

# Concept Plan Approval

## Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*

The Planning Assessment Commission of New South Wales (under delegation from the Minister for Planning dated 14 September 2011) in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) determines:-

- a) under section 75O, to approve the concept plan referred to in Schedule 1, subject to the Concept Plan terms of approval and modifications set out in Schedule 2;
- b) under section 75P(1)(b), that development approved under this concept plan be subject to Part 4 or Part 5 of the EP&A Act, whichever is applicable; and
- c) under section 75P(2)(c), that further environmental assessment of the project under Part 4 of the EP&A Act must be undertaken in accordance with the requirements set out in Schedule 3.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2014

### SCHEDULE 1

#### Part A

Concept Plan No:

06\_0135

Proponent:

Shaolin Temple Foundation (Australia) Limited

Approval Authority:

Minister for Planning

Land:

Lot 1 DP 725955, Lot 1 DP 550098, Lot 4 DP 63405, Lots 59, 60 & 61 DP 755928 Comberton Grange Road South Nowra (known as 'Comberton Grange')

Project:

Shaolin Tourist and Residential Development - Shaolin Temple

Local Government Area

Shoalhaven

## DEFINITIONS

BCA	Building Code of Australia
Concept Plan	The Concept Plan described in the EA
Council	Shoalhaven City Council
Department	Planning and Environment
Eastern conservation area	the area referred to in the Panel's recommendations titled ' <i>land to be dedicated for National Park, subject to Panel's recommendations</i> '.
Environmental Assessment ('EA')	Environmental Assessment titled " <i>Environmental Assessment of the Shaolin Tourist &amp; Residential Development Comberton Grange South Nowra, NSW</i> " prepared by Conybeare Morrison date October 2012, as modified by the RtS
EEC	Endangered Ecological Community
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning &amp; Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; Assessment Regulation 2000</i>
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Minister	Minister for Planning
NOW	NSW Office of Water, or its successor
OEH	Office of Environment and heritage, or its successor
Panel	South Coast Independent Review Panel
Project	The project described in the EA
Proponent	Shaolin Temple Foundation (Australia) Limited, or its successor
RMS	Roads and Maritime Services, or its successor
RtS	Response to Submissions titled " <i>Shaolin Tourist &amp; Residential Development Comberton Grange South Nowra, NSW Response to Environmental Assessment Submissions</i> " prepared by Conybeare Morrison dated December 2013.
Secretary	Secretary of the Department of Planning & Environment (or nominee)
Site	The land listed in Schedule 1
Statement of Commitments	The Proponent's Statement of Commitments in Appendix 1



## SCHEDULE 2

### CONCEPT PLAN TERMS OF APPROVAL AND MODIFICATIONS

#### PART A: TERMS OF CONCEPT APPROVAL

##### 1. Project Description

Concept plan approval is granted for the Shaolin Tourist and Residential Development generally as described below:-

- Temple Precinct - religious buildings with associated residential accommodation (initially 30 and up to 50 monks), a pagoda and a 330 seat prayer or assembly hall;
- Residential Precincts –
  - Residential Precinct A – 173 allotments (approximately 760m<sup>2</sup>) for predominantly detached dwellings (max height 2 storeys);
  - Residential Precinct B – 49 allotments (approximately 760m<sup>2</sup>) for predominantly detached dwellings (max height 2 storeys); and
  - Residential Precinct C – 78 allotments (approximately 1500m<sup>2</sup>) for detached dwellings (max height 2 storeys).
- Education Precinct – comprising a Shaolin Martial Arts Training Centre/Kung-Fu Academy with teaching facilities, sporting field and residential accommodation for students and staff;
- Village Centre Precinct – comprising a Neighbourhood centre with retail, commercial and dining facilities; convention centre, amphitheatre, serviced apartments accommodating 1, 2 and 3 bedroom apartments for tourist use;
- Health & Wellness Precinct – comprising a Traditional Chinese Medicine Centre;
- Hotel Precinct - 500 bed, four star hotel and tourist cabins with initially 100 rooms and up to 250 rooms, with dining and conference facilities and associated staff accommodation. Associated facilities include restaurant (200 patrons), café (100 patrons) and conference rooms (60 and 150 people);
- Information Precinct – comprising a Visitor Information Centre with associated Cultural Museum, car parking, administrative facilities and golf cart hiring facilities;
- Heritage precinct;
- Chinese Garden Precinct – comprising a Traditional Chinese garden;
- Golf course - 18 hole golf course, clubhouse, driving range and putting greens;
- Agricultural Precinct – comprising Agricultural and herbal farms;
- Parking – comprising 972 (excluding residential precincts) car parking spaces and 8 coach parking spaces;
- On-site parking for residential allotments and basement parking for serviced apartments; and
- Roads, access points, external road works and pedestrian paths.

