related assessment has been deemed warranted. Site Survey Plan

- Deposited Plan 1065111
- Director General’s Environmental Assessment Requirements (DGRs)
- Aboriginal Cultural Heritage Assessment Report
- European Heritage Assessment Report
- Ecological & Riparian Issues & Assessment Report
- Geotechnical – Acid Sulfate Soils Assessment Report
- Stage 1 Land Contamination Assessment Report

As mentioned above, the revised Concept Plan has an urban development footprint that has resulted in a reduction that is greater than 50% from 102.23ha to 47.34ha whilst providing a minimum of 100m buffer from the road reserve edge to the MHWM. To ensure the Proposal is both viable and meets the needs of the future Culburra Beach community, higher residential densities and sporting facilities are now located in close proximity to the existing town centre.

The Proposal remains a staged mixed-use development as originally lodged in the previous Concept Plan and continues to relate to the land that is legally known as part Lot 5 & 6 of DP 1065111. The Proposal now includes part Lot 1 DP 631825 (part of CBSTP) that facilitates connection of the site via a shared foot / cycle path in the foreshore reserve. Lots 7 and 8 of DP 1065111, Lots 61, 62, 81 and 90 of DP 755971 and Lot 2 of DP 1182151 have each respectively been removed from the land the subject of the proposal.

As detailed below, the Proposal can be described in 3 defined precincts with supporting infrastructure, as shown in **Figure 4** with approximate areas and described below.

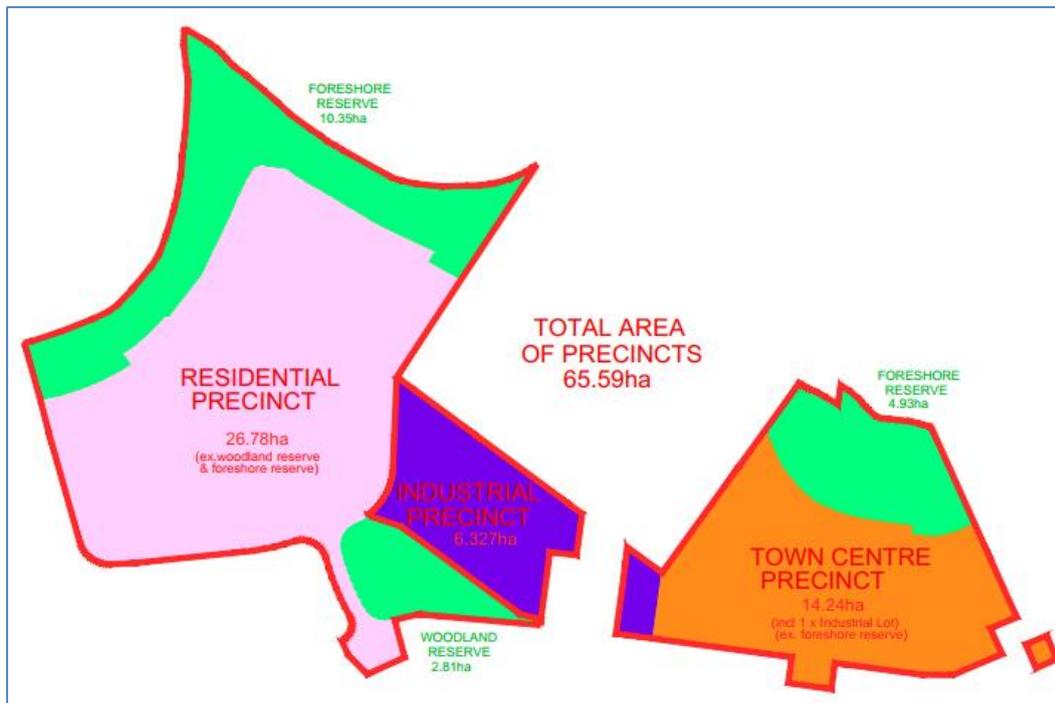


Figure 4 – Plan of the Site's three precincts

The following summary outlines the main amendments to the project scope and the previous Concept Plan (**Appendix 7**) which was lodged on 29 April 2010 and was refused by the IPC and has informed the re-design. A comparison of the revised Concept Plan against the previous Concept Plan is provided in **Appendix 8**.

1. Town Centre Expansion

- Medium Density Residential and Integrated Housing located on and zoned 3(f) -(Business “F” (Village) Zone)) which makes use of SSD provisions and the limited opportunity to provide residential living closer to the town centre.
- Defined road network and connection to the existing town centre for the land zoned 3(f) - (Business “F” (Village) Zone)) which includes two new roundabouts on Culburra Road.
- 3 mixed use lots defined with street frontage.
- 45 integrated housing lots defined with street frontage.
- 12 medium density lots defined with street frontage.
- New sportsground/maintained open space area with supporting clubhouse/amenities and associated parking.

- Shared foot / cycle path in the foreshore and road reserves which connects the new residential area to the town centre.
- Revised and improved stormwater treatment measures to support this land use and to protect the Crookhaven River and Curleys Bay water quality. This includes future development lots, some road reserves and the sportsground incorporating Water Sensitive Urban Design (WSUD) /stormwater water quality treatment devices.
- Defined staged provision of subdivision and associated Asset Protection Zones (**APZs**).

2. Industrial Centre Expansion

- Low Density Residential on part land zoned 4(a) - Industrial Zone which makes use of SSD provisions and allows the opportunity to provide residential living closer to the town centre.
- 13 Industrial lots defined with street frontage. The most eastern lot will be created when Town Centre stormwater treatment measures are completed (i.e. lot naturally drains in this direction).
- Defined access arrangements and integration with the existing industrial land area.
- Short section of the proposed industrial road located within the Lake Wollumboola catchment, but this area will be designed to drain to and be re-used on parkland in the Crookhaven River catchment.
- Revised improved stormwater treatments to support this land use and to protect the Crookhaven River and Curleys Bay water quality. This includes future development lots, and the adjacent parkland to the west incorporating WSUD /stormwater water quality treatment devices.
- Road network provides a secondary bushfire emergency egress for the residential area to the west.
- Defined stage provision of subdivision and associated APZs.

3. New Residential Area

- Reduction in residential lots west of the CBSTP from approximately 600 lots to 244 lots and 20% of lots are could have capacity for dual occupancy dwellings and therefore the precinct could provide up to 293 dwellings.
- A small number of the residential lots to the south-east are proposed on land zoned 4(a) Industrial Zone with use of SSD provisions to provide additional housing closer to the town centre.
- An increase in stormwater treatment within land zoned for residential use.
- Foreshore reserve width increased to a minimum of 100m between the edge of the residential road reserve and the MHW. It is noted that some land zoned Residential 2(c) has been incorporated into the foreshore reserve.
- Re-design of the road and maintained open space network which facilitates requirements for bushfire APZs, stormwater water quality treatment and provision of key recreational assets. These maintained open space areas are proposed to be irrigated from the proposed stormwater detention ponds.
- Relocation of the “entry roundabout” (approximately 30m west of the previous location) which forms an entry feature to the existing Culburra Beach township and the new residential area.
- Shared foot / cycle path in the foreshore and road reserves which connects the new residential area to the town centre.

- Realignment of the perimeter road to the edge of the broad ridgeline that separates the catchments of the Crookhaven River and Lake Wollumboola. This makes efficient use of available residential zoned land in proximity to the entry road / roundabout.
- Reduction in the number of gravity sewerage pumping stations from two to one (due to the linear decrease in the extent of the development).
- Revised secondary bushfire emergency egress located along the southern boundary of CBSTP between residential and industrial zones.
- Relocation of sportsground out of the Lake Wollumboola catchment and is now adjacent to the town centre.
- Public Reserve between the residential and the industrial land (to act as a visual buffer) and will contain water quality devices and an emergency bushfire egress route.
- Defined stage provision of subdivision and associated APZs.

The above amendments have also been informed by previous consultation/feedback with a wide range of stakeholders, including state government departments, local government, local businesses, the community and specialised expert consultants.

The Proposal is anticipated to be delivered via a series of stages over a period of potentially 10-years subject to market forces (**Appendix 9**- Staging of Concept Plan & **Appendix 10** – Staged Delivery of Concept Plan). The exact layout of individual lots, roads, public reserves, etc will be addressed in subsequent DAs for each individual stage. Clearing of any vegetation, earthworks and onsite erosion controls will also be staged in detailed relevant DAs.

1.7. Response to DGRs

Table 1 provides a summary response to the DGRs reissued by the then Department of Planning on 27 May 2010. The original DGRs can be viewed in **Appendix 5** and supporting documents are provided in **Appendices**.

Table 1- Summary Response to DGRs

Requirements	Response within this EIS	Supporting Documentation
General The Environmental Assessment (now EIS) for the Concept Application must include:		
1. An executive summary;	Executive Summary	
2. An outline of the scope of the project including: <ul style="list-style-type: none"> • Any development options; • Justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • Outline of the staged implementation of the project if applicable; 	Section 2.4 Section 2.3 Section 4.2	
3. A thorough site analysis including constraints mapping and description of the existing environment;	Section 2.2	Appendix 1

Requirements	Response within this EIS	Supporting Documentation
4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, the <i>South Coast Regional Strategy</i> and Development Controls Plans;	Section 6.	
5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i> ;	Section 6.1	
6. Consideration of impacts ,if any, on matters of National Environment Significance under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	Section 7.1.6	
7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the projects	Section 7.1.9	Appendix 28
8. The plans and documents outlined in Attachment 2 ; being: <ul style="list-style-type: none"> • Existing site survey plan. • Aerial photo • Site Analysis plan • A locality / context plan • A zoning plan • Subdivision plan (Concept) • Stormwater management plan • Erosion and sediment control plan • Landscape Concept Plan • View analysis 	Section 3.2 Section 3.2 Section 4.5 Section 4.5 Section 4.88 Section 4.11	Appendix 2 Appendix 11 Appendix 1 Appendix 1 Appendix 1 Appendix 15 Appendix 28 Appendix 11
9. A signed statement from the author of the Environmental Assessment (now EIS) certifying that the information contained in the report is neither false nor misleading;	Listed in front of Table of Contents	
10. An assessment of the key issues specified below and a table outlining where in the EA (now EIS) these key issues have been addressed; and,	Section 1.7	
11. A Quantity Surveyors Certificate of Cost to verify the capital investment value of the project.	Section 1.1	Appendix 4
Key Issues The EIS must address the following key issues:		
3. Strategic Planning		
3.1 Justify the Proposal with reference to relevant local, regional and State planning strategies. Provide justification	Section 6.	

Requirements	Response within this EIS	Supporting Documentation
for any inconsistencies with these planning strategies.		
3.2 Demonstrate consistency of the proposed subdivision with the <i>South Coast Regional Strategy</i> (as well as the recommendations resulting from the <i>South Coast Sensitive Urban Lands Review</i>), <i>NSW Coastal Design Guidelines</i> and <i>NSW Coastal Policy</i>	Section 6.	
4. Subdivision Design, Layout and Desired Future Character		
4.1 Provide a Structure Plan for the site that identifies location of indicative land uses, lot layout, densities, road and open space networks and areas of environmental protection on the site. The Structure Plan is to include: <ul style="list-style-type: none"> • Consideration of the site’s context, topography, opportunities and constraints. • Identification of buffer areas and environmental protection zones, inclusive of riparian areas. • Identification of areas capable of accommodating higher densities of housing to facilitate increased housing supply and choices and to promote social and economic development. 	Section 4.3	Appendix 1
4.2 Discuss the desired urban form of the development covering issues such as; proposed road hierarchy and character, public domain/built form interface, building heights and gross floor areas. Include consideration of the integration and compatibility of the proposed land uses and potential impacts such as access arrangements for each use, traffic, buffers, density controls and suitability of the proposed development with the surrounding area.	Section 4.3	
4.3 Outline the long-term management, maintenance and rehabilitation of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.	Section 4.3	
4.4 Demonstrate the consistency of the proposed subdivision with the <i>NSW Coastal Design Guidelines</i> , <i>NSW Coastal Policy 1997</i> , <i>NSW South Coast Regional Strategy</i> and <i>SEPP 71-Coastal Protection</i> .	Section 6.5	
4.5 Provide details of proposed design quality controls and the means for implementing them.	Section 4.3	
4.6 Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.	Section 4.2	Appendix 9 & 10
5. Visual Impact		
5.1 Address the visual impact of the Proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts. Provide	Section 4.11	Appendix 11

Requirements	Response within this EIS	Supporting Documentation
visual aids, including photo montages from key viewpoints.		
5.2 Intended view corridors should be identified including any areas of native vegetation or trees required to be removed to facilitate views.	Section 4.11	Appendix 11
6. Infrastructure Provisions		
6.1 Address existing capacity and any required augmentation of sewerage, water, electricity, waste disposal, telecommunications and gas infrastructure, in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works. Ensure proposed infrastructure (such as stormwater basins, wetlands, cycling/walking tracks) are located on private land and outside of any riparian corridors/ecological buffers.	Section 4.19	Appendix 29 & 30
6.2 Identify any existing easements over the site.		Appendix 2
6.3 Address proposed contingency measures to ensure sewage infrastructures does not negatively impact on water quality of the adjacent wetlands and the Crookhaven River.	Section 4.5	Appendix 15 & 29
6.4 Address and provide the likely scope of any planning agreements and/or development contributions with Council/Government agencies (including relevant community/state infrastructure contributions).	Section 7.2.9	
7. Traffic and Access		
5.1. Prepare a Transport and Accessibility Impact Study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> , having regard to the principles of the <i>NSW Planning Guidelines for Walking and Cycling and the NSW State Plan (2010)</i> to include: <ul style="list-style-type: none"> • Details and analysis of proposed access to the site • Network modelling using TRACKS • Appropriate arrangements for the provisions of road and public transport infrastructure needed to service the site. Specifically in relation to the Nowra/Culburra Beach bus service, inclusive of the feasibility of the proposed diversion of the existing service, early provision of the service and funding • Pedestrian and cycle access within and to the site • An assessment based on the current speed zonings, with consideration of safe spacing intersections within 100km/hr speed zones • An assessment of the impacts on the surrounding road network. 	Section 4.17	Appendix 25, 26 & 27
5.2. Provide for a road network allows for (potential) future public access to the coastal foreshore.	Section 4.17	Appendix 25, 26 & 27
5.3. Demonstrate consistency of the Proposal with the <i>NSW Governments Integrating Land Use & Transport policy package</i> .	Section 4.17	Appendix 25, 26 & 27

Requirements	Response within this EIS	Supporting Documentation
8. Hazard Management and Mitigation		
Coastal Processes		
8.1 Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, climate change, sea level rise (as set out in <i>NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2009)</i> and NSW Sea Level Rise Policy Statement) and more frequent and intense storms.	Section 6.5	
Contamination		
8.2 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55- Remediation of Land</i> .	Section 4.16	Appendix 24
Acid Sulfate Soils		
8.3 Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guideline).	Section 4.15	Appendix 23
Bushfire		
8.4 Address the requirements of <i>Planning for Bush Fire Protection 2006 (RFS)</i> .	Section 4.7	Appendix 12
Geotechnical		
8.5 Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.	Section 4.15	Appendix 23
Flooding		
8.6 Provide an assessment of any flood risk on site (for the full range of floods including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment based flooding or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i> . The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, address the impact of the development (including filling) on flood behaviour of the site and adjacent lands: and address adequate egress and safety in a flood event.	Section 4.6	Appendix 16
8.7 Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline DECC, October 2007</i> , the <i>Sea Level Rise Policy Statement (NSW Government, October 2009)</i> and the <i>NSW Coastal Planning Guideline: Adapting to Sea Level Rise</i> .	Section 4.6	Appendix 16

Requirements	Response within this EIS	Supporting Documentation
9. Water Cycle Management		
9.1 Prepare an Integrated Water Cycle Management Strategy for the overall development which considers water supply, sewage.	Section 4.5	Appendix 15
9.2 Address stormwater management based on Water Sensitive Urban Design principles which addresses direct and indirect impacts on quality of surface and groundwater and the surrounding environment (including Lake Wollumboola, the Crookhaven River, riparian areas and the SEPP 14 wetlands), drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages. Demonstrate an acceptable level of water quality protection for a range of water quality parameters including turbidity, gross pollutants, nitrogen and phosphorus with respect to water quality and river flow recognising the environmental and food production importance of the receiving waters (eg sea grass bed and oyster aquaculture). Demonstrate consistency with any relevant Statement Joint Intent established by Healthy Rivers Commission, the <i>NSW Government River Flow Objectives and Water Quality Objectives framework</i> .	Section 4.5	Appendix 15
9.3 Address potential direct and indirect impacts and relevant mitigation measures on oyster leases and aquaculture in the vicinity of the site.	Section 4.5	Appendix 15
9.4 Prepare a conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system.	Section 4.5	Appendix 15
9.5 Undertake a detailed groundwater assessment that includes (but is not limited to), the current quality of the groundwater, any existing groundwater users, the nature and profile of the groundwater regime under the site (natural flow regime, water table local drainage patterns), interactions between the groundwater and surface water, any hydrologic impacts (including cumulative) which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation. Identify measure for preventing groundwater pollution.	Section 4.5	Appendix 15
9.6 Map the presence and distribution of groundwater dependant ecosystems on and surrounding the site. Identify measures to maintain natural patterns and levels of groundwater flow and other protective measures for any groundwater dependent ecosystems.	Section 4.14	Appendix 22
9.7 Provide details on any existing surface water and groundwater licences under the <i>Water Act 1912</i> , any proposed water extraction (surface or groundwater) including purpose, as well as the function and location of all existing and proposed storage/ponds.	Section 4.5	Appendix 15

Requirements	Response within this EIS	Supporting Documentation
<p>9.8 Design a long term water quality monitoring program that shall be implemented prior to stage one and last until such time as the dwelling construction phase is complete. The program should include monitoring of the receiving waters of the Crookhaven River and groundwater. The program should be one of adaptive management, used to assess the effectiveness of the water quality controls, by highlighting deficiencies that may exist and enhancements that may be required. The results of the monitoring program should be used to form the basis of the programs for subsequent stages, thereby preventing irreversible impacts to the Crookhaven/Shoalhaven estuary and adjacent wetlands. Provide details of contingency plans in the event of potential adverse impacts and degradation of the Crookhaven/Shoalhaven Estuary and wetlands</p>	Section 4.5	Appendix 15
<p>10. Heritage and Archaeology</p>		
<p>10.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC 2005)</i>.</p>	Section 4.8	Appendix 17 & 18
<p>10.2 Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items.</p>	Section 4.9	Appendix 17 & 18
<p>11. Flora and Fauna</p>		
<p>11.1 Assess the potential direct and indirect impacts of the development on flora and fauna (including aquatic) taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for Threatened Species Assessment (2005)</i>. Identify whether the Proposal meets each of the key thresholds set out in Step 5 of the draft Part 3A <i>Threatened Species Assessment Guidelines</i> and describe the actions that will be taken to firstly avoid or, if necessary, mitigate or compensate unavoidable impacts, where relevant. Provide details of any offset strategy or other suitable mitigation measures to ensure that there is no net loss of native vegetation values.</p>	Section 4.12	Appendix 20
<p>11.2 The assessment should at a minimum:</p> <ul style="list-style-type: none"> • Map the extent of the Endangered Ecological Communities on site (and show adequate buffers) • Map the distribution of hollows on and adjacent the site • Include targeted surveys for threatened flora (refer to the list in DECCW response attached) • Address (and identify in relation to the 7(a) zoning) riparian zone buffering to adjoining wetlands and waterways demonstrating how the Wetlands, the 	Section 4.12	Appendix 20

Requirements	Response within this EIS	Supporting Documentation
Crookhaven River and Curleys Bay will be protected.		
11.3 Outline measures for the (in-perpetuity) management of EECs and other conservation areas including riparian are buffers and any proposed offsets	Section 4.12	Appendix 20
11.4 Outline measures for the conservation of existing wildlife corridor values (particularly the north/south linkage) and/or connective importance of any vegetation on the subject land.	Section 4.12	Appendix 20
11.5 Address impacts on migratory species listed under Section 20 and 20A and species listed under Section 18 and 18A of the EPBC Act.	Section 6	Appendix 20
12. Noise		
10.1 Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.	Section 4.20	
10.2 Demonstrate that the Proposal will be designed, constructed and operated so that there are no unacceptable impacts from noise.	Section 4.20	
11. Odour		
11.1 Undertake an Odour assessment (in accordance with DESSW's <i>Assessment and management of odour from stationary sources in NSW – Technical Framework and DECCW's Odour Policy</i>) to determine an appropriate buffer to the STP. Justify any departure from setbacks contained within Councils DCP 97.	Section 4.10	Appendix 13
12. Socio-economic Impacts		
12.1 Provide a social Impacts assessment for the development. Address the social and economic context of the development (for both the tourist and residential components) in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services).	Section 4.21	Appendix 32
12.2 Address the design considerations, where appropriate, within the Heart Foundation's Healthy by Design: a planner's guide to environments for active living.	Section 4.21	
Consultation		
<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environment assessment:</p> <ul style="list-style-type: none"> • Agencies or other authorities: • Commonwealth Department of the Environment, Water, Heritage and the Arts; • Shoalhaven City Council; • Shoalhaven Water; • Department of Environment and Climate Change and Water; • Department of Industry and Investment (Aquatic Habitat 	Section 5	<p>Agency assessment websites, listed in Section 5, being:</p> <p>NSW Independent Planning Commission</p> <p>NSW Planning & Environment – Major Projects Assessment</p>

Requirements	<i>Response within this EIS</i>	Supporting Documentation
<p>Protection);</p> <ul style="list-style-type: none"> • NSW Rural Fire Service; • NSW Office of Water; • Roads and Traffic Authority; • State Emergency Service; • Land and Property Management Authority; • Department of Health; • Department of Education and Training; • The Southern Rivers Catchment Management Authority; • Jerringa Local Aboriginal Land Council and other Aboriginal community groups; and • Integral Energy • Shoalhaven Shellfish Quality Assurance Program • Public: <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>		

2. Background

2.1. Application History

To assist with understanding the Application, and potential points of change, **Table 2** provides a chronology that summarises key points of the revised Concept Plan's evolution where key planning /design decisions were made.

Table 2 - Chronology summary of key planning /design changes

Date	Key planning / design changes
1970s	Shoalhaven City Council pursued the rezoning of a large expanse of Halloran owned land surrounding Culburra Beach from rural to urban.
8 August 1992	SLEP 1985 Amendment No. 41 was gazetted and allowed for a major expansion of the Culburra Beach-Orient Point area. The Site was rezoned to allow development consistent with the Application.
29 April 2010	Application submitted under Part 3A of the EP&A Act 1979 which was subsequently transferred to Division 4.7 (SSD).
27 May 2010	DGRs issued.
June 2013	Public exhibition of Concept Plan and Environmental Assessment.
October 2013	Changes to the Concept Plan after public exhibition / agency feedback were: <ul style="list-style-type: none"> water quality elements have been relocated outside the 7(a) zone, together with the recreational elements such as children's play areas. area available for residential development has been marginally reduced necessitating some changes to the subdivision layout.
2015	<ul style="list-style-type: none"> The Proposal is deemed to be SSD after it was transitioned from Part 3A to Part 4 Division 4.7 of the EP&A Act in 2015
July 2017	<ul style="list-style-type: none"> Changes to the Concept Plan after further public exhibition / agency feedback were: Concept subdivision layout was removed from Concept Plan which included all the local roads and indicative lot subdivision have been deleted from Stages 1, 2, 3, 4 and 5; stages 1, 2, 3 and 4 that are primarily residential uses; stage 5 is the Industrial zone. The area of the industrial zone (Stage 5) was reduced by half, with the deleted area being retained as woodland. All the wetlands outside the 7(a) zone have been deleted because they are no longer required for the amended water cycle treatment train (that is there is no longer a reliance on infiltration) with the wetland area now being retained woodland. The size of the pondage on the east side of the proposed oval being increased to 3,200m² to satisfy the amended Water Cycle Management requirements. Medium density site and 4 storey buildings were removed from Concept Plan. Most viewing platforms (one remains at eastern end of the site) and sight line vistas in mangroves removed from Concept Plan. Suggested future uses of land zoned 3(f) removed from Concept Plan.
16 June 2018	Department of Planning & Environment on 16 June 2018 recommended refusal of the Application to the NSW Independent Planning Commission.
17 October 2018	NSW Independent Planning Commission refused the Application.
12 March 2019	Applicant lodged an appeal of the Application refusal with the LEC.
14 November 2019	Section 34 Conciliation Conference commenced, under the LEC Act.

