

Planning Proposal

The Halloran Trust [Landowner]



Culburra Beach; Callala Bay and Kinghorne Point

Prepared by Allen, Price & Associates



This page is intentionally blank for double sided printing purposes

Disclaimer

Every effort has been made to provide accurate and complete information. However, Allen, Price & Associates & John Toon Pty Ltd assumes no responsibility for any direct, indirect, incidental, or consequential damages arising from the use of information in this document.

Copyright Statement

© Allen, Price & Associates 2014 & John Toon Pty Ltd

Other than as permitted by the Copyright Act 1968, no part of this report may be reproduced, transmitted, stored in a retrieval system or adapted in any form or by any means (electronic, mechanical, photocopying, recording or otherwise) without written permissions. Enquiries should be addressed to Allen, Price & Associates.

The document may only be used for the purposes for which it was commissioned. Unauthorised use of this document in any form whatsoever is prohibited. Allen, Price & Associates assumes no responsibility where the document is used for purposes other than those for which it was commissioned.

This report has been prepared on behalf of and for the exclusive use of the Client, and is subject to and issued in connection with the provisions of the agreement between Allen, Price & Associates and the Client. Allen, Price Associates accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

75 Plunkett Street, Nowra NSW 2541
postal PO Box 73, Nowra 2541
tel 02 4421 6544
fax 02 4422 1821
email consultants@allenprice.com.au

directors RJ Douglas, AR Aulsebrook, MJ Philpott, MA Klein
associates PW Rowell, CE Griffiths, TN Le, RN Smith

ABN 13 236 275 350

a partnership of

Ross Douglas Surveys Pty Limited
Taylinda Pty Limited
Pororoca Pty Limited
Kryssning Pty limited

Liability limited by a scheme approved under Professional Standards Legislation

Table of Revisions

Rev	Date	Details
00	27/09/2013	Preliminary Issued for Review
01	30/10/2013	Preliminary Draft updated & issued for review - JT
02	5/12/2013	Preliminary Draft updated & issued for review – Shoalhaven City Council
03	1/12/2013	Draft revised
04	25/02/2014	Draft revised following advice Shoalhaven City Council & Dept Planning & Infrastructure
05	06/05/2014	Draft revised for Shoalhaven City Council submission
06	04/08/2014	Draft finalised for Shoalhaven City Council submission

Report prepared by:



Kerry Rourke
Town Planner
BA (Arts); Dip Urban & Regional Planning; Grad Dip Design for Bushfire Prone Areas
Date: 4 August 2014



This page is intentionally blank for double sided printing purposes

CONTENTS

Executive Summary	viii
1. Introduction	1
1.1 LOCATION	2
1.2 CURRENT ZONING	4
1.3 SUBJECT LAND	7
1.4 BACKGROUND	13
2. Part 1 - Objectives	18
3. Parts 2, 3 and 4 – Explanation of Provisions, Justification & Planning Proposal Maps – West Culburra Expansion Area	19
3.1 NEED FOR THE PLANNING PROPOSAL – SECTION A	20
3.1.1 Question 1 - Is the Planning Proposal a result of any strategic study or report? ...	20
3.1.2 Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	23
3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK – SECTION B	24
3.2.1 Question 3 - Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?	24
3.2.1A South Coast Regional Strategy	24
3.2.1B Jervis Bay Settlement Strategy	29
4. Parts 2, 3 and 4 – Explanation of Provisions, Justification & Planning Proposal Maps – Callala Bay Woods Estate / Wollumboola	36
4.1 NEED FOR THE PLANNING PROPOSAL – SECTION A	37
4.1.1 Question 1 - Is the Planning Proposal a result of any strategic study or report? ...	37
4.1.2 Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	38
4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK – SECTION B	39
4.2.1 Question 3 - Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?	39
4.2.1A South Coast Regional Strategy	40
4.2.1B Jervis Bay Settlement Strategy	42
5. Parts 2, 3 and 4 – Explanation of Provisions, Justification & Planning Proposal Maps – Kinghorne & Arrow Points	48
5.1 NEED FOR THE PLANNING PROPOSAL – SECTION A	49
5.1.1 Question 1 - Is the Planning Proposal a result of any strategic study or report? ...	49
5.1.2 Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	49