Subject to the modifications described in Part B of Schedule 2 of this concept approval.

##### 2. Project Staging

The concept plan is to be undertaken in the following stages:-

- (a) Stage 1 – Site clearing, infrastructure works and bulk earthworks;
- (b) Stage 2 – Construction of the Temple and limited supporting tourist and residential developments; and
- (c) Stage 3 – further tourist and residential developments.

##### 3. Project in Accordance with Plans

The project is to be undertaken generally in accordance with the following drawings:

Architectural Plans prepared by Conybeare Morrison International Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
07062 MP03-1	A	Site Constraints – Masterplan overlay	July 2010
07062 MP04	-	Proposed Aerial Masterplan	June 2012
07062 MP05	-	Landscape Masterplan	June 2012
07062 MP06	A	Pedestrian Network North	16 July 2012
07062 MP07	A	Pedestrian Network South	16 July 2012
07062 MP08	A	Road Network Hierarchy North	16 July 2012
07062 MP09	A	Road Network Hierarchy South	16 July 2012
07062 MP010	A	Road Hierarchy Sections	16 July 2012
07062 MP011	A	Proposed Masterplan	16 July 2012
07062 MP21	A	Proposed Masterplan – Part 1	16 July 2012
07062 MP22	A	Proposed Masterplan – Part 2	16 July 2012
07062 MP23	A	Proposed Masterplan – Part 3	16 July 2012
07062 MP24	A	Proposed Masterplan – Part 4	16 July 2012
Traffic Intersection Plan prepared by Lyle Marshall & Associates Pty Ltd (Job No 3005-1-13)			
Drawing No.	Revision	Name of Plan	Date
Sheet 1	-	Figure 1 Concept Proposal for Grade	October 2013

		Separation of Right Turn Lane from Forest Road to Princes Highway	
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Except for:

- (a) Any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (b) Otherwise provided by the terms of this approval.

#### 4. Consistency of Future Development

The Proponent shall ensure that all future development on the site is carried out generally in accordance with the:

- (a) EA;
- (b) RtS;
- (c) The approved plans and documents;
- (d) Statement of Commitments (see Appendix 2); and
- (e) Modifications of this approval.

If there is any inconsistency between the above, then the most recent document shall prevail to the extent of any inconsistency. However, the terms of the approval and the modifications of this approval shall prevail to the extent of any inconsistency.

#### 5. Limits of Approval

- (a) This approval does not allow any components of the concept plan to be carried out or constructed (including the clearing of vegetation), without further development consent being obtained.
- (b) No approval is given for any works in the Crown Reserve 78755.
- (c) This approval does not allow for the subdivision of the site in any form.

#### 6. Lapsing of Approval

This approval shall lapse five (5) years after the date of this concept plan approval, unless any part of the Project is physically commenced (within the meaning of section 95 of the EP&A Act) on or before that day, in accordance with any approval or development consent, on the Land to which the approval or consent relates.



## **PART B: MODIFICATIONS TO THE CONCEPT PLAN**

### **7. Proposed Zoning**

The proposed rezoning of the site identified in the RtS of the Concept Plan (page 7), pursuant to the standard instrument, is not approved.

### **8. Subdivision of Site**

The development shall not be subdivided in any form (including, but not limited to, Torrens Title, Strata Title or Community Title) and must be retained in single ownership at all times.

### **9. Residential Development**

Residential development on the site is limited to 300 dwellings.

### **10. Use of Comberton Grange Road**

Comberton Grange Road is to be used for emergency use only and constructed to AUSTROADS Standards and Council's requirements.

### **11. Internal roads within the site**

All internal roads and fire trails must be through-roads (or linked via fire trails) and perimeter roads are to be provided for all components of the proposal (along the edge of the development).

### **12. Camping and Eco-Tourist Facilities in the Eastern Conservation Area**

The camping and eco-tourist facilities outlined as potential future uses in the eastern conservation area are not approved. No development (beyond the Chinese Garden) in the eastern conservation area is approved in this concept plan.