Date	Key planning / design changes
November 2020	Application formally amended to seek approval for the revised Concept Plan which reduces the area of development, removes all development from the Lake Wollumboola catchment except for road access changes and provides additional design and assessment of proposed stormwater drainage infrastructure

2.2. Site Selection Analysis / Existing Environment

The Proposal has involved very detailed site selection analysis which has involved reviewing feedback received on the previous Concept Plan. The revised Concept Plan (**Appendix 1**) has been informed by the following site constraints:

- Flooding / Hydrology
- Bushfire
- Visual
- Odour buffer
- Aboriginal Heritage
- Biodiversity (Terrestrial & Riparian)
- Aquatic Ecology
- Acid Sulfate Soils

Further detailed assessment of these constraints is provided in **Section 3.** of this EIS and accompanying reports.

In summary, the revised Concept Plan follows a linear landform that is defined to the south by the Crookhaven River / Lake Wollumboola catchment divide (broad ridgeline) and to the north by the foreshore reserve buffer zone adjacent to the Crookhaven River. To the east is the existing township that the Proposal builds on and to the west is additional residential zoned land owned by Sealark Pty Limited.

The Site has approximately 1km frontage to the northern side of Culburra Road and provides the opportunity to provide a defined entry point to the Culburra Beach township. At the first entry point to the new residential area (roundabout), development is setback approximately 200m from Culburra Road before transitioning to the zero setback in the existing town centre.

The site is defined and characterised by a broad ridgeline that crosses Culburra Road in front of the existing industrial area (as shown **Appendix 1**). This ridgeline divides the Crookhaven and Lake Wollumboola catchments. The ridge is generally a consistent level from east to west and rises slightly (i.e. 5m over a distance of 400m) at the proposed southern boundary of the new residential area. This ridgeline continues south of Culburra Road and does not transect the town centre expansion area.

From the broad ridgeline that divides the Crookhaven and Lake Wollumboola catchments, the Site generally slopes gently to the edge of the Crookhaven River / Curleys Bay. In the town centre expansion area, the Site slopes approximately 5m over a distance of 200m to the north and slope increases slightly towards the new residential area being approximately 15m over a distance of 400m to the north. The eastern section of the Site slopes down to Curleys Bay and the western section slopes down towards Cans Point. Hence, the land falls to the north from the ridgeline and slopes generally range from 4–8% across the site.

As shown in the indicative aerial image (**Figure 5**), the site is predominately covered in natural vegetation except for a maintained grassland area at the corner of Culburra Road and Canal Street East. Site frontage to Culburra Road is also maintained grassland. Ground conditions are generally firm and well drained due to the natural slope of the land.

Whilst the Crookhaven River lies to the north of the Concept Plan area, there are no identified watercourses actually located within this site. Existing site drainage consists of broad overland flow paths, as well as some areas where due to the arrangement of convex topography, overland flows converge to form more concentrated overland flow paths. Surface runoff is therefore rainfall driven, occurring either during heavy and extended rainfall, or during lighter rainfall when soils are temporarily saturated from antecedent heavy or prolonged rainfall.



Figure 5 – Indicative aerial image of site – Demonstrating vegetation coverage (Source, Near maps)

As shown in **Figure 5**, the site surrounds the CBSTP on 3 sides (west, east and south) and non-residential components of the revised Concept Plan are located within the associated mapped buffer zone (**Figure 6**) and assessment of use is discussed later in this EIS.

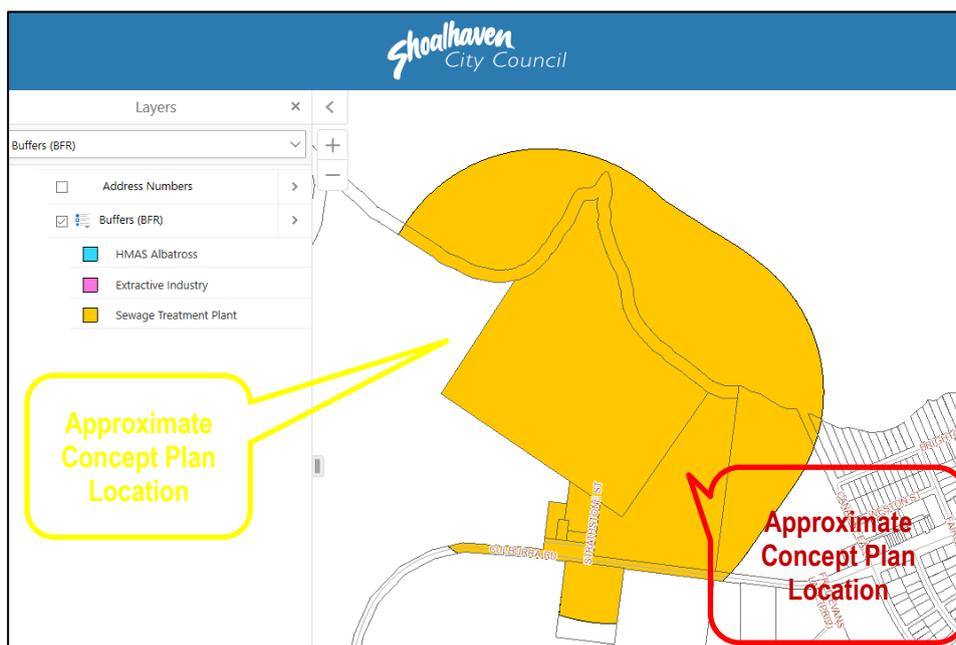


Figure 6 – Mapped CBSTP Buffer Area (Source, SLEP 2014)

The site is principally covered with dry woodland. The dominant woodland types are Blackbutt and Scribbly Gum Open Forest. The Blackbutt and Scribbly Gum Open Forest characterises almost all the woodland north of Culburra Road. The transition from moist coastal vegetation to dry forest occurs in the 7(a) zone adjacent the Crookhaven River and is quite apparent, and the transition generally coincides with or is below the 5m contour line. Further discussion follows in subsequent sections of this EIS on the land zoning suitability of the site.

The site has opportunities for excellent solar access and, at some points, views over the Crookhaven River / Curleys Bay with distant views of the escarpment.

Parts of the western and eastern ends of the Concept Plan contain a sewer easement serving Greenwell Point and Culburra Beach. As a result, the site is traversed by tracks with the main track following the line of the sewer easement.

As shown in **Appendix 1**, land identified for expansion of the existing industrial area will modify and improve existing vehicle access off Culburra Road via Strathstone Street to Regmoore Close. The existing industrial area is a cluster of four separate and established industrial properties which occupy an area of about 1.5ha.

2.3. Site Justification

Site justification is primarily based on the following key factors that support the revised Concept Plan:

a) The Proposal is consistent with majority of land zonings.

As outlined in **Section 3.** of this EIS, the revised Concept Plan is mostly consistent with land zoning requirements. The residential areas in the revised Concept Plan are located within residential, business and industrial zones.

As some residential use is proposed on Business “F” (Village) and Industrial “A” (General) zones, the Proposal makes use of SSD provisions (as explained in Section 1.5 of this EIS). This alternative land use is considered appropriate having regard to the proximity of this part of the site to the existing Culburra township and when considering key findings of the accompanying Economic Impact Assessment. In addition, the Proposal contributes to urban consolidation and strengthening of the existing commercial town centre whilst being sympathetic to the coastal environment.

b) The Proposal is consistent with supporting strategies.

As outlined in **Section 6.** of this EIS, the revised Concept Plan is consistent with the following strategies:

- Illawarra – Shoalhaven Urban Development Program (2018)
- Illawarra – Shoalhaven Regional Plan (2015)
- South Coast Sensitive Urban Lands Review (2006)
- South Coast Regional Strategy (2006)
- Shoalhaven Growth Management Strategy (Version 1)
- Jervis Bay Settlement Strategy (2002)
- NSW Coastal Design Guidelines (2003)
- NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010)
- NSW Sea Level Rise Policy Statement (2009)
- NSW Oyster Industry Sustainable Aquaculture Strategy 2016
- NSW Healthy estuaries for healthy oyster guidelines (2017)
- NSW Riparian Corridor Guidelines (2012)
- Neutral or Beneficial Effect on Water Quality Assessment Guideline (2015)

c) The Proposal is consistent with population forecasts.

As outlined in Section 6. of this EIS, the revised Concept Plan is consistent with the following strategies:

- Illawarra – Shoalhaven Urban Development Program (2018)
- Illawarra – Shoalhaven Regional Plan (2015)

- South Coast Sensitive Urban Lands Review (2006)
- South Coast Regional Strategy (2006)
- Shoalhaven Growth Management Strategy (Version 1)
- Jervis Bay Settlement Strategy (2002)

In verifying this estimate for housing demand, Shoalhaven City Council's id.community forecast estimates that Culburra Beach will provide for at least an additional 378 dwellings by 2041.

d) General support from the residents and business communities.

As demonstrated in the supporting letters and public hearing feedback related to the previous Concept Plan, the majority of local residents, business communities and Shoalhaven City Council support the development outcomes of the Proposal.

e) Increases population / residential diversity.

As the Proposal aims to extend the Culburra Beach township, it also provides an opportunity to address the decline of the permanent population by providing a mix of residential dwellings. The introduction of a wider range of lot sizes, including lots for medium density and integrated housing, will increase both residential supply and dwelling types. The Proposal will enable the existing population to move to dwellings more suited to their changing needs (upsized and downsized), thus freeing up existing housing for new households.

Key findings of the accompanying Economic Impact Assessment also recognise an oversupply of some 3,000sqm of retail floorspace. In response, the Proposal has been designed to generate demand for no more than 2,500sqm of retail floorspace. Therefore, this oversupply provides the opportunity to provide additional / supporting residential living opportunities when recognising that the full potential of surrounding residential zoned land at Long Bow Point will not be reached.

f) Increase business opportunities.

The economy of Culburra Beach is largely centred around small business, leisure and retirement. The Proposal allows for business growth in the town centre and industrial area to continue to build and be supported by the related population growth associated with new residential opportunities. The identification of new business, leisure and recreation opportunities are important outcomes of the revised Concept Plan.

However, as identified in key findings of the accompanying Economic Impact Assessment an oversupply of some 3,000sqm of retail floorspace exists in the town. Therefore, this oversupply has the opportunity to be corrected with increasing residential living opportunities when recognising that the full potential of surrounding residential zoned land at Long Bow Point not being reached

g) Increased recreation and sporting opportunities

The foreshore reserve, sportsground and maintained parklands provide significant recreation / environment assets for the new and existing communities as well as employment opportunities with associated maintenance and attracting tourists.

h) Proximity of surrounding residential areas to the existing town centre.

As demonstrated below, approximate distances from the town centre are as follows:

- Furthest residential area at Lake Wollumboola entrance mouth is 2.2km
- Furthest residential area at Penguin Head is 2.6km
- Entrance to Crookhaven Heads Tourist Park is 2.9km
- Furthest residential area at western edge of Orient Point is 4.4km
- Furthest residential area western edge of revised Concept Plan is 1.9km

i) *Consistency with character of the existing town.*

The Proposal is strongly influenced by the proximity of the extensive waterbodies in the area and the connection to the existing township. The street plan of the existing Culburra Beach township was designed by Henry Halloran and the Proposal builds on the existing town urban form and offset arcs which links access to all three waterbodies (i.e. Crookhaven River, Pacific Ocean and Lake Wollumboola).

2.4. Site Development Options

Considerable investigation has been undertaken in preparing the revised Concept Plan. As shown in the comparison to the previous Concept Plan (**Appendix 8**), a much larger development proposal was considered for the site which has been critically assessed and has involved significant site investigation. In recognition of the above site justification (**Section 2.3**), and expert knowledge obtained for the site assessment, development options have been refined without necessarily triggering key requirements to consider alternative site options. Further, where past expert consultant assessments have adequately investigated a matter, and no further impacts arise in the revised Concept Plan, no further related assessment has been deemed warranted.

Upon preparing the revised Concept Plan, the Site area has been refined and downsized to primarily address concerns with potential stormwater treatment unknowns and to minimise stormwater runoff impacts. The Proposal represents a scaled down version of the previous Concept Plan and provides a more environmentally sensitive development which provides onsite stormwater harvesting and re-use.

One of the key issues informing both site selection and development density is the very unusual narrow peninsulas that has resulted in linear development overtime at Culburra Beach and surrounds. This is further complicated by the business / town centre located on the western edge of these existing urban area. Outcomes of this Proposal are urban consolidation and strengthening of the town centre and to maximise the density of residential development within walking distance of the business / town centre.

2.5. Site Values / Opportunities

As shown in the indicative aerial images (**Figures 1 & 3**), the site presents a unique opportunity for the logical extension of the Culburra Beach township which has been informed by the following site values:

- Protecting Aboriginal sites;
- Increasing development setbacks and limiting access to the Crookhaven River;
- Increasing treatment and re-use of urban stormwater run-off;
- Limiting development in the Lake Wollumboola catchment;
- Improving the adjacent urban area and natural area/watercourse interface;
- Improving the urban entry to the town;
- Increasing residential living opportunities around the town centre;
- Utilising north facing orientation of the site, and related solar access opportunity;
- Utilising land for community sport and recreation which is impacted by the Sewerage Treatment Plant Buffer Zone;
- Proximity and access to existing road networks;
- Minimising opportunities for vehicular and pedestrian conflict points; and
- Proximity to an established town centre.

3. Site Context

3.1. Location

The Site is located on the south coast of NSW and is located immediately adjacent to the western edge of the Culburra Beach township. The total area of the Site is approximately 65.59ha in area with an urban development area of 47.34ha and situated on the northern side of Culburra Road, immediately west of the township and approximately 15km south-east of Nowra (**Figure 7**).

The site has approximately 1km frontage to the northern side of Culburra Road and the development footprint is setback approximately 200m from Culburra Road before transitioning to the zero setback in the existing town centre.

Most of the Site is orientated towards the north, forming part of the catchment to the Crookhaven River. This part of the Concept Plan includes all future land (lots) for residential, business, industrial and recreation (i.e. sportsground, parks, foreshore path).

A small portion of the Concept Plan is orientated towards the south, forming part of the upper catchment of Lake Wollumboola. This part of the Site within the Lake Wollumboola catchment only includes new roundabouts on the existing Culburra road, as well as some parts of essential road connections.

The urban development area has a northern perimeter of approximately 1.2km to the proposed foreshore reserve buffer to the Crookhaven River and Curleys Bay. As shown below, a 100 foot (30m) foreshore Crown Reserve defines the northern boundary of some parts of lots 5 & 6 DP 1065111. The site also largely surrounds the CBSTP which is Lot 1 DP 631825.

As mentioned above, the site is largely defined to the south by a broad ridgeline between the Crookhaven River and Lake Wollumboola that crosses Culburra Road in front of the existing industrial area (**Appendix 1**).

The existing town centre / urban area along Canal Street East defines the eastern boundary of the Proposal and the eastern section of the site defined by the slope of the land to a sewer pumping station that services this area.

3.2. Description

The Site, as shown in **Figure 7 & 8** (below), consists of:

- Part Lot 5 DP 1065111; and
- Part Lot 6 DP 1065111.
- Part Lot 1 DP 631825 (part of CBSTP) that facilitates connection of the site via a shared foot / cycle path in the foreshore reserve. Evidence of Shoalhaven City Council Owners Consent is provided as **Appendix 6**.

3.3. Surrounding Context

The surrounding context to the east is predominately an existing urban (town) character of built form (including Orient Point) which is predominantly residential and supported by commercial, medical, education, recreation and tourist accommodation land uses. The surrounding built form generally includes a mix of 1 and 2 storey buildings which are predominantly brick and render painted in bright colours, with some weatherboard. Residential building styles include traditional beach houses, modern beach houses with upper-level balconies, 2-storey apartments, and more traditional suburban style homes with shallow-pitched tiled roofs.

The Proposal is within walking distance of the existing town centre as outlined in distances figures in **Section 2.3**. However, when looking wider it can be generalised that both Orient Point and Crookhaven Heads are not in easy walking distance to the town centre services and facilities.

The Proposal provides a planned and logical linear extension of Culburra Beach township which complements and completes the existing western town centre footprint. The Proposal also builds on the existing town linear shape and in addition uses the available “linear” land zoned to the west of the town.

The surrounding context to the north, west and south are essentially natural areas and by retaining large natural vegetation buffers the Proposal will be more compatible with these areas. The entry point at Culburra Road will retain vegetation buffers up to 200m wide and then transition to an existing zero setback in the town centre.

The interface with the Crookhaven River and Curleys Bay will have a minimum of 100m buffer from the road reserve edge to the MHWL which is a significant achievement when noting that most urban areas have no setback or less than 30m setback to the MHWL. This buffer also gives adequate separation to the State Environment Planning Policy (SEPP) 14 wetland located east of Billys Island which includes a narrow watercourse that separates the wetland from the mainland.

Land to the west will continue to be retained and used for agriculture grazing with fencing now preventing stock from entering the Crookhaven River.

3.4. Site View Context

The existing Culburra Beach township has developed along the isthmus linkage to Orient Point, Crookhaven Heads and Penguin Head. However, the topography and retention of often limited natural vegetation buffers means that the visual impact of the existing town is seen from the foreshore and waterways and is very noticeable from afar at Greenwell Point, Shoalhaven Heads, Gerroa and Currarong.

Visual impact of the existing town is very noticeable (across the Crookhaven River and Curleys Bay waterway alignment) from Greenwell Point and Orient Point. Limited viewing (except Orient Point) is seen from the existing town on the eastern shores of Curleys Bay.

Whilst the Site extends west adjacent to Curleys Bay and the Crookhaven River, and involves vegetation clearing, the natural gentle slope of the local topography (rarely exceeding 8%) and minimum 100m vegetation buffer limits seeing the development from the waterway. This is demonstrated in supporting **Figure 2** and indicative aerial interpretation of the Proposal (**Appendix 11**).

Whilst some parts of the Proposal may be visible along the southern sweep of Curleys Bay, overall, there are limited opportunities to view the proposed development.

3.5. Sub-Regional Context

The sub-regional context is dominated by two distinct features, being extensive flood plains and low hills that stretch from Nowra Hill to the coast.

The extensive flood plains between the Crookhaven and Shoalhaven Rivers lie between Greenwell Point and Nowra. The land use is pastoral landscape and primarily dairy farms with a scatter of minor settlements located on slightly elevated land. Greenwell Point Road forms part of the landscape which links Nowra to Greenwell Point and is located on the divide between the Crookhaven and Shoalhaven River catchments. Greenwell Point Road also provides the main traffic link between Culburra Beach and Nowra.

A range of low hills stretch from Nowra Hill to the coast with an elevation up to 80m which is predominately woodland. The ridgeline of the hills is the catchment divide between the Crookhaven River and Jervis Bay. At the eastern end these low hills are a separate catchment defined by Forest Road on the south and a northern ridge. This catchment, drained by Coonemia Creek, feeds Lake Wollumboola which is an intermittent open and closed coastal lake. The extensive areas of woodland are part State Forest, part National Park and part privately owned.

Greenwell Point is located on slightly elevated land and was established in the mid-1800's as a coastal port. It is home to a small fishing fleet and is well-known for its oysters. In more recent times it has attracted a limited range of tourist functions. This village in 2016 had a population of 1,209 and has reached the limit of its potential urban area which is edged by the floodplain. Greenwell Point is defined by this floodplain.

Culburra Beach and nearby Orient Point commenced as a coastal / beach holiday destination from the 1920's onwards. In 2016 Culburra Beach had a population of 2,874. It is located on slightly elevated land which merges into the dune system towards the north and south.

Culburra Beach and Greenwell Point are the easternmost extent of the low hills. Culburra Beach is defined by being surrounded by three water bodies, being the ocean to the east, Curleys Bay and the Crookhaven estuary to the north-west and Lake Wollumboola to the south.

3.6. Principle Planning Controls

The relevant statutory instrument is SLEP 1985 which the Proposal was submitted under on 29 April 2010. The following land zoning apply to the site and are shown in **Figure 9** and **Appendix 1**.

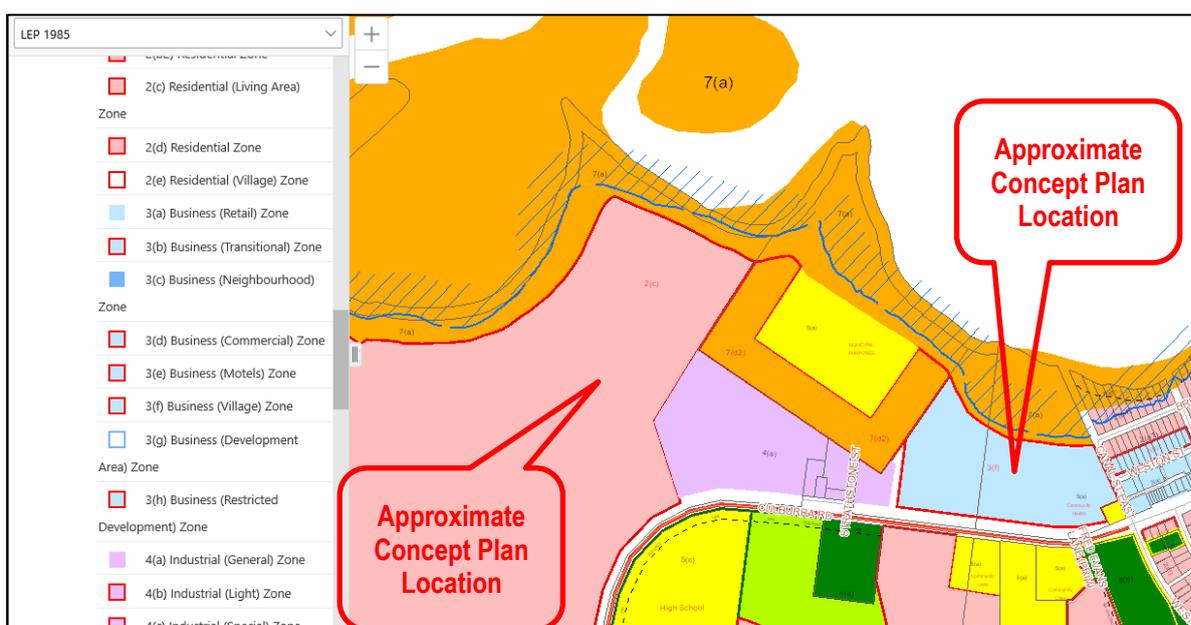


Figure 9 – SLEP 1985 Land Use Zonings (Source, SLEP 2014)

In accordance with SLEP 1985 and as shown on the revised Concept Plan (**Appendix 1**), the following land use zonings apply to each of the 3 precincts:

Town Centre Expansion (Business, Residential & Recreation land)

- 3(f) – Business (Village) Zone
- 5(a) – Special Use Zone – Community Use
- 7(a) - Environmental Conservation Zone

Industrial Centre Expansion (Industrial land)

- 4(a) – Industrial (General) Zone

New Residential Area (Residential & Recreation land)

- 2(c) – Residential (Living Area) Zone
- 4(a) – Industrial (General) Zone
- 5(c) – Special Uses (Reservation) – High School
- 7(a) - Environmental Conservation Zone

Table 3 – Zone Objectives / Prohibited Use Assessment

Table 3 briefly analyses the objectives and prohibited uses of each land use zone against the Proposal.