5.2	RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK – SECTION B	50
5.2.1	<i>Question 3 - Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</i>	50
5.2.1A	South Coast Regional Strategy	50
5.2.1B	Jervis Bay Settlement Strategy	51
6.	Part 3 – Justification - Questions 4 - 11	56
6.1	RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK – SECTION B	56
6.1.1	<i>Question 4 - Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?</i>	56
6.1.2	<i>Question 5 - Is the planning proposal consistent with the applicable state environmental planning policies?</i>	57
6.1.3	<i>Question 6 - Is the planning proposal consistent with the applicable Ministerial Directions (s. 117 directions)?</i>	58
6.2	ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT - SECTION C	59
6.2.2	<i>Question 8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	59
6.2.3	<i>Question 9 – Has the planning proposal adequately addressed any social and economic effects?</i>	60
6.3	STATE AND COMMONWEALTH INTERESTS - SECTION D	60
6.3.1	<i>Question 10 - Is there adequate public infrastructure for the planning proposal?</i>	60
6.3.2	<i>Question 11 – What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?</i>	61
7.	Part 5 – Details of Community Consultation	63
8.	Part 6 – Project Timeline	64
	Attachments	65
	ATTACHMENT ONE – COUNCIL RESOLUTION TO DEFER LANDS	65
	ATTACHMENT TWO – THE HALLORAN TRUST LANDHOLDINGS AFFECTED BY THIS PLANNING PROPOSAL	66
	ATTACHMENT THREE – ADVICE FROM MINISTER OF PLANNING & ENVIRONMENT TO SHOALHAVEN CITY COUNCIL	69
	ATTACHMENT FOUR - RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)	70
	ATTACHMENT FIVE – MINISTERIAL DIRECTIONS - SECTION 117	73
	ATTACHMENT SIX – SOUTH COAST REGIONAL STRATEGY SUSTAINABILITY CRITERIA – CULBURRA BEACH – CALLALA BAY EXPANSION AREAS	78
	ATTACHMENT SEVEN – PROPOSED LAND USE MAPS	85

Figures

Figure 1 - Map 1 - Existing Cadastre of region of Planning Proposal	xi
Figure 2 - Map 1 - Existing Part 3A application & Part 4 Applications or approvals – for further application detail see relevant study area sections of this planning proposal	xii
Figure 3 - Map 2 - Planning Proposal Broad Land Uses (detailed individual study area maps are provided as Attachment 7)	xiii
Figure 4 – Culburra Beach - Long Bow Point - Copper Cup Point Wollumboola ©Lands 2012	2
Figure 5 - Woods Estate Callala Bay / Wollumboola - ©Lands 2012	3
Figure 6 - Kinghorne Point - Arrow Point Kinghorne ©Lands 2012	4
Figure 7 - Culburra Beach - Long Bow Point - Copper Cup Point Wollumboola ©Shoalhaven City Council 2013	5
Figure 8 - 1:8000 scale view of the strip of uncoloured / unzoned land within the Halloran Trust holdings, adjacent to Culburra Road ©Shoalhaven City Council 2013	5
Figure 9 - Woods Estate Callala Bay / Wollumboola - ©Shoalhaven City Council 2013	6
Figure 10 - Kinghorne Point - Arrow Point Kinghorne ©Shoalhaven City Council 2013	6
Figure 11 - Culburra Beach - Long Bow Point - Copper Cup Point Wollumboola ©Lands 2012	7
Figure 12 - 1% AEP Flood Planning Level from Draft SLEP2013	8
Figure 13 - Lake Wollumboola catchment in relation to the three planning proposal study areas	9
Figure 14 - Woods Estate / Callala Bay / Wollumboola - ©Lands 2012	11
Figure 15 - Kinghorne Point - Arrow Point Kinghorne ©Lands 2012	12
Figure 16 - SLEP85 Amendment 41 - Culburra	13
Figure 17 – Publicly exhibited Draft SLEP 2013 - Culburra Beach- zone overlay	16
Figure 18 - Publicly exhibited Draft SLEP2013 - Callala Bay Woods Estate / Wollumboola – zone overlay	16
Figure 19 - Publicly exhibited Draft SLEP 2013 - Kinghorne & Arrow Points – zone overlay	17
Figure 20 - proposed Land Uses at Culburra Beach (A3 version provided in Appendix 7)	19
Figure 21 - Robinson Water Consultants 2009 overall MUSIC model results	26
Figure 22 - Agricultural Land Classifications	28
Figure 23 – Callala Bay Woods Estate / Wollumboola proposed land use overlay (A3 version provided in Appendix 7)	36
Figure 24 - Extract from the Jervis Bay Settlement Strategy ©2003 Shoalhaven City Council	37
Figure 25 - extract from Jervis Bay REP 1996 - hatching = opportunities for urban development	38
Figure 26 – Kinghorne, Boalla & Arrow Points - Proposed land use overlay (A3 version provided in Appendix 7)	48