### **13. Use of 7(a) zoned land**

The residential components of the development and the Chinese Garden Precinct are not to be located within the 7(a) zoned land within the site.

### **14. Future Uses**

The proposed future land uses on the site, outlined in the EA as film and media production facilities, artists and graphic production studios and seniors housing, do not form part of this concept plan and are not approved.

### **15. Chinese Garden Precinct**

The Chinese Garden Precinct is located within the buffer zone of the existing quarry and shall only be developed and used when quarrying ceases to take place. The Chinese Garden Precinct shall be suspended from use should the quarry be re-opened in the future. This must be reflected on development applications for future stages of the development.

### **16. Quarry**

All future development shall be located outside of the buffer zone as required by Shoalhaven City Council and the Environment Protection Authority for the quarry located on the site.

### **17. Height of Future Buildings**

The maximum height for all buildings in future stages of the development on the site is 11 metres, with the exception of the Pagoda within the Temple Precinct. This must be reflected on development applications for future stages of the development and must be consistent with the concept plan.

### **18. Development Staging**

The Proponent shall prepare a detailed Staging Plan in consultation with Council. The Plan must show the likely sequence of development applications that will be lodged to develop the site and how this development will be staged over the life of the Concept Plan taking into account the modifications of this approval. The Staging Plan must be submitted to and approved by the Director-General prior to the lodgement of any development application.

### **19. Riparian Corridors and Buffer Zones**

The concept plan must provide for the following in respect of riparian corridors and buffer zones for all future development on the site:-

- a) Minimum setbacks as follows:
  - i. 100 metres from Currumbene Creek;
  - ii. 100 metres from SEPP 14 wetlands;
  - iii. 50 metres from each side of Georges Creek tributaries (40m vegetated and 10m buffer zone); and
  - iv. 10 metre setback from each side of minor creek lines flowing into Georges Creek tributaries (Category 3 streams);
- b) Details of the management of the interface between the development footprint and the riparian corridors.
- c) All stormwater detention basins and quality control structures must be located outside the riparian corridors and wetland areas.

- d) Rehabilitation and management of the riparian corridors on the site must be undertaken in accordance with the Riparian Corridors and Wetlands Plan of Management.

### SCHEDULE 3

#### FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Pursuant to Section 75P(2)(c) of the EP&A Act the following requirements apply, as relevant, with respect to all future stages and development applications for the project to be addressed under Part 4 or 5, as relevant, of the EP&A Act:

##### 20. Future Application Requirements

Each future development application on the site must be prepared in consultation with relevant State government agencies and the Council in accordance with the relevant policies and guidelines and shall include (but not be limited to):-

- (a) a detailed description of the layout and detailed design of the development including construction, operation and staging, and required infrastructure to enable the construction and operation of the development and interaction with existing and proposed utilities infrastructure for the site.
- (b) demonstration that the layout and design of the proposed development is generally consistent with the Concept Plan approval, subject to the modifications in Schedule 2.
- (c) details of building design including:
  - i. demonstration that all buildings have been designed and constructed in accordance with the Urban Design Guidelines and Ecological Sustainable Development Strategies of the EA and the relevant local controls for the construction of buildings on the site to the satisfaction of the Council.
  - ii. consideration of the height, bulk and scale of the proposed buildings;
  - iii. an assessment of compliance with the Building Code of Australia;
  - iv. water and energy requirements and opportunities for incorporating energy efficiency measures.
- (d) a detailed stormwater management plan, prepared by a qualified and independent consultant, in consultation with the Marine Parks Authority and including:
  - i. detailed erosion and sediment controls for the construction phase;
  - ii. localised stormwater pollution targets to reflect the sensitive receiving waters of Currumbene and Georges Creeks;
  - iii. details of the stormwater management measures to be implemented to achieve the pollution targets and a Neutral or Beneficial Effect' (NoRBE) outcome;
  - iv. details of the function, capacity and location of proposed dams and any relevant licensing requirements.
- (e) a long-term stormwater monitoring and adaptive management plan to monitor and evaluate the efficiency of the stormwater management measures in achieving the pollution targets and the NoRBE outcome and to identify any need for further stormwater treatment.
- (f) a detailed groundwater management plan, including:
  - i. baseline analysis of groundwater levels and quality;
  - ii. details of any proposed extraction, interception or dewatering activities;
  - iii. details of the function, capacity and location of proposed dams;
  - iv. relevant licensing requirements for water supply, harvestable rights and groundwater;
  - v. inclusion of a water proof retention system for any structures that may be impacted by groundwater (such as the proposed basement parking in the Village Centre Precinct); and
  - vi. the need for any on-going monitoring.
- (g) a visual impact assessment that includes the following:
  - i. an outline of the methodology used to define the visual catchment;
  - ii. a description of the character of the existing visual environment surrounding the site;
  - iii. an overview of the visual objectives of the current planning controls;
  - iv. identification of the key vantage points on a location plan including residential properties;
  - v. identification of the impact of the proposed development on the visual catchment and key vantage points;
  - vi. identification (if necessary) of any further design solutions that may be used to ameliorate or reduce the visual impacts of the proposed development; and
  - vii. an assessment of the consistency of the development with the Visual Mitigation Objectives ('VMOs') as outlined in the EA (Appendix 14: Visual Impact Assessment prepared by Conybeare Morrison dated October 2012).



