

## **Department of Planning and Infrastructure.**

### **Submission opposing the Part 3 A development application, No 06-0135 Shoalin Temple, Comberton Grange South Nowra.**

**I object to the application for the Shaolin Temple and tourist and residential complex at Comberton Grange.**

**The reasons for my objection are detailed below.**

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#### **Decision-making regarding this application.**

I have concerns regarding Shoalhaven City Council's conflicts of interest and failure to consult with the Shoalhaven community in this matter.

Comberton Grange is a property that was owned by Shoalhaven City Council on behalf of the Shoalhaven community. Council sold the property to the Shaolin Foundation Australia and is the mortgage holder.

Shoalhaven City Council did not consult with the community prior to the sale or at the time of making its submission to the South Coast Sensitive Urban Lands Review in 2006 or since the Development Application was lodged.

Shoalhaven City Council is not therefore in a position to provide an impartial assessment of the benefits or otherwise of this development application on behalf of the Shoalhaven Community.

#### **Environmental values of the Jervis Bay Region.**

Comberton Grange is located in the catchment of Jervis Bay, including the much of the northern catchment of Currambene Creek and Bid Bid Creek.

Jervis Bay possesses outstanding natural values and is of great significance to the Aboriginal community. Coastal forests, heath and wetlands, all rich in biodiversity surround the Bay. Its varied scenery, white beaches and imposing cliffs are celebrated for their natural, aesthetic, cultural, scientific, recreational and economic values. The clear, unpolluted waters influenced by warm and cool temperate currents, support diverse marine life.

Jervis Bay possesses unsurpassed natural values, recognised in its listing as a Wetland of National Importance and as a Marine Park and with the surrounds protected by Jervis Bay and Booderee National Parks. The aquatic values of Currambene Creek itself are also recognised through Sanctuary Zoning in the Jervis Bay Marine Park Plan of Management, and as part of the Wetland of National Importance listing and designation of the northern shore of the Creek as a SEPP 14 Coastal Wetland.

The Jervis Bay Region is recognised as a terrestrial biodiversity hot spot, with many threatened species dependent on maintenance of natural vegetation communities and habitat corridors for their survival.

The high environment values of the Jervis Bay Region, the sensitivity of Jervis Bay and its catchment to development pressures have been recognised and in part protected in particular the Jervis Bay Regional Environment Plan 1996 and the South Coast Regional Strategy 2007 and South Coast Regional Conservation Plan 2010 and the Shoalhaven Local Environment Plan 1985 and 2009 Draft. Their importance to the social

and economic wellbeing of the residents of the area has been recognised in NSW and Shoalhaven City Council strategic planning measures.

All these documents have as their objective maintaining the natural values, especially water quality and, habitat corridors of the Jervis Bay Region.

Furthermore I do not consider that the social and economic benefits of this proposal has been demonstrated especially when the development has expanded well beyond its original concept and when additional load borne Shoalhaven City Council ratepayers from it, has not been taken into account.

### **Main objections.**

I do not consider that this application has demonstrated that it would maintain the high environmental values of Jervis Bay and Currambene Creek and its wetlands as well as the native vegetation of the Habitat Corridor designated in the Jervis Bay Regional Environment Plan. Map 3.

I do not consider that the proposal is consistent with the precautionary principle or other regulatory requirements and accordingly should not be approved. See later section.

The South Coast Sensitive Urban Lands Review considered that development of certain parts of the site would be acceptable if adequate measures were taken to ensure;

- Water quality of Currambene Creek was maintained.
- Riparian vegetation is rehabilitated and protected.
- There is no significant disturbance to salt marshes and mangroves along the banks of Currambene Creek.
- There is no significant disturbance to other EECs on the site.
- There is no significant disturbance to areas of high cultural values
- Sufficient natural vegetation is retained within habitat corridors on the site to maintain the integrity of these corridors.