Zone / Objectives	Prohibited Use	Assessment comment
<p>2(c) (Residential 'C' (Living Area) Zone)</p> <p><i>'to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.'</i></p>	<p>Advertising structures; amusement parks; animal boarding establishments; bulk stores; bulky goods premises; car repair stations; caravan parks; drive-in theatres; industries (other than those specified in Schedule 6); intensive animal husbandry; junk yards; liquid fuel depots; motor showrooms; retail plant nurseries; road transport depots; roadside stalls; sawmills; sexual services premises; timber yards; transport terminals; turf farming; warehouses.</p>	<p>The Proposal complies with these requirements and most of the New Residential Area and part of the foreshore reserve is in this zone.</p>
<p>3(f) – Business (Village) Zone</p> <p><i>'to provide for village retail and business development to serve the needs of the village community and which is compatible with the village environment.'</i></p>	<p>Bed and breakfast accommodation; bulky goods premises; caravan parks; cluster housing; dual occupancy development; dwelling-houses and dwellings (other than those attached to shops or commercial premises); industries referred to in Schedule 5; intensive animal husbandry; junk yards; liquid fuel depots; sexual services premises; turf farming.</p>	<p>The Proposal provides a minor commercial extension of the town centre (in accordance with the accompanying Economic Impact Assessment) and incorporates some not fully compliant requirements such as medium density and integrated dwelling lots.</p> <p>The use of SSD provisions to provide medium density and integrated dwelling lots will provide a better town planning outcome which encourages more</p>

Zone / Objectives	Prohibited Use	Assessment comment
		residential density around the town / business centre. At present, the town centre area has surplus commercial land supply due to the full potential of surrounding residential zoned land at Long Bow Point not being reached.
<p>4(a) – Industrial (General) Zone</p> <p><i>‘(a) to provide for a wide range of general industrial development, including warehousing, processing and general service industries,</i></p> <p><i>(b) to allow non-industrial uses which are ancillary to industry,</i></p> <p><i>(c) to allow for retailing of bulky goods, and</i></p> <p><i>(d) to allow other non-industrial uses that do not significantly compromise the existing or potential industrial development of the area.’</i></p>	<p>Bed and breakfast accommodation; boarding-houses; caravan parks; cluster housing; commercial premises (other than clubs); dual occupancy development; dwellings and dwelling-houses (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; hospitals; hotels; institutions; intensive animal husbandry; mines; motels; places of assembly; places of public worship; roadside stalls; sexual services premises (other than on land described in Schedule 12); shops (other than those referred to in Schedule 3); stock and sale yards; turf farming.</p>	<p>The Proposal provides industrial expansion and incorporates some not fully compliant requirements such low density residential use lots (dwellings) on the western boundary of this zone.</p> <p>The use of SSD provisions will provide a better town planning outcome which encourages more residential density towards the business centre side of the town. At present, the industrial area potentially has surplus land supply due to the full potential of surrounding residential zoned land at Long Bow Point not being reached.</p>
<p>5(a) – Special Use Zone – Community Use</p> <p><i>‘to identify land for certain community facilities and services including areas for off-street parking in private ownership.</i></p>	<p>Any purpose other than a purpose for which development may be carried out only with development consent.</p> <p>Note - Only with development consent</p> <p>The particular purpose indicated by scarlet lettering on the map; drainage; roads; utility installations (other than gas holders or generating works).</p>	<p>The Proposal complies with these requirements and part of the road roundabout on Culburra Road and associated stormwater treatment facilities are in this zone.</p> <p>This zone allows for roads and drainage with development consent.</p>
<p>7(a) - Environmental Conservation Zone</p> <p><i>‘(a) to protect and conserve important elements of the natural environment, including wetland and rainforest environments,</i></p> <p><i>(b) to maintain the intrinsic scientific, scenic, habitat and educational values of natural environments,</i></p>	<p>Any purpose other than a purpose for which development may be carried out only with development consent</p> <p>Note - Only with development consent</p> <p>Agriculture; aquaculture (other than development above high water mark); bed and breakfast accommodation; dwelling-houses; roads; structures for educational and recreational purposes which assist in promoting and</p>	<p>The Proposal complies with these requirements and part of the foreshore reserve shared foot / cycle path is in this zone.</p> <p>This zone allows for recreation purposes (such as a shared foot / cycle path) with development consent.</p>

Zone / Objectives	Prohibited Use	Assessment comment
<p>(c) to protect threatened species and habitats of endangered species,</p> <p>(d) to protect areas of high biodiversity value, and</p> <p>(e) to protect and enhance water quality in the catchment.'</p>	<p>interpreting the area's ecological values; utility installations (other than gas holders or generating works).</p>	

Height of Future Buildings

As future subdivision of the Site will likely be approved under SLEP 2014, it is appropriate to apply current height of building mapping to the Proposal. As shown below (Figure 10), most of the Site is not currently subject to a mapped building height control and therefore a maximum height of a building on the land is not to exceed 11 metres in these areas (as per Clause 4.3 of SLEP 2014).

Part of the site which covers the town centre expansion area is mapped with a height limit of 7.5m while the adjacent existing town centre area has a height limit of 8.5m. A height limit of 7.5m will limit the ability for shop-top housing, medium density and integrated living in the town centre i.e. limits buildings to a single level only.

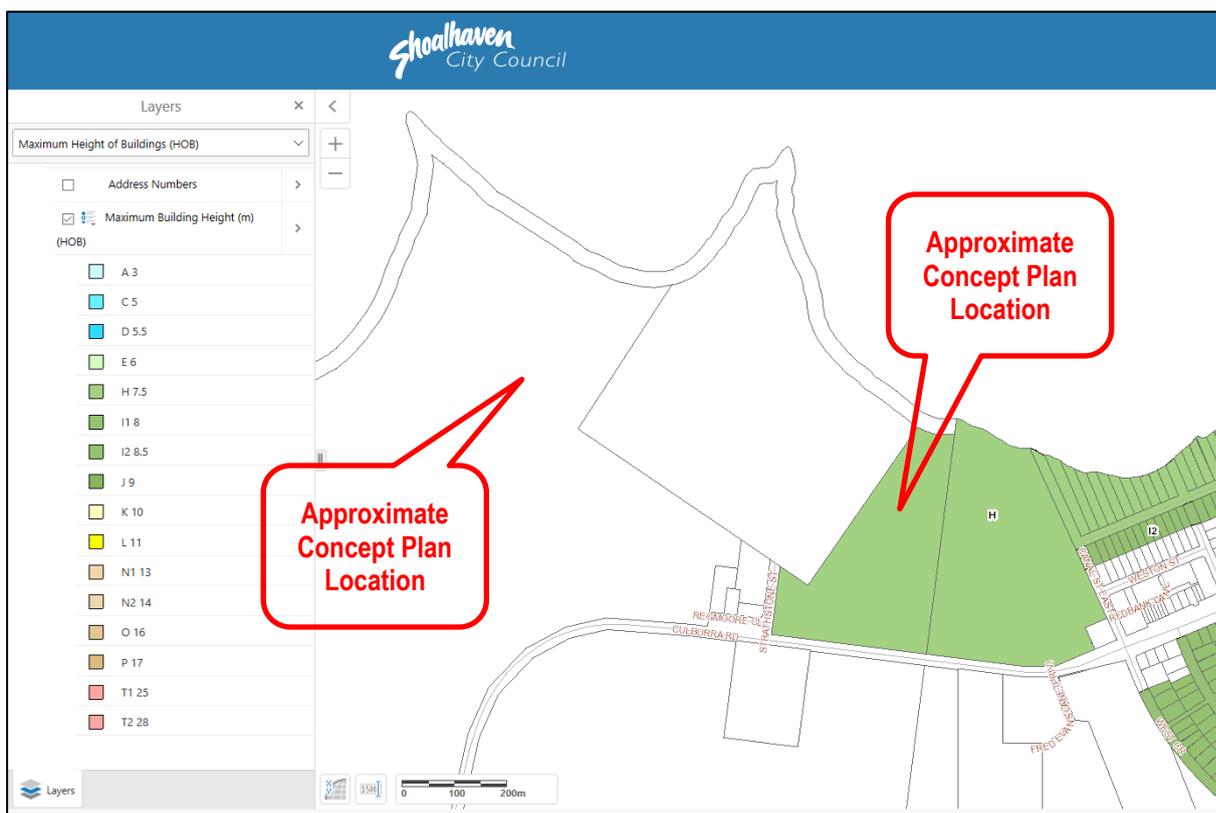


Figure 10 – SLEP 2014 Maximum Height of Buildings (Source, SLEP 2014)

3.7 Site Constraints

3.7.1 Flooding

The site is identified as being flood prone (**Figure 11**) and therefore detailed assessment accompanies the Proposal and is discussed later in this EIS.

Due to the proximity to the Crookhaven River, Curleys Bay and the site bordering the 100 foot (30m) foreshore Crown Reserve, part of the site is mapped within the 2100 Flood Line.

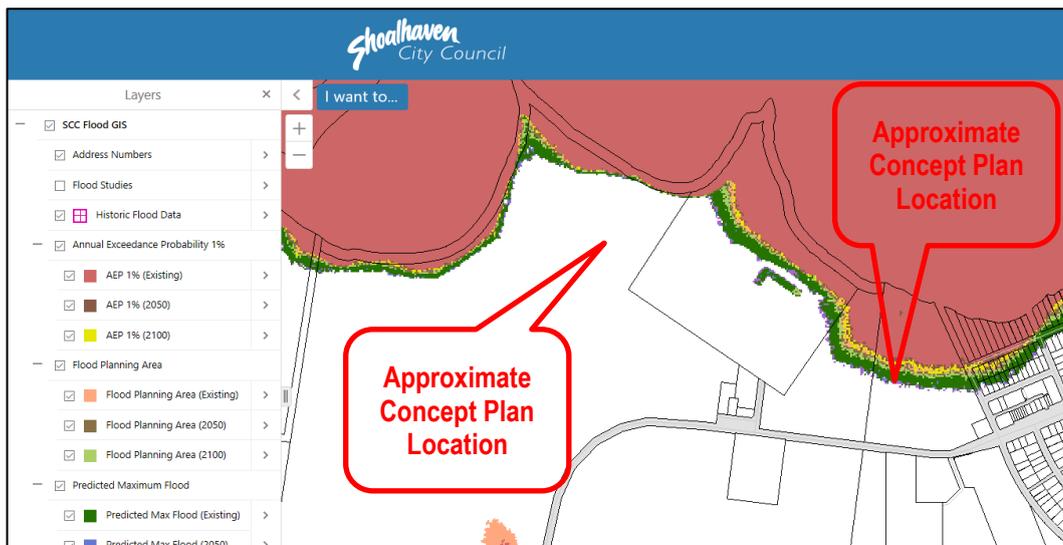


Figure 11 – Flood Mapping (Source, SCC interactive mapping)

3.7.2 Bushfire

The site is identified as being bushfire prone lands (**Figure 12**) and therefore detailed assessment accompanies the Proposal (**Appendix 12**) and is discussed later in this EIS.

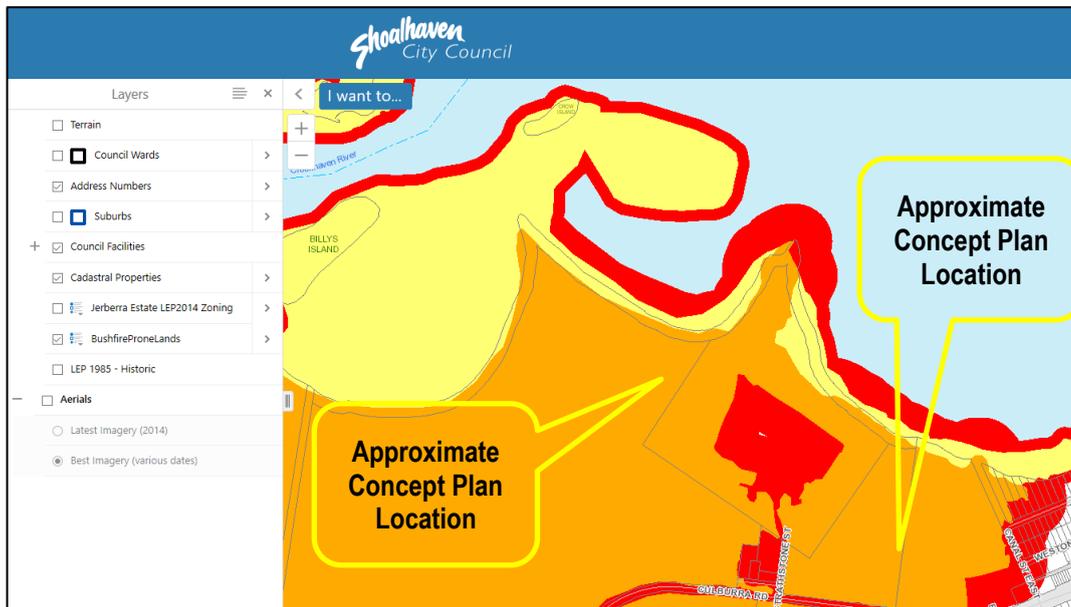
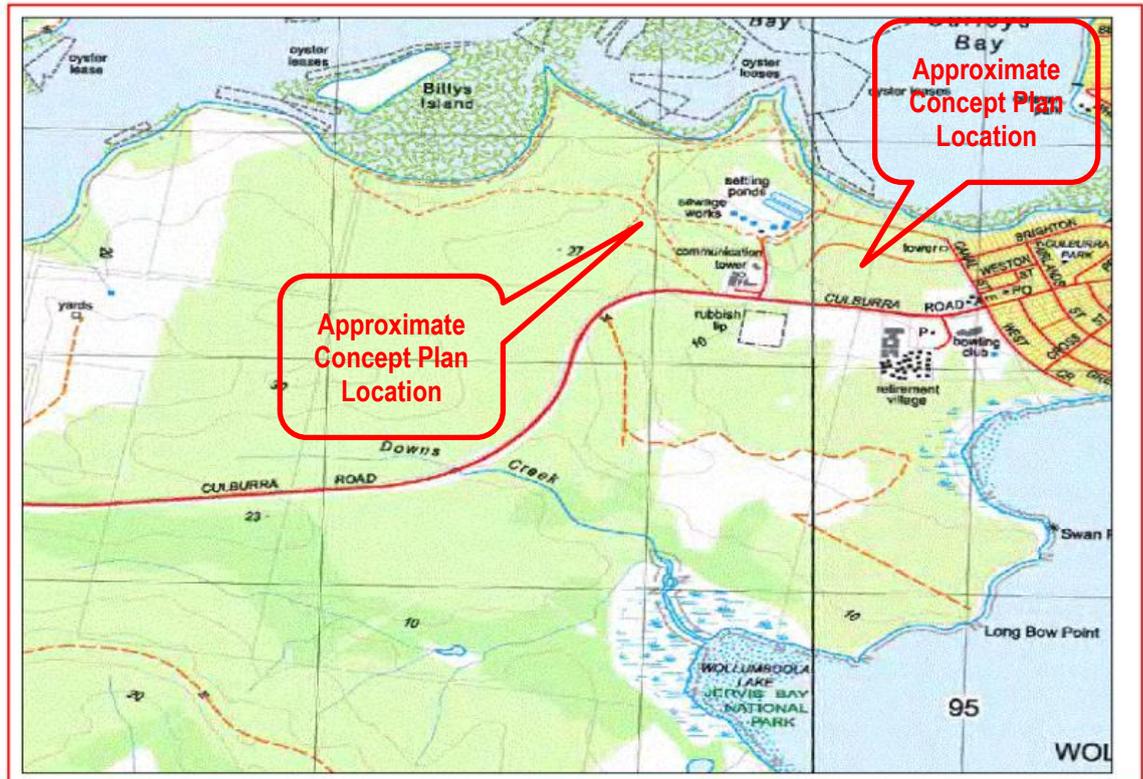


Figure 12 – Bushfire Prone Land Mapping (Source, SCC interactive mapping)

3.7.3 Aboriginal Heritage

Aboriginal Heritage Information Management System (AHIMS) searches have identified several Aboriginal sites on or in proximity to the site and therefore detailed assessment accompanies the Proposal and is discussed later in this EIS. The AHIMS search below (**Figure 13**) related to Lot 6 DP1065111 (recognising that Lot 6 covers a much greater area than the Proposal's area) with a buffer area of 200m off the lot boundary identified 16 Aboriginal sites that are recorded in or near this lot.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

16	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 13 - AHIMS Mapping (Source, NSW Environment & Heritage mapping search)

3.7.4 Odour Buffer

As identified above (**Figure 6**), the site is mapped within the CBSTP buffer area and therefore detailed assessment accompanies the Proposal (**Appendix 13**) and is discussed later in this EIS.

3.7.5 Visual

Whilst raised as a contention in the previous Concept Plan, the revised Concept Plan as discussed in this EIS has now resolved visual concerns raised by DPIE. As shown below (**Figure 14**), SLEP 1985 or SLEP 2014 does not map the site as having scenic protection value. This is demonstrated in supporting **Figure 2** and indicative aerial interpretation of the Proposal (**Appendix 11**).

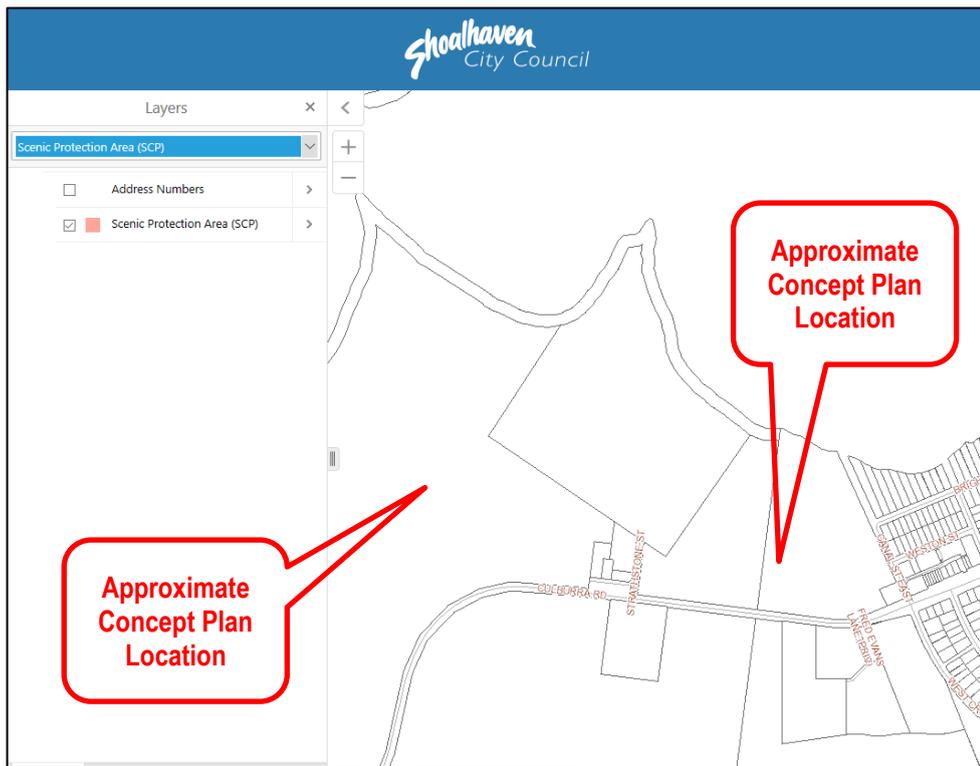


Figure 14 – Scenic Protection Area mapping (Source, SLEP 2014)

3.7.6 Biodiversity, Ecological & Riparian (Flora & Fauna)

The site is identified as having both biodiversity, ecological & riparian (Flora & Fauna) values (Figure 15) and therefore detailed assessment accompanies the Proposal and is discussed later in this EIS.

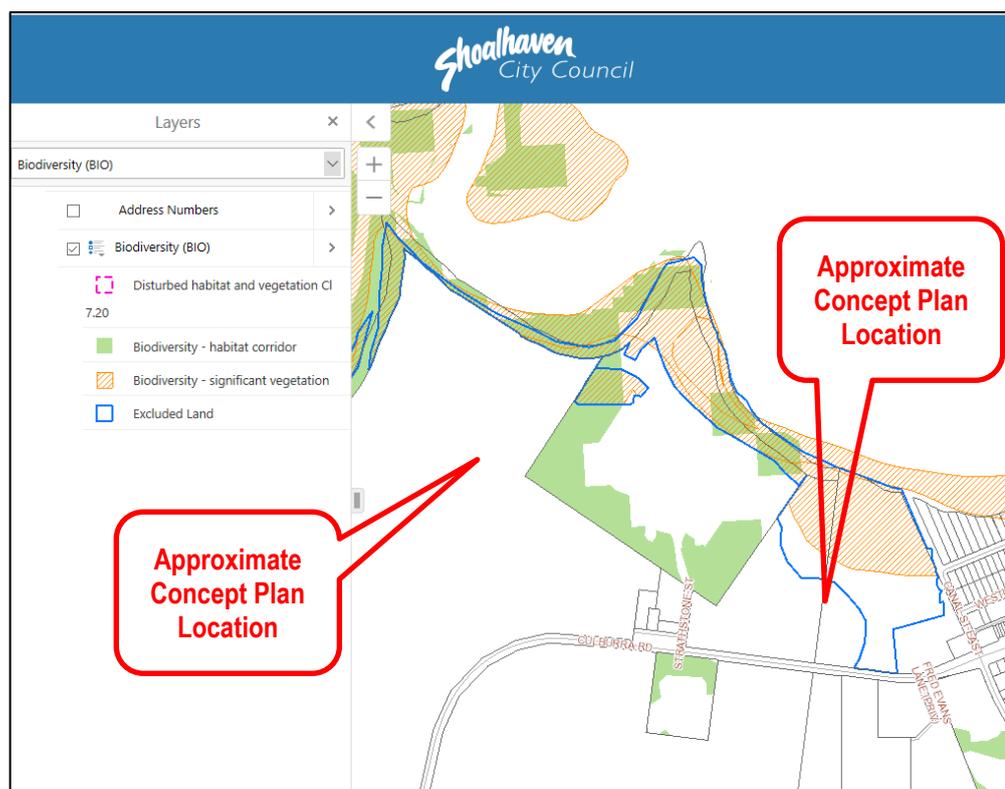


Figure 15 – Biodiversity mapping (Source, SLEP 2014)

3.7.7 Aquatic Ecology

Due to the site proximity and existing stormwater runoff to both the Crookhaven River and Curleys Bay, detailed assessment accompanies the Proposal which is discussed later in this EIS. It is also noted that this estuarine system and aquatic ecology supports oyster farming. The image below (**Figure 16**) details proximity of oyster leases to the site which are shown in green.

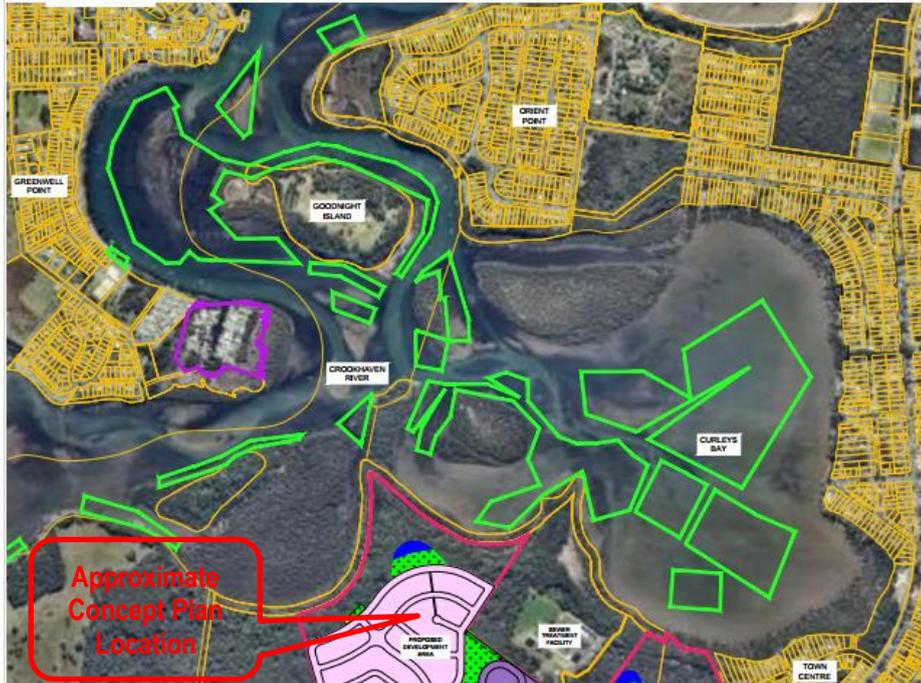


Figure 16 – Oyster lease proximity to the site

3.7.8 Acid Sulfate Soils

The site is identified as Class 2 & 5 Acid Sulfate Soils (**Figure 17**) and therefore detailed assessment accompanies the Proposal which is discussed later in this EIS.