- (h) a landscape plan for all public domain areas prepared by a suitably qualified landscape architect. Species nominated must be predominantly local native flora and includes trees, shrubs and groundcover (with the exception of the proposed Chinese Garden and Temple Precincts).
- (i) a detailed geotechnical assessment prepared by a suitably qualified consultant.
- (j) a bushfire risk assessment and management plan for the proposed development which demonstrates consistency with *Planning for Bushfire Protection 2006*.
- (k) a traffic and transport assessment of the proposed development prepared in accordance with the RTA's *Guide to Traffic Generating Developments* including:
  - i. an assessment of the number and type of vehicles to be generated by the proposed development;
  - ii. identification of transport routes to be utilised by traffic generated by the proposed development;
  - iii. demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network;
  - iv. details of any necessary road and infrastructure upgrades and interim access arrangements;
  - v. details of parking provision;
  - vi. demonstration that all road infrastructure works associated with the development are undertaken at no cost to RMS, the Department, Council or any other landowner; and
  - vii. a sustainable travel plan including measures to increase non car travel, such as cycling and public transport;
  - viii. demonstration that a bus/coach service to and from Nowra servicing the site shall be provided prior to the use and/or occupation of the second stage of the development; and
  - ix. adequate provision of transport throughout the site via the provision of shuttle buses and/or buggy transportation.
- (l) construction environmental management plan, containing a:
  - i. noise and dust management plan;
  - ii. soil and water management plan;
  - iii. traffic management plan;
  - iv. heritage management plan; and
  - v. waste management plan.

## 21. Biodiversity And Offsets

Prior to the lodgement of any development application (including for site clearing, infrastructure works and bulk earthworks) the Proponent shall provide the following in consultation with the OEH and Council and to the satisfaction of the Secretary:-

- (i) A satisfactory quantitative assessment of the biodiversity values contained within the development footprint;
- (ii) Appropriate offsets for the removal of 34.5 hectares of forest vegetation within the habitat corridor pursuant to Clause 14 of the Habitat Corridor under *Jervis Bay Regional Environmental Plan 1996* and other vegetation removal necessary for the project; and
- (iii) Suitable legally binding measures that will protect the conservation values of the eastern conservation area (eastern portion of the site) in perpetuity consistent with the Panel's recommendations for appropriate protection of this portion of the site on conservation grounds.

## 22. Traffic Modelling and Grade Separated Interchange Concept plan

Prior to the lodgement of any development application (including for site clearing, infrastructure works and bulk earthworks), the Proponent shall undertake an independent audit to assess the Princes Highway/Forest Road intersection. The audit shall include the following in consultation with the RMS and to the satisfaction of the Director-General:-

- (a) A traffic analysis, including SIDRA modelling, to demonstrate that the traffic associated with Stage 1 construction activities can be accommodated by the existing seagull arrangement at the Princes Highway/Forest Road intersection. This traffic analysis should consider the performance of the junction in average peak conditions and identify the steps that will need to be undertaken, should the intersection require upgrade works;
- (b) A traffic analysis, including SIDRA modelling, to demonstrate that the traffic associated with ultimate development can be accommodated by the proposed grade separated interchange. The traffic analysis should consider the performance of the junction in average peak conditions and include a sensitivity analysis to consider the performance in the 120th highest hour conditions; and



- (c) A scaled concept plan to demonstrate that the proposed grade separated interchange can be constructed in accordance with the Austroads Guide to Road Design. The concept design must include (among other things) property boundaries, cross sections and long sections. If additional land is required outside of the road reserve to facilitate the grade separated interchange, an appropriate legally binding arrangement would need to be finalised to ensure that the land required to construct the works could be obtained by the proponent.

