

# Lake Wollumboola Protection Association Inc

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## Lake Wollumboola-Culburra Beach Timeline of Major Decisions

### Planning and Development, Environment Conservation and Protection – 1992 to 2024

Since the early 1990s NSW Governments and agencies have worked to conserve and protect Lake Wollumboola and its catchment whilst seeking to provide for ecologically sustainable development at Culburra Beach.

Members of the Lake Wollumboola Protection Association Inc have also played an important role in these initiatives aiming to achieve our vision for:

- **protection of the environmental and Aboriginal cultural heritage of Lake Wollumboola and its catchment by including the lake and natural, undeveloped parts of its catchment in Jervis Bay National Park, and**
- **declaration of the lake as an internationally important Ramsar wetland.**
- **Protection of the Crookhaven catchment from further expansion of urban development.**

This timeline includes Planning, Development, Environment Conservation and Protection policies, inquiries, plans and decisions for Lake Wollumboola and its catchment and the adjacent lower Crookhaven River catchment at Culburra Beach and the Halloran Trust lands at Kinghorn Point and Callala Bay. LWPA members have engaged in these initiatives and decisions, via submissions, lobbying and community engagement.

#### 1992

The Culburra Urban Expansion Area (CUEA) including Halloran lands in the Lake Wollumboola and Crookhaven River catchments was rezoned for a 6-stage 3,000 lot urban expansion, following limited community consultation.

#### 1992-3

Keith Campbell identified Endangered Green and Golden Bell Frogs in wetlands and gardens adjacent to Lake Wollumboola resulting in development of the draft Shoalhaven City Council (SCC) Culburra Beach Green and Golden Bell Frog Management Plan.

#### 1993

Frances Bray responded to a SCC advertisement regarding a draft Lake Wollumboola Estuary Management Study and obtained a copy. It was very concerning in particular regarding proposals for construction of a rock wall along the sand bar to enable management of openings.

On making inquiries with Council staff, she discovered that SCC had advertised for public comment regarding the 837-lot Long Bow Point residential sub-division application by Exchanges Pty Ltd the first part of planned 3,000 lot subdivisions in the lake and Crookhaven River catchments.

Council soon after sought public comment for a Study for the Lake Wollumboola Estuary Management Plan. Frances with other community members, formed the unincorporated Lake Wollumboola Support Group, the forerunner of Lake Wollumboola Protection Association Inc, to oppose the subdivision application due to the potential impacts of such large-scale urban development, on the lake and surrounds and to contribute to the Estuary Management Plan.

## 1995

Shoalhaven City Council released the Long Bow Point sub-division Development Control Plan for public comment. Community members objected, presenting a petition to Council requesting that consideration of the Development Control Plan await completion of the Estuary Management Plan and lobbying the new NSW Government to intervene.

In August the Minister for Planning the Hon Craig Knowles “called in” the Long Bow Point application, announcing that he would determine the 837 lot Long Bow Point subdivision application, the first of the 3,000 lots comprising the CUEA. He also established the Long Bow Point Commission of Inquiry (COI), in response to lobbying by community members including members of the unincorporated LWSG and the Total Environment Centre.

The COI was adjourned after its first session to enable the land owner to conduct a Fauna Impact Statement. It reconvened late 1999, early 2000. Lawyer Mr Bruce Donald sought funding from the then NSW Legal Aid Commission to enable LWSG to obtain expert advice for submissions to the COI.

## 1996

SCC established Lake Wollumboola Estuary Management Task Force which included LWSG members and later, estuary expert Ms Kerry Stephens, representing the Department of Land and Water Conservation. Ms Stephens trained task force members to collect water quality samples over a 2-year period, analysis of which contributed to greater understanding of nutrient variability in Lake Wollumboola.

## 1998

Gazettal of the south west Lake Wollumboola catchment in Jervis Bay National Park, (JBNP) included a significant decision for the Jerrinja community, as JBNP is identified for hand back and co-management should traditional owners wish to proceed. The then Minister after initially advising her intention to purchase Long Bow Point for inclusion in JBNP, decided not to proceed.

## 2000

The Inquiry Commissioner recommended that the NSW Government refuse the Long Bow Point subdivision and that the Government review the zonings of the entire 3,000-lot CUEA.