Executive Summary

During Shoalhaven City Council's Special Development Committee consideration of reports on the Draft Shoalhaven Local Environmental Plan 2013, the Committee, with the full delegation of Council, resolved to defer lands owned by Mr Warren Halloran and his associated companies from the draft LEP. This deferral was predicated upon the preparation and determination of a master plan or overall approach for the use of the extensive land holdings under Mr Halloran's control.

The Resolution of Council Special Development Committee states (see **Attachment One** for full copy):

Recommendation 9.2

MOTION: Moved: Watson / Second: Guile

RESOLVED that the Special Development Committee, in accordance with its delegated authority,

- a) Receive the submissions regarding Culburra Beach Expansion Area and Lake Wollumboola for information; and*
- b) Defer the zoning of all the Halloran landholdings within the Shoalhaven until a master plan or overall approach for Halloran land has been prepared and considered.*

Voting: For – Tribe, Robertson, Kearney, Anstiss, Baptist, Guile, Watson, White, Russ Pigg. Against - Findley

Recommendation 9.3

RESOLVED that the Special Development Committee, in accordance with its delegated authority:

- a) Receive the submissions outlined in Table 9.3 for information;*
- b) Rezone Lot 1 DP 614607, East Crescent, Culburra Beach once the land is in Council's ownership;*
- c) Defer the zoning of Copper Cup Point and Kinghorne Point until a master plan or overall approach for Halloran land has been prepared and considered; and*
- d) Retain the remaining zones at "Kinghorne Point" as exhibited.*

Voting: For – Tribe, Robertson, Kearney, Anstiss, Baptist, Guile, Watson, White, Russ Pigg. Against - Findley

While these two resolutions related to the consideration of specific reports on the Culburra Beach Expansion area, East Crescent Culburra Beach, Copper Cup Point and Kinghorne Point, the resolutions state that all Halloran landholdings be deferred. This deferral includes lands not only at the above locations but also at Long Bow Point, Lake Wollumboola and Callala Bay. A complete list of affected lands is provided as **Attachment Two** of this Planning Proposal. The land owned by Mr Halloran at the Millallen Estate (e.g. Lot 53 DP 1033684 & Lot 2 DP 1094024) was not included in the land deferred from LEP2014.

The lands referred to in this Planning Proposal were in the name of Mr Warren Halloran or in companies controlled by him at the time of that resolution. Ownership of this land has been transferred to a charitable trust – The Halloran Trust.

The Shoalhaven Local Environmental Plan, 2014 became effective on 22 April 2014 and the lands in the Halloran holdings have all been deferred from this LEP so that the provisions of the Shoalhaven Local Environmental Plan, 1985 remain effective to allow lodgement of this master plan Planning Proposal into the LEP gateway process. **Attachment Three** provides a copy of the Minister for Planning & Infrastructure's advice in this regard, and states that the Planning Proposal is to be lodged by 29 August 2014 or consideration will be given to pursuing the publicly exhibited draft zones for the holding.