### **23. Grade Separated Interchange**

Prior to seeking approval to develop any part of Stage 2 of the Concept Plan from Council, the Proponent must first obtain approval for the grade separated interchange at the intersection of the Princes Highway and Forest Road from RMS and Council. The Proponent shall ensure that in seeking approval for the interchange with the Princes Highway and associated road works that the application includes:-

- (a) Details of consultation with the RMS, Council and other relevant government agencies, and RMS's in-principle support of the design of the interchange; and
- (b) Detailed description and design of the infrastructure in accordance with the requirements of the RMS.

### **24. Comberton Grange Road**

- (a) Prior to lodgement of the first development application, the section of Comberton Grange Road that is within the site must be closed under the provisions of the Roads Act 1993 at no cost to Council.
- (b) All future development applications must demonstrate the following with respect to Comberton Grange Road:-
  - i. Comberton Grange Road is for 'emergency purposes only'; and
  - ii. the proposed means of restricting the use of Comberton Grange Road for 'emergency purposes only' must be detailed to the satisfaction of the Council.

### **25. Road Works**

- (a) The first development application for the site must include the following:
  - i. plans that show the detailed design of Forest Road and the proposed Northern Access Road into the site; and
  - ii. details of a fully mountable roundabout at the intersection of the proposed Northern Access Road with Forest Road (in lieu of a CHR right turn intersection treatment). This intersection treatment may be staged in relation to the latter stages of the development in accordance with the requirements of the Council and/or RMS (where relevant).
- (b) Design of these roads shall be undertaken in consultation with the Council and/or RMS (where relevant). Such road works are to be designed in accordance with the AUSTROADS Standards.
- (c) All internal roads within the site are to be private roads constructed to AUSTROADS, Planning for bushfire Protection, RFS (2006), DCP 100 and relevant Australian standards.

### **26. Biodiversity Plans of Management**

- (a) The first development application for the site must include a site-specific Plan of Management for the following areas on the site:-
  - i. Forested areas (including the eastern conservation area); and
  - ii. The Riparian Corridors, Wetlands and Buffer Zones.
- (b) The Plans of Management are to incorporate the findings from Condition 20, be prepared in accordance with Council and OEH guidelines and the matters outlined in the Statement of Commitments and EA. The Plans of Management are to be provided via a private land conservation instrument and registered on title.
- (c) Relevant local and state government agencies are to be consulted in the preparation of these Plans of Management including (but not limited to) Council, OEH, Department of Trade and Investment (Crown Lands) and Department of Primary Industries (Fisheries NSW and Marine Parks).

### **27. Aboriginal Cultural Heritage Management Plan**

The first development application for the site must include an Aboriginal Cultural Heritage Management Plan ('CHMP') for the identified items of Aboriginal Heritage which are located within, and in close proximity to, the development footprint as referred to in the *Aboriginal Heritage Assessment* prepared by Navin Officer Heritage Consultants dated July 2012. The CHMP must be prepared in consultation with the local Aboriginal Land Council(s).

### **28. Flooding**

The first development application for the site must include an updated flood assessment of the whole site. This flood assessment must be prepared in consultation with the Council in accordance with the requirements of OEH and Council.



### 29. Contamination Assessment

All future development applications must include a Phase 2 – Detailed Investigation in accordance with the *Managing Land Contamination Planning Guidelines: SEPP 55 Remediation of Land* (1998).

### 30. Mitigation Measures for Aircraft Noise

All future development applications must incorporate the following with respect to mitigation measures for aircraft noise:

- (a) The noise levels of 58-70dBA are to be adopted for the design of residential development on the site in accordance with the *Noise Assessment Report* prepared by Wilkinson Murray dated June 2012.
- (b) Appropriate mitigation measures for the impacts of aircraft noise on the proposed development as part of the detailed design of the dwellings at DA stage is required.
- (c) The development will be attenuated from aircraft noise as follows:-
  - Residential Precinct A - attenuated up to 60dBA;
  - Residential Precinct B, Village centre, Health & Wellness and Education Precincts – attenuated up to 65dBA; and
  - Residential Precinct C and Hotel Precinct – attenuated up to 70dBA.