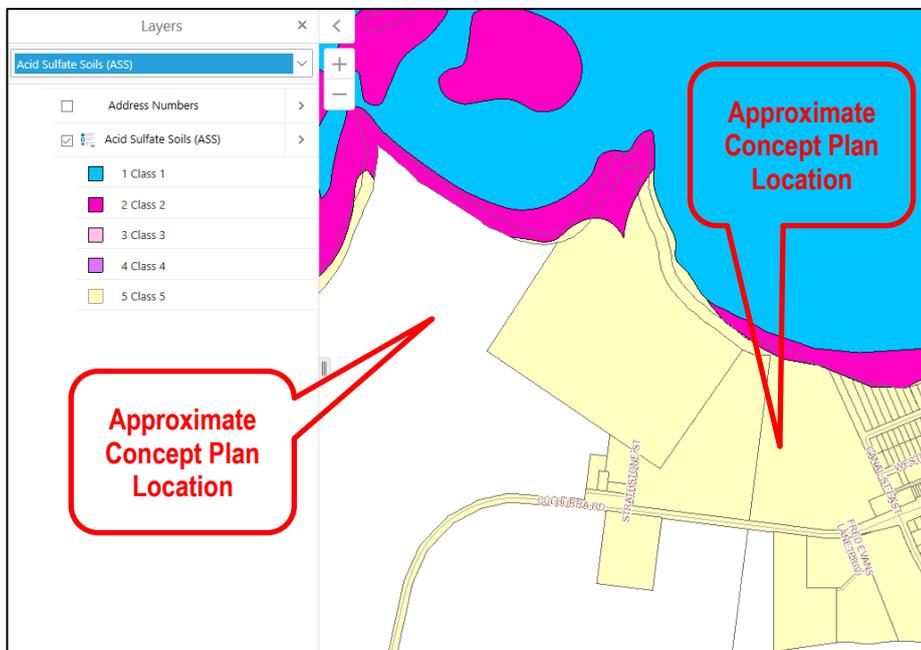


Figure 17 – Acid Sulfate Soil mapping (Source, SLEP 2014)

3.8. Surrounding Road / Transport Network

The Site has significant frontage to both Culburra Road and Canal Street East. Culburra Road is the only road to service Culburra Beach township and the surrounding settlements of Orient Point and Crookhaven Heads. The only industrial land in this area is also serviced by Culburra Road and which the Proposal surrounds on three sides.

The nearest public bus stop to the site is located within the Culburra Beach township which ranges in distance to the revised Concept Plan site from approximately 200m at the closest point to 1.9km at the most western section of the new residential area. The Proposal has the ability to connect into and facilitate a bus transport route.

As shown in the revised Concept Plan (**Appendix 1**) the site also has the ability to connect proposed shared foot / cycle paths into existing networks that service the town centre and connect as far as Orient Point.

In recognition of the surrounding road and transport connection considerations, a transport and accessibility impact assessment accompanies the Proposal which is discussed later in this EIS.



Figure 18 – Photo looking west from Culburra Road to Site

4. Project Description

4.1. Project Summary

The Proposal shown in **Appendix 1** seeks Concept Approval to allow expansion of the Culburra Beach township to the west of the existing established urban area onto land which is in part zoned for this land use purpose.

The Proposal can be described in 3 precincts with supporting infrastructure, being:

- 1. Town Centre Expansion** (Business, Residential & Recreation land) which covers an approximate area of 14.24ha and incorporates:
 - 3 mixed use lots ranging in size from 1,319m² to 6,559m²;
 - 45 integrated housing lots ranging in size from 350m² to 508m²;
 - 12 medium density residential lots ranging in size from 2,401m² to 4,073m²;
 - Sportsground (multi field capacity) with supporting amenities;
 - Parkland / Open Space area; and road areas.
- 2. Industrial Centre Expansion** (Industrial land) which covers an approximate area of 6.32ha and incorporates:
 - 13 industrial lots ranging from 1,937m² to 5,783m²;
 - Parkland / Open Space area and,
 - Road areas
- 3. New Residential Area** (Residential & Recreation land) which covers an approximate area of 26.78ha and incorporates:
 - 244 low density residential lots ranging in size from 511m² to 1,230m²; and,
 - Provision of 2 Parkland / Open Space areas.

Roads and access which are provided in each precinct and incorporates:

- Three roundabouts at Culburra Road that are the main entrance points to the residential and town centre areas;
- Perimeter road for the residential areas;
- Internal roads to access proposed lots in all stages;
- Emergency egress fire trail; and.
- Relocation of the intersection of Regmoore Close, Strathstone Street and Culburra Road further eastward to avoid the potential of unnecessary traffic queuing.

Supporting Infrastructure which is provided in each precinct and incorporates:

- drainage infrastructure;
- drainage ponds to irrigate sportsground;
- new electrical substation near the industrial area;
- various stormwater quality treatment devices;
- water & sewerage infrastructure; and,
- electricity & telecommunications infrastructure.

The Proposal will be developed over a number of years and the exact layout of individual lots, roads, and public reserves will be addressed in subsequent DAs for each individual stage. Clearing of any vegetation, earthworks and onsite erosion controls will also be detailed in relevant DAs. Any works which can be carried out as exempt and/or complying development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (E&CDC) will likely be excluded from these DAs .

As aforementioned, urban consolidation and strengthening of the town makes use of SSD provisions, being Clause 4.38 (3) under Part 4 Division 4.7 of the EP&A Act which allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument. This provision is applied to allow some portions of the proposed residential development to occur on Business “F” (Village) and Industrial “A” (General) zoned land which is not permissible under SLEP 1985. Further, appropriate height restrictions in the town centre are also proposed to limit the height of the future built form.

4.2. Project Staging / Subsequent Subdivision

The design and staging of the revised Concept Plan has taken into consideration the balance between the need to commence residential, business, sporting and industrial use and the need to foster overall growth for the Culburra Beach township. A critical factor is the provision and establishment of reticulated sewer and a stormwater treatment train (i.e. parks and ponds first). Another critical factor is the sequence of development which will allow economic return for the large amount of upfront infrastructure that is needed to facilitate subsequent subdivision lot release.

In recognition that development consent is sought for a Concept Plan only, and subsequent DAs for each individual stage will be applied, the project staging plan concentrates on delivery of the three key precincts as summarised below and shown in **Figure 4** and **Appendix 9 a& 10**.

Town Centre Expansion – Involves 5 stages

Staged release of the town centre will commence at the eastern end with the sportsground, integrated housing and 1 industrial lot, then further integrated housing, then medium density sites and final mixed use sites.

Industrial Centre Expansion – involves 2 stages

Staged release will commence with the southern lots closest to the access road and the last stage are the north facing lots .

New Residential Area – involves 9 stages

Staged release will commence from the ‘spine’ access road and include the whole foreshore reserve (including shared foot / cycle path). After completion of this road, staged release will continue in a ‘clockwise’ rotation to achieve bushfire access requirements. Once the eastern side of the spine access road is completed an ‘anticlockwise’ rotation to achieve bushfire access requirements will enable release of the remaining stages.

Subsequent subdivision of the site will follow achieving the proposed Concept Plan outcomes. An initial stage will allow for the creation of a development lot related to the Concept Plan area and a residual lot for this remaining land that forms part of Lot 5 & 6 DP 1065111. The development lot will then be further subdivided in stages as outlined above and as shown on the Concept Plan. This subdivision is proposed to occur following the registration of the lots as proposed by SF10662 (development consent) which separates land that straddles Culburra Road and allows for better management of this land into the future (see approved subdivision plan SF10662 in **Appendix 14**).

4.3. Structure Plan / Handover Considerations

A requirement of the DGRs is to provide a Structure Plan for the site that identifies location of indicative land uses, lot layout, densities, road and open space networks and areas of environmental protection on the site which includes:

- Consideration of the site's context, topography, opportunities and constraints.
- Identification of buffer areas and environmental protection zones, inclusive of riparian areas.
- Identification of areas capable of accommodating higher densities of housing to facilitate increased housing supply and choices and to promote social and economic development.

The above requirements are detailed in the revised Concept Plan (**Appendix 1**) and the supporting staging plan (**Appendix 9 & 10**). The proposed road and hierarchy public open space / sportsground will be constructed in a sequence to facilitate the provision and establishment of sewer and stormwater treatment trains (i.e. parks and ponds first).

Upon completion of the roads, foreshore reserve, woodland reserve, open space and sportsground (as part of future development consent requirements), these facilities are to be handed over to Council which is consistent with existing roads, open space and sportsground in Culburra Beach. It is proposed that the long-term management, maintenance and rehabilitation of these assets will be undertaken by Council and funded from the general rate base or special rate levy that could be applied to new development lots.

It should be noted that no APZ maintenance is required outside the clearing area proposed for development with the exception of trees to be retained or planted in the maintained open space / sportsground areas (i.e. no APZs are proposed in the foreshore or woodland reserves).

4.4. Site Preparation / Subdivision Construction Work

Upon receiving development consent for the revised Concept Plan, no related site preparation, clearing or subdivision work is authorised. All works will be subject to subsequent DAs for each proposed precinct and undertaken in accordance with the approved Concept Plan conditions.

4.5. Water Cycle Assessment

Martens and Associates Consulting Engineers has prepared an Integrated Water Cycle Management Strategy (IWCMS) Report (**Appendix 15**) for all stages of the revised Concept Plan. WSUD is a key site consideration which is built into the revised Concept Plan (**Appendix 1**).

The IWCMS has been designed for the entire development area and provides for long-term ecologically sustainable development and retention / protection of key environmental water features. It is intended to serve as a guidance document for future stages of development that arise out of the Concept Plan approval.

Key differences between this IWCMS and documents produced to support the previous Concept Plan are:

1. **Reduced Development Scale:** The IWCMS is based on a Concept Plan footprint which has been reduced by approximately 50% from that originally proposed.
2. **Additional Stormwater System Detail:** The IWCMS is based on a much more detailed proposal layout which provides additional certainty on the location of expected roads, lots and land-uses, and the location and type of all stormwater management infrastructure.

3. **Inclusion of Stormwater Re-use & Pathogen Control:** The IWCMS has been extended to include some groundwater recharge and stormwater re-use in addition to the provision of WSUD stormwater management. All urban runoff will ultimately be directed to stormwater ponds, via bioretention basins, for collection and re-use over dedicated public parks and sports fields, as well as for controlling and removing any pathogens prior to release to the 100m foreshore environmental buffer area. No new stormwater connections to the Crookhaven River are proposed.

In summary, the stormwater treatment which the IWCMS is based on consists of rainwater tanks, gross pollutant traps (GPTs), bioretention basins, stormwater re-use ponds (for beneficial re-use over local sportsground/parks), groundwater recharge and stormwater dispersal so that there are no concentrated flows leaving the development footprint area.

The following diagram provides an overview of the stormwater treatment train to be implemented within the concept plan / development area:

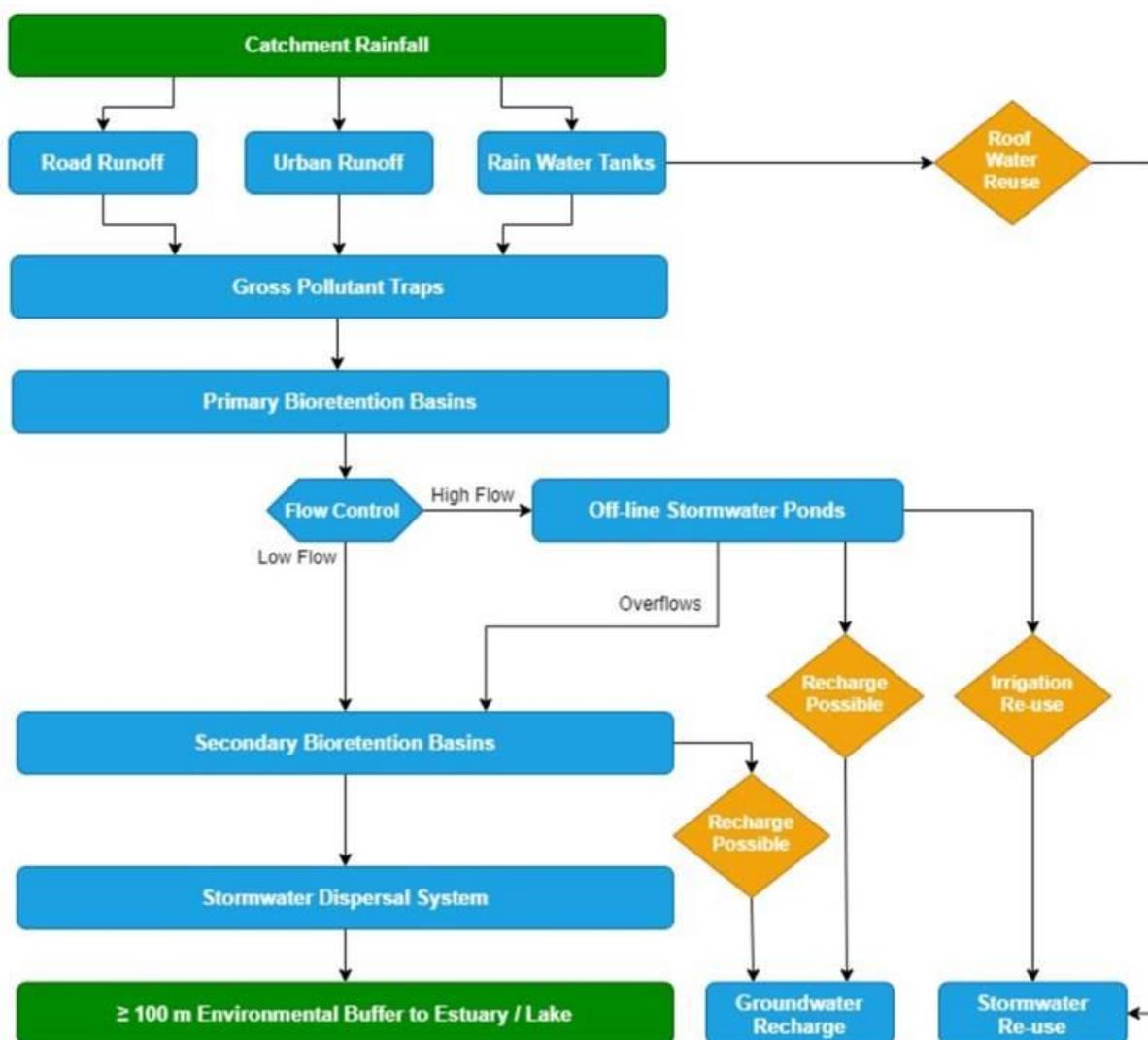


Figure 19 - stormwater treatment train

As result of this treatment train, the standard achieved bythe proposal will be:

1. All stormwater will be treated such that pollutant levels will be equal to or less than existing loads being released from the development footprint, thereby ensuring no harm to receiving waters.

2. All proposed development will meet the Neutral or Beneficial Effect (**NorBE**) standard in respect of stormwater released from the development footprint, therefore ensuring no harm to receiving waters.
3. There will be no new stormwater connections to the Crookhaven River estuary which will have a 100 m 'no development' vegetated buffer to the development site.

The comprehensive suite of stormwater management has been developed to ensure that the risk of material harm to the receiving environment is mitigated and sensitive environmental receptors such as SEPP14 wetlands, the Shoalhaven River estuary, including the associated oyster aquaculture industry are appropriately protected.

Overall, the IWCMS supports development as outlined in the revised Concept Plan.

4.6. Flood Assessment

Allen, Price & Associates has prepared a Flood Assessment Report (**Appendix 16**) for the revised Concept Plan. The report covers the site and addresses relevant DGRs, and any potential flood implications which have been further mitigated with the revised development footprint now further inland from the 2100 flood line.

The report concludes that the Site is only flood prone on the proposed foreshore reserve due to the proximity to the Crookhaven River and Curleys Bay and the site bordering the 100 foot (30m) foreshore Crown Reserve. The report also mentions that flooding is not an impediment for the Proposal.

4.7. Bushfire Assessment

Eco Logical Australia has prepared an updated Bushfire Protection Assessment Report (**Appendix 12**) for all stages of the revised Concept Plan. This has included assessing that each stage will meet relevant Planning for Bush Fire Protection (**PBP**) and suitable bushfire egress requirements.

The Proposal was assessed in accordance with Section 100B of the Rural Fires Act 1997 (**RF Act**) and PBP 2006. Assessment included a review of background documentation, design team consultation, GIS analysis and previous bushfire assessments undertaken on the Site. Additionally, a performance-based solution was developed using the new version of PBP 2019 to determine the APZs and addressed access requirements within the Site.

The assessment has concluded that the revised Concept Plan and proposed subdivision complies with either the acceptable or performance solutions within PBP 2006, (as shown in Table 2 & 6 of the assessment report). Further, where appropriate, PBP 2019 requirements have been incorporated into the revised Concept Plan.

4.8. Aboriginal Heritage Assessment

South-East Archaeology Pty Ltd has prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) (**Appendix 17**) which relates to the previous Concept Plan. In general, it is recognised that this report sufficiently covered the site, addressed relevant DGRs and provided several detailed recommendations.

As Aboriginal Heritage is a key contention of the current appeal that is before the NSW LEC, and the Concept Plan has since been revised, a Supplementary Report to Aboriginal Cultural Heritage Assessment (**Appendix 18**) has been undertaken by Dr Johan Kamminga, Principal of National Heritage Consultants. This assessment recognises that the revised Concept Plan is smaller in area, has an increased buffer area to known Aboriginal Heritage items on the Site and in the adjacent Crown Foreshore Reserve and has better defined the location of known aboriginal heritage items.

The ACHA report recommended that the proponent applies for an Aboriginal Heritage Impact Permit (AHIP) should the revised Concept Plan be approved. However, an AHIP is not required for SSD. The Supplementary Report therefore recommends that the AHIP consultation process apply for the further subdivision applications related to the revised Concept Plan. The AHIP consultation process provides opportunity for Aboriginal input in decision-making, collaborative archaeological subsurface testing to corroborate aspects of the predictive modelling, proponent staff and contractor training in Aboriginal cultural heritage, and monitoring of excavation/earth moving work activities where required.

The Supplementary Report also assesses the stone artefact occurrences registered as sites 52-5-0649, 52-5-0650 and 52-5-0651 which are located on an existing sewer line easement. This easement has been disturbed by the construction of the sewer line by council and subsequent vehicular traffic along this cleared easement.

The elevated boardwalk/footpath/cycleway proposed in the revised Concept Plan and located on the sewer easement can be designed in future subdivision applications to mitigate potential impact on an Aboriginal Heritage item. The Supplementary Report recommends that the elevated boardwalk/footpath/cycleway design along the easement involve consultation with the Aboriginal community representatives in regards to the location of proposed bore holes for support posts for elevated sections of pathway, and construction of raised earth/gravel surfaces if required.

A summary of the recommendations of the ACHAR which the Supplementary Report supports follows:

- 1. In consideration of the results of the assessment and subject to implementation of the recommendations below, there are no Aboriginal heritage constraints to approval of the Concept Plan under Part 3A of the EP&A Act;*
- 2. Subsequent to detailed design being completed and in association with subsequent applications for development approval under Part 4 of the EP&A Act, further heritage investigation involving test excavations should be undertaken within survey area WC 15 and a sample of the portions of WC 3, 9 and 14 within the zone of high potential for subsurface deposits of artefacts, to identify the nature, extent and significance of any heritage evidence present, and to enable the subsequent formulation of appropriate management strategies in consultation with the registered Aboriginal parties;*
- 3. Should any subsequent development application involve proposed impacts outside of the heritage study area investigated during the current assessment, for example, in the foreshore zone between the investigation area and the Crookhaven River, further Aboriginal cultural heritage investigation should be undertaken. As a minimum this would involve the archaeological survey of any proposed impact areas outside of the present heritage study area, in consultation with the registered Aboriginal parties, with the preparation of a supplementary heritage assessment report;*
- 4. Subsequent to detailed design and the further heritage investigations required above being completed, and in association with any subsequent application for development approval under Part 4 of the EP&A Act, in order to establish a defence to prosecution under Section 86(2) of the NP&W Act with respect to the probable occurrence of stone artefacts within the impact area, and any subsequent impacts to those objects and identification of those impacts, a Section 90 AHIP should be obtained for the impact area prior to the proposed works being undertaken;*

5. *The Culburra midden sites (OEH #52-5-171 to 52-5-186) adjacent to the investigation area are of significance, potentially at a regional level, and warrant total conservation. Direct impacts to this suite of sites must be avoided and indirect impacts must be managed and minimised. As a condition of any development approval under Part 4 for the immediately adjacent land, a Conservation Management Plan specific to the protection of these midden sites should be formulated by a heritage practitioner with suitable qualifications and experience, in consultation with the registered Aboriginal parties;*
6. *As a condition of any further heritage investigation associated with an application for development approval under Part 4 for the investigation area, the oral account recorded in the late 1970s by Jerrinja Elder, Mr Jack Campbell, and lodged with AIATSIS, of the middens adjacent to the investigation area and their importance to the Jerrinja community, should be researched;*
7. *Archaeological investigations should only be undertaken by archaeologist's qualified and experienced in Aboriginal heritage, in consultation with the registered Aboriginal stakeholders, and occur prior to any development impacts occurring;*
8. *Where impacts will be avoided to the identified heritage evidence, appropriate protective measures should be implemented for those sites in close proximity to the construction works;*
9. *Other land users (for example, Shoalhaven City Council) should be made aware of the nature and location of the Aboriginal sites identified during the present investigation (West Culburra 3/A, 4/A and 4/13) to ensure that inadvertent impacts are avoided;*
10. *As a general principle, all relevant contractors and staff engaged on the Proposal should receive heritage awareness training prior to commencing work on-site;*
11. *Should any previously unrecorded Aboriginal sites or objects be detected prior to or during the course of development which are not covered by a Section 90 AHIP, work in the immediate vicinity of those objects would need to promptly cease and the finds be reported to the OEH and advice sought as to the appropriate course of action. If skeletal remains are identified, the proponent is required to immediately stop work and notify the appropriate authorities, including the Police and the OEH. If impacts cannot be avoided, a Section 90 AHIP would be required prior to any impacts occurring;*
12. *Under the terms of the NP&W Act it is an offence to harm or desecrate an object that the person knows is an Aboriginal object, or to harm an Aboriginal object ('strict liability offence'). Therefore, no activities or work should be undertaken within the Aboriginal site areas as described in this report without a valid Section 90 AHIP; and*
13. *Single copies of this report should be forwarded to the registered Aboriginal parties and the OEH.*

4.9. European Heritage Assessment

Stedinger Associates has prepared a European Heritage Assessment Report (**Appendix 19**) which relates to the previous Concept Plan. It is recognised that this report sufficiently covered the site and addressed relevant DGRs.

In summary, the following report recommendations are based on historical research, site survey, and an assessment of European heritage and non-indigenous archaeological significance:

- i. The Proposal should not be refused due to European heritage or nonindigenous archaeological potential. No significant European heritage items or features were located within the survey area.
- ii. The subject survey area is not considered to have non-indigenous archaeological potential. It is not reasonably expected that any works with the Proposal area might reveal significant or substantial in situ *relics* that may contribute to our knowledge of Culburra Beach and the development of the local coastal area.

- iii. Two European heritage items are in the immediate vicinity of the development. One is a mass concrete storage 'cool room' built in c.1910 and the other is a cattle yard and shed and dates to the c.1960s. These structures will be minimally impacted by the Proposal. No further action is necessary with regard to these items.
- iv. Retaining areas of natural vegetation and/or planting vegetation screens should be incorporated into the Proposal to lessen the visual impact of new buildings on adjoining natural landscapes.

4.10. Odour Assessment

SLR Consulting Australia has prepared an Addendum Odour Assessment Report (**Appendix 13**) to their previous Odour Impact Assessment Report that relates to the previous Concept Plan.

In summary, this addendum report concludes that given the conservative nature of the previous assessment, low off-site odour concentrations predicted for the CBSTP operations, the recent complaints history (i.e. zero complaints) and the potential for any odour impacts to the proposed layout of the subdivision at the nearest sensitive receptor locations is concluded to be low.