On 5 June the Minister for Urban Affairs and Planning, the Hon Andrew Refshauge visited Lake Wollumboola and announced he had accepted the COI Recommendations as follows:

- “refusal of the proposal due to its unacceptable environmental impacts, including loss of water quality of the important Lake Wollumboola and loss of fauna and flora habitat of conservation value.
- areas of conservation value should be protected not cleared or modified.
- the highest levels of protection from pollution or impacts are required for the important Lake Wollumboola to protect habitat and fauna including threatened species
- a review of overall planning controls is warranted.”

## 2002

NSW Coastal Lakes Inquiry recommended Lake Wollumboola for “**Comprehensive Protection**” that is no development expansion in lake catchment and consideration for listing as Wetland of International Importance under the Ramsar Convention. NPWS progressed independent studies for Ramsar listing which concluded that the lake potentially met 4-5 criteria for nomination due to its unique physical, hydrological and ecological processes and significance for birdlife with over 100 species identified. (Jervis Bay National Park Plan of Management 2011).

In November the bed of Lake Wollumboola to .86 m AHD, its sand bar and dunes to 500 m south included in Jervis Bay National Park.

### **2002-3**

A group supporting the proposed developments appropriated the Lake Wollumboola Support Group name as an incorporated organisation. Members of the original group adopted the name "Lake Wollumboola Protection Association Inc" and continued their lobbying, education activities and documentation of the lake and its birdlife and aquatic life under the new name.

### **2003**

Attempt by the then NSW opposition to reverse the National Park listing of Lake Wollumboola. This was defeated in the NSW Upper House.

Lot 1 East Crescent, owned by Fenfar Pty Ltd who approached SCC regarding proceeding with 1979 approval for 86 lot Caravan Park. The advice LWPA Inc received from SCC and EDO was that application had lapsed. Fenfar appealed to Land and Environment Court. Department of Planning etc intervened in the court case objecting to the claimed commencement and Fenfar withdrew its appeal.

Application to SCC for Industrial sub-division north of Culburra Rd in Lake and Crookhaven catchment. Intervention by LWPA Inc and Department of Planning led to withdrawal of application.

### **2006**

Fenfar lodges DA for 24-lot residential subdivision at Lot 1 East Crescent.

**NSW South Coast Sensitive Urban Lands Review** recommendations for Culburra Urban Expansion Area conveyed to Minister for Planning Hon. Frank Sartor as follows:

- "Land within the catchment of Lake Wollumboola is considered unsuitable for urban development, principally on the grounds of the potential negative impacts on the Lake which is a sensitive intermittently closing and opening lake or lagoon (ICOLL)."
- "The land in the Lake Wollumboola catchment should be zoned for conservation purposes (the most appropriate zone under the Standard Instrument for LEPs is zone E1 National Parks and Nature Reserves.)"
- "Negotiations should be commenced with the landowner to determine their interest in dedicating the land in the Lake Wollumboola catchment for conservation purposes and including the sites as a potential bio-banking site."

### **2007**

NSW Government **South Coast Regional Strategy** adopted the recommendations of the South Coast Sensitive Urban Lands Review, the Long Bow Point COI and the Coastal Lakes Inquiry, as the basis for "Environment Conservation" zoning for the lake catchment, including consideration as part of Jervis Bay National Park in the Shoalhaven Local Environment Plan.

### **2008-2014**

**Shoalhaven Local Environment Plan (SLEP)** process. Intention of both previous and present NSW Governments was to implement the South Coast Sensitive Urban Lands Review recommendations ie Environment Protection zoning for sensitive lands in the lake catchment as exhibited in the Draft SLEP 2011 and 2013. The Developer and SCC resisted Environment Zoning for parts of Lake catchment particularly Long Bow Point.

### **2009**

Lot 1 East Crescent 24-lot subdivision application on public exhibition.

Birds Australia announced that Lake Wollumboola was declared as an International Bird Area (IBA) with Joy Pegler as IBA Guardian. Contributions of Joy Pegler and LWPA Inc acknowledged by Birds Australia.

## 2010

SCC refuses Lot 1 East Cres application on basis of insufficient information.