### 31. Golf Course

Any future development application for the golf course must include the following:

- a) Details to demonstrate that planning of the golf course and associated facilities has been undertaken to maintain, to the fullest extent possible, the function and viability of the western extent of the Jervis Bay REP 1996 habitat corridor for most species. This shall include, but not limited to, the selective removal of trees for the proposed clubhouse, driving range, car park, putting greens and fairways associated with the golf course between Comberton Grange Road and the site's northern boundary to ensure significant trees (such as hollow bearing trees) are retained as well as other important habitat elements in this western corridor area;
- b) A physical barrier (e.g. fencing, bollards, logs), suitable as a maintenance edge for any open space management (mowing/slashing), along the outer edge of the riparian corridor of Georges Creek where it adjoins the golf course (near the Temple Precinct). The barrier must be designed to be suitable for any flooding issues, fauna movement and bushfire requirements.
- c) A Golf Course Pollution Management Plan which must be implemented and updated, as necessary, throughout the operation of the golf course.

### 32. Site Ownership

All future development applications must demonstrate that the development will not be subdivided in any form (including, but not limited to, Torrens Title, Strata Title or Community Title) and must be retained in single ownership at all times.

### 33. Residential Development

All future development applications for residential development on the site must adhere to the following restrictions:

- (a) Residential development on the site is limited to 300 dwellings;
- (b) The tourist component of the development shall remain as the predominant use of the site with an associated residential development component for each stage;
- (c) The serviced apartments within the Village Centre Precinct shall be used for short term tourist accommodation only and will not be used for permanent residential occupation; and
- (d) Residential Precincts A, B and C contain a variety of housing types to allow for housing choice for different households.

**APPENDIX 1**  
**STATEMENT OF COMMITMENTS**



## **APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS**

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### **1. STATE ENVIRONMENTAL PLANNING POLICIES**

The proposal has been considered against the following State Environmental Planning Policies and is considered to be generally in compliance with the provisions contained within the following (the Proponent's consideration of the relevant EPIs is outlined in Section 9 of the EA):

#### **State Environmental Planning Policy No. 14 – Coastal Wetlands**

The aim of *State Environmental Planning Policy No. 14 - Coastal Wetlands* (SEPP 14) is to ensure that coastal wetlands are protected from clearing, draining, filling and levee construction and are preserved in the environmental and economic interests of the State. The site contains SEPP 14 (No. 333) within the site's south-eastern corner, bordering Currumbene Creek. There are no works proposed within the SEPP 14 wetland on the site. The department has considered the potential impacts of the proposal on the existing coastal wetlands within and adjoining the site. Requirements to ensure protection of wetland areas include;

- Preparation of a comprehensive Plan of Management for the wetland and riparian areas;
- incorporation of best practice water sensitive urban design features; and
- Establishment of a 100 metre buffer between the wetland areas and any physical works.

It is therefore considered that the project is consistent with SEPP 14.

#### **State Environmental Planning Policy No.55 Remediation of Land**

*State Environmental Planning Policy No 55 – Remediation of Land* ("SEPP 55") deals with the remediation of contaminated land. It is considered that the site and project achieves the criteria for a Stage 2 investigation being required, given the site has been previously used for land uses in Table 1 of the Guidelines, a change of use to residential (among other uses) is proposed and some contamination has been found as outlined in the Contamination Report. This issue is discussed in Section 5.10 of the report and it is considered that the project is consistent with SEPP 55.

#### **State Environmental Planning Policy No 71 – Coastal Protection**

*State Environmental Planning Policy 71 - Coastal Protection* (SEPP 71) applies to land within the coastal zone. It aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast. The provisions of SEPP 71 have been considered in the assessment of the proposal, particularly in regards to the management of likely impacts of development on the water quality of coastal water bodies. The proponent is required to prepare a comprehensive Plan of Management in order to provide protection of the existing SEPP 14 - Coastal Wetlands and other riparian areas within the site. It is considered that the project is consistent with SEPP 71.