4.11. Visual Impact Assessment

The revised Concept Plan has considered the context of surrounding development to the east and most of the Site is located behind a sustainable vegetation buffer to the north, west and part of its southern boundary which results in minimal visual impact. No significant overshadowing of public reserves or loss of views from public places will occur. Further to this visual assessment, an indicative aerial interpretation of the Site (**Appendix 11**) demonstrates the minimal visual impact of the Proposal.

4.12. Terrestrial Ecology & Riparian (Flora & Fauna) Assessment

SLR Consulting Australia has prepared an Ecological & Riparian Issues & Assessment Report (**Appendix 20**) which addressed flora and fauna assessment and relates to the previous Concept Plan. It is recognised that this report sufficiently covered the site and addressed relevant DGRs.

The report details the vegetation present on the Site and adjoining land, and notes that mesic terrestrial vegetation is confined to a narrow band along the Crookhaven River foreshore.

The report states that the native vegetation on the Site is generally in good to very good condition, although there are areas of disturbance and some areas of dense weed infestation, particularly along the Crookhaven River foreshore and immediately adjacent slopes. Much of the vegetation within the Site had previously been cleared or thinned for agricultural purposes, and that much of the vegetation present is therefore relatively recent regrowth. This circumstance explains the relatively low densities of hollow-bearing trees on the site, and the absence of hollow-bearing trees in various parts of the Site.

With respect to habitat features for native wildlife, the report notes that there are no ponds, dams, wetlands, caves, rock piles or cliffs present on the Site. The only habitat feature or resource for native fauna present on the site are the hollow-bearing trees, and these are patchy and at relatively low densities overall.

Despite ecological investigations on the Site and in its immediate vicinity over nearly two decades, no threatened plant species have been recorded on the Site, or any other portions of land nearby. Similarly, there are no Endangered Ecological Communities (**EECs**) within the Proposal's footprint on the land at Culburra Beach, although the narrow band of mesic vegetation along the Crookhaven River has the floristic characteristics of some EECs.

A number of threatened fauna species have been recorded both on the Site itself and in the near vicinity. Species which have been recorded on the Site include the Powerful Owl, Glossy Black Cockatoo, Varied Sitella (once), Scarlet Robin (once), Grey-headed Flying Fox and several microchiropteran bats. Many of these species rely on tree-hollows for shelter or nesting, with the Powerful Owl and Glossy Black Cockatoo requiring large tree-hollows of particular types. The Square-tailed Kite and Little Eagle have been recorded soaring over the site. The Green & Golden Bell Frog has not been recorded on the Site, and there is no suitable habitat for this species on the site itself.

The report acknowledges and concludes that most of the vegetation within the Proposal's development footprint will ultimately be removed, including all hollow-bearing trees. However, this loss is not regarded as of ecological significance because:

- these natural resources constitute only a very minor fraction of those present in the locality and in the Jervis Bay region;
- there are very substantial tracts of such vegetation types and resources in the extensive conservation reserves, State Forests and private forested lands in the locality and in the Jervis Bay region;
- the threatened species recorded are highly mobile and/or are widely distributed in the locality and region;
- there are no threatened species which would be reliant solely on habitats and/or resources within the Site for their survival in the locality or region;
- the majority of the mesic forest communities (some of which could theoretically be EECs) are located within the 100m wide Crookhaven River / Curleys Bay Foreshore Reserve; and,
- the Proposal provides a mechanism for determining an appropriate area of offsets, using the biobanking (offset) methodology, to compensate for the removal of native vegetation from the development footprint.

4.13. Biodiversity Offset Assessment

Eco Logical Australia has prepared an updated Biodiversity Offset Assessment Report for the revised Concept Plan (**Appendix 21**) which supports the previous Ecological & Riparian Issues & Assessment Report findings undertaken by SLR Consulting Australia.

The development of this Biodiversity Offset Assessment has involved past discussions and points of agreement with the then OEH, Department of Planning and Shoalhaven City Council.

As outlined in this updated assessment, the revised Concept Plan has been calculated to impact 46.27 Ha of native vegetation and requires the retirement of 1,822 ecosystem credits. All ecosystem credits required for the revised Concept Plan can be met by credits already registered and owned by Sealark Pty Ltd and available at the Lake Wollumboola Biobank Site.

4.14. Aquatic Ecology Assessment

Marine Pollution Research Pty Ltd has prepared an Aquatic Ecology Assessment Report for the revised Concept Plan (**Appendix 22**) which builds on and supports the previous Ecological & Riparian Issues & Assessment Report findings undertaken by SLR Consulting Australia. The report provides an aquatic ecological assessment of the potential impacts for the Crookhaven River estuary and Lake Wollumboola associated with the revised Concept Plan and subsequent future subdivision approvals for related construction and operation.

In undertaking this assessment, additional aquatic ecology field investigations were undertaken in October and September 2019, and February and September 2020. The work aimed to better investigate and describe the following matters related to the Concept Plan site area:

- Aquatic ecology of drainage lines towards Lake Wollumboola;
- Site surface and shallow sub-surface water runoff paths at the riparian/tidal interface of Crookhaven River, including a description of how runoff waters drain towards the Crookhaven River;
- Vegetation zoning transitions from edge riparian vegetation through saltmarsh to mangrove or river rock, sediment and seagrass assemblages around the Crookhaven River shoreline interface with the proposal's foreshore reserve;
- Saltmarsh and mangrove assemblage locations, speciation and condition in the Crookhaven River adjacent to the proposal's foreshore reserve; and
- Seagrass beds in Crookhaven River around the perimeter of the proposal's foreshore reserve including both species composition, condition and indications of associated mobile fauna assemblages.

in summary, the report concludes that:

- The revised Concept Plan will have no potential impact on the freshwater aquatic ecology of Wattle Creek in the Lake Wollumboola catchment associated with the construction and operation of roundabouts on Culburra Road, and the inclusion of a biofiltration plus gross pollutant traps will result in an overall improvement of water quality leading to Wattle Creek from the catchment and existing road runoff.
- The revised Concept Plan will have no potential impact on the estuarine aquatic ecology and oyster aquaculture in Curleys Bay/Crookhaven River from future construction and subsequent land use activities and associated WSUD which can be successfully controlled and set out in conditions of development consent with a Construction Environment Management Plan (CEMP) and Operational Environmental Management Plan (OEMP).
- Residual risk for protection of estuarine values, minimising plastic debris risk to marine fauna, minimising pet related faecal pollution, protection of oyster aquaculture infrastructure and practices from boat traffic/wash and minimising potential conflicts with commercial fishers can be managed by best practice public awareness programs and provisions of an OEMP.

4.15. Geotech / Acid Sulfate Soils Assessment

Martens and Associates Consulting Engineers has prepared a Geotechnical – Acid Sulfate Soils Assessment Report (**Appendix 23**) which relates to the previous Concept Plan. It is recognised that this report sufficiently covered the site and addressed the relevant DGRs.

The report concludes that soils observed during the investigation are neither Acid Sulfate Soils (**ASS**) nor potential ASS but are inherently acidic soils derived from *in-situ* weathering of the underlying siltstone lithology and pedogenic processes. Should development be considered within the 100m foreshore setback distance, adjacent to Crookhaven River estuary, further ASS assessment would be required to evaluate ASS constraints in this area.

4.16. Site Contamination Assessment

Martens and Associates Consulting Engineers has prepared a Stage 1 Land Contamination Assessment Report (**Appendix 24**) which relates to the previous Concept Plan. It is recognised that this report sufficiently covered the site and addressed relevant DGR.

The report concludes that the site has possibly been used for grazing. Some bulky waste items and a few stockpiles of soil were identified by a site walkover inspection but do not represent widespread site contamination. On this basis, the site is unlikely to be contaminated other than by waste and stockpiles noted, and further site assessment (sampling and laboratory testing) is generally not necessary. Future investigation of identified stockpiles is to be undertaken and they, and any others found during site works are to be removed from site unless classified as acceptable to remain on a residential site.

Subject to the appropriate management of the identified stockpiles, dumped vehicles and any other such areas, the site is considered suitable for residential purposes.

4.17. Traffic and Accessibility Assessment

GTA has prepared a Transport and Accessibility Impact Assessment Report (**Appendix 25**) that builds on their past assessment of the previous Concept Plan and assesses the draft Concept Plan with a reduced development yield and traffic generation. The assessment focuses on:

- existing traffic and parking conditions surrounding the site;
- integration of a future bus route (see Bus Route Plan – **Appendix 26**)
- pedestrian and bicycle requirements (see Shared Footpath Plan – **Appendix 27**);
- service vehicle considerations;
- the traffic generating characteristics of the Proposal;
- suitability of the proposed access arrangements to the Site; and
- the transport impact of the development proposal on the surrounding road network.

The assessment concludes that the additional development traffic has a marginal impact on the surrounding road network and the proposed access to each of the development precincts and the intersections within the regional network will continue to operate at satisfactory levels.

Based on the analysis and discussions presented within this report, the following conclusions are made:

1. The West Culburra Beach subdivision development involves approximately 47 ha on land west of the established area of Culburra Beach.
2. The subdivision comprises three precincts. On completion, the West Culburra Beach Development will include low and medium density residential dwellings, shop top housing, industrial lots and a sporting facility. While the residential subdivision is anticipated to be constructed first, construction of each development product is expected to be in response to market demand, noting all three stages (or parts thereof) can be constructed independently and concurrently if needed (from a traffic and transport perspective).
3. Access to the development is proposed from Culburra Road at three new roundabouts and the upgraded industrial area priority-controlled intersection.
4. GTA Consultants completed a design assessment of the three Culburra Road roundabouts proposed as part of the development. For improved road safety outcomes generally, it is recommended that the existing 100km/h speed limit is reduced to 80km/h to the west of the roundabout, with appropriate urban area entry treatment(s) provided. On this basis, the proposed roundabouts are suitable in both location and design.
5. The dedicated pedestrian/ cycle route proposed as part of the development is an east-west route along the foreshore area providing access to Culburra Beach shops. Connections to this route will be provided along the subdivision road network and the Culburra Road shared path.
6. It is recommended that all new bus stops provide shelter, seating, lighting, timetable information as a minimum.

7. A minimum of a 1.2-metre-wide footpath is required on local and collector streets within a subdivision in line with SDCP 2014 Chapter G11, reference A38.2.
8. For the pedestrian and cycle path along the Crookhaven River foreshore reserve associated within the development, it is recommended to provide a minimum 3 metre width given their potential as recreational routes.
9. The pedestrian and bicycle network has been designed to allow pedestrian and cycling access to all key origins and destinations within, and outside the vicinity of the site.
10. It is anticipated that refuse collection for the new development areas will be undertaken by a standard 12.5-metre-long Council garbage vehicle.
11. In total, 174, 186 and 105 trips are expected to be generated from both the residential and non-residential developments onto the wider road network in the Friday AM, Friday PM and Saturday peaks respectively.
12. In assessing intersection performance on the road network surrounding the site, growth factors were applied to the recorded traffic volumes (May 2012) to represent the equivalent 120th Highest Annual Hour (HH). This was done to reflect the significant seasonal increases in traffic volumes in the region.
13. Under equivalent 120th HH traffic volumes the performance, the additional development traffic has marginal impact on intersections surrounding the site.
14. Under equivalent 120th HH traffic volumes the Princes Highway intersections at Kalandar Street and Moss Street currently operate at poor levels, particularly during the Friday AM and Friday PM peak periods. The addition of development traffic at these intersections (which would compromise only 2% of the flow at these intersections) would not result in any discernible change in intersection performance.
15. Marginal increase in traffic is expected due to the development. However, local intersections are expected to operate at satisfactory levels.
16. The existing shoulder widths, including sealed shoulders, of the rural roads assessed do not accord with current Austroads guidance.
17. Notwithstanding, the roads and intersections assessed are operating satisfactorily (Section 7 shows that the intersections will continue to operate satisfactorily following completion of the development).
18. An assessment of overtaking lanes on higher speed roads did not identify any locations where such treatments could be required (or easily introduced).

4.18. Landscape Assessment

The Proposal includes a range of landscaping works as detailed in the Concept Landscape Plan prepared by Taylor Brammer Landscape Architects (**Appendix 28**).

The Concept Landscape Plan demonstrates both an aesthetic and practical quality landscape outcome for the Site. More detailed landscape detail will be provided in future subdivision applications.

4.19. Infrastructure Assessment

APS has prepared an updated Infrastructure Assessment Report (**Appendix 29**) which relates to the revised Proposal and preliminary engineering plans (**Appendix 30**). This report also addresses relevant DGRs.

The report concludes that all relevant infrastructure will be available and provision of all essential services (water, sewer, electricity) are on track and will not be a constraint to the timing or delivery of the Proposal.

Shoalhaven Water will be providing the sewer transportation system (sewerage pumping station and rising main) through its Development Servicing Plan as required by the delivery timeframe of the development. Sewerage reticulation will be provided throughout the development by the developer in accordance with the requirements of Shoalhaven Water.

Shoalhaven Water will also be providing trunk water infrastructure through its Development Servicing Plan as required by the delivery timeframe of the development. Water reticulation will be provided throughout the development by the developer in accordance with the requirements of Shoalhaven Water.

Endeavour Energy is able to supply the expected electrical demand through its existing network and through upgrades that will be funded by both the developer and Endeavour Energy. A new zone substation will likely need to be delivered at some stage in the future. Electrical reticulation infrastructure will be provided throughout the development by the developer in accordance with the requirements of Endeavour Energy.

Waste services will not be a constraint to development proceeding.

Telecommunications will not be a constraint to development as Government compliant telecommunications providers will supply the necessary services to the development.

Gas services will not be a constraint to development as they are non-essential service and will likely be supplied in bottle form by local gas retailers.

Other local and regional infrastructure will be provided by Council under the current Section 7.11 Development Contributions Plan for the area.

4.20. Noise Assessment

A key design feature of the revised Concept Plan is to minimise potential road traffic noise impacts for future residents. The Proposal does this by retaining a large natural vegetation buffer up to 200m wide at the entry point at Culburra Road which will then transition to an existing zero setback in the town centre. It is noted that vehicle speed and associated noise from Culburra Road will also transition to lower noise levels as vehicle speed decreases in this area. Medium density and integrated housing/dwelling in proximity to Culburra Road will also be setback from the road to mitigate road noise impacts which can be assessed in further detail in subsequent future DAs to allow subdivision of this land.

4.21. Ecologically Sustainable Development Assessment

The Proposal incorporates a raised benchmark for stormwater quality management and ESD outcomes which are greater than current methods applied to development in this area and generally the Shoalhaven as a whole. Further, the Proposal has the ability to include various measures aimed at minimising energy and water consumption and is considered to be consistent with the objectives of ESD. The Proposal is on a north facing slope and will harvest and reuse most stormwater over the Site.

ESD site principles are based on working towards achieving development design outcomes which primarily focus on residential development which consists much of the Proposal for both now and in the future, and in a way that maintains the ecological processes on which life depends. Where appropriate, ESD outcomes are identified for potential future users of the commercial and industrial land however, this assessment allows for flexibility as the final land use is not known at this time.

Specific ESD treatment will focus on the following design outcomes which are detailed in the Ecologically Sustainable Development Assessment provided as **Appendix 31**

- Water sensitive urban design;
- Built form design;
- Landscape Design; and
- Fossil Fuel Energy reduction.

4.22. Economic & Social Impact Assessment

The Proposal provides both economic and social benefits in relation to its associated commercial, industrial and residential outcomes.

The accompanying Economic Impact Assessment (**Appendix 32**) concludes that the Proposal will make a significant contribution to the local Shoalhaven economy. The development of 384 new dwellings alone is expected to generate an additional \$31.9 million in household expenditure - much of which will be directed to the Culburra Beach township, supporting local business and improving its vitality.

Furthermore, the Proposal will facilitate broader business growth in Culburra Beach through the provision of additional industrial land in a period of significant demand. Over time, the Proposal will facilitate a small expansion of the Culburra Beach Town Centre with uses that are complimentary to the existing township. In summary, the Proposal is concluded to exhibit economic merit and has the ability to immediately contribute to the local Shoalhaven economy and improve the vitality of the Culburra Beach Town Centre

Further analysis of the Proposal indicates an estimated **CIV** of more than \$26 million (**Appendix 4**).

Socially, the Proposal will generate an increase of community facilities and community building/connection outcomes. These outcomes will come from provision of a sportsground, maintained parklands, foreshore shared path, new town centre living opportunities which are aimed at generating both social cohesion and community ownership (i.e. sporting clubs, parkcare / bushcare groups, Chamber of commerce, etc). The subdivision layout also promotes 'safer by design' principles and opportunities for passive surveillance from the public for the streetscape, sportsground and parkland area.

Whilst this assessment has not specifically addressed the design considerations within the *Heart Foundation's Healthy by Design: a planner's guide to environments for active living*, the revised Concept Plan has incorporated the suggested optimal design approaches that encourages active living in the areas of providing:

- Walking & cycling routes
- Streets
- Local destinations
- Open space
- Public transport (links to new route opportunities)
- Embellished parklands and sportsground
- Fostering community spirit

4.23. Height of Buildings Assessment

As outlined in **Section 3**. and **Figure 10**, to enable urban consolidation and strengthening of the town, the Proposal makes use of SSD provisions, being Clause 4.38 (3) under Part 4 Division 4.7 of the EP&A Act which allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument. This provision is applied to allow residential development to occur on some business and industrial use land with appropriate height of buildings restrictions.

To be consistent with the surrounding development context, the following proposed height of buildings limits should be applied to the site and are shown in **Figure 19 & Appendix 33**:

Town Centre Expansion – height of buildings up to a limit of 11m.

Such a height of buildings limit is consistent with the built form limits to the east and south of the site.

Industrial Centre Expansion – height of buildings limit of 11m

Such a height of buildings limit is consistent with the built form limits of the existing industrial centre that the site surrounds.

New Residential Area – height of buildings limit of 8.5m

Such a height of buildings limit is consistent with the built form limits of existing residential development in Culburra Beach which is on a sloping site that naturally facilitates solar access and associated views.

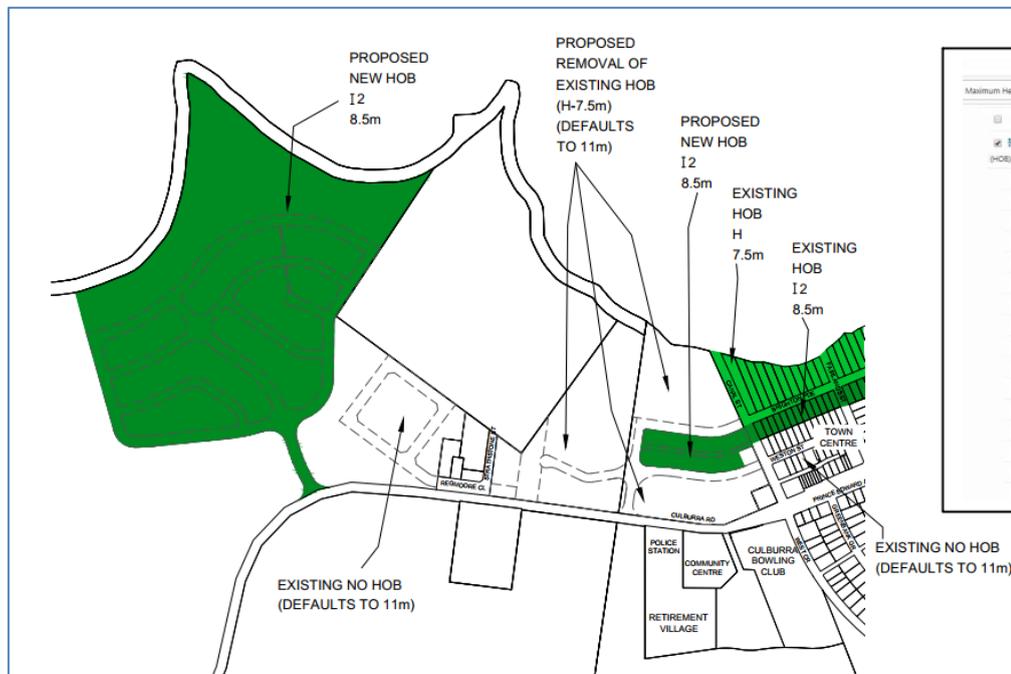


Figure 20 – Proposed Maximum Height of Buildings for the Site

5. Consultation

5.1. DGRs For Consultation

In accordance with the DGRs, the project team over several years has carried out consultation with the following stakeholders (note -some government agency titles may have changed since issue of the DGRs in 2010):

- Commonwealth Department of the Environment, Water, Heritage and the Arts;
- Shoalhaven City Council;
- Shoalhaven Water;
- Department of Environment and Climate Change and Water;
- Department of Industry and Investment (Aquatic Habitat Protection);
- NSW Rural Fire Service;
- NSW Office of Water;
- Roads and Traffic Authority;
- State Emergency Service;
- Land and Property Management Authority;
- Department of Health;
- Department of Education and Training;
- The Southern Rivers Catchment Management Authority;
- Jerringa Local Aboriginal Land Council and other Aboriginal community groups;
- Integral Energy;
- Shoalhaven Shellfish Quality Assurance Program; and
- Public.

Evidence of this consultation and correspondence is demonstrated on the following agency assessment websites:

NSW Independent Planning Commission – West Culburra Concept Plan

<https://www.ipcn.nsw.gov.au/projects/2018/06/west-culburra-concept-Proposal>

NSW Planning & Environment – Major Projects Assessment – West Culburra Mixed Use Subdivision – SDD 3846

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8674

Further evidence of consultation was provided in the EA and applicant response submissions related to the previous Concept Plan.

6.Planning Controls

6.1. Environmental Planning and Assessment Act, 1979

6.1.1 Section 1.3 - Objects of the EP&A Act

Table 4 provides an assessment of the Proposal’s consistency with Section 1.3 of the EP&A Act.

Table 4 – Assessment of Object of the EP&A Act

Object of the EP&A Act	Assessment	Consistent
(a) <i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</i>	The Proposal will make use of urban zoned land for purposes of expanding the Culburra Beach township and to service the growing land use demand. The Proposal will not result in adverse stormwater impacts and will improve the social and economic welfare of the community and surrounds.	Yes
(b) <i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The Proposal has the ability to include various measures aimed at minimising energy and water consumption and is considered to be consistent with the objectives of ecologically sustainable development. The Proposal is on a north facing slope and will harvest and reuse most stormwater (Appendix 15).	Yes
(c) <i>To promote the orderly and economic use and development of land,</i>	The site is generally zoned for the land use purposes as shown in the revised Concept Plan and will consolidate and strengthen the existing Culburra Beach township. The Proposal will be delivered over several years and the related future development is compatible with the surrounding land uses. In this regard, the Proposal will result in the orderly and economic development of the land.	Yes
(d) <i>To promote the delivery and maintenance of affordable housing,</i>	This object is not applicable as it proposes a concept subdivision plan. However, the outcome of future subdivision has the potential to promote the delivery and maintenance of affordable housing.	Not Applicable
(e) <i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The revised Concept Plan results in an urban extension adjacent to the existing town centre and industrial centre while providing a new residential for the township of Culburra Beach. The Proposal will not give rise to adverse impacts upon threatened or vulnerable flora or fauna and the appropriate biodiversity offsets will be provided (Appendix 20 & 21).	Yes
(f) <i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Both Aboriginal and European Heritage Impact Assessments have been prepared to inform the Proposal. There are no heritage items that are adversely impacted by the Proposal (Appendix 17, 18 & 19).	Yes
(g) <i>To promote good design and amenity of the built environment,</i>	The revised Concept Plan (Appendix 1) has been designed to achieve optimum use of the site and will harvest and reuse most of stormwater on a north facing slope.	Yes

Object of the EP&A Act	Assessment	Consistent
(h) <i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	This object is not applicable as it proposes a concept subdivision plan. However, the outcome of future subdivision will enable proper construction and maintenance of buildings, including the protection of the health and safety of their occupants. Future buildings will be designed in accordance with Australian Standards and the Disability Discrimination Act.	Not Applicable
(i) <i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, and</i>	The Proposal has been assessed against the various government statutes and local policies and has involved consultation with relevant levels of government.	Yes
(j) <i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	The proponent has actively engaged with relevant government agencies and the local community in regard to the Proposal (Section 5 of this EIS). Further consultation will be undertaken during the assessment of future subdivisions on the site as per the statutory assessment process.	Yes

6.1.2 Section 1.7 – Application of Part 7 of BC Act 2016 and Part 7A of FM Act 1994

Section 1.7 states that this Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (**BC Act**) 2016 and Part 7A of Fisheries Management Act 1994 (**FM Act**) that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

The BC Act is addressed in **Section 6.2** and the FM Act is addressed in **Section 6.3** of this EIS.