Given the short timeframe, and as discussed and agreed with both the DPE (Mr Brett Whitworth) & SCC (Mr Gordon Clark) the preparation and submission of necessary supporting studies (e.g. Bushfire, Threatened Species, Traffic impacts etc.) will be made after Council has determined whether to support the planning proposal through to the LEP Gateway.

A Part 3A application is currently with the Department of Planning & Environment for determination over lands within The Halloran Trust holdings – MP09_0088 (West Culburra Expansion area) and a Part 4 development application is with Shoalhaven City Council for a golf course on land at Long Bow Point – DA11/1728. Both of these areas are included in this Planning Proposal. This Planning Proposal embodies the terms “master plan” and “overall approach” used in the resolutions of Council.

The aim of this Planning Proposal therefore is to determine:

- (i) the potential for urban development in areas west of the existing Culburra Beach township and generally north of the catchment extent of Lake Wollumboola, consistent with Council's resolution of 26 June 2012 (Recommendation 16);
- (ii) the potential for an area for urban development further investigation within the catchment of Lake Wollumboola to Culburra Road;
- (iii) the potential for low environmental impact community recreation zone with private conservation areas, consistent with Council's resolution of 26 June 2012;
- (iv) the potential for urban development west of Callala Bay east of Callala Bay Road; and
- (v) to identify land that will be preserved through long term conservation as National Park – land is proposed to be gifted to the State Government by Mr Halloran.

The overall Master Plan strategy is provided on Map 3 following, with maps provided for each study area individually in Attachment 7.

The current position in terms of applications approved or underdetermined and with Council or Department of Planning & Environment are provided on Map 2. This map illustrates the general location & layout of the Part 3A concept plan for West Culburra currently with the State Government awaiting determination and the original Golf Course application which is with Shoalhaven City Council awaiting determination.

The offsets for these projects have been identified as follows:

- The offsets for the Part 3A proposal are lands at Sussex Inlet located around Tullawalla Lagoon, Tullawalla Creek and St Georges Basin. This land links two separate areas of Conjola National Park and supports significant ecosystems. This land has been subject to a rezoning request associated with One Tree Bay and has been subject to numerous ecological studies in the past.
- The offsets for the current golf course DA proposal are lands contained within the golf course precinct including Wattle Creek, Downes Creek and a 2.5km long foreshore zone with frontage to Lake Wollumboola. This land will remain with the owner and be subject to a long term conservation agreement. In addition, certain lands at East Crescent will be transferred to Shoalhaven City Council and land at Worrowing Heights will be transferred to National Parks. These lands have very high ecological value and preliminary discussions have been held with Shoalhaven City Council regarding the acceptability of this land to Council.

Each study area covered by this Master Plan is addressed separately within Section 3 of this Planning Proposal as Parts 2 – Explanation of Provisions, Part 3 Justification in terms of Questions 1 through 3 and Part 4 Mapping have been combined due to the complexity of issues associated with individual study

areas (particularly Culburra expansion area). The remaining Justification Questions 4 through 11 are addressed following those individual reviews, under Section 6.

This planning proposal seeks to be generally consistent with the South Coast Regional Strategy, including the SCRS Sustainability Criteria and the recommendations of the Sensitive Urban Lands Review panel, along with the provisions of the Jervis Bay Settlement Strategy. However, there are some potential inconsistencies seeking consideration for further investigation or alternative land use options based upon a significant area of land being retained for long term conservation and other offset lands within the region.

Aspects of this Planning Proposal that Council or the Department of Planning & Environment may see as inconsistent with the SCRS or JBSS are:

- Urban expansion is proposed within the catchment of the Crookhaven River which was not identified by Shoalhaven City Council in DLEP2013 as residential, or identified under the JBSS for residential purposes;
- An investigation area for potential urban development within the catchment of Lake Wollumboola north of Culburra Road; and
- Low environmental impact community recreation and conservation lands at Long Bow Point for a golf course and long term conservation in private ownership;

These potential inconsistencies are predicated upon the basis that some non-urban development can occur within the catchment of Lake Wollumboola without significant adverse impact upon the water quality of the lake. This determination is based upon two reports prepared in light of the Commission of Inquiry on Long Bow Point and the Sensitive Urban Review Panel recommendations (Simmons, Beveridge and Maheshwari, 2009 and O'Loughlin & Robinson 2008).