#### **Jervis Bay Regional Environmental Plan 1996**

The *Jervis Bay Regional Environmental Plan 1996* ('REP') applies to the site and aims, among other things, to protect water quality, landscape quality and cultural heritage of Jervis Bay. The REP provides for a habitat corridor within and external to the site (CI 14). There will be the loss of approximately 34.5 hectares of this corridor as a result of the project. These issues are considered in detail in Section 5.3 of this report. The REP also promotes tourism development (CI 17) subject to various outcomes to be achieved, which are satisfied by the project. The project is considered to be generally consistent with the REP.

### **2. LOCAL ENVIRONMENTAL PLANS**

#### **Shoalhaven Local Environmental Plan 2014**

Under the *Shoalhaven Local Environmental Plan 2014*, the site is proposed to comprise the following zonings:-



- RU1 - Primary Production (current 1(e) zone)
- RU2 - Rural Landscape
- E2 - Environmental Conservation

The proposed development comprising the Temple Precinct, restaurants and cafes within the Village Centre Precinct, dwelling houses and the educational and information Precincts are permissible in the RU1 zone, however, development within the Hotel Precinct (hotel and motel development), Health and Wellness Precinct (medical centres) and the serviced apartments, shops, retail and business premises within the Village Centre Precinct are prohibited. This issue is discussed further in section 5.5.2.

The LEP requires consideration of various issues including height of buildings (CI 4.3), development within the coastal zone (CI 5.1), heritage conservation (CI 5.10), local infrastructure (CI 7.1), biodiversity (CI 7.5), water (CI 7.6), scenic protection (CI 7.7), acid sulphate soils (CI 7.10), development in the vicinity of extractive industries (CI 7.12) and development within Jervis Bay (CI 7.15). These issues are considered in detail in Section 5 of this report. The project is considered to be generally consistent with the Draft LEP 2013.

### 3. OTHER ENVIRONMENTAL PLANNING STRATEGIES, PLANS & POLICIES

The Proposal has been considered against the following non-statutory documents and is considered to be generally in compliance with the provisions contained within these documents:

#### **South Coast Regional Strategy and the Sensitive Urban Lands Review**

The *South Coast Regional Strategy* (the Regional Strategy) sets the context for development in the south coast region towards 2031. There were 16 sites identified as "*Sensitive Urban Land*" under this strategy, that were zoned to allow for urban expansion, which were found to be environmentally sensitive and in relatively isolated locations which warranted a priority review by an expert Panel to determine suitability and scale of any release for urban development. The site was subsequently added to this Review, notwithstanding it was not zoned for urban purposes but was the subject of a proposal for urban development. The *South Coast Sensitive Urban Lands Review* (the Review) was commissioned by the then Minister for Planning and prepared by an independent review panel ('the Panel') which provided a report in October 2006, making several recommendations for the site, which are included in the Strategy.

The Panel identified the key environmental issues at the site as native flora and Fauna, estuaries, coastal lakes and wetlands, soil and landscape capability, groundwater, flood risk and Cultural Heritage. These issues are considered in detail in Section 5 of this report. The project is considered to be generally consistent with the Regional Strategy and the Sensitive Urban Lands Review, subject to the recommended terms of the approval.

#### **NSW Coastal Policy 1997**

The NSW Coastal Policy 1997 (the policy) provides for the coordinated management of the coast's unique physical, ecological, cultural and economic attributes to ensure an ecologically sustainable coastline. The provisions contained within the policy have been considered during assessment of the proposal.

#### **Jervis Bay Settlement Strategy 2003**

The Jervis Bay Settlement Strategy 2003 is to manage future growth and settlement in the region for the next 15-20 years. This strategy provides principles for development including water quality and flow, biodiversity, soils, landscape, cultural heritage, bushfire, flooding, stormwater management, riparian areas, economic resources residential development, infrastructure requirements, access, community services and facilities and economic development and tourism. These issues are considered in Section 5 of this report and it is considered that the project is generally consistent with the environmental considerations of this Strategy.

#### **Shoalhaven City Council's Development Control Plans**

There are various Council Development Control Plans ('DCPs') which are relevant to the project, including:-

- Subdivision Code – DCP100



- Residential Development in Foreshore Areas – DCP 62
- Tourist Development in Rural Areas – DCP 63
- Car Parking Code – DCP 18

Issues arising out of these DCPs have been considered in some detail in this project, however, the detailed consideration of the controls of the DCP will be considered in the subsequent project and/or development applications.