### ***Water quality.***

Potential impacts on the water quality of the site and its creeks, on Currambene Creek and Jervis Bay have not been addressed as requested in the Director General's requirements.

The impacts of the construction phase and the fully developed site, for the aquatic ecosystem of Currambene Creek in particular and potentially for Jervis Bay are likely to be;

- Increased sedimentation and turbidity, reducing water clarity.
- Increased nutrients resulting in increased algal growth and biomass with epiphytic growth on sea grasses, smothering them.
- Increased biodegradable organic carbon leading to lack of oxygen in the Creek waters and death of respiring organisms.
- Degradation of the SEPP 14 Wetlands along Currambene Creek.

Although the application describes many measures to manage storm water and to improve its quality, no evidence has been provided to demonstrate that they would be effective.

Neither the sensitivity of the receiving waters that is, Currambene Creek and Jervis Bay, nor the water quality objectives for Jervis Bay in the "NSW Water quality guidelines for Fresh and Marine Water Quality."(ANZECC 2000). (DEC) and SEPP 71, Jervis Bay Regional Plan, South Coast Regional Strategy

have been taken into account. The NSW Water Quality objectives are to maintain aquatic ecosystem health and primary and secondary recreational uses as well as for aquatic foods.

Instead the aims for water quality focus on improving the quality of runoff from the developed site.

No baseline studies of existing water quality have been undertaken and no water quality monitoring program is proposed for the site, both under construction and developed. So there is no way of knowing the extent to which water quality has deteriorated until it is too late.

No modelling of water quality impacts, based on present water quality has been undertaken. The estimates provided in Table 3 “Water Quality Objectives,” in the “Water Management Report, Comberton Grange South Nowra,” Brown Smart Consulting, May 2012 show that the removal standards for pollutants most likely to affect water quality are so low, that water quality would not be maintained. eg the removal rates for Total Phosphorus and Nitrogen are 45%!

The expert advice of Professor William Maher Professor of Organic Chemistry University of Canberra said in evidence to the South Coast sensitive Urban Lands Review was that,

“water pollution control measures would need to be 90% effective to reduce pollutants from urbanized environments to natural levels. Water pollution control technology is not able to achieve the necessary levels of efficiency to replicate natural conditions in these sensitive environments.”

It is likely that by re-using collected storm water runoff for irrigation of vegetated areas and the golf course that the additional pollutants would simply be recycled and would accumulate in the soil, changing the composition of native vegetation and polluting ground water, Creeks and Jervis Bay.

A Golf course on this site presents additional threats both to onsite water quality and to the receiving waters. Additional nutrients from fertilisers, from organic carbon due to enhanced growth of exotic grasses and constant mowing, and the cumulative chemical pollution from herbicides and pesticides cannot be avoided with a golf course and water pollution controls could not remove the excessive loads required to promote growth and control weeds and pests.

The proposal to source irrigation water for landscaping and the golf course from Shoalhaven City Council’s Reticulated Effluent Management Scheme (REMS) is particularly disturbing. It would present a significant threat by providing water with extremely high levels of nutrients totally unsuitable for maintaining the water quality of the receiving waters and likely to result cumulative impacts such as nuisance algal blooms in Currumbene Creek.

### ***Riparian vegetation and salt marsh***

The proposal provides for substantial riparian buffer zones for Georges Creek and Currumbene Creek and its wetlands together with a promised management plan. However the proposed width of these buffers is inconsistent particularly regarding Georges Creek and its tributaries, with the width ranging from 20m total to 40 m total.

The values of these riparian zones would inevitably degraded by polluted storm water as this proposal expects these areas to filter the storm water. Such nutrient enrichment would promote weed growth and destroy the natural species composition of the Endangered Ecological communities along the Creek and in the SEPP 14 wetland.

With housing, holiday cabins and provision for camping in close proximity to riparian areas, population pressure would result in clearing and degradation of the understorey.