6.1.3 Division 7 - State Significant Development

Table 5 provides an assessment against SSD as defined under Division 4.7 of the Environmental Planning and Assessment (EP&A) Act 1979.

Table 5- SDD Assessment

Section / Requirement	Assessment
4.36 Development that is State significant development(cf previous s 89C)	
(1) For the purposes of this Act, State significant development is development that is declared under this section to be State significant development.	Noted. Concept Plan already declared SSD.
(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.	Noted. Concept Plan already declared SSD.
(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development. Editorial note. For orders under this subsection, see the Historical notes at the end of this Act.	Noted. Concept Plan already declared SSD.
(4) A State environmental planning policy that declares State significant development may extend the provisions of	Noted. Concept Plan already declared SSD. Subsection (3) has

Section / Requirement	Assessment
the policy relating to that development to State significant development declared under subsection (3).	not been used to declare SSD.
Note. See section 5.12(6) and (7) in relation to development that is, but for those provisions, both State significant development and State significant infrastructure.	Not applicable. Section 5.12(6) and (7) relates only to development that is State significant infrastructure.
4.37 Staged State significant development (cf previous s 89D)	
If a concept development application is made in respect of State significant development—	
(a) the consent authority may determine that a subsequent stage of the development is to be determined by the relevant council as consent authority, and	Upon receiving Concept Plan consent, Shoalhaven City Council will become the consent authority for subsequent subdivision consents, . if so determined by the consent authority for the revised Concept Plan.
(b) that stage of the development ceases to be State significant development and that council becomes the consent authority for that stage of the development.	Upon receiving Concept Plan consent, Shoalhaven City Council will become the consent authority for subsequent staged subdivision consents, if so determined by the consent authority for the revised Concept Plan..
4.38 Consent for State significant development(cf previous s 89E)	
(1) The consent authority is to determine a development application in respect of State significant development by—	
(a) granting consent to the application with such modifications of the proposed development or on such conditions as the consent authority may determine, or	Either the State Government or LEC will determine this Concept Plan under SSD with supporting consent conditions .
(b) <u>refusing consent to the application.</u> Note. Section 380AA of the Mining Act 1992 provides that an application in respect of State significant development for the mining of coal can only be determined if it is made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned.	Noted.
(2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.	The Concept Plan overall is mostly consistent with permissible land zoning requirements.
(3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.	The Concept Plan overall is mostly consistent with permissible land zoning requirements.
(4) If part of a single proposed development that is State significant development requires development consent to be carried out and the other part may be carried out without development consent—	Not applicable. The whole Concept Plan requires development consent.
(a) Division 5.1 does not apply to that other part of the proposed development, and	Not Applicable. Division 5.1 (Environmental Impact Assessment) is still required to support the

Section / Requirement	Assessment
	Concept Plan.
(b) that other part of the proposed development is taken to be development that may not be carried out except with development consent.	Not Applicable. The whole Concept Plan requires development consent.
(5) A development application in respect of State significant development that is wholly or partly prohibited may be considered in accordance with Division 3.5 in conjunction with a proposed environmental planning instrument to permit the carrying out of the development. The Planning Secretary may (despite anything to the contrary in section 3.32) undertake the functions of the planning proposal authority under Part 3 for a proposed instrument if it is initiated for the purpose of permitting the carrying out of the development (whether or not it contains other provisions).	Noted.
(6) If the determination under section 3.34 (Gateway determination) for a planning proposal declares that the proposed instrument is principally concerned with permitting the carrying out of State significant development that would otherwise be wholly prohibited—	
(a) the proposed instrument may be made only by the Independent Planning Commission under a delegation from the Minister, and	Not Applicable. The Concept Plan does not form part of a Planning Instrument amendment.
(b) the development application for the carrying out of that development may be determined only by the Independent Planning Commission under a delegation from the Minister.	Not Applicable. The Concept Plan does not form part of a Planning Instrument amendment (Gateway determination).
4.39 Regulations—State significant development(cf previous s 89G)	
In addition to any other matters for or with respect to which regulations may be made under this Part, the regulations may make provision for or with respect to the procedures and other matters concerning State significant development, including the following—	
(a) the environmental impact statements to accompany development applications in respect of State significant development,	Noted.
(b) the requirements for the preparation of those environmental impact statements, including consultation requirements with respect to government agencies and other affected persons,	Noted.
(c) the making of orders under section 4.36(3) declaring specified development to be State significant development,	Noted. Minister may declare SSD. Concept Plan already declared SSD.
(d) the making of information publicly available relating to development applications in respect of State significant development and the determination of those applications,	Noted.
(e) requiring applicants to provide responses to submissions made on development applications in respect of State significant development.	Noted. The applicant to date has provided responses to submissions made on the Concept Plan.
4.40 Evaluation of development application (s 4.15)(cf previous s 89H)	

Section / Requirement	Assessment
Section 4.15 applies, subject to this Division, to the determination of the development application.	Noted.
4.41 Approvals etc legislation that does not apply (cf previous s 89J)	
(1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—	
(a) (Repealed)	Noted.
(b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,	Noted. After achieving SSD consent, the following permits do not apply: <ul style="list-style-type: none"> • Section 201 - dredging or reclamation. • Section 205- Exemptions for a specific activity, etc. • Section 219 - Passage of fish not to be blocked
(c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,	Noted. The site is not identified to be impacted the Heritage Act 1977.
(d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,	Noted. After achieving SSD consent, an Aboriginal heritage impact permit does not apply.
(e) (Repealed)	Noted.
(f) a bush fire safety authority under section 100B of the Rural Fires Act 1997,	Noted After achieving SSD consent, further Bushfire Authority Assessment does not apply.
(g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.	Noted After achieving SSD consent, the following permits do not apply: <ul style="list-style-type: none"> Section 89 – Water use approvals. Section 90 – Water management work approvals. Section 91 – Activity Approvals.
(2) Division 8 of Part 6 of the Heritage Act 1977 does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.	Noted. The site is not identified to be impacted the Heritage Act 1977.
(3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.	Noted.
4.42 Approvals etc legislation that must be applied consistently (cf previous s 89K)	
(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent	

Section / Requirement	Assessment
under this Division and is to be substantially consistent with the consent—	
(a) an aquaculture permit under section 144 of the Fisheries Management Act 1994,	Not applicable. Section 144 refers to Aquaculture prohibited except in accordance with a permit.
(b) an approval under section 15 of the Mine Subsidence Compensation Act 1961,	Not applicable. No mining potential of the site identified.
(c) a mining lease under the Mining Act 1992, Note. Under section 380A of the Mining Act 1992, a mining lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.	Not applicable. No mining potential of the site identified.
(d) a production lease under the Petroleum (Onshore) Act 1991, Note. Under section 24A of the Petroleum (Onshore) Act 1991, a production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.	Not applicable. No petroleum potential of the site identified.
(e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act),	Noted.
(f) a consent under section 138 of the Roads Act 1993,	Noted.
(g) a licence under the Pipelines Act 1967.	Noted.
(2) This section does not apply to or in respect of—	
(a) an application for the renewal of an authorisation or a renewed authorisation, or	Not applicable.
(b) an application for a further authorisation or a further authorisation following the expiry or lapsing of an authorisation, or	Not applicable.
(c) in the case of an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997—any period after the first review of the licence under section 78 of that Act.	Noted.
(3) A reference in this section to an authorisation or development consent includes a reference to any conditions of the authorisation or consent.	Noted
(4) This section applies to a person, court or tribunal that deals with an objection, appeal or review conferred on a person in relation to an authorisation in the same way as it applies to the person giving the authorisation.	Noted. The Concept Plan is currently subject of a Court process.
4.43 This Division prevails (cf previous s 89L)	
The provisions of this Division, the regulations under this Division and any other provisions of or made under this Act with respect to State significant development prevail to the extent of any inconsistency with any other provisions of or made under this Act relating to development to which this Part applies.	Noted.

In accordance with Clause 4.38 (3), this Proposal makes use of SSD provisions which allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.

6.2. Threatened Species Conservation Act 1995

The NSW Threatened Species Conservation (TSC) Act 1995 identifies and protects native plants and animals in danger of becoming extinct. The Act also provides for species recovery and threat abatement programs.

The TSC Act amends the EPA Act and the National Parks & Wildlife Act and requires for development applications the need to address certain matters with respect to threatened species and their habitats.

The TSC Act continues to apply to the revised Concept Plan because the application for Concept Plan approval was lodged in 2010 before commencement of the BC Act.

In accordance with the above requirements, SLR Consulting Australia has prepared an Ecological & Riparian Issues & Assessment Report (**Appendix 20**) which addressed flora and fauna assessment and relates to the previous Concept Plan. The report concludes that no threatened plants or animal species are impacted by the Concept Plan.

An updated Biodiversity Offset Assessment for the revised Concept Plan (**Section 4.13 & Appendix 21**) has been undertaken. The assessment concludes that all ecosystem credits required for the revised Concept Plan can be met by credits already registered and owned by Sealark Pty Ltd and available at the Lake Wollumboola Biobank Site.

6.3. Environmental Protection and Biodiversity Conservation Act 1999

Part 3 Division 1 Subdivision C of the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* provides, amongst other things, that a person must not take an action that has, will have or is likely to have a significant impact on:

- a listed threatened species included in the extinct in the wild, critically endangered, endangered or vulnerable categories; or
- a listed threatened ecological community included in the critically endangered or endangered categories;

The site does not contain any listed threatened species or listed threatened ecological community under the EPBC Act and the Application does not trigger the above requirements.

The Proposal is not likely to have a significant impact on any matter of national environmental significance and a referral is not proposed to be made under the EPBC Act.

6.4. Heritage Act 1977

The *Heritage Act 1977* contains provisions relating to the protection of items of State heritage significance or items of potential significance.

Section 57 relates to items listed in the State Heritage Register or to which an interim heritage order applies and development relating to such items triggers the integrated development provision of the EP&A Act.

There are no such heritage items identified on the Site. Further, it is recognised that approval for this SSD Application does not trigger the above requirements.

6.5. National Parks and Wildlife Act 1974

The *National Parks and Wildlife (NPW) Act 1974* contains provisions relating to the protection of native terrestrial fauna, flora and Endangered Ecological Communities (EEC) and contains the primary statutory controls relating to Aboriginal heritage in NSW.

Section 90 of the NPW Act requires an AHIP to be granted by OEH for any works likely to impact on an Aboriginal Place or Aboriginal object.

It is recognised that approval for this SSD Application does not trigger the above requirements because it is not anticipated that the Proposal will impact on any Aboriginal objects / heritage items. The applicant intends to further consult with the registered Aboriginal parties for the preparation of the Aboriginal cultural heritage management plan as part of the project development applications should the revised Concept Plan application be approved.

6.6. Water Management Act 2000

The object of the *Water Management Act 2000* is for the “sustainable and integrated management of the State's water for the benefit of both present and future generations”.

Part 3 of Chapter 3 of the Act relates to Approvals and *Section 91(2)* requires a ‘controlled activity approval’ (CAA) for works at a specified location in, on or under ‘waterfront land’.

Pursuant to *Section 89J(1)(g)* of the EP&A Act, granting of development consent to an SSD exempts a proponent from the requirement to obtain a CAA.

Section 91(3) requires an ‘aquifer interference approval’ (AIA) for an aquifer interference activity. Granting of development consent to an SSD does not exempt a proponent from the requirement to obtain an AIA.

The proposed development does not include excavation to levels which would expose or alter the groundwater table, therefore it is considered unlikely that the Proposal would intersect any aquifer and accordingly, an AIA is not required.

It is recognised that approval for this SSD Application does not trigger the above requirements.

6.7. Roads Act 1993

Section 138(1) of the *Roads Act 1993* relates to works associated with public roads and provides that a person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.”

The Site is situated adjacent to Culburra Road, Canal Street Regmoore Close, Strathstone Street which are all public roads. The Proposal requires modifications to all these public roads.

Council is the relevant roads authority for these roads for the purposes of the *Roads Act 1993* and it is expected that the final design of these road modifications will be resolved with Council as part of subsequent future DAs to achieve subdivision of the Site.

In addition, pursuant to Section 4.42 of the EP&A Act, should development consent be granted to an SSD, consent under Section 138 cannot be refused if it is necessary for carrying out of the development and must be substantially consistent with the SSD development consent.

6.8. Rural Fires Act 1997

Section 100B of the *Rural Fires Act 1997* requires authorisation in respect of bushfire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes

An accompanying Bushfire Protection Assessment is provided and demonstrates how proposal meets requirements of Planning for Bushfire Protection 2006 and 2019.

It is recognised that approval for this SSD Application does not require further bushfire approval.

6.9. Fisheries Management Act 1994

Part 7A, Division 12 of the Fisheries Management Act 1984 (NSW) sets out provisions related to the grant or refusal of a development consent under Part 4 of the EP&A Act (other than a complying development certificate) which are relevant to the Proposal. Specifically, Clause 221ZW applies to an application for development consent under Part 4 of the EP&A Act for SSD.

Clause 221ZW (1) and (1) set out the following requirements:

(1) If proposed development is likely to significantly affect threatened species, populations or ecological communities, an application for development consent under Part 4 of the Planning Act is to be accompanied by a species impact statement.

(2) This section does not apply to State significant development.

The Proposal does not demonstrate a significant effect on the aquatic environment and as it is recognised that approval for this SSD Application it does not trigger the above requirements.

6.10. Environmental Planning Instruments

The following subsections assess relevant Environmental Planning Instruments that were effective at time of the application was lodged (and as required by the DGRs) and applicable today.

6.10.1 State Environmental Planning Policy Summary

SEPPs relevant to the Concept Plan are indicated in **Table 6** and summarised in the following subsections.

Table 6 – SEPP Summary

SEPPs relevant to the Site	Relevant to Proposal
No 14 - Coastal Wetlands	* Explained below
No 21—Caravan Parks	x
No 33—Hazardous and Offensive Development	x
No 36—Manufactured Home Estates	x
No 50—Canal Estate Development	x
No 55—Remediation of Land	✓
No 62 – Sustainable Aquaculture	✓
No 64—Advertising and Signage	x
No 65—Design Quality of Residential Apartment Development	x

SEPPs relevant to the Site	Relevant to Proposal
No 70—Affordable Housing (Revised Schemes)	✘
No 71- Coastal Protection	✓
Affordable Rental Housing 2009	✘
Building Sustainability Index: BASIX 2004	✘
Coastal Management 2018	✘ Explained below
Concurrences and consents 2018	✘
Educational Establishments and Child Care Facilities 2017	✘
Exempt and Complying Development Codes 2008	✘
Housing for Seniors or People with a Disability 2004	✘
Infrastructure 2007	✘
Koala Habitat Protection 2019	✘ Explained below
Major Development 2005	✘ Explained below
Mining, Petroleum Production and Extractive Industries 2007	✘
Primary Production and Rural Development 2019	✘ Explained below
State and Regional Development 2018	✘ Explained below

6.10.2 SEPP No.14 – Coastal Wetlands

SEPP 14 does not apply to the Application as the Proposal is not within the mapped area. However, given the proximity of the Site to wetlands which are mapped under SEPP 14, the EIS, and, in particular, the water cycle management assessment and aquatic ecology assessments have taken into account the matters of consideration in SEPP 14 in assessing the revised Concept Plan.

Whilst now repealed and relevant at time of Concept Plan lodgement, the aims of SEPP 14 are to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.

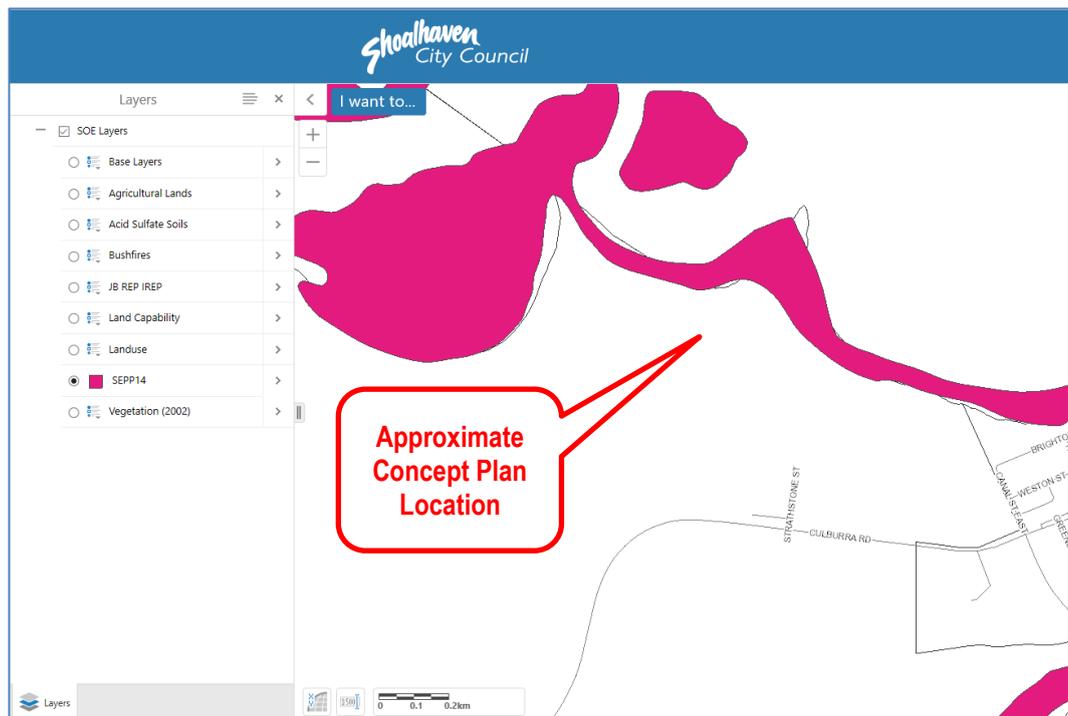


Figure 21 – Mapped SEPP No. 14 Wetlands (Source, SCC interactive mapping)

6.10.3 SEPP No.55 – Remediation of Land

SEPP 55 applies to the Application and relates to remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

The State Government publication *Managing Land Contamination: Planning Guidelines* sets out the process for consideration of land contamination. Based on an initial consideration of known historical land uses, the guidelines may require, in certain circumstances, one or more of the following steps:

- A Preliminary Investigation – where contamination is likely to be an issue;
- A Detailed investigation – where a Preliminary Investigation highlights the need for further detailed investigations or where it is known that the land is likely to be contaminated and/or that the proposed use would increase the risk of contamination;
- A Remedial Action Plan (RAP) – to set the objectives and process for remediation;
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

Preliminary investigations note the site has possibly been used for grazing and some bulky waste items and a few stockpiles of soil were identified by a site walkover inspection (**Section 4.16 Appendix 24**) but do not represent widespread site contamination. Subject to the appropriate management of the identified stockpiles, dumped vehicles and any other such areas, the site is considered suitable for residential purposes.

6.10.4 SEPP No. 62 – Sustainable Aquaculture

SEPP 62 applies to the Application and water cycle management treatments have been designed in line with this SEPP. The IWCMS concludes that the Proposal does not have an adverse impact on the water quality of Lake Wollumboola, the Crookhaven River / Curleys Bay and appropriate stormwater management regime supports the proposal.

Whilst now repealed and relevant at time of Concept Plan lodgement, the aims and objectives of this SEPP are:

- (a) to encourage sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced, and*
- (b) to make aquaculture development permissible in certain zones under the Standard Instrument, as identified in the NSW Land Based Sustainable Aquaculture Strategy, and*
- (c) to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria), and*

- (d) to establish a graduated environmental assessment regime for aquaculture development based on the applicable level of environmental risk associated with site and operational factors (including risks related to climate change, in particular, rising sea levels), and
- (e) to apply the Policy to land-based aquaculture development and oyster aquaculture development in the State and to include facility for extension of the Policy to natural water-based aquaculture.

Clause 15C of the SEPP states that;

“A consent authority may refuse to grant consent to development:

- (a) *if it is satisfied that the development will have an adverse effect on, or impede or be incompatible with:*
 - i. *any oyster aquaculture development that is being carried out (whether or not within a priority oyster aquaculture area), or*
 - ii. *any oyster aquaculture development that may in the future be carried out within a priority oyster aquaculture area, or*
- (b) *if it is not satisfied that appropriate measures will be taken to avoid or minimise any such adverse effect, impediment or incompatibility.”*

The Proposal has been designed to be consistent with the above aims and objectives as outlined **Appendix 15** - Integrated Water Cycle Management Strategy and **Appendix 22** - Ecological & Riparian Issues & Assessment Report.

6.10.5 SEPP No. 71- Coastal Protection.

This SEPP does apply to the Application and the Proposal is consistent with the aims of the SEPP as outlined below. Whilst now repealed and relevant at time of Concept Plan lodgement, the aims of SEPP 71 are outlined below in **Table 7** with supporting assessment:

Table 7 - Assessment of SEPP 71 aims

Aim	Assessment
(a) to protect and manage the natural, cultural recreational and economic attributes of the New South Wales coast;	A key objective of the proposal is to facilitate growth of the Culburra Beach township and to increase associated economic attributes while protecting and managing the wide range of recreational and cultural opportunities available. The revised Concept Plan footprint has been developed to protect significant natural and cultural attributes on and/or near this site.
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore;	The Proposal includes an approximate 1.8 km foreshore cycle/walkway between Canal Street East and the western boundary of the site. The alignment of the cycle/walkway will be placed to avoid damaging several clusters of aboriginal middens and areas of significant foreshore ecology. Subject to further consultation with the local Aboriginal community interpretive signs will be considered and incorporated into the cycle/walkway at key points.

Aim	Assessment
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore;	See (b) above.
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge;	See (b) above.
(e) to ensure that the visual amenity of the coast is protected;	The Proposal has no direct access to the coast. The Proposal has frontage to the Crookhaven River and Curleys Bay. The visual amenity of these areas will be protected by retaining a minimum 100m wide foreshore vegetation buffer.
(f) to protect and preserve beach environments and beach amenity;	No beaches will be affected by the Proposal because the site is inland from the coast. The immediate adjacent Crookhaven River and Curleys Bay have no obvious beaches nor sand bars.
(g) to protect and preserve native coastal vegetation;	There is no coastal vegetation on or near the Site. The adjacent Crookhaven River and Curleys Bay have estuarine mangroves and saltmarsh swamps that will be protected by retaining a minimum 100m wide foreshore vegetation buffer.
(h) to protect and preserve the marine environment of New South Wales;	The waters of both the Crookhaven River and Curleys Bay are tidal and saline. There are extensive oyster beds in the Crookhaven estuary. The surface drainage / stormwater system has been designed to ensure that the marine environment is protected.
(i) to protect and preserve rock platforms;	There are some rock platforms along the foreshore of the Crookhaven River. These will be protected to ensure they are not affected by the Proposal and are within the minimum 100m wide foreshore vegetation buffer.
(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991);	The Proposal has been prepared following a careful analysis of the possibility of any threats of irreversible damage being caused to the adjacent estuarine environment.
k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area;	The type and scale of development proposed is considered appropriate for the location. The Proposal aims to expand the Culburra Beach township by urban consolidation and strengthening around the existing town centre and industrial centre.

Aim	Assessment
	The height of likely future development is proposed below the tree line / foreshore reserve buffer so that the buildings will be not be easily seen from any coastal location.
(l) to encourage a strategic approach to coastal management.	The Proposal is in accordance with the strategic approach to coastal management as outlined in the <i>South Coast Strategy</i> , the <i>Jervis Bay Settlement Strategy</i> and the <i>Coastal Design Guidelines for New South Wales</i> .