West Culburra mixed use Part 3 A concept development application lodged with Department of Planning, applying to both Lake Wollumboola and Crookhaven River catchments-included mixed-use urban development-later reduced to 685 residences but including medium and high density. Environmental Assessment Report not accepted by Department of Planning and Environment-main issue-water quality impacts for lake and Crookhaven River. Concern that application not consistent with South Coast Sensitive Urban Lands Review recommendations.

## 2011

In February the NSW Minister for the Environment Hon Frank Sartor recommits to Ramsar listing of Lake Wollumboola and Government gazettes the Jervis Bay National Park Plan of Management including Lake Wollumboola.

NSW Coalition Government puts Ramsar listing on hold.

Lot 1 East Crescent 24 lot subdivision refusal appealed in Land and Environment Court by Greg Thompson & Partners Pty Ltd.

DA11/1728 application for a golf course at Long Bow Point Lake Wollumboola catchment lodged two weeks prior to exhibition of Draft SLEP in apparent attempt to prevent "Environment Protection" zoning for Long Bow Point.

Draft Shoalhaven LEP exhibited as determined by then Department of Planning, with Long Bow Point proposed for "Environment Protection" zoning despite objections from Shoalhaven City Council.

## 2012

Land and Environment Court consents to 14-lot residential subdivision (reduced from 24 lots) with a public reserve adjacent to Lake Wollumboola.

DA11/1728 application Species Impact Statement for a golf course at Long Bow Point Lake Wollumboola catchment re-exhibited for public comment.

## 2013

Land owner offers Lot 1 East Crescent to Shoalhaven City Council for a public reserve.

Office of Environment and Heritage (OEH) and other Government agencies Report "**Environmental Sensitivity of Lake Wollumboola: input into considerations of development applications at Long Bow Point, Culburra.**" Dr P. Scanes et al 2013. Significant advance in understanding of the lake's unique character as a Back-dune lagoon with its ecosystem influenced by ground water and thus highly sensitive to nutrient-enriched run off from development. The Report refuted claims by the proponent's consultants that proposed water management measures for the proposed golf course would "improve" Lake Wollumboola's water quality.

Shoalhaven City Council recommendation as part of LEP process that Long Bow Point be zoned for "low impact recreation" to allow for the golf course – not accepted by Planning Minister.

Instead, Minister for Planning Hon Brad Hazzard advised Council:

"I am concerned appropriate environmental zones to protect the catchment of the internationally significant Lake Wollumboola have been removed since the initial exhibition.

Three independent Government Inquiries, including a Commission of Inquiry and the South Coast Sensitive Urban Lands Review have provided evidence supporting the need for protection of this area and I see no reason to further delay its implementation.”

#### **2014**

SLEP 2014 gazetted with rezoning of Halloran Trust lands at Culburra Beach, Callala Bay and Kinghorn Point deferred to enable a Planning Proposal to be to be considered by SCC with rezoning of Halloran Trust lands at Culburra Beach, Callala Bay and Kinghorn Point.

#### **2015**

NSW Office of Environment and Heritage studies confirm Ground Water presence in Lake Wollumboola, particularly in vicinity of Long Bow Point and Creeks.

**Illawarra Shoalhaven Regional Plan** refers to Lake Wollumboola as an “ecological jewel that must be protected” and states that the lands within the lake catchment are considered unsuitable for urban development because of potential negative impacts on the lake, which is a sensitive intermittently closing and opening lake with very high conservation values.” It goes on to say that, “A higher level of management intervention is needed to protect, maintain and/or restore the water quality and ecological condition of these sensitive estuaries.”

The Department of Planning and Environment agreed to progress the Halloran Planning Proposal covering Halloran Trust lands at Culburra Beach, Callala Bay and Kinghorn Point including all such sites in the Lake Wollumboola catchment in an apparent attempt to resolve the long-term conflict over environment protection and development.

The Department’s Determination of the Halloran Planning Proposal provided strict conditions:

- “Council is to zone Long Bow Point” (described as a South Coast jewel in the Departmental media release) “for environment protection due to the recognised high environmental sensitivity of Lake Wollumboola dependent on the outcomes of a biodiversity offset strategy.”
- “Land within the surface and ground water catchment of the Lake (north of Culburra Rd) should also be zoned for environment protection, unless the water quality strategy identifies that an alternate zoning can achieve a neutral or beneficial effect on the Lake.”