Coastal Marsh and other foreshore vegetation throughout the Shoalhaven is under threat as a result of Council’s decision in 2012 to expand residents’ ability to mow foreshore vegetation under certain conditions, despite provisions in the Generic Foreshore Management Policy. So there would be little to stop the residents of Comberton Grange doing likewise.

### ***Disturbance to Endangered Ecological Communities on site.***

In addition to Coastal Salt Marsh, substantial stands of Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest Endangered Ecological Communities are located in the southern parts of the site. Whilst no development would occur in these areas, the condition of the EECs would be impacted by polluted storm water, weeds and degradation from close proximity to housing and the hotel, cabin and camping precincts as indicated above.

These impacts have not been taken into account in the Ecological Assessment.

### ***Habitat Corridor reduced***

The northwest Habitat Corridor identified in the Jervis Bay Regional Environment Plan Map 3 and the Draft Shoalhaven 2009 Local Environment Plan would be significantly compromised by this development. The Environmental Assessment states that some 34.5 hectares would be lost as a result of the golf course. The Assessment implies this is an insignificant loss. The Assessment also proposes that the eastern portion of the site and the SEPP 14 Wetland proposed by the Sensitive Urban Lands Review to become part of the Jervis Bay national Park, should be regarded as an offset for loss of the vegetation in the Habitat corridor, designated as Habitat Corridors and not transferred.

The application also proposes that camping and other uses would be allowed in this area with its values equivalent to those of a national park.

These proposals are disingenuous. The loss would be an overall loss. The purpose of habitat corridors is to provide links across private land with protected areas such as between national parks so that fauna species that migrate with the seasons through a range can continue to migrate even though parts of the corridor are developed.

Any lessening of the width of the corridor reduces its capacity for Threatened species, such as the Yellow-bellied Glider, Glossy Black Cockatoo to move through their range. Thirteen such Threatened Species are listed in the Sensitive Urban Lands Review as having been observed on the site.

The wildlife surveys conducted for this proposal are not credible. They cover less than one week in Spring in 2011. Such surveys are totally inadequate to assess the impacts of this proposal on the biodiversity of the site, particularly threatened species. No judgements can be made regarding the impacts on Habitat Corridor Values and Threatened Species on this basis.

The dedication of the Eastern part of the site to should be retained in any approval.

It must a condition of any approval that the Eastern portion and the SEPP 14 Wetland are dedicated as an offset without cost to the Office of Environment and Heritage for inclusion in Jervis Bay National Park. After all this was public land and Council still holds a large mortgage over it. There should also be a condition in any approval for the golf course to be withdrawn, to secure the integrity of the Habitat corridor and reduce water quality impacts.

### ***Threatened Species.***

It seems that the assessment of impacts on Threatened Species from the development has been underestimated.

The surveys for Threatened Species were conducted over a few days in Spring 2009-10. This timing is not appropriate for species that are likely to move into the area during winter eg the Regent Honey Eater and summer, the Green and Golden Bell Frog. The Green and Golden Bell Frog has been identified along Currumbene Creek and recently at South Nowra, where construction of the Princes Highway was delayed whilst protective fencing was constructed to facilitate Frog movement.

Furthermore the assessment provided did not appear to follow the Threatened Species Assessment Guidelines, “The Assessment of Significance” Department of Environment and Climate Change, 2007, as required by the Director General’s requirements. The focus of these requirements is the impact on the local environment as distinct from the regional environment as the long-term loss of biodiversity at all levels arises mainly from the accumulation of losses and depletions of populations at a local level.

**The scale of the proposal represents over development of the site not anticipated by the South Coast Sensitive Lands Review-South Coast Regional Strategy.**

The zoning of the majority of the Comberton Grange site is Rural 1d General Rural in the Shoalhaven Local Environment Plan 1985, which permits development for tourism. However a development of this scale was never envisaged, with minimum lot sizes for this zoning 40 ha.

