

Speakers Notes
IPC Meeting – West Culburra Concept Proposal
24 July 2018

Phil

Thank you, Madam Chair and Commissioners. My name is Phil Costello, I am the Director of Planning, Environment and Development Services at Shoalhaven City Council. I am appearing before you today on behalf of Council with my colleague Gordon Clark, who is our Strategic Planning Manager.

I will be delivering some introductory remarks before handing over to Gordon who will explain Council's submission in further detail

This Concept Development Application is state significant development and as such Council's role is not one of core assessment. Our role is to represent the adopted position of the Council to the NSW Department of Planning and Environment who is responsible for the assessment of this application. Council Staff have thus not formed any opinion on the technical merits of this application.

During the assessment process, Council has made 3 formal submissions, in each instance, whilst raising points of concern or requesting further clarification, has voiced general support for the growth of Culburra Township.

Council staff have reviewed the assessment report that has been presented to the commission by the Department. We are concerned that the Department's report misrepresents the strategic planning for Culburra Beach, and in particular has not acknowledged the guiding strategy that has been adopted following community consultation. The assessment incorrectly claims that this application is inconsistent with the strategic planning for this locality, and it is disappointing that this claim was made without prior reference to, or discussion with Council staff. This is of greater concern noting that this incorrect claim forms part of the reasons for refusal on this basis.

Council submits that the following reasons for refusal tabled by the NSW Department of Planning and Environment should not be adopted by the Commission:

- That the site is inconsistent with strategic planning for urban development across the region,
- And that the site is incompatible with population growth projections for Culburra Beach.

In whatever determination the commission may make, we ask that these reasons for refusal not form part of your determination.

I will now hand over to Gordon to detail the strategic planning that has been adopted for this site.

Gordon

Thank you, Phil. Commissioners, I will discuss Council's position from a strategic planning perspective.

Firstly, we are somewhat surprised that the Department has assessed the proposal against the strategic planning framework when the land is currently technically zoned residential and as such is capable of being considered for urban development

Council commenced the process to prepare separate Local Environmental Plan for this area in 1982. This concluded with the gazettal of Amendment No.41 to the then Shoalhaven LEP 1985 in August 1992. Thus, the process under Part 3 of the Act was completed and the area was zoned for development from that point. These zonings are currently still in place, as noted in Figure 9 of the Assessment Report, given the current 'deferred' status of the land.

The assessment appears to give undue weight to what has always been viewed as a development monitoring tool – the Urban Development Program or UDP, rather than to the zone objectives embedded in a legally made Environmental Planning Instrument, being the Shoalhaven LEP. The approach taken by the Department in this regard should thus not be given determinative weight by the Commission.

Having said that, the Department's attempt to undertake a strategic planning assessment for the site is also somewhat flawed.

Shoalhaven has a Growth Management Strategy that was adopted by Council in 2012 and endorsed by the then NSW Department of Planning in 2014. The Growth Management Strategy is currently the key plan that sets the strategic planning framework in Shoalhaven. It seeks to manage the social and economic implications of future growth in Shoalhaven whilst protecting and preserving the environmental values of the City.

The role of the Growth Management Strategy is also formally recognised in the 2015 Illawarra Shoalhaven Regional Plan. Page 33 of the Regional Plan states:

“Evidence from the Urban Feasibility Model, Illawarra Urban Development Program and Shoalhaven Growth Management Strategy show there is enough potential for the market to supply housing across a range of locations and housing types for the long term. Therefore, no new release areas are required for Wollongong, Shellharbour and Shoalhaven beyond those already identified under the Illawarra Urban Development Program and Shoalhaven Growth Management Strategy.”

It is disappointing that the Department undertook their strategic planning assessment without considering the Growth Management Strategy or discussing this aspect with Council.

This Plan was prepared and subjected to community consultation and was ultimately adopted by Council and endorsed by the NSW Department of Planning & Environment. Prior to the preparation of the Growth Management Strategy, Council maintained a 'five centre growth strategy' and we still base our community and social planning on the resulting five geographical planning areas.

Culburra Beach has long been identified as one of the potential growth areas and a higher order centre that can support additional growth, this is also recognised in the Urban Development Program commentary.

The assessment report however elevates the 2016 update report of the Illawarra Shoalhaven Urban Development Program and assigns it the role of **guiding** the location of new urban development. This is not only a failure to properly consider the Growth Management Strategy but is an invalid application of the Urban Development Program update.

The Urban Development Program update is a **monitoring tool** that is assembled from available council, developer and agency data. It is intended to be informative only and is not intended to specifically direct growth by approval or refusal.

When Shoalhaven City Council submits data to the NSW Department of Planning & Environment for their monitoring reports we do so on that basis. Our concern with the way the Department has applied the Urban Development Program update in this case is twofold.

Firstly, it has the potential to undermine the confidence in the Urban Development Program monitoring process. If councils cannot be confident in the way their data will be used, then they may become circumspect in their approach to the Urban Development Program. The integrity and reliability of the data may be compromised if stakeholders (especially councils) are concerned about how the data will be used.

Secondly, the use of the data has led to the wrong conclusion regarding the strategic planning intent for this site. The Growth Management Strategy sets the strategic intent for this land. The Growth Management Strategy sets aside this precinct as an area for urban expansion within the environmental capacity of the land. The strategic intent for the land is for the existing zoning to be reviewed in light of the various enquiries that have taken place in relation to the environmental values of the land.

The Growth Management Strategy does not seek to prevent the urban development of the land in accordance with its existing zones subject to that development being appropriately assessed.

The conclusion in the assessment report (page 54) that '*the proposed development does not utilise the area identified in strategic plans for the future urban development in Culburra (the Culburra investigation area)*' also misrepresents the facts and is incorrect.

The Urban Development Program essentially covers two types of potential development: "greenfield" and "centre". The map on page 14 of the Departments assessment report wrongly labels the relevant map from the Urban Development Program with the term "Culburra Investigation Area". This area is actually shown and labelled in the Urban Development Program mapping as a "centre" where redevelopment could possibly occur.

The Urban Development Program document (page 44 onward) discusses "Other Greenfield Releases" and specifically references the "Culburra Beach Investigation Area" (and maps this area in a different location to the assessment report) where it is noted that its approximate capacity is yet to be determined. There is unfortunately no recognition of this in the Departments assessment report.

I note that the Department's report outlines a number of issues with the application, most of which relate to the environmental values of the land. As Phil explained earlier, we have not assessed those matters, nor had them peer reviewed due to their highly technical nature. We note, however, that if the Commission agrees with the conclusions of the report on these matters, then the Commission can refuse the application without relying on any broader strategic reasons.

Accordingly, we submit that the following reasons for refusal tabled by the NSW Department of Planning and Environment should not be adopted by the Commission:

That the site is inconsistent with strategic planning for urban development across the region,

And that the site is incompatible with population growth projections for Culburra Beach.