

SHOALHAVEN CITY COUNCIL

SUBMISSION TO THE NSW DEPARTMENT OF PLANNING PART 3A, ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

COUNCIL's SUBMISSION on Applicant's RESPONSE TO SUBMISSIONS REPORT

MAJOR PROJECT APPLICATION CONCEPT PLAN MP06_0136

PROPERTY: Land within the Shoalhaven local government area.
Lot 1 DP725955, Lot 1 DP 550098, Lot 4 DP 63405, Lots 59, 60
and 61 DP 755928 (known as Comberton Grange)

APPLICANT and OWNER: Shaolin Temple Foundation (Australia) Limited

DEPARTMENT OF PLANNING REFERENCE: MP06_0135

COUNCIL REFERENCE: 3A08/1008

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1. Introduction

The applicant has provided a Response to Submission (RTS) Report to the Department and the following comments are provided to assist the Department's assessment. The public exhibition between 5 November and 4 December 2012 resulted in Council's submission to the Environmental Assessment (EA) Report dated 21 December 2012.

The application seeks Concept approval and consists of a tourist and residential development that will be developed on approximately 280 developable hectares of the land. The total area of the land is 1248 hectares. The existing use of the land has been grazing on cleared areas and the past use of a small section of the land for a sandstone quarry for road making materials.

The Council supports the proposed development in principal because there will be significant economic benefit to the regional community and employment creation during the development phase and in the ongoing management of the tourist and residential precincts.

2. Strategic Planning Issues.

a) Eastern Conservation Area and zoning

The Shoalhaven Local Environmental Plan 1985 (SLEP1985) applies to the land and the draft SLEP2013 also applies to the land.

The RTS, Section 3.0 proposes the zoning of the eastern portion of the land be zoned as

- (i) East of the quarry – E4 Environmental Living,
- (ii) Wetlands and riparian corridors – E2 Environmental Conservation.

The use of the E4 Environmental Living zone is not supported as this is a type of rural residential zone. It has been used across the City for areas that allow subdivision down to 1ha. It appears that the request for the E4 zone results from a desire for 'eco tourist facilities' to be permissible. In adopting the draft LEP in 2013 (now with State Government for final determination), Council included 'eco tourist facilities' as a permissible use in the E2 Environmental Conservation zone so E2 is still the most suitable zone for this area.

Council request:

Council requests the area east of the quarry be zoned E2 - Environmental Conservation.

b) Plans of Management

The RTS Commitments identifies a number of plans of management (PoM) to be prepared and submitted at the time of individual (assumed staged) components of the development. Council considers there is a benefit in having a PoM that is the overarching Plan for the development that may inform any subsequent staged component and the Department is requested to consider this approach.

Council request:

The PoM for the area to be conserved should be part of the first stage of the development to make sure that this area is adequately managed throughout the development stages and into the future.

c) Development Control Plan 100 – Subdivision Code

The DCP 100 provides the controls for development and subdivisions. The applicant has stated that the design will comply with DCP 100 (RTS

Commitment 4.11.4). The development of the site should also comply with NSW Planning for Bushfire Protection (PfBP), (RTS- Section 3.8)

The details of compliance will be assessed at future project application stages, however the following information is provided in respect of the proposed fire trails to assist the applicant;

(i) The proposed fire trails appear not to be designed in accordance with PBP as they:

- Don't have connections to two-way roads at maximum 200m intervals
- Don't show suitable turning areas for lengths > 200m to two-way roads
- Some perimeter fire trails are not adjacent to the fire source (fire trails need to be provided completely around the perimeter of the site or at least between the fire source and the development) the golf course should be provided with a suitable fire trail to allow access to the natural bush to facilitate protection and prescribed burns.

Ultimately, this is a matter for the applicant to satisfy the PfBP requirements in consultations with the RFS.

3. Road Reserves and Acquisitions

The negotiations with NSW Forest for the proposed access road from Forest Road to the site have been concluded. A draft plan was forwarded on 23 January 2014 to the local Crown Lands office for signing, then lodgement for registration. This will provide legal access to the site from the east.

As advised in the EA submission, the section of Comberton Grange Road that lies within the site should be closed under provisions of the Roads Act as this part will become part of the proposed private road system within the development.