The Deputy Secretary, Planning Services covering letter to Shoalhaven City Council of the 16 November 2015 states that:

- “Due to the high environmental sensitivity of the Lake Wollumboola catchment, particularly Long Bow Point, the Department is unable to support the proposed community recreation zone for this area. Council is to zone Long Bow Point environment protection dependent on the outcomes of the biodiversity offset strategy.” (ie whether E1 National Park or E2 Environment Protection-private land)

The Halloran Planning Proposal also includes sites at Kinghorn Point through to Lake Wollumboola south east shore, sites north of Callala Bay including parts of the Lake catchment.

The Determination for the Culburra Beach sites includes a series of studies, with two major studies to form the basis of land use zoning decisions in the Culburra Beach sites:

- Flora and Fauna

- Water Quality, including establishing ground water and surface catchment boundary between Lake Wollumboola and Crookhaven River.

The Determination also provides for investigation of alternative sites for a golf course outside the Lake catchment and many additional studies including Aboriginal Cultural Heritage, bushfire, socio-economic studies.

It is understood that the Minister for Planning will determine the outcomes of the Halloran Planning Proposal.

## **2016**

Halloran Planning Proposal, Project Planning Group established. Flora and Fauna studies commenced. Ground water study under way.

In July results of separate 2015 OEH ground water surveys at Lake Wollumboola made publicly available. These show ground water presence in the Lake waters, with the highest readings adjacent to the shore, particularly around the Long Bow Point peninsula and offshore from the creeks, further refuting consultant's claims that ground water was not present in the lake.

NSW Coastal Management Act gazetted. NSW Draft Coastal Management State Environmental Planning Policy with Lake Wollumboola listed as Schedule 1 Lake ie high conservation value, highly sensitive to development pressures, gazetted 2018.

In May the Golf Course DA 11/1728-SCC re-advertised Species Impact Statement and DA for public comment.

In November the then Minister for Planning the Hon Rob Stokes sought and received advice from the Planning Assessment Commission that the golf course DA 11/1728 at Long Bow Point is "State Significant Development." This advice left the way open for the Minister to "call in" the application from Shoalhaven Council to enable co-ordinated assessment by expert State agencies, as the basis for the Minister's decision.

## **2017**

In March the Minister for Planning the Hon Anthony Roberts advised Shoalhaven City Council that he had accepted the Planning Assessment Commission's advice:

- "I have decided to declare development for the purpose of an 18-hole golf course and associated works/facilities at Long Bow Point to be State Significant Development under 89C (3) of the Environmental Planning and Assessment Act 1979 for the purposes of that Act."

The Minister also advised that the Minister would become the consent authority and that furthermore he agreed with the Commission's advice relating to the State and regional planning significance of the development.

IBA status for Lake Wollumboola changes to "Key Biodiversity Area" KBA, recognised under IUCN. Frances Bray assumes Guardianship role following Joy Pegler's resignation.

## **2018**

In June the NSW Department of Planning and Environment agrees with SCC request to separate the Halloran Planning Proposal into two parts-the Culburra Beach part and the Callala-Currarong part. This decision maintained the Director General's Requirements but took account of the extended time needed to complete the Lake Wollumboola Ground Water Study, enabling the Callala-Currarong part to be progressed earlier than the Culburra part. The completion date for the Culburra parts of the SLEP was

stated as 23 February 2021. The relevant documents applying to the Halloran Planning Proposal can be accessed via SCC website. <https://getinvolved.shoalhaven.nsw.gov.au/halloran-trust-culburra-beach>

In November NSW Independent Planning Commission established under the Environmental Planning and Assessment Act 1979 as a consent authority for state significant development in NSW – independent of NSW Government and Ministers for Planning and Environment.

The Department of Planning and Environment recommended that the NSW Independent Planning Commission refuse both:

- the West Culburra mixed use Concept application and
- the Long Bow Point subdivision application.

In July the Independent Planning Commission conducts public meetings at the Culburra Beach Bowling Club for:

- Long Bow Point subdivision application.
- West Culburra mixed use Concept application.