The South Coast Sensitive Urban Lands Review considered the Shaolin Temple proposal not because the site was zoned for urban development, but because of a request from the then Minister for Planning that it be considered.

The Review makes plain at P 31 that its support for the development is qualified, saying, “This support is predicated on the achievement of the tourism outcomes. Without the\ tourism element, development of the site (for a residential settlement) could not be supported.”

The proposal in 2006 was for the Shaolin Temple and a range of religious, cultural and kung fu facilities in addition to a 500 dwelling residential community, 500 bed hotel and 350 self-contained villa units. And a 27 hole golf course.

The recommendation of the SCSULR was that the residential portion should be limited to 200-300 dwellings.

Now the application is for;

- A Temple pagoda 6 stories high,
- Education precinct including kung fu academy, outdoor recreation and student housing with an independent school catering for primary and secondary students, apparently exclusive to overseas Chinese Students.
- Health and wellness precinct as well as fitness centre.
- A village Centre proposal, comprising 2 storeys for commercial/retail premises, with an additional 4 storeys for multi-unit residences, totally 6 storeys, with heights in Nowra currently limited to 2 storeys.
- A convention centre accommodating 300 people.
- An Hotel with up to 250 guest rooms, (reduced from 500) with cabins accommodating up to 6 people, plus camping facilities.
- Heritage Precinct.
- Information Precinct
- 4 Swimming pools
- 18 hole golf course (less that the original 27)
- Roads and bridges over Georges Creek and tributaries, cycle paths, golf buggy paths.

- 972 car parking spaces, plus bus parking, in addition to residential parking.

In addition at P 77 the application foreshadows further development including film and media units particularly for kung fu movies, artists and graphic production studios and seniors housing.

All these elements represent a massive over-development by comparison with what the Sensitive Urban Lands Review recommended.

The sheer scale and height of the proposal and its likely cumulative impacts are totally inconsistent with land use controls in the existing and Draft Shoalhaven LEP as well as the requirements of the South Coast Regional Strategy, the Jervis Bay REP and other regulatory requirements.

### **The proposal would divert Council resources from the rest of the Shoalhaven Community.**

Shoalhaven City Council does not have sufficient financial resources to cater for the basic needs of its residents and ratepayers with poor roads being a major concern. Council has just agreed to raise rates to meet these and other needs.

As a religious organization the Shaolin Temple may not have to pay rates and taxes at the same level as other individuals and businesses. Thus Shoalhaven residents would be subsidising the provision of infrastructure to the Shaolin Temple. The Temple development and associated infrastructure would place extreme pressures Council funds, competing with existing requirements. The necessary infrastructure would include roads, an up-graded junction with the Princes Highway, power, sewerage and water supply etc.

Water supply is a particular issue of concern as in times of drought it is necessary for Council to impose severe water restrictions to meet basic needs. Furthermore over 25% of Shoalhaven River flows are diverted to Sydney for drinking water and more will be diverted to Goulburn.

The water requirements of the Shaolin Temple tourist and residential facility would place great pressure of this scarce resource.

Furthermore the proposal does not appear to provide for mainstream health and other community services, except for education. In this case it is proposing to duplicate provision of educational services available with two high schools in close proximity at South and East Nowra as well as local primary schools.

### **Social and Economic impacts.**

I do not see major social and economic benefits for the general Shoalhaven Community in this proposal as claimed.

It seems that this development is primarily designed to attract Chinese tourists and residents, with the commercial area designed to attract “Asian –style’ businesses. Such businesses would be better located in Nowra, centralising retail and business development there rather than at Comberton Grange.

Nor do I see any evidence of strategies to integrate this development into the existing multicultural social and economic fabric of the wider community. The intention appears to be to provide all services on site.

Given that Chinese martial arts is a specialist interest, whether on the part of local or international tourists, it is unlikely that additional visitors would be attracted to the existing natural attractions associated with the Jervis Bay area. Accordingly the claimed spill-over to other tourism locations and businesses in the area is unlikely to occur. Employment opportunities would be limited to more menial service positions in the hotel and student quarters.