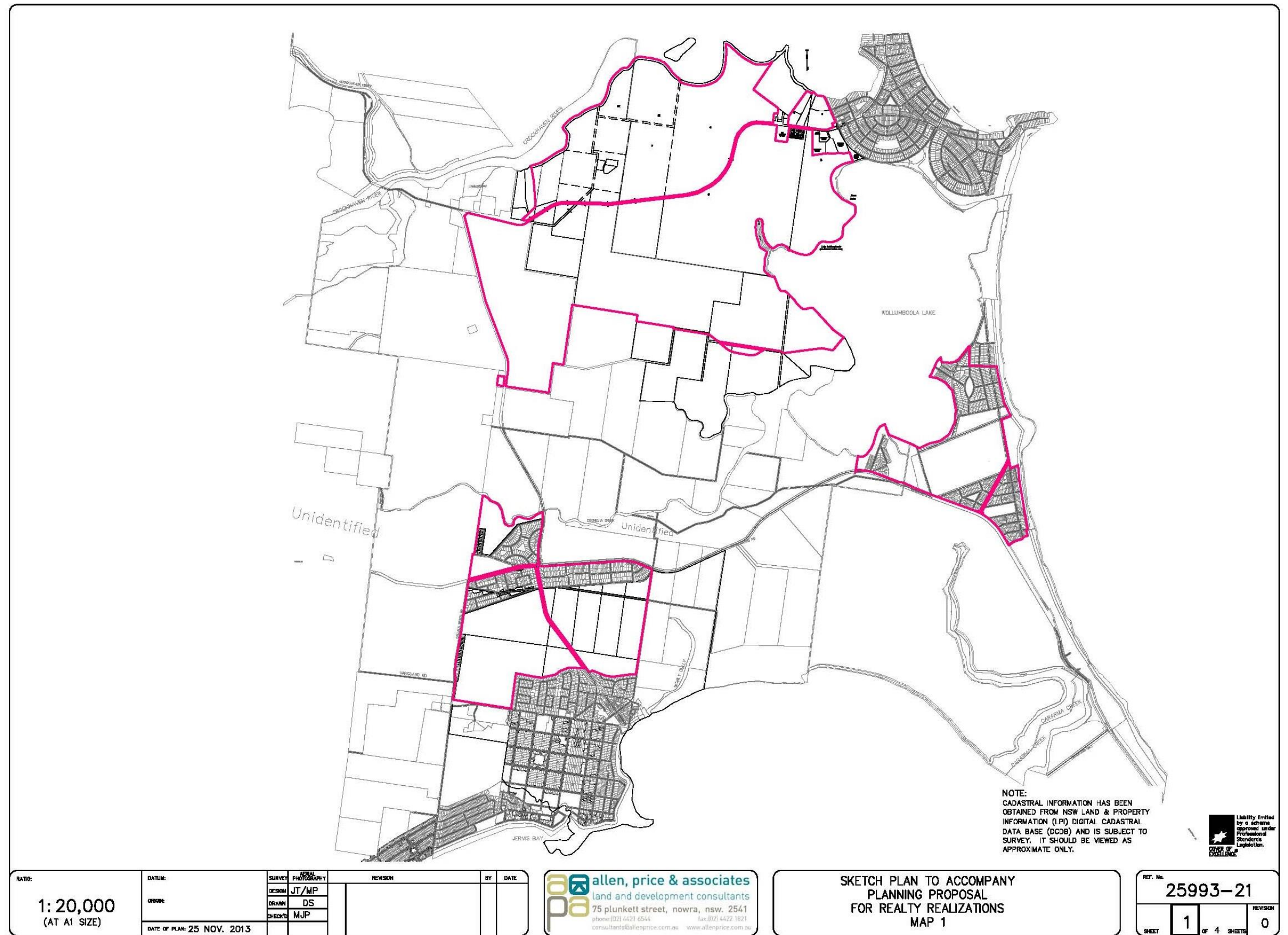


Figure 1 - Map 1 - Existing Cadastre of region of Planning Proposal

NOTE:
CADASTRAL INFORMATION HAS
BEEN OBTAINED FROM NSW LAND
& PROPERTY INFORMATION (LPI)
DIGITAL CADASTRAL DATA BASE
(DCDB) AND IS SUBJECT TO
SURVEY. IT SHOULD BE VIEWED
AS APPROXIMATE ONLY.