Council request:

It is requested that an additional Commitment be included;

"That the section of Comberton Grange Road that is within the development site be closed under the provisions of the Roads Act 1993 at no cost to Council, prior to issuing of the first Occupation Certificate."

4. Traffic and Access

It is noted that all internal roads will remain as private roads with maintenance the responsibility of the development owners. The future transfer of these roads to Council as public roads is not supported and is not the practice with other tourist developments in the local government area.

It will be necessary for the development owner to liaise with and prepare emergency management plans emergency service agencies such as the Rural

Fire Service, Ambulance and SES regarding access arrangements when the need arises. (Reference – RTS Section 3.8.5)

Council requests:

Council requests the provision of an emergency management plan be included as a Commitment

(a) Traffic Generation

Council's ER submission identified the traffic generation issues and the DGRs that required detailed traffic studies. The submitted traffic studies including the supplementary response in the RTS Appendix 2 appears to identify some limitations in the studies undertaken.

Council request:

Council requests the Department consider appropriate traffic generation data and impacts in making its determination.

(b) Comberton Grange Road

It is noted that this road will be utilised for "emergency purposes only" (Ref-RTS Section 3.9.2) and this is supported. However there is no indication as to how this will be achieved.

Council request:

Council requests that the Department request further information to clarify the means of ensuring that Comberton grange Road will be restricted for emergency use only.

(c) Access from Forest Road

The RTS (Section 3.9.2) proposes a type CHR right turn treatment but also states that a non-mounted and landscaped rural road roundabout is an alternative and both treatments would carry the future ultimate development traffic.

Based on the likely traffic generation and speeding concerns, and giving due regard to AUSTROADS considerations, a fully mountable roundabout is considered a more appropriate approach, and all associated works required to make provision of the roundabout safe at the intersection of the developments access and Forest Road. Council does however, accept that such a facility may only be warranted in the latter stages of the development when the traffic generation estimations are fully realised.

Council request:

Council supports provision for a fully mountable roundabout option for reasons included in its EA submission, and requests that Commitment 4.11.2 be amended to reflect the provision of a fully mountable roundabout in lieu of a CHR intersection treatment. However, this should be staged in relation to the latter stages of the development.

(d) Interface of Forest Road to Princes Highway

The proposals in RTS Section 3.7 are noted and Council understands that the RMS submissions will be considered by the Department in the assessment stages and determination.

5. Flora and Fauna and Biodiversity

The RTS Appendix 1 (Response from Kevin Mills and Associates) provides responses to agency submissions from OEH, DPI and Council, which had similar issues.

The applicant indicates the intention to establish camping or eco-tourist facilities in the Eastern Conservation that are habitat corridor (RTS-Appendix 1 (3) and that detailed and further environmental assessment or impact has not been surveyed.

Council request:

Council requests that the use of the eastern conservation land be subject of a future application and include detailed environmental, flora and fauna studies of any impacted areas to be utilised.

Council also requests that detailed Plans of Management be prepared for the overall development in the initial project application with updates relevant to any subsequent or staged project applications. This is also included in Council RTS submission, section 2 (b), above.

6. Infrastructure – water and sewer

Council's Shoalhaven Water Group has provided comments to the Department by letter dated 23 January 2014. This is re-produced, below:

a) General issues

In accordance with the requirements under the Water Management Act 2000, Shoalhaven Water require the following statements to be included within the development consent/approval -

After Operational Consent is Granted and Prior to Commencement of Any Works:-

Upon receipt of an operational consent/approval the applicant/developer is to apply under Section 305 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 for a Certificate of Compliance from Shoalhaven Water.

Relevant conditions/requirements, including monetary contributions (where applicable) under the Water Management Act 2000, can be provided under Section 306 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000. A Development Application Notice (pursuant to Section 306) issued by Shoalhaven Water will outline all conditions/requirements to be adhered to.

A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate, Subdivision Certificate, as the case may be.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

The following information is provided (and is not limited to what is listed below) to assist the applicant in understanding conditions/requirements which the applicant must adhere to as a result of any Notice issued by the Water Utility in respect of the development.

b) Water Supply

- Section 64 (Developer Charges) Contributions for water supply are applicable for this development. Current developer charge for water supply is \$6,578.00/ET (2013/14).

