

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.



Donna Campbell
Member of the Commission



Richard Thorp
Member of the Commission



David Johnson
Member of the Commission

Sydney

5 September 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 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 & 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 & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & 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 & 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 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;
- 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 and administrative facilities;
- Heritage precinct;
- Chinese Garden Precinct – comprising a Traditional Chinese garden;
- Agricultural Precinct – comprising Agricultural and herbal farms;
- Car and coach parking
- Internal road layout, access points 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 supporting tourist developments; and
- (c) Stage 3 – further tourist 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 Separation of Right Turn Lane from Forest Road to Princes Highway	October 2013

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 1) to the extent that it is relevant to the development approved under this concept plan; 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. Modifications to Concept Plan

- (a) The concept plan is amended by:
 - i. Deleting the golf course and ancillary uses including the golf clubhouse, driving range and putting greens
 - ii. Deleting the 300 dwellings in Residential Precincts A, B and C
 - iii. Retaining the vegetation within the area defined as Habitat Corridor under the Jervis Bay REP, except where clearing is required for the purposes of creating an emergency access to the site from Comberton Grange Road.
 - iv. Locating the Hotel Precinct and tourist cabins outside of the Habitat Corridor.
- (b) The concept master plan is to be amended to incorporate the changes detailed in 7(a) above and submitted to the Secretary for approval prior to the lodgement of the first development application.

8. 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.

9. 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.

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. 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.

14. 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 in development applications for future stages of the development.

15. 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.

16. 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 in development applications for future stages of the development.

17. 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 Secretary prior to the lodgement of any development application.

18. Riparian Corridors and Buffer Zones

- (a) The concept plan must provide for the following minimum setbacks in respect of riparian corridors and buffer zones for all future development on the site:-
 - v. 100 metres from Currambene Creek;
 - vi. 100 metres from SEPP 14 wetlands;
 - vii. 50 metres from each side of Georges Creek tributaries (40m vegetated and 10m buffer zone); and
 - viii. 10 metre setback from each side of minor creek lines flowing into Georges Creek tributaries (Category 3 streams);
- (b) All stormwater detention basins and quality control structures must be located outside the riparian corridors and wetland areas.

End of Schedule 2

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:

19. 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 Department of Primary Industries (Marine Parks Authority and Fisheries NSW) 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;
 - v. provision for periodic independent audits regarding implementation of the plan which are to be submitted to the Department of Primary Industries at 6 months, 12 months and 2 years after the commencement of construction and at the completion of construction.
- (e) 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.
- (f) 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).
- (g) a detailed geotechnical assessment prepared by a suitably qualified consultant.
- (h) a bushfire risk assessment and management plan for the proposed development which:
 - i. demonstrates consistency with Planning for Bushfire Protection 2006 (PBP).
 - ii. clearly identifies how the development meets the Asset Protection Zone (APZ) requirements of Appendix 2 of PBP.
 - iii. clearly identifies how areas of riparian vegetation will interact with proposed APZs to ensure that hazards within the site are reduced and required APZs can be achieved for all components of the development
 - iv. includes a Plan of Management developed in consultation with the Shoalhaven Bush Fire Management Committee which addresses the following:
 - How vegetation within the development will be managed in perpetuity to ensure that all components of the proposal establish and maintain adequate APZs in

accordance with the requirements of Appendix 2 of PBP and RFS document *Standards for Asset Protection Zones*

- How land adjoining unmanaged forest vegetation will be managed to prevent the spread of fire towards Special Fire Protection Purposes development
- (i) 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. adequate provision of transport throughout the site via the provision of shuttle buses and/or buggy transportation.
- (j) 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.

20. Stormwater Monitoring and Adaptive Management Plan

A long-term stormwater monitoring and adaptive management plan must be prepared for the whole site to monitor and evaluate the efficiency of the stormwater management measures in achieving a Neutral or Beneficial Outcome (NorBE) and the pollution targets and to identify any need for further stormwater treatment.

The stormwater monitoring and adaptive management plan must be prepared prior to the submission of the first development application and:

- (a) be prepared in consultation with the Department of Primary Industries (Marine Park Authority and Fisheries NSW) and the Council in accordance with the relevant policies and guidelines
- (b) provide for the collection, analysis and interpretation of pre-development water quality data at least 12 months before construction works on the site commence
- (c) include arrangements to respond to any detected or reported decline in water quality that occurs during project works.

21. Biodiversity And Offsets

Prior to the lodgement of any development application involving the removal of vegetation the Proponent shall provide for the following in consultation with the OEH and Council and to the satisfaction of the Secretary:-

- (a) A satisfactory quantitative assessment of the biodiversity values contained within the development footprint;
- (b) Depending on the outcome of the quantitative assessment, appropriate offsets for the loss of vegetation to be determined using the Biobanking Assessment Methodology and offset calculation, and to be protected through the implementation of a Biobanking Agreement.

22. Village Centre Precinct

- (a) Development applications for commercial/retail uses in the Village Centre precinct must clearly demonstrate that the proposed uses will be limited to:
 - i. meeting the day to day convenience needs of visitors to the site which may include a small supermarket, chemist, bakery, newsagent and the like; and/or
 - ii. providing retail and entertainment experiences directly linked to the tourist experience which may include Asian arts, crafts and herbal outlets as well as restaurants, cafes and the like.
- (b) Total development in the Village Centre Precinct, including retail and commercial floorspace, serviced apartments and the convention centre, should not exceed 20,000m².

23. Traffic Modelling and Grade Separated Interchange Concept Plan

Prior to the lodgement of any development application (excluding 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.

24. Grade Separated Interchange

Prior to seeking approval to development of 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.

25. 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.

26. Road Works

- (a) The proposed Northern Access Road into the site and grade separated interchange at the intersection of Forest Road and the Princes Highway will require separate approval under Part 4 or 5 of the Act before construction can commence.
- (b) 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).
- (c) 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.
- (d) 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.

27. 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 Riparian Corridors and Wetlands Plan of Management is to provide details of the management of the interface between the development footprint and the riparian corridors.
- (c) Rehabilitation and management of the forested areas and riparian corridors, wetlands and buffer zones are to be undertaken in accordance with the Plans of Management.
- (d) The Plans of Management are to incorporate the findings from Condition 21, 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.
- (e) 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).

28. 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).

29. Flooding

A detailed flood assessment is to accompany any development application involving land that is flood affected. This flood assessment must be prepared in consultation with the Council in accordance with the requirements of OEH and Council.

30. 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).

31. 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.

32. Serviced Apartments

The serviced apartments within the Village Centre Precinct must be used for short term tourist accommodation only and must not be used for permanent residential occupation.

End of Schedule 3

APPENDIX 1
STATEMENT OF COMMITMENTS