 DENOTES
PROPOSED/APPROVED
RURAL DWELLING WITH
APZ (APPROXIMATE
LOCATION)



COVER OF POWER

RATIO: 1: 20,000 (AT A1 SIZE)	DATE:	SURVEY	AERIAL PHOTOGRAPHY	REVISION		BY	DATE
	ORIGIN:	DESIGN	JT/MP				
		DRAWN	DS				
		CHECKED	MJP				
	DATE OF PLAN: 25 NOV. 2013						



SKETCH PLAN TO ACCOMPANY
PLANNING PROPOSAL
FOR REALTY REALIZATIONS
MAP 2

REF. No.			
25993-21			
SHEET	2	OF 4 SHEETS	REVISION

Figure 2 - Map 1 - Existing Part 3A application & Part 4 Applications or approvals – for further application detail see relevant study area sections of this planning proposal

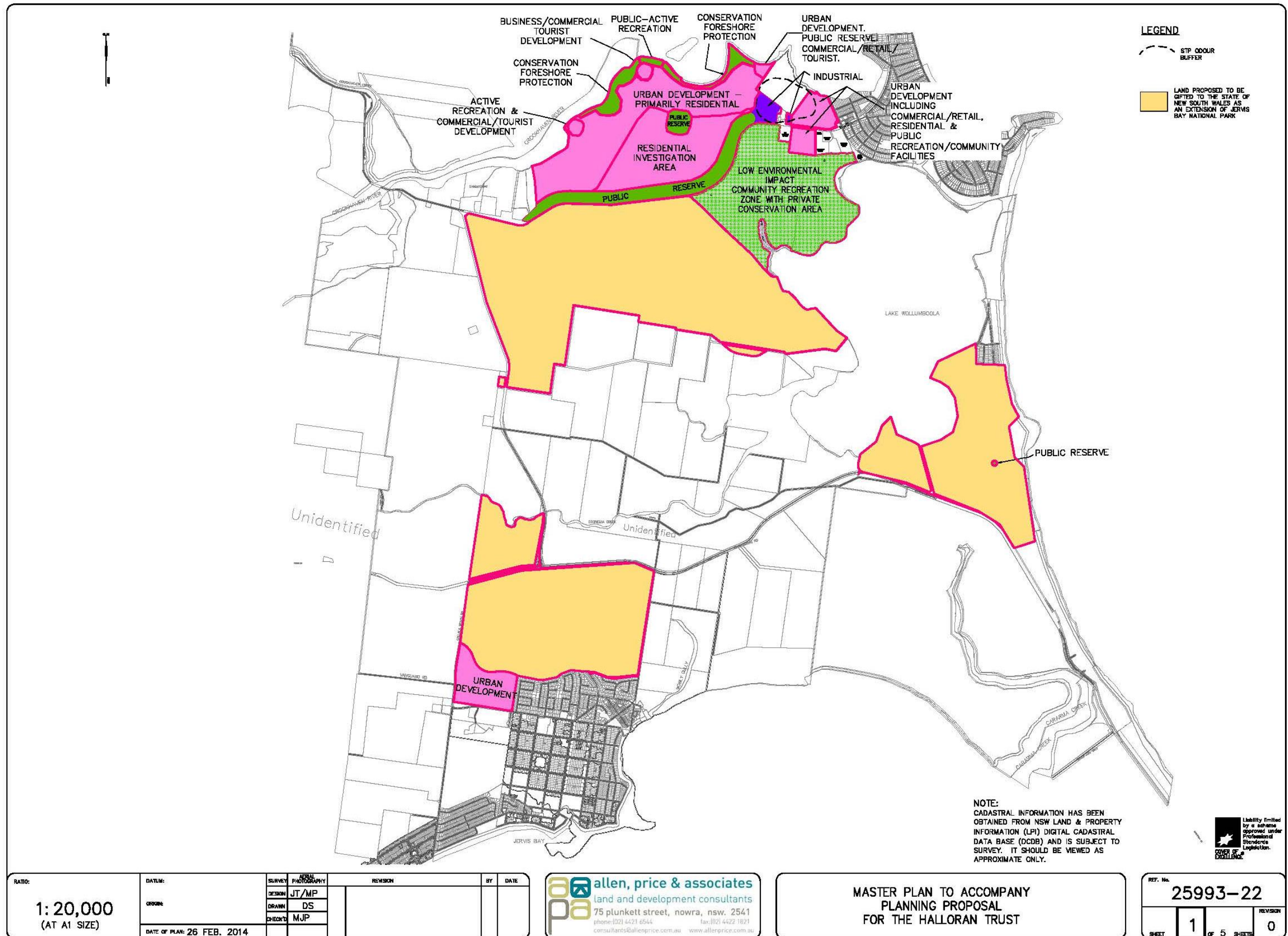


Figure 3 - Map 2 - Planning Proposal Broad Land Uses (detailed individual study area maps are provided as Attachment 7)

1. Introduction

This Planning Proposal seeks to provide direction for the future use of lands under the control of The Halloran Trust, effectively as a master plan. This will involve both Shoalhaven City Council (SCC) and the Department of Planning & Environment (DPE) in the resolution of the zoning of these lands, taking into account appropriate development offsets and infrastructure provisioning to facilitate that future development.

The pertinent points of this Planning Proposal are:

- Land is within a single ownership which facilitates a long term planning solution;
- Part of the land represents the only possible opportunity to determine the future of Culburra Beach as a higher order centre;
- The land is mostly suitable for some form of development, acknowledging that the matter of securing water quality in both Lake Wollumboola and the Crookhaven River / Curleys Bay is a priority consideration;
- Provision of integration of land uses including areas to be conserved and areas to be allocated for development;
- Integration of infrastructure provisions for the Wollumboola sub-region;
- Integration of provision of social infrastructure;
- This Planning Proposal results in the eradication of old “paper” subdivisions which are an unresolved planning issue for Council;