Council resolution MIN13/864 allows for a concession of 75% reduction for the 1st two ETs and 50% reduction to all ETs thereafter. This resolution is applicable until 30 June 2014.

- A Water main shall be extended from either the 600mm TM to the west of the development or from the 450mm TM to the east of the development and finish at a location near the developments property boundary. The water main shall be placed within a public road.
All plans and specifications for proposed water supply works are to be submitted to and approved by Shoalhaven Water.
Works are to be designed and constructed in accordance with Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1 and Shoalhaven Water's Supplement to the code.
- A qualified and certified person shall undertake a survey for a backflow device for site containment and the results of the survey shall be lodged with Shoalhaven Water. An approved backflow prevention device (as approved by Shoalhaven Water) shall be fitted by the developer, tested and registered with Shoalhaven Water.
- All work is at the applicant's expense and shall be undertaken by suitable contractors approved by Shoalhaven Water. All works are to be constructed, inspected, tested and commissioned prior to acceptance as Council's property.

c) Sewerage Serving

- Section 64 (Developer Charges) Contributions for sewerage services are applicable for this development. Current developer charge for sewerage service is \$8,339.00/ET (2013/14). Council resolution MIN13/864 allows for a concession of 75% reduction for the 1st two ETs and 50% reduction to all ETs thereafter. This resolution is applicable until 30 June 2014.
- The development will need to provide internal sewage pumping stations (SPSs) to serve the development. These private SPSs will connect to one Council SPS which will collect and transfer all sewage to Callala WwTP.

As a result of this a separate parcel of land of adequate size and necessary easements as determined by Shoalhaven Water will need to be created including; access, water supply, telemetry control, power supply, etc for the normal operation of the Council SPS and associated infrastructure.

This parcel of land and necessary easements will be transferred into the ownership of Shoalhaven City Council prior to the commencement of any construction work for the Council owned sewage pumping station.

- Shoalhaven Water requires the applicant/developer to design & construct a sewage pumping station and rising main and associated infrastructure/services (electrical, water supply and telemetry) and to be connected to existing 500mm DICL sewer rising main. The connection point for the proposed development is expected to be near the intersection of Forest Rd, Currarong Rd and Coonamia Rd. The applicant is advised to consult with Shoalhaven Water before proceeding with detailed design and specification/s for the sewage pumping station and rising main.
- Sewage Pumping Station and associated works are to be designed in accordance with Shoalhaven Water's requirements. The applicant / developer shall contact Shoalhaven Water for the details prior to commencement of any design.
- Where the rising main traverses private lands an easement for sewer rising main (pressure main) and services is to be created in favour of the water authority. The minimum width of the easement shall be 3.0m wide for the sewer rising main. The applicant/developer shall contact Shoalhaven Water for the details and size of the easement for services.
- All sewerage reticulation works are to be designed and constructed in accordance with Water Services Association of Australia – Sewerage Code of Australia – WSA 02-2002 Version 2.3 and Shoalhaven Water's supplement to the code.
- Non-residential developments including service apartments, educational facilities and accommodation centres will require a trade waste agreement therefore the applicant/developer/property owner shall make application

under Section 68 of the Local Government Act 1993 for "Approval To Discharge Liquid Trade Waste To Sewer". The application shall include an internal drainage diagram and other supporting documentation as required and listed on the form and shall be lodged with Shoalhaven Water. The applicant/developer/property owner shall obtain an approval to discharge liquid trade waste to sewer and abide by all the conditions specified within the approval.

- All work to be at the applicant's expense and shall be undertaken by the suitable contractors approved by Shoalhaven Water. All works are to be constructed and inspected for acceptance into Council's ownership.

7. Conclusion

Council supports the development because of major economic, social and tourism benefits a development of this type and scale can bring to this locality. The Department is requested to complete its assessment taking on board the comments provided in this submission.

For further information it is requested that you contact Council's Part 3A Coordinator, John Britton on 4429 3432 or email to britton@shoalhaven.nsw.gov.au.

A handwritten signature in black ink, appearing to read 'Tim Fletcher', with a long horizontal line extending to the right.

Tim Fletcher
Director Planning and Development Group
14 February 2014