



MAJOR PROJECT ASSESSMENT:
Vincentia Coastal Village (MP 06_0058 & 06_0060)



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979
January 2007

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GLOSSARY & ABBREVIATIONS

APZ	Asset Protection Zone
Council	Shoalhaven Council
DCP	Development Control Plan
DEC	Department of Environment and Conservation NSW
the Department	NSW Department of Planning
DGRs	Director-General Environmental Assessment Requirements, issued pursuant to section 75F of the Act
DNR	NSW Department of Natural Resources
DPI	NSW Department of Primary Industries
EA	Environmental Assessment
EECs	Endangered Ecological Communities as defined by the <i>Threatened Species Conservation Act, 1985</i>
EPBC Act	the Australian Government's <i>Environmental Planning and Biodiversity Conservation Act, 1999</i>
JBMPA	Jervis Bay Marine Park Authority
LGA	Local Government Area
Major Projects SEPP	<i>State Environmental Planning Policy (Major Projects) 2005</i>
Proponent	Stockland Developments Pty Ltd
RFDC	Residential Flat Design Code
RFS	NSW Rural Fire Service
RTA	NSW Roads and Traffic Authority
SEPP	State Environmental Planning Policy
SSS Study	State significant site Study, prepared as per clause 8 of the Major Projects SEPP
the Act	<i>Environmental Planning and Assessment Act, 1979</i>
the Regulations	<i>Environmental Planning and Assessment Regulation 2000</i>
SEPP 14	<i>State Environmental Planning Policy No.14—Coastal Wetlands</i>
SEPP 71	<i>State Environmental Planning Policy No.71—Coastal Protection</i>
Shoalhaven LEP	<i>Shoalhaven Local Environmental Plan 1985</i>
VMP	Vegetation Management Plan
WSUD	Water Sensitive Urban Design

1 EXECUTIVE SUMMARY

This is a report from the Director-General to the Minister in relation to Projects MP 06_0058 and MP 06_0060 at Vincentia Coastal Village. This report is provided to the Minister for the purposes of determining the concept plan pursuant to Section 75O(2)(a) of the Act and determining the project application pursuant to Sections 75P(1)(c) and 75J (1) of the Act.

The Proponent for Projects MP 06_0058 and MP 06_0060 is Stockland Developments Pty Ltd.

The Proponent is seeking a concurrent project application and concept plan approval under Part 3A of the Act for land at the corner of Wool Road and Naval College Road Vincentia. The Proponent has provided a concurrent SSS Study consistent with Clause 8 of the Major Projects SEPP recommending that the land for development to be listed within Schedule 3 of the Major Projects SEPP to facilitate its rezoning.

The Concept Plan seeks approval for:

- a district shopping centre with an indicative total floor area of 32 000 square metres (comprising retail, commercial and community facilities);
- residential subdivision; and
- adaptable housing (likely to be used for seniors living).

The Concept Plan includes identifying associated servicing and infrastructure intended to support the development shown in Figure 4 and would result in 48 hectares (37.8%) of the site remaining undeveloped in order to better protect high conservation values of the Vincentia Coastal Village site. This compares to 16.26 ha or 12.8 % of the site which is currently zoned environmental protection under the Shoalhaven LEP. This is an increase of 31.74 ha of land that will be zoned for environmental protection.

The Project Application proposed by the Proponent seeks approval to subdivide the residential component shown in the Concept Plan to create 604 residential lots, along with associated infrastructure, such as roads. This report assesses both applications.

This Report recommends to the Minister that:

- the Concept Plan be granted approval, subject to modifications; and
- the Project Application be granted approval, subject to conditions.

This Report also recommends to the Minister that the rezoning of **Vincentia Coastal Village site be pursued separately** so as to give effect to the Concept Plan. This rezoning can proceed separately as the proposal is not wholly prohibited. This Report also recommends to the Minister that major development at Vincentia Coastal Village site, defined as development with a capital investment value of \$5 million or more) remain matters to which Part 3A apply and that other types of development be dealt with by Council under either Part 4 or Part 5.

In August 2006, Australian Department of Environment and Heritage advised the Department that a controlled action under EPBC Act had been triggered by the proposal due to presence on site of threatened species listed by the Australian Government. The Australian Department of Environmental Heritage is exhibiting the development pursuant to the EPBC Act from 28 December 2006 until 9 February 2007. Consequently, the proposal will require approval by the Australian Government.