- The majority of the land is well above the 1:100 year flood level and the potential sea-rise level anticipated with global warming;
- The land is dominantly xeric woodland, last cleared in 1920;
- The aim of the Master Plan is to protect and ensure that the water quality of Lake Wollumboola is not adversely impacted by urban development;

Council resolved to defer the land holdings of Mr Halloran (now The Halloran Trust) from the Draft Shoalhaven Local Environmental Plan 2013, to enable a master plan approach to be devised and this planning proposal provides that methodology.

The purpose of the Planning Proposal is:

- To achieve an optimal land use plan which balances conservation with urban development;
- To provide certainty of land use potential for the owner;
- To promote employment opportunities at Culburra Beach;
- To provide a range of residential environments and densities, appropriate to this coastal location;
- To diversify the range of tourist and recreation facilities available to visitors and residents by identifying appropriate sites;
- To establish Culburra Beach as a significant town in terms of the range of services and facilities that will be available.
- To ensure integration of infrastructure provision in the Wollumboola sub-region;
- To ensure integration of social infrastructure provision in the Wollumboola sub-region;
- To protect the marine / mesic vegetation ecologies that border Lake Wollumboola;
- To provide sites for tourist / visitor accommodation within the ownership;
- To provide sites for residential development at different densities – i.e. standard, medium and higher residential density; and

- To identify and conserve areas of ecological and / or scenic and / or archaeological significance.

1.1 Location

The lands, which are the subject of this planning proposal, consist of numerous allotments totalling approximately 1681.5 hectares over three localities bounding the Jervis Bay National Park, at Culburra Beach / Wollumboola, Kinghorne and Callala Bay / Wollumboola. Total number of allotments in the three localities comprise approximately 1445 individual allotments in one ownership.