### **Inconsistence with Director General’s requirements particularly legislative and regulatory**

Section 5 of the Environmental Planning and Assessment Act 1979 sets out the objects of the Act.

Object a) encourages

- i) the proper management, development and conservation of natural and artificial resources, including natural areas and water “for the purpose of promoting the social and economic welfare of the community and a better environment,” and
- ii) ( vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats, and
- (vii) ecologically sustainable development.

This application should not be approved in its current massive proportions. It does not meet the relevant objects of the Environmental Planning and Assessment Act. There are so many uncertainties regarding the scale of this development and its impacts on the environment, particularly the lack of commitment to conserving the natural water quality of the site and of Currumbene Creek and Jervis Bay and the impacts on the native vegetation and Threatened species and Endangered Ecological communities.

In particular the proposal is inconsistent with ESD principles particularly the precautionary principle as it fails to consider the sensitivity of the receiving waters and no assessment has been made of existing water quality to enable objectives for water quality management to be established.

The proposal is inconsistent with the Coastal Policy and SEPP 71 as it does not aim to “protect and conserve” the aquatic and marine environment or native plants and animals.

#### **Jervis Bay Regional Environment Plan.**

Neither does the proposal meet that aims of the Jervis Bay Regional Environment Plan. These are to;

- . to protect the natural and cultural values of Jervis Bay (area) and
- b. to allow proposals that contributes to the natural and cultural values on the area.”

The application has not shown it would contribute to the natural and cultural values on the area. It does not seek to maintain or improve water quality and sustain existing uses.

It would significantly limit the value of the Habitat Corridor identified in the JBREP and confirmed in the Draft Shoalhaven LEP.

Furthermore the application rejects the recommendation of the South Coast Sensitive Urban Lands Review/South Coast Regional Strategy that it offset environmental impacts by dedicating the high conservation value eastern portion of the land and the SEPP 14 wetland for inclusion in the Jervis Bay National Park.

#### **South Coast Regional Strategy/South Coast Sensitive Urban Lands Review.**

The application is inconsistent with the general and specific recommendations of the Strategy, as they appear in the Natural Environment Chapter and Appendix 1 Sustainability Criteria and Appendix 2 the recommendations of the South Coast Sensitive Urban Lands Review.

The Strategy aims to;

**“protect high value environments including pristine coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that no new urban development occurs in these important areas and their catchments.”**

The Strategy sets out to achieve these aims by;

**“directing urban development away from areas known or likely to be important for conservation, on largely cleared land, prohibiting urban development on high conservation value land, and protecting regionally significant habitat corridors.”**

The Strategy also specifies that Page 23 that:

**“no new towns or villages will be supported unless compelling reasons are presented and they can satisfy the Sustainability Criteria.”**

What is being proposed is a large town, not a village. If the proposal was limited to the Temple and immediate tourist facilities, without the residential, commercial hotel and golf course development, then it might meet the Sustainability Criteria which include five major requirements under Section 7 “Environment Protection. Protect and enhance biodiversity, air, quality, heritage and waterway health.”

Furthermore, the massive scale of development now proposed, makes it inconsistent with the “limited development” proposed in the South Coast Sensitive Urban Lands Review recommendations.

This application has not demonstrated that it would maintain or improve the environmental values of the site and surrounds and the proposed mitigation measures especially for water quality are not based on evidence that they would succeed.

This application risks the ecological integrity of the site and of Currumbene Creek and Jervis Bay. It does not accord with the precautionary principle and proposals by the South Coast Sensitive Urban Lands Review for the eastern portion of the site and the SEPP 14 wetland to be included in the Jervis Bay National Park as an offset for adverse environmental impacts, have rejected by the applicant.

**Decmember 2012.**