6.10.6 SEPP (Coastal Management) 2018

This SEPP does not apply to the Application as the Proposal is not required to address this SEPP owing to the transition clause (cl21) and the relevant SEPPs applicable at time of Concept Plan lodgement.

The aim of this SEPP is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

6.10.7 SEPP (Koala Habitat Protection) 2019

This SEPP does not apply to the Application as the Proposal is not required to address this SEPP owing to the transition clause (cl15) and the relevant SEPPs applicable at time of Concept Plan lodgement.

The SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

6.10.8 SEPP (Major Development) 2005

This SEPP does not apply to the Application due to transitional provisions under Clause 24 (1) of SEPP (State and Regional Development) 2018. Previously the Application was declared as a major project under Clause 1(1)(b) of Schedule 2 of SEPP (Major Development) 2005 before being transitioned to SSD in 2015 under Part 4 Division 4.7 of the EP&A Act, where it remained a Concept Plan.

The aims of this Policy are as follows:

- (a), (b) *(Repealed)*

(c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,

(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

(e), (f) (Repealed)

6.10.9 SEPP (Primary Production and Rural Development) 2019

This SEPP does not apply to the Application as the Proposal is not required to address this SEPP owing to the transition clause (c19) and the relevant SEPPs applicable at time of Concept Plan lodgement.

The aims of the SEPP are as follows—

(a) to facilitate the orderly economic use and development of lands for primary production,

(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,

(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,

(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,

(e) to encourage sustainable agriculture, including sustainable aquaculture,

(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,

(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

6.10.10 SEPP (State and Regional Development) 2018

This SEPP does not apply to the Application due to transitional provisions under Clause 24 (1) as the Application was declared as a major project under Clause 1(1)(b) of Schedule 2 of SEPP (Major Development) 2005.

The aims of this SEPP are as follows:

(a) to identify development that is State significant development,

(b) to identify development that is State significant infrastructure and critical State significant infrastructure,

(c) to identify development that is regionally significant development.

6.10.11 Shoalhaven Local Environmental Plan 1985

Table 8 provides a summary assessment of the Proposal against the relevant provisions of the SLEP 1985.

Table 8 - Assessment Against Relevant SLEP 1985 Provisions

Clause / Provision	Assessment
Part 1 Preliminary	
<p>2. Aims, objectives etc</p> <p>(1) The aims of this plan are—</p> <p>(a) to provide guidelines in accordance with the objects of the Act for orderly and timely development and management of land use in the City,</p> <p>(b) to enhance individual and community well-being and welfare by following a path of economic development that does not impair the welfare of future generations, and</p> <p>(c) to work towards an ecologically sustainable future through the proper management, development, protection, restoration, enhancement and conservation of the environment of the City.</p>	<p>The Proposal is consistent with these aims and demonstrates timely development, economic to benefit future generations, and ecologically sustainable development.</p>
<p>(2) The objectives of this plan are—</p> <p>(a) to provide for a variety of residential life styles,</p> <p>(b) to ensure space is provided for community services and facilities as well as recreational activities,</p> <p>(c) to enable a variety of commercial uses while consolidating existing commercial centres,</p> <p>(d) to enable accommodation of industrial uses,</p> <p>(e) to ensure that the council gives due regard to the effect of natural hazards upon development,</p> <p>(f) to ensure that development and expansion of coastal villages are sympathetic to the coastal environment,</p> <p>(g) to maintain the agricultural use of prime crop and pasture land by minimising development which has an adverse and irreversible impact on the land's agricultural potential,</p> <p>(h) to protect heritage items,</p> <p>(i) to provide a safe and efficient transport network connecting land use activities inside and outside the City,</p> <p>(j) to encourage the provision of adequate community facilities and services,</p> <p>(k) to ensure the social amenity and well-being of the City,</p> <p>(l) to provide the most appropriate public utility services in the most effective manner,</p> <p>(m) to encourage appropriate forms of tourism which are sensitive to and compatible with the natural and cultural environments of the City,</p> <p>(n) to maintain the rural character of non-urban areas,</p> <p>(o) to ensure the protection of important natural and cultural environments,</p> <p>(p) to protect and enhance scenic and landscape qualities,</p> <p>(q) to ensure that the potential for winning extractive and mineral resources, where appropriate, is not compromised by other forms of development,</p> <p>(r) to ensure that development achieves the water quality or river flow objectives of ground water, rivers, estuaries, wetlands and other water bodies,</p> <p>(s) to avoid, mitigate or remedy the adverse effects of development on the environment,</p> <p>(t) to minimise energy consumption and promote energy efficient design and appliance use,</p> <p>(u) to minimise potable water consumption and promote wastewater reuse as well as water saving designs and fittings,</p> <p>(v) to minimise waste generation and promote recycling and reuse of</p>	<p>The Proposal is not inconsistent with relevant objectives.</p>

Clause / Provision	Assessment
<p>materials, and (w) to minimise the clearing of native vegetation especially those local species which are poorly represented in conservation reserves.</p>	
Part 3 Special provisions	
<p>Division 1 Subdivision of land 9 Zone objectives and development control table</p> <p>2 (c) (Residential “C” (Living Area) Zone) 1 Objectives of zone The objectives are to provide for new residential areas with a range of housing types with provision for urban facilities to serve the local community.</p> <p>3 (f) (Business “F” (Village) Zone) 1 Objectives of zone The objectives are to provide for village retail and business development to serve the needs of the village community and which is compatible with the village environment.</p> <p>4 (a) (Industrial “A” (General) Zone) 1 Objectives of zone The objectives are— (a) to provide for a wide range of general industrial development, including warehousing, processing and general service industries, (b) to allow non-industrial uses which are ancillary to industry, (c) to allow for retailing of bulky goods, and (d) to allow other non-industrial uses that do not significantly compromise the existing or potential industrial development of the area.</p> <p>5 (a) (Special Uses “A” Zone) 1 Objectives of zone The objectives are to identify land for certain community facilities and services including areas for off-street parking in private ownership.</p> <p>7 (a) (Environment Protection “A” (Ecology) Zone) 1 Objectives of zone The objectives are— (a) to protect and conserve important elements of the natural environment, including wetland and rainforest environments, (b) to maintain the intrinsic scientific, scenic, habitat and educational values of natural environments, (c) to protect threatened species and habitats of endangered species, (d) to protect areas of high biodiversity value, and (e) to protect and enhance water quality in the catchment.</p>	<p>As outlined in Section 3. of this EIS, the Proposal is generally consistent with these land zone objectives. The use of SSD provisions for some prohibited land uses for residential use (i.e. dwelling-houses and dwellings) will provide a better town planning outcome which encourages more residential density around the business centre.</p>
<p>Division 4A Heritage conservation 20D Objectives The objectives of this plan in relation to heritage conservation are— (a) to identify and conserve the environmental heritage of the City of Shoalhaven, and (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and (d) to ensure that the heritage conservation areas throughout the City of Shoalhaven retain their heritage significance.</p>	<p>The Proposal is consistent with these heritage objectives and ensure that Aboriginal heritage items are conserved.</p>

6.11. Strategies / Policies / Guidelines

6.11.1 Illawarra Shoalhaven Urban Development Program (2018)

The *Illawarra-Shoalhaven Urban Development Program (ISUDP)* is the State Government's program for managing land and housing supply in the Illawarra. The Program monitors the planning, servicing and development for new urban areas in Wollongong, Shellharbour, Kiama and Shoalhaven as well as the provision of housing in existing urban areas. Whilst this report is a stand-alone document, it can also be read in conjunction with the Illawarra - Shoalhaven Regional Plan.

This report enables the DPIE to:

- Monitor take up rates, land supply and dwelling production;
- Coordinate release and rezoning of land; and
- Strategically plan to ensure the sustainable supply of housing to meet the Region's needs.

This report is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22.

The report recognises a number of planning processes are currently proceeding for the Culburra Beach investigation area that will resolve appropriate land use yields. Therefore, anticipated land use yields are pending determination of the revised Concept Plan and the ongoing Planning Proposal.

6.11.2 Illawarra – Shoalhaven Regional Plan (2015)

The *Illawarra – Shoalhaven Regional Strategy 2015 (ISRP)* recognises that the Shoalhaven Growth Management Strategy (**SGMS**) identifies the potential housing supply in the Shoalhaven. The SGMS identifies that significant new "greenfield" opportunities exist along the Shoalhaven coast and lists Culburra Beach to meet this supply and the capacity for 796 new dwellings at Culburra Beach.

The ISRP (at page 33) identifies that Councils are to plan for a mix of housing that suits the projected growth, changing demographics (such as an ageing population) and market demand particular to their area. The ISRP (at page 38) recognises that established and smaller release areas will add to the diversity of housing supply and references the Site.

The Proposal is consistent with the strategic direction of the ISRP and its design is to minimise urban development within the catchment of Lake Wollumboola and also minimise/avoid adverse impacts on the lake. The ISRP (at page 56) identifies that the Site contains land within the catchment of Lake Wollumboola which is ecologically significant hence the Proposal limits development in this catchment. The revised Concept Plan proposes no significant impacts from residential development on Lake Wollumboola.

6.11.3 South Coast Sensitive Urban Lands Review (2006)

The *South Coast Sensitive Urban Lands Review (SCSULR)* (at page ES4) identifies that “It would be appropriate for sufficient land within the Crookhaven River catchment, north of Culburra Road and immediately west of the Culburra Beach town centre to progress for urban development.” Figure 8 from page 33 of the SCSULR demonstrates these areas (as shown below in **Figure 21**) which the Proposal is largely consistent with.



Figure 22– SCSULR suggested land within the Crookhaven River for development

The SCSULR (Page ES14) identified some 95ha of land being appropriate for future development.

The SCSULR (at Page 20) identifies that, “Overall the Strategy identifies the potential for an additional 4,500 dwellings in existing zoned areas. This includes around 290 additional dwellings capacity in the existing zoned areas of Culburra Beach (excluding the area the subject of the Commission of Inquiry and excluding any estimate of additional infill from dual occupancy development) (p. 20). “ ...there appears to be sufficient existing zoned land in the Region to accommodate population growth for the next 5 years, up to 2008” (p92). The Strategy states the following in respect of Culburra Beach – “In the northern part of the region ... there will be a need for additional zoned land, given that the future of the Culburra Beach urban expansion area is unknown” (p92).

The Proposal is consistent with the SCSULR as it proposes higher residential densities closer to the existing town centre and minimises impacts to Lake Wollumboola catchment.

6.11.4 South Coast Regional Strategy (2006)

The sub regional context is set by the *South Coast Regional Strategy (SCRS)* and the local context is established using the Coastal Design Guidelines (discussed later in **Section 6.**).

The SCRS applies to the period 2006-31 and aims to establish a clear and certain land use plan for the South Coast. It embraces previous studies, such as the Jervis Bay Settlement Strategy. The Strategy also plans for an increase in population of 60,000 over the next 25 years; households are expected to be dominantly singles and childless couples (retirees) and encourages an appropriate mix of new housing.

The SCRS anticipates a supply of 45,000 new dwellings to meet anticipated demand from population growth. The Strategy plans for an estimated 26,000 new jobs in the region and notes the economic base is diversifying towards a wider range of service-oriented industries.

The Proposal responds to the new jobs estimated to be provided by the SCRS by proposing several sites for business, mix-use and industrial land use. The Proposal also responds to the Strategy's dwelling targets by proposing around 414 new dwellings which is a 19% increase on the existing dwelling stock at Culburra Beach (based on Australia Bureau of Statistic estimate of 2,134 existing dwellings in 2016). The Proposal is fully consistent with the aims of the South Coast Regional Strategy.

6.11.5 Shoalhaven Growth Management Strategy (Version 1)

The *Shoalhaven Growth Management Plan (SGMS)* identifies that 796 dwellings will be provided at Culburra Beach. In verifying this estimate for housing demand, Shoalhaven City Council's id.community forecast estimates that Culburra Beach will provide for at least an additional 378 dwellings by 2041. The revised Concept Plan is consistent with these findings and in recognition that the Site is the only available zoned land in close proximity to Culburra Beach to meet this predicted dwelling supply.

Further to the above, Shoalhaven City Council in its letter to the NSW Independent Planning Commission of 10 August 2018 made representation that the Culburra Beach area has long been identified as a potential growth area and a higher order centre that can support additional growth.

6.11.6 Jervis Bay Settlement Strategy (2002)

The *Jervis Bay Settlement Strategy (JBSS)* is a joint Shoalhaven City Council and Department of Infrastructure, Planning and Natural Resources statement intended to guide future settlement and planning of the region.

The JBSS makes several references to Culburra Beach, noting that there was a need to review land use zoning for urban development west of Culburra Beach following the findings of the Commission of Inquiry (COI) into the proposed 800 lot subdivision on Long Bow Point. The findings of this inquiry are summarised in the Strategy.

The JBSS describes Culburra Beach in the hierarchy of settlements in the Jervis Bay region as a town which is largely consistent with the SGMS. The recent opening of a Woolworths supermarket clearly moves Culburra Beach up to the scale of towns in the Shoalhaven context.

The Proposal is consistent with the JBSS and provides the land use mechanism to increase population and to potentially enhance the range of services and facilities at Culburra Beach.

6.11.7 NSW Oyster Industry Sustainable Aquaculture Strategy (2016)

The strategy applies to the NSW edible oyster aquaculture industry and the commercial cultivation of any species of edible oyster (eg. Sydney Rock Oyster, Native (flat) Oyster, Pacific Oyster). Subsequently, this strategy covers the Crookhaven River and Curleys Bay with the following objectives:

- *Identifies those areas within NSW estuaries where oyster aquaculture is a suitable and priority outcome;*
- *Secures resource access rights for present and future oyster farmers throughout NSW;*

- *Documents and promotes environmental, social and economic best practice for NSW oyster farming and ensures that the principles of ecological sustainable development, community expectations and the needs of other user groups are integrated into the management and operation of the NSW oyster industry;*
- *Formalises industry's commitment to environmental sustainable practices and a duty of care for the environment in which the industry is located;*
- *Provides a framework for the operation and development of a viable and sustainable NSW oyster aquaculture industry with a clear approval regime and up-front certainty for existing industry participants, new industry entrants, the community and decision makers;*
- *Identifies the key water quality parameters necessary for sustainable oyster aquaculture and establishes a mechanism to maintain and where possible improve the environmental conditions required for sustainable oyster production; and,*
- *Ensures that the water quality requirements for oyster growing are considered in the State's land and water management and strategic planning framework*

The Proposal has been designed to meet the water quality requirements of this Strategy and it is unlikely to have impact on the water quality of the Crookhaven River / Curleys Bay.

6.11.8 NSW Coastal Design Guidelines (2003)

The *NSW Coastal Design Guidelines* were used to shape the Proposal. The Guidelines are described as a framework for analysing and understanding coastal settlements. The Guidelines contains a series of local scale objectives which have been followed in the preparation of the Proposal.

The alignment and design of the land uses and streets in the Proposal are intended to achieve the primary aim of the Guidelines which is the re-enforcing of the street pattern. The street network is designed to facilitate movement through the new precincts to the bus route, to cycleways and walkways that connect to the town centre.

The location of the Proposal was determined after a long period of consultation with DOPI, DPIE and several consultation forums. The Site is a location where ecology, heritage, visual and urban values of the existing settlement and the surrounding context are not compromised. The western extension to the Culburra Beach township is mostly consistent with current land use zonings and where existing infrastructure (water and sewerage), roads, public transport and community facilities can support future development.

The Proposal complies with the Guidelines.

6.11.9 NSW Coastal Policy (1997)

The goals of the *NSW Coastal Policy* and the reporting of the ways in which this Proposal responds to the goals follows.

Goal 1. Protecting, rehabilitating and improving the natural environment of the coastal zone.

The Proposal has no direct impact on the coastal zone because all the areas to be developed are in excess of 1km of the coast. The stormwater treatment train is designed to re-use water on the parklands and sportsground which naturally drains towards the Crookhaven River and Curleys Bay and to ensure stormwater quality.

Goal 2. Recognising and accommodating the natural process of the coastal zone.

The Crookhaven River and Curleys Bay are both tidal and are protected from any ocean wave action therefore the foreshore will be subject to erosion through tidal movement, storm surges and the like. The foreshore could be affected by a rise in the level of seawater due to climate change. These factors influencing the foreshore have been taken into account when locating the cycle/walkways and the proposed urban development.

Goal 3. Protecting and enhancing the aesthetic qualities of the coastal zone.

The Proposal is outside the immediate coastal zone and will not be visible from the coastal zone.

The Proposal protects and conserves the mangrove fringe around the Crookhaven River and Curleys Bay with the minimum 100m wide foreshore reserve.

Goal 4. Protecting and conserving the cultural heritage of the coastal zone.

The clusters of Aboriginal middens along the shoreline of the Crookhaven River and Curleys Bay are to be protected and conserved in the 100m wide foreshore reserve. These middens (subject to further consultation with the local Aboriginal community) have the ability to be integrated into the foreshore cycle/walkway with associated information/interpretation panels.

Goal 5. Providing for ecologically sustainable development (ESD) and use of resources.

The Proposal satisfies all the ESD criteria. The Proposal will utilise surplus capacity in the existing water supply, sewage treatment plant and road system serving Culburra Beach. By promoting higher density residential development within walking distance of the town centre, the Proposal will contribute to reducing car dependency.

Goal 6. Providing for ecologically sustainable human settlement in the coastal zone.

The Proposal has been designed to minimise travel and maximise accessibility. The emphasis on the cycle/walkway network is intended to encourage non-car travel. The design of the new precinct includes roads which has the capacity to accommodate the Culburra Beach to Nowra bus service.

The favourable north-facing slopes provide excellent solar access and stormwater will be harvested and reused on site.

Goal 7. Providing for appropriate public access and use.

The waterfront cycle/walkway referred to above is a major community asset. It is anticipated that the foreshore reserve cycle/walkway will become a key attraction of the township, promoting community health and well-being for both residents and tourists.

Goal 8. Providing information to enable effective management of the coastal zone.

The provision of information and interpretation panels is considered an integral component of the foreshore reserve. It is considered that the higher level of community access to this area will increase community supervision and ownership of this area.

Goal 9. Providing for integrated planning and management of the coastal zone.

The Proposal provides integrated community benefits, ecological sustainability, and new housing and business for the Culburra Beach community.

The Proposal satisfies all the criteria of the NSW Coastal Policy 1997.

6.11.10 NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010)

The *NSW Coastal Planning Guideline: Adapting to Seas Level Rise* adopts the following six coastal planning principles for sea level rise adaptation and as outlined below has been considered in the Proposal design.

Principle 1 – Assess and evaluate coastal risks taking into account the NSW sea level rise planning benchmarks.

As outlined in the above assessment, the coastal risk of the Site has been assessed and determined to be low due to all proposed future development located away from direct exposure to coastal forces, out of the 2100 Flood Line and is protected by a minimum 100m side foreshore reserve.

Principle 2 – Advise the public of coastal risks to ensure that informed land use planning and development decision-making can occur.

Through refining the site options and the revised Concept Plan, the public has been informed via past consultation of the relatively low coastal risks of the related land use planning that provides for the western expansion of the Culburra Beach township.

Principle 3 – Avoid intensifying land use in coastal risk areas through appropriate strategic and land use planning.

As outlined in the above assessment, the Proposal is consistent with land use in coastal risk areas and is supported with both strategic and land use planning justifications.

Principle 4 – Consider options to reduce land use intensity in coastal risk areas where feasible.

As outlined in the above assessment, the Proposal has considered options to reduce land use intensity in coastal risk areas and no significant development is proposed in the Lake Wollumboola catchment.

Principle 5 – Minimise the exposure of development to coastal risks.

As outlined in the above assessment, the Proposal minimises the exposure of future development to coastal risks as the Site is not identified to be affected by any significant associated risks.

Principle 6 – Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.

As outlined in the above assessment, the Proposal where appropriate implements management responses and adaptation strategies such as the stormwater treatment train and re-use of this water onsite.

6.11.11 NSW Sea Level Rise Policy Statement (2009)

The *NSW Seas Level Rise Policy Statement* outlines how the NSW Government will assist coastal communities adapt to rising sea levels in a manner that minimises the resulting social disruption, economic costs and environmental impacts. The following outlines how the Proposal design is consistent with the following statements.

1. promoting an adaptive risk-based approach to managing the impacts of sea level rise

As outlined in the above assessment, risk-based management/assessment of the impacts of sea level rise has been considered in the Proposal and determined to be low. All proposed future development will be located away from direct exposure to coastal forces and out of the 2100 flood line.

2. providing guidance to local councils to support their sea level rise adaptation planning

The applicant has been working with both Council and State Government agencies with the intention to achieve a development outcome that has considered sea level rise adaptation planning.

3. encouraging appropriate development on land projected to be at risk from sea level rise

As outlined in the above assessment, risk-based management/assessment of the impacts of sea level rise has been considered in the Proposal and determined to be low. All proposed future development will be located away from direct exposure to coastal forces and out of the 2100 flood line.

4. continuing to provide emergency management support to coastal communities during times of floods and storms

The applicant has been working with both Council and emergency management agencies with the intention to achieve a development outcome that has considered requirements for flood and storm events.

5. continuing to provide up-to-date information to the public about sea level rise and its impacts.

Through refining the site options for the revised Concept Plan, the public has been informed in past consultation of the relatively low sea level risks of the related to the western expansion of the Culburra Beach township.

6.11.12 Healthy Estuaries for Healthy Oysters Guideline (2017)

The *Healthy Estuaries for Healthy Oysters Guideline* has the objective of providing 'councils, state government agencies, private landowners and developers with advice about how to ensure development in close proximity to estuaries is compatible with the requirements of oyster aquaculture'.

The Guideline was prepared to meet the requirements of Management Action 7 of the NSW Water Pollution Strategy, that being to develop and implement the adoption of best management practice guidelines or standards for specific land uses and industries that include diffuse source water pollution management principles.

Whilst the Guideline was released after the lodgement of the Concept Plan, the document remains one of the few guidelines which provide NSW State Government advice in respect of controlling development on land adjoining or draining to estuaries with oyster aquaculture. The revised Concept Plan, and associated accompanying assessments, have considered this Guideline and minimised any potential impacts on the health of oysters in the Crookhaven River and Curleys Bay.

6.11.13 NSW Riparian Corridor Guidelines

The NSW Riparian Corridor Guidelines provides key environmental management advice for the protection of NSW waterfront land and is therefore instructive in terms of the Proposal.

The Guidelines recommend a vegetated riparian corridor width of 40m to an estuary or wetland, although that can be reduced in places to 20m provided the minimum is met.

The revised Concept Plan, and associated accompanying assessments, have considered this Guideline and the Proposal provides a minimum width of 100m between the road reserve edge to the MHWM.

6.11.14 Neutral or Beneficial Effect on Water Quality Assessment Guideline (2015)

The 'Neutral or Beneficial Effect on Water Quality Assessment Guideline responds to the requirement for all development in the Sydney drinking water catchment to have a neutral or beneficial effect on water quality. This guideline has been applied to provide clear direction on what a neutral or beneficial effect means, how to achieve it, and how to assess an application against the neutral or beneficial effect on water quality.

6.11.15 NSW State Government Priorities

Table 9 outlines how the Proposal is consistent with current NSW State Government Priorities (source – see <https://www.nsw.gov.au/improving-nsw/state-priorities-2015-2019/>).

Table 9 – Assessment Against State Government Priorities

NSW State Government Priorities	Assessment
Making it easier to start a business	Proposal complies and provides more residential population to support current business / commercial land oversupply.
Encouraging business investment	Proposal complies and provides more residential population to support current commercial land oversupply for business investment.
Boosting apprenticeships	More residential population to support current business / commercial land oversupply and supply of additional industrial land has the potential to provide opportunity for apprenticeships.
Accelerating major project assessment	Proposal complies and the Proposal has been listed as a majority project since 2010.
Protecting our credit rating	Proposal complies and land supply and associated business / residential growth can assist.
Delivering strong budgets	Proposal complies and land supply and associated business / residential growth can assist.