Rob Dunn President Birdlife Shoalhaven, Frances Bray on behalf of LWPA Inc and Narelle Wright made presentations objecting to the Golf course DA whilst Frances Bray LWPA and Georg Strasser made presentations objecting to West Culburra.

On 26 September the IPC refused Long Bow Point Golf course application and 17th October also refused the West Culburra application. No appeal of LBP decision.

The spokesperson for Allen Price & Scarratts advises that the options for Long Bow Point included sale and biodiversity offsetting.

In November Allen Price & Scarratts applies to SCC to modify the consent for 14-Lot subdivision at East Crescent Culburra Beach. 5 of 14 lots advertised for Auction/sale

## **2019**

LWPA sought assistance from EDO regarding Lot 1 East Crescent and potential lapse of consent. SCC provided documentation of a site survey and drilling regarding presence of ground water had occurred, which demonstrated commencement. LWPA objected to modifications.

In February, Office of Environment and Heritage advises that representatives of the Halloran Trust have signed biodiversity offset agreements for lands in the Lake Wollumboola catchment for future inclusion in Jervis Bay National Park. However Long Bow Point, with its creeks and wetlands, is not included.

In June Birdlife Shoalhaven organised a gathering at the Nowra-Culburra Surf Club at Culburra Beach to celebrate the significance of Lake Wollumboola particularly for birdlife and the people who protect it. Rob Dunne President Birdlife Shoalhaven presented Frances Bray with Birdlife Australia's Distinguished Service Award 2019 for her role over 26 years in protecting Lake Wollumboola and its catchment.

In August letter from Parliamentary Secretary for the Environment stating, "Should Long Bow Point property be offered for sale I can assure you and Association members that it will be considered for purchase against acquisition priorities."

In November LWPA invited Minister for the Environment, Matt Keen to visit Lake Wollumboola.

## **2020**

In October the West Culburra Ground Water Assessment Study for the Halloran PP was completed. DPIE advice to Shoalhaven City Council was that, “most significant study in terms of rezoning decisions as part of Halloran PP were to apply. DPIE advice also refers to the Scanes Report. DPIE considers urban development in the area between Culburra Rd and the catchment divide as not appropriate, a risk to Lake Wollumboola-contamination.

In November a Council meeting advised on DPIE decision.

## **2021**

In January a reduced version of West Culburra SSD on exhibition. LWPA submitted a major submission objecting to the entire proposal, especially clearing of the coastal woodland and wetland in the Crookhaven and Lake catchment, expressing concerns re impacts from development and recreation on Aboriginal cultural heritage, but acknowledging that low scale residential development would be appropriate adjacent to the Ambulance station and Health centre.

On 10 May. Land and Environment Court Public meeting at Culburra Beach Community Hall. Frances Bray and Narelle Wright together with Delia Lowe, Jerrinja Elder all opposed the application in their presentations, chosen by DPIE as community members opposed to the revised Concept Development.

In June advice was received from Departmental Lawyers that the parties had come to agreement and that the Land and Environment Court would make the final decision. LWPA Inc objected and contributed to mounting community opposition. Assistance from Bruce Donald Lawyer. Concerned that IPC accepted decision.

On 9 June a letter sent to Minister for Planning and Environment Rob Stokes expressing concern that the Illawarra-Shoalhaven Regional Plan map re the Lake catchment was inconsistent with DPIE decisions re the environment protection zones for the Lake catchment and actions of NSW NPWS and the NSW Biodiversity Conservation Trust in 2019-2020 re potential purchase of LBP for inclusion in Jervis Bay National Park.

On 1<sup>st</sup> December the decision – West Culburra SSD approved by the Land and Environment Court, a devastating decision for the future of Culburra Beach.

## **2022**

In February NSW DPIE recommenced process for Ramsar listing of Lake Wollumboola.

After Frances Bray consulted with Rob Dunn of Birdlife Shoalhaven and his colleague, the Lake Wollumboola bird count records that both Frances Bray and Joy Pegler had sent to Birdlife Australia were able to be presented in online charts for each migratory bird species. Whilst they will be refining the data presentation, it seems that for most birds the graphs are showing declines, in migratory bird numbers.