The individual allotment details are provided in Attachment Two of this proposal; locality sketches are provided as Figures 1 – 3 following.

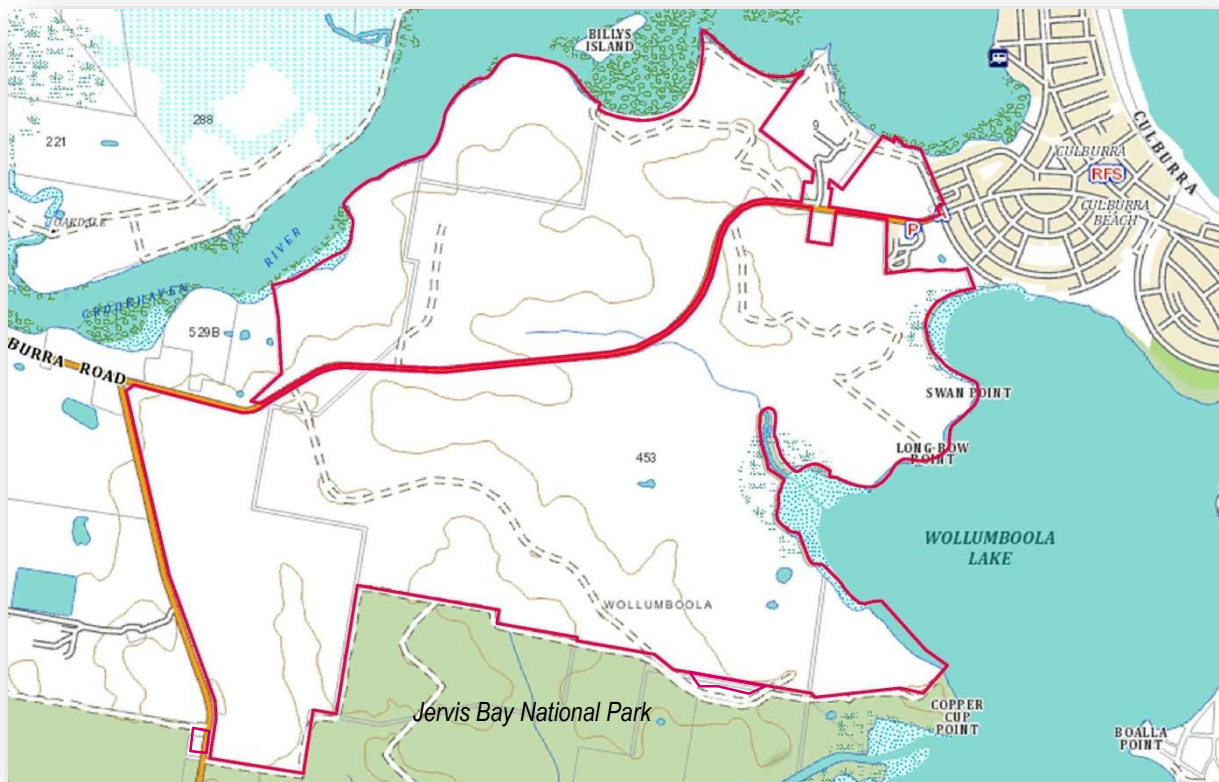


Figure 4 – Culburra Beach - Long Bow Point - Copper Cup Point Wollumboola ©Lands 2012

The lands at West Culburra / Wollumboola are essentially bound by Coonemia Road in the west and Canal St East / West Crescent to the east. The Crookhaven River and Curleys Bay provide the northern boundary of the area and the Jervis Bay National Park provides the southern boundary. The land is bisected by Culburra Road, and is within the catchment of both the Crookhaven River / Curleys Bay and Lake Wollumboola.

The Culburra / Wollumboola area is comprised of 22 allotments in the ownership of The Halloran Trust, totalling approximately 1,117 hectares.

The lands at Callala Bay / Wollumboola (Figure 5) are located north of the village of Callala Bay adjacent to the intersection of Forest Road and Coonemia Road extending through to the village itself. The Jervis Bay National Park adjoins this locality from the north west through to the south east.