NSW State Government Priorities	Assessment
Improving road travel reliability	Proposal complies and land supply and associated business / residential growth can assist.
Increasing housing supply	Proposal complies and direct contribution to achieving this outcome.
Transitioning to the National Disability Insurance Scheme	Proposal complies and provides opportunity for both accessible and adoptable housing stock.
Creating sustainable social housing	Proposal complies and provides opportunity for more affordable housing in the town.
Improving Aboriginal education outcomes	No direct nexus to the Proposal.
Better government digital services	No direct nexus to the Proposal.
Cutting wait times for planned surgeries	No direct nexus to the Proposal.
Increasing cultural participation	Proposal complies and provides opportunity for cultural involvement / interpretation of Aboriginal Heritage items.
Ensure on-time running for public transport	No direct nexus to the Proposal.
Reducing violent crime	No direct nexus to the Proposal.
Reducing adult re-offending	No direct nexus to the Proposal.
Reducing road fatalities	No direct nexus to the Proposal.

6.11.16 Shoalhaven Development Control Plan 100 & 2014

Shoalhaven Development Control Plan 100 (Subdivision Code) was effective at Concept Plan lodgement and primarily sets standards for roads and lot sizes. The minimum lot size for the proposed residential (low density) is 500m² and integrated housing is for conventional subdivisions and 350m² for small lot developments. The proposed medium density lots are to provide housing on a lot size of around 300m².

Further it is recognised that SDCP 100 has now been superseded by SDCP 2014.

In accordance with the SEPP (State and Regional Development) 2018, Clause 11(Exclusion of application of development control plans), these DCPs do not apply to SSD.

Whilst compliance with the SDCP 2014 is not required, the document contains well understood parameters for subdivision and housing design and it therefore has significant merit to be applied to future subdivision applications related to the Site. SDCP 2014 has been prepared for a wide range of development types and sizes with the Shoalhaven and has been tailored based on long-term local knowledge and experience. SDCP 2014 represents best practice engineering design for the local area and is an appropriate guidance document for future subdivision applications related to the Concept Plan.

It is proposed that future DA's will generally comply with the requirements of SDCP 2014.

7 Proposal Evaluation

The following subsections assess the likely impacts of the Proposal in accordance with Section 4.15(1)(b), (c), (d) & (e) of the EP&A Act and as described below.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

7.1. Likely Development Impacts

7.1.1 Natural Environment/ Amenity

The Proposal will have an impact on the local natural environment and associated biodiversity as it will clear approximately 46.27ha of native vegetation which is generally zoned for the proposed land use. Where appropriate, some native vegetation will be retained in the proposed maintained parklands and foreshore reserve buffer from the road reserve edge to the MHW of the Crookhaven River and Curleys Bay.

At a local context, the general amenity of the site will change from a natural bushland environment to a mixed-use development site which will consist of a town centre, industrial centre, residential area, sportsground/parkland with supporting infrastructure. This amenity will generally be consistent with adjacent existing urban area.

Overall, the Proposal has been designed with the objective to minimise any significant impacts to the surrounding environmental amenity. This attention to minimising impacts is demonstrated in the accompanying assessments (**Section 4**) which relate to water cycle / stormwater, terrestrial/aquatic ecology, Aboriginal heritage and visual amenity. These assessments will be discussed individually in this evaluation.

As outlined in the accompanying Biodiversity assessment (**Section 4.13**), all ecosystem credits required by the revised Concept Plan can be met by local credits already registered and owned by the Sealark Pty Ltd and available at the Lake Wollumboola Biobank Site.

While Natural Environment / Amenity impacts do result from the proposal, they have been assessed as reasonable when considering the accompanying assessments and permissible land use.

7.1.2 Built form and urban design

The Proposal has been designed to align with the existing urban character of Culburra Beach and provides a similar layout (i.e. height controls, scale and lot size).

The town centre is currently partially completed and has two existing linear development “arms” extending from it (i.e. Crookhaven / Orient Point and Penguin Head/Lake Wollumboola. This missing “urban development arm” of the triangle is the West Culburra Beach Expansion Area which is identified in current land use zones and past Development Control Plans which cover this area.

As explained in this EIS, and as demonstrated in the accompanying revised Concept Plan (**Appendix 1**), the Proposal no longer seeks approval for built (building) form.

The urban design of the concept subdivision plan is informed by revised project scope (**Section 1.6**) and site analysis (**Section 2.2**) which results in an urban design that both consolidates and strengthens the urban function of the Culburra Beach township.

As demonstrated in the accompanying indicative aerial interpretation of the Site (**Appendix 11**), the Proposal results in minimal, if any, visual impact from the westward extension to the existing town. The built form (to be considered in future DAs) will be visible where it extends to the existing town centre and the industrial precinct will be mitigated with street tree plantings. The road intersection upgrades (roundabouts) provide the opportunity to create an entry feature to the Culburra Beach township which is currently lacking in the existing urban design.

When examining the revised Concept Plan and comparing it to the existing urban and natural setting, the Proposal's urban design and likely future built form represents a good town planning outcome for the site.

7.1.3 Aboriginal Heritage

The Site and the adjacent Crown Foreshore Reserve contain several Aboriginal Heritage items. Accompanying assessments of these items has been undertaken (**Section 4.8, Appendix 17 & 18**) which confirms the revised Concept Plan will not lead to any unacceptable adverse impacts on significant Aboriginal cultural heritage values.

The foreshore reserve shared foot / cycle path alignment and construction is proposed to be undertaken to avoid any Aboriginal Heritage impacts and if deemed appropriate by the local Aboriginal community will provide interpretive signage related to this past use of the Site.

Upon review of the accompanying Aboriginal Heritage assessments, the Proposal is appropriate and the Development Consent to incorporate the relevant elements of the following requirements:

1. *Subsequent to detailed design being completed and in association with subsequent applications for development approval under Part 4 of the EP&A Act, further heritage investigation involving test excavations should be undertaken within survey area WC 15 and a sample of the portions of WC 3, 9 and 14 within the zone of high potential for subsurface deposits of artefacts, to identify the nature, extent and significance of any heritage evidence present, and to enable the subsequent formulation of appropriate management strategies in consultation with the registered Aboriginal parties;*
2. *Should any subsequent development application involve proposed impacts outside of the heritage study area investigated during the current assessment, for example, in the foreshore zone between the investigation area and the Crookhaven River, further Aboriginal cultural heritage investigation should be undertaken. As a minimum this would involve the archaeological survey of any proposed impact areas outside of the present heritage study area, in consultation with the registered Aboriginal parties, with the preparation of a supplementary heritage assessment report;*
3. *Subsequent to detailed design and the further heritage investigations required above being completed, and in association with any subsequent application for development approval under Part 4 of the EP&A Act, in order to establish a defence to prosecution under Section 86(2) of the NP&W Act with respect to the probable occurrence of stone artefacts within the impact area, and any subsequent impacts to those objects and identification of those impacts, a Section 90 AHIP should be obtained for the impact area prior to the proposed works being undertaken;*
4. *The Culburra midden sites (OEH #52-5-171 to 52-5-186) adjacent to the investigation area are of significance, potentially at a regional level, and warrant total conservation. Direct impacts to this suite of sites must be avoided and indirect impacts must be managed and minimised. As a condition of any development approval under Part 4 for the immediately adjacent land, a Conservation Management Plan specific to the protection of these midden sites should be formulated by a heritage practitioner with suitable qualifications and experience, in consultation with the registered Aboriginal parties;*
5. *As a condition of any further heritage investigation associated with an application for development approval under Part 4 for the investigation area, the oral account recorded in the late 1970s by Jerrinja Elder, Mr Jack Campbell, and lodged with AIATSIS, of the middens adjacent to the investigation area and their importance to the Jerrinja community, should be researched;*

6. *Archaeological investigations should only be undertaken by archaeologist's qualified and experienced in Aboriginal heritage, in consultation with the registered Aboriginal stakeholders, and occur prior to any development impacts occurring;*
7. *Where impacts will be avoided to the identified heritage evidence, appropriate protective measures should be implemented for those sites in close proximity to the construction works;*
8. *Other land users (for example, Shoalhaven City Council) should be made aware of the nature and location of the Aboriginal sites identified during the present investigation (West Culburra 3/A, 4/A and 4/13) to ensure that inadvertent impacts are avoided;*
9. *As a general principle, all relevant contractors and staff engaged on the Proposal should receive heritage awareness training prior to commencing work on-site;*
10. *Should any previously unrecorded Aboriginal sites or objects be detected prior to or during the course of development which are not covered by a Section 90 AHIP, work in the immediate vicinity of those objects would need to promptly cease and the finds be reported to the OEH and advice sought as to the appropriate course of action. If skeletal remains are identified, the proponent is required to immediately stop work and notify the appropriate authorities, including the Police and the OEH. If impacts cannot be avoided, a Section 90 AHIP would be required prior to any impacts occurring;*
11. *Under the terms of the NP&W Act it is an offence to harm or desecrate an object that the person knows is an Aboriginal object, or to harm an Aboriginal object ('strict liability offence'). Therefore, no activities or work should be undertaken within the Aboriginal site areas as described in this report without a valid Section 90 AHIP; and*
12. *Single copies of this report should be forwarded to the registered Aboriginal parties and the OEH.*

7.1.4 Water Cycle / Stormwater

Due to the Site's proximity to various waterways and waterbodies, water cycle and stormwater management has been one of the IPCs primary concerns relating to the previous Concept Plan. As outlined in the accompanying IWCMS (**Section 4.5 & Appendix 15**), additional mitigation measures and treatment train have been incorporated in the revised Concept Plan. Such water quality treatments include harvesting stormwater onsite with rainwater tanks, bioretention basins and ponds which re-use this water on the Site to minimise impacts to the Crookhaven River and Curleys Bay. All three precincts of the Site capture and re-use stormwater.

The revised Concept Plan and supporting IWCMS also minimise any impacts to Lake Wollumboola. The entrance road to the new residential area is in the Lake Wollumboola catchment and a dedicated bioretention basin is proposed to treat any water entering this system.

Modelling of the stormwater scheme has demonstrated that there will be no material or significant impacts on the downstream environment including the Crookhaven River and Estuary or Lake Wollumboola. The following is noted:

1. The reduction in the development footprint, including removal of urban areas from the Lake Wollumboola catchment, has reduced the quantity of stormwater and stormwater related pollutants that are potentially generated by the revised Concept Plan and that would therefore require management.
2. The value of a 100 m 'no development' vegetated buffer between the urban area and the Crookhaven River estuary.
3. The inclusion of additional WSUD elements includes: terminal ponds; stormwater dispersal systems; no new stormwater connections to the Estuary or Lake; large-scale stormwater re-use; and opportunities for groundwater recharge with stormwater. These have contributed to the overall approach to stormwater management representing industry best practice.
4. The proposed stormwater treatment measures have been demonstrated to be effective in removing or reducing water borne contaminants to acceptable levels . (i.e. equal to or less than existing loads being released from the development footprint, thereby ensuring no harm to receiving waters). Pollutant load reduction targets are achieved, the potential for pathogen impacts are mitigated, and the NorBe water quality criteria are satisfied because the development will have no identifiable potential impact on water quality.

Overall, the water cycle management measures have been developed to ensure that the risk of material harm to the receiving environment is mitigated and sensitive environmental receptors such as SEPP14 wetlands, the Shoalhaven River estuary, including the associated Oyster aquaculture industry, and Lake Wollumboola are appropriately protected.

Upon review of the accompanying water cycle and stormwater management assessment, and the mitigation strategies applied to the Site, the Proposal represents a good urban design outcome which is potentially a new benchmark for existing and future communities in proximity to estuarine watercourses

7.1.5 Aquatic Ecology

Due to the Site's proximity to the Crookhaven River, Curleys Bay and nearby oyster leases, the protection of aquatic ecology has been one of the IPC's primary concerns relating to the previous Concept Plan. As outlined in the accompanying aquatic ecology assessment report (**Section 4.14 & Appendix 22**), significant investigation has been undertaken to ensure that site mitigation measures and treatment trains related to the water cycle and stormwater assessment have been incorporated in the revised Concept Plan.

In summary, the ecology aquatic investigation the report concludes that:

- The revised Concept Plan will have no potential impact on the freshwater aquatic ecology of Wattle Creek in the Lake Wollumboola catchment associated with the construction and operation of roundabouts on Culburra Road, the inclusion of a biofiltration swale plus gross pollutant traps will result in an overall improvement of water quality leading to Wattle Creek from the catchment and existing road runoff.
- The revised Concept Plan will have no potential impact on the estuarine aquatic ecology and oyster aquaculture in Curleys Bay/Crookhaven River associated with future construction and subsequent land use activities and associated WSUD. Detailed controls can be provided for in any CEMP and OEMP.
- Residual risk for protection of estuarine values, minimising plastic debris risk to marine fauna, minimising pet related faecal pollution, protection of oyster aquaculture infrastructure and practices from boat traffic/wash and minimising potential conflicts with commercial fishers can be managed by best practice public awareness programs and provisions of any OEMP.

Upon review of the accompanying ecology assessment and mitigation strategies applied to the Site, the Proposal represents a good urban design outcome which is potentially a new benchmark for existing and future communities in proximity to estuarine watercourses.

7.1.6 Terrestrial Ecology

While it is recognised that the Proposal will involve clearing approximately 46.27ha of native vegetation, this has not previously been identified as a significant impact in previous supporting assessments (**Section 4.12 & Appendix 20**).

As outlined in the support Biodiversity Offset Assessment (**Section 4.13 & Appendix 21**), the revised Concept Plan requires the retirement of 1,752 ecosystem credits for associated clearing. All ecosystem credits required for the revised Concept Plan can be met by credits already registered and owned by Sealark Pty Ltd and available at the Lake Wollumboola Biobank Site.

Upon review of the accompanying terrestrial ecology (riparian, flora & fauna) assessment, and the above findings, the revised Concept Plan represents a reasonable town planning outcome which relates to existing land use zones which also support the Proposal.

7.1.7 Traffic and Accessibility

While it is recognised that the Proposal will generate marginal additional traffic movements, this is not identified as a significant impact in supporting assessment (**Section 4.17 & Appendix 25, 26 & 30**). The surrounding road network and the proposed access to each of the development stages and the intersections within the regional network will continue to operate at satisfactory levels. Further, the Proposal provides for a future bus route and shared path network.

Upon review of the accompanying Transport and Accessibility Impact Assessment Report, and the above findings, the revised Concept Plan represents a satisfactory town planning outcome which relates to existing land use zones which also support the Proposal.

7.1.8 Social & Economic

The Proposal's three precincts involving town, industrial and residential extension of the existing Culburra Beach township will result in both social and economic benefits.

The Social & Economic Assessment (**Section 4.21**), summarises the costs and benefits to the community of Culburra Beach and which will benefit the wider Shoalhaven Local Government Area from the Proposal. There are no negative economic outcomes identified with the Proposal.

Upon review of the positive social and economic impact benefits of the Proposal, the revised Concept Plan represents a satisfactory town planning outcome for the Site.

7.1.9 Statement of Commitments

As outlined in the DGRs issued on 27 May 2010, a requirement is listed for, "an assessment of the potential impacts of the Proposal and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project".

A Statement of Commitments is provided as **Appendix 35**.

7.2. Suitability of the Site for Development

7.2.1 Land use zoning

As outlined in **Section 3.5**, most of the Proposal is consistent with land use zones identified on the Site and in accordance with SLEP 1985. However, the town centre and industrial areas have surplus land supply due to the full potential of surrounding residential zoned land at Long Bow Point not being reached.

Land use zoning requirements of SLEP 1985 do not permit residential use (i.e. dwelling-houses and dwellings) in the business centre (zoned 3(f)) and industrial centre (zoned 4(a)).

Planning assessment has identified that the current land use zoning combined with the SSD provision to allow more residential density around the business centre is both a suitable and positive land use / development outcome for the Site.

7.2.2 Future Height of Buildings

To be consistent with the surrounding development context, the following height of buildings are proposed and appropriate to be applied to the site and which is shown in **Appendix 33**:

Town Centre Expansion – height limit of 8.5m & 11m

Industrial Centre Expansion – height limit of 11m

New Residential Area – height limit of 8.5m

7.2.3 Bushfire

The Bushfire Protection Assessment (**Section 4.7 & Appendix 12 & Appendix 34**) prepared for the Proposal demonstrates that future subdivision is both suitable for the Site and has been assessed in accordance with Section 100B of the RF Act and PBP 2006 and where appropriate PBP 2019 requirements. Therefore, the Site could lawfully be used for residential, industrial and business use or development for some land for special fire protection purposes.

7.2.4 Odour

The Addendum Odour Assessment Report (**Section 4.10 & Appendix 13**) prepared for the Proposal demonstrates that future subdivision is both suitable for the Site and has been assessed in accordance with industry standards. This addendum report confirms that the proposed subdivision layout has a low potential impact from CBSTP.

7.2.5 Visual

The visual assessment and indicative aerial interpretation of the Proposal (**Section 4.11 & Appendix 11**) demonstrates that the Site is suitable and that likely future development (subject to separate future approval) will be located behind a sustainable vegetation buffer and any view loss would be very minimal. No significant overshadowing of public reserves or loss of views from public places will occur. The Proposal is sympathetic to the existing built form, bulk and scale of the Culburra Beach township.

7.2.6 Contamination & Acid Sulfate Soils

The Contamination Report (**Section 4.16 & Appendix 23 & 24**) demonstrates that the Site is suitable for the Proposal and subsequent future development. The assessment has satisfactorily reviewed the Site for evidence of contamination and identified that past land use may have been grazing. Some bulky waste items and a few small stockpiles are on the Site (low risk) and can be approximately conditioned / managed and removed if needed through future DAs.

7.2.7 Infrastructure

The Infrastructure Report and preliminary engineering plans (Section 4.19 & Appendix 29 & 30) demonstrates that the Site is suitable for the Proposal and subsequent future development. Infrastructure servicing can be aligned and staged to each key development precinct (i.e. town centre, industrial centre and residential area) with associated augmentation / upgrades. Feedback from Shoalhaven Water is the exiting CBSTP and water supply has been designed with capacity to accommodate the additional growth from this Proposal.

7.2.8 Waste

It is recognised that future DAs for staged subdivision will seek approval for some clearing and construction works that will generate waste. The preparation of future DAs will require Waste Minimisation Management Plans to meet the requirements of Council and to avoid unnecessary waste generation. Therefore, Waste Minimisation Management Plans will be a condition of future subdivision approvals.

7.2.9 Contributions and Planning Agreements

Monetary contributions for future Development Servicing Plans (sewer, water) and Development Contributions (Section 7.11, EP&A Act) will be a condition of future subdivision approvals. Section 7.11 fees per lot is summarised in Table 10 from the Shoalhaven Contribution Plan 2019.

Table 10 – Section 7.11 Development Contributions

CODE	DESCRIPTION	QTY	TOTAL
02AREC0002	CULBURRA & DISTRICT SPORTING COMPLEX SITE	1.00	\$0.00
02AREC0004	Planning Area 2 - Recreation facilities upgrade various locations	1.00	\$416.14
02CFAC0004	Long Bow Point Village Community Hall	1.00	\$1,053.59
02OREC0005	CULBURRA EXPANSION AREA-Environmental Protection	1.00	\$642.21
CWAREC0005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	1.00	\$2,473.36
CWCFC0007	Shoalhaven Regional Gallery	1.00	\$70.87
CWCFC2002	Shoalhaven Multi Purpose Cultural & Convention Centre	1.00	\$1,510.35
CWCFC2006	Shoalhaven City Library Extensions, Berry Street, Nowra	1.00	\$850.55
CWFIRE2001	Citywide Fire & Emergency services	1.00	\$135.42
CWFIRE2002	Shoalhaven Fire Control Centre	1.00	\$198.11
CWMGMT3001	Contributions Management & Administration	1.00	\$563.13
			\$7,913.73

7.3. Submissions Considerations

As outlined in Section 5.1, the project team over several years has carried out consultation with many stakeholders and considered their submission feedback. Evidence of this consultation and submissions is demonstrated on the following agency assessment websites:

NSW Independent Planning Commission – West Culburra Concept Plan

<https://www.ipcn.nsw.gov.au/projects/2018/06/west-culburra-concept-Proposal>

NSW Planning & Environment – Major Projects Assessment – West Culburra Mixed Use Subdivision – SDD 3846

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8674

Further evidence of past consultation is also provided in the EA and applicant response submissions related to the previous Concept Plan

This previous consultation with a wide range of stakeholders, including state government departments, local government, local businesses, community and specialised expert consultants has informed design of the revised Concept Plan.

7.4. Public Interest

In accordance with Section 4.15(1)(e) of the EP&A Act, the Proposal is in the public interest as it will:

- meet the current and future demands for residential, industrial, commercial and sportsground supply in Culburra Beach and the surrounds;
- be consistent with supporting strategies, land use zones and population projections for Culburra Beach;
- provide a new benchmark level in the Shoalhaven for stormwater treatment around estuaries to ensure a high-quality stormwater outcomes;
- be designed in accordance with the expectations of the community who want residential growth and housing opportunities for them and their families in Culburra Beach;
- provide opportunity for further community input into the future staged subdivision applications to provide built form on the Site;
- have land use approval for site uses made permissible through the use of SSD provisions;
- have the ability to incorporate ESD initiatives in future approvals to achieve built forms on the site;
- achieve appropriate environmental performance outcomes in relation to odour, bushfire and waste management; and
- be provided with adequate connection to supply necessary infrastructure and servicing to ensure the development operates smoothly at full capacity.



Figure 23 -Development eastern site boundary with Canal Street East

8. Conclusion

The revised Concept Plan has considered feedback from the previous Concept Plan lodged on 29 April 2010 and feedback provided during the Section 34 Conciliation Conference which commenced on 14 November 2019.

The revised Concept Plan represents a scaled-down version of the previous Concept Plan and provides a more environmentally sensitive development with a key focus on stormwater treatment and sound urban design to strengthen the township of Culburra Beach. The revised Concept Plan remains a staged mixed-use development which is consistent with the original application and continues on the site that is legally known as part Lot 5 & 6 of DP 1065111 which includes part Lot 1 DP 631825 (part of CBSTP) that facilitates connection of the site via a shared footpath/cycle path in the foreshore reserve

The use of SSD provisions will provide a better town planning outcome which encourages more residential density around the existing town centre. At present, the town centre area and industrial area are surplus land supply due to the full potential of surrounding residential zoned land at Long Bow Point not being reached. Residential uses within the Business “F” (Village) Zone and the Industrial “A” (General) zoned lands will contribute to urban consolidation and strengthening of the existing Culburra Beach township.

A key outcome of the Proposal is to provide a large buffer from the development footprint to the adjacent Crookhaven River / Curleys Bay to treat stormwater runoff and embellish this natural setting. This results in providing a foreshore reserve of 15ha with a minimum width of 100m between the road reserve edge to the MHW. To achieve this 100m wide buffer, land zoned Residential 2(c) is included in the foreshore reserve.

The DGRs have formed the basis of the assessment and design as well as the consultation feedback and assessment carried out within the body of this EIS. Response to all DGRs are provided at **Section 1.7**. The Site already has land use zoning to achieve most intended outcomes of the Proposal however, as mentioned above SSD allows for approval of some prohibited uses which achieves a better town planning outcome.

Further to consultation over a 10-year period with government agencies, interest groups and the public, the project team has recently carried out additional consultation with stakeholders, including state government departments and local government to inform the design of the revised Concept Plan. The advice received throughout the consultation process has been considered in the Proposal and reflects a commitment to provide a quality and objective-driven outcome.

The Proposal has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act and is generally consistent with the relevant objectives and planning controls. This assessment is supported by multiple expert investigations / accompanying reports as outlined in the **Appendices**.

The Proposal achieves desirable economic, social and environmental outcomes for both the current and future community of Culburra Beach and surrounds. The Proposal also incorporates a raised benchmark for stormwater quality management and ecologically sustainable design which are significantly greater than current methods applied to development in this area. Furthermore, the Proposal incorporates ESD initiatives and defined outcomes to ensure energy efficient operation into the future.

The works proposed under this DA are subject to the recommendations of specialist expert reports which will inform requirements for future subdivision and buildings approvals on the Site. The Proposal will meet these various expert requirements through high-quality urban land design and management to support resultant built forms in the future which has safe and efficient environmental and living outcomes to support the Culburra Beach township.

The Proposal has been designed to and will be carried out in the interests of the public. Accordingly, it is recommended that approval be granted for the revised West Culburra Beach Concept Plan.