In March the NSW Department of Planning and Environment exhibited for public comment, the “Callala Bay, Wollumboola and Kinghorne Planning Proposal” (rezoning)-PP-2021\_406. SCC also exhibited a Biodiversity Certification Application for the Callala Bay site. The proposal involved development of 38 ha of coastal forest at Callala Bay and as an offset, rezoning of 517 ha of high conservation value lands west of Lake Wollumboola through to Coonemia Rd in the Lake catchment. The land is to be rezoned to C2 Conservation Zoning and transfer of the land after 5 years to Jervis Bay National Park. This important expansion of Jervis Bay National Park, was due to offsets from the West Culburra SSD.



The Callala Community identified threatened species, including the Greater Glider at the Callala site and campaigned against the entire proposal, including denigrating the Lake catchment values. LWPA opposed development of the Callala site, but supported the Lake catchment proposals.

On 14 August the NSW Department of Planning and Environment announced approval of a Planning Proposal including approval of the Callala Bay Development and of the 3 portions of Lake Wollumboola catchment lands at Callala, Kinghorne Point and west of the lake from Coonemia Creek to Downs Creek and through to Coonemia Rd.

In August SCC Exhibition of Development application at 78 Eastbourne Ave Culburra Beach, immediately north of what was left of the Lake Wollumboola dune, after the lake opening in March. This was a shock as most people thought the site was Council land, not private land. The concerns involved loss of coastal dune vegetation, coastal erosion, impacts on Jerrinja cultural heritage, on lake water quality and unspoiled Lake environment. SCC required more studies and a decision is still awaited.

In December Jerrinja Local Aboriginal Land Council invited Frances Bray, to participate in a Junior Rangers end of year Celebration. Ruth Griffiths had organised two books of Lake Wollumboola colour photos taken mainly by Narelle Wright and a few by Frances Bray. It was decided that we donate a set of the books to the Jerrinja Junior Rangers.

## **2023**

In January the initial arrangements for the Shoalhaven library to accept the Lake Wollumboola Protection Association Inc were halted due to the Covid Epidemic.

From the beginning of 2023, Ruth Griffiths willingly accepted the complex task of reviewing and culling the documents and selecting the most significant documents for inclusion in the Lake Wollumboola archive for donation to the library. She spent a great deal of time assessing the documents with assistance from Frances Bray and has maintained contact with the Nowra Library throughout.

Joy Pegler has also provided her submissions to the Longbow Point Commission of Inquiry to the LWPA collection.

In January, the Hon. Cate Faerhman, Member of the NSW Upper House, held a Press Conference at Crookhaven Heads Culburra Beach to raise public concern to the practise of longterm coastal land holders resurrecting old approvals in sensitive locations on the NSW South Coast. Together with Alfred Wellington, CEO of the Jerrinja Local Aboriginal Land Council, Frances Bray arranged for Cate to view Lot 1 East Crescent Culburra Beach, which the owner Company sought to sell for development despite the site's close proximity to the fragile north shore of Lake Wollumboola and its significance as an archaeological site.

Letters to The Hon Penny Sharpe MLC, Minister for Energy and Climate Change, Minister for Environment and Heritage:

- 5 February, re support for acquisition of Long Bow Point for inclusion in Jervis Bay National Park.
- 17 November, letter recommending purchase of Long Bow Point and catchment land north of Culburra Rd as well as Lot 1 East Crescent, Culburra Beach.

## **2024**

In January a reply to the above letters came from Jess Birrell A/Director Biodiversity and Ecological Health, NPWS. Advice included the following:

- “as at 15 December 2023 the Shoalhaven LEP 2014 identifies the Long Bow Point area as a deferred matter, with further information available at Shoalhaven Planning and Development. “  
[www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)”
- “Should the Long Bow Point area be offered for sale it will be considered for purchase against other acquisition priorities.”
- “The Lake catchment area, north of Culburra Rd, poses some challenges to manage as National Park due to its isolation from Long Bow Point by Culburra Rd. If offered for sale, NPWS will consider it for purchase in the context of broader protection of the Lake Wollumboola catchment and against any competing acquisition priorities.”
- “Lot 1 East Crescent considered not suitable.”

Timeline compiled by:

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March 2024