2 BACKGROUND

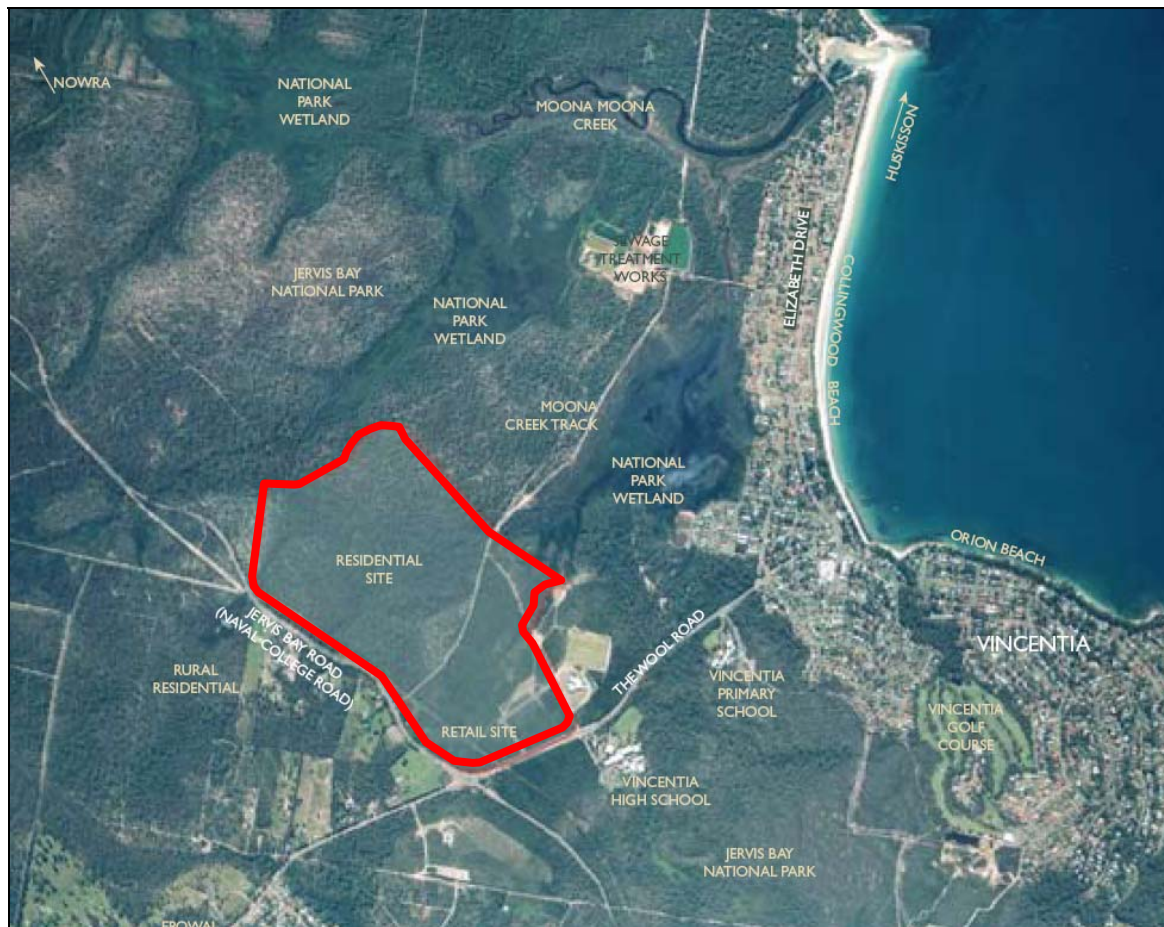


Figure 1 - Vincentia Coastal Village site (red solid line) and surrounding area

2.1 Introduction

The Subject Site is 127 hectares of land located at the intersection of the Wool Road and Naval College Road, Vincentia (Figure 1).

The land is wholly owned by Stockland, who is the Proponent.

The Proponent is seeking to develop the Site for the purposes of:

- a district centre comprising a retail shopping centre and including commercial offices, community facilities, and bulky goods retailing,
- a residential housing, including retirement housing,
- establishing environmental protection areas, and
- associated infrastructure.

The current zoning for the Site in the Shoalhaven LEP is as follows:

- Zone 2(c) Residential "C" (Living Area) Zone,
- Zone 3(a) Business "A" (Retail) Zone,
- Zone 5(e) Special Uses "E" (Proposed Local Roads Reservation and Widening of Local Road Reservation) Zone,
- Zone 7(d2) Environmental Protection "D2" (Special Scenic) Zone, and

Zone 9(a) Natural Hazards "A" (Urban Flooding) Zone.

The current zoning applicable to the Site limits the residential subdivision to the 2(c) Zone. However, part of the residential subdivision and concept commercial development area contained within the 7(d2) Zone and the proposed subdivision is not permissible.

On 16 December 2005, the Director-General as a delegate of the Minister declared the proposal to be a project to which Part 3A applies. Consequently, the Minister is the approval authority.

The EA was lodged with the Department on 27 February 2006. The EA was exhibited from 15 March until the 27 April 2006. On 19 December 2006, the Proponent lodged a final Preferred Project Report and revised Statement of Commitments

2.2 Site Locality and Description

The Site is located within the Shoalhaven LGA, approximately 25 to 30 kilometres south of Nowra / Bombaderry and 2 kilometres west of the Vincentia town centre. The Site is contained within an area known as the "Bay and Basin", which derives its name from Jervis Bay and the St George's Basin localities.

The Site is bounded by the Jervis Bay National Park on its northern and western boundaries. The Council's Bay and Basin Leisure Centre is located on the eastern boundary. The Site is adjacent to the Wool Road to the east and the Naval College Road to the west, with the latter providing access to the Pacific Highway. The Site in its context is shown in Figure 1.

The only developed aspects of the site are from the existing vehicular entry from the Wool Road to Council's Bay and Basin Leisure centre in the east, an electricity transmission line running east-west close to Naval College Road, and the unformed Moona Moona Creek Road and paths. The remainder of the Site is well vegetated.

The Site's topography falls generally to the north east and contains three creek lines. These creek lines, except after rain, are otherwise dry and are understood to connect to a SEPP 14 wetland to the north. Figure 2 shows the topography of the site.

As noted already, unformed roads and paths exist on Site. There are also a number of paper roads which are the result of paper subdivisions from the early Twentieth Century and their origin is discussed in 2.5 below. These "paper roads" have never been formalised and are shown in Figure 2 accordingly.

The land titles that are the subject of the Concept Plan and Project Application are listed in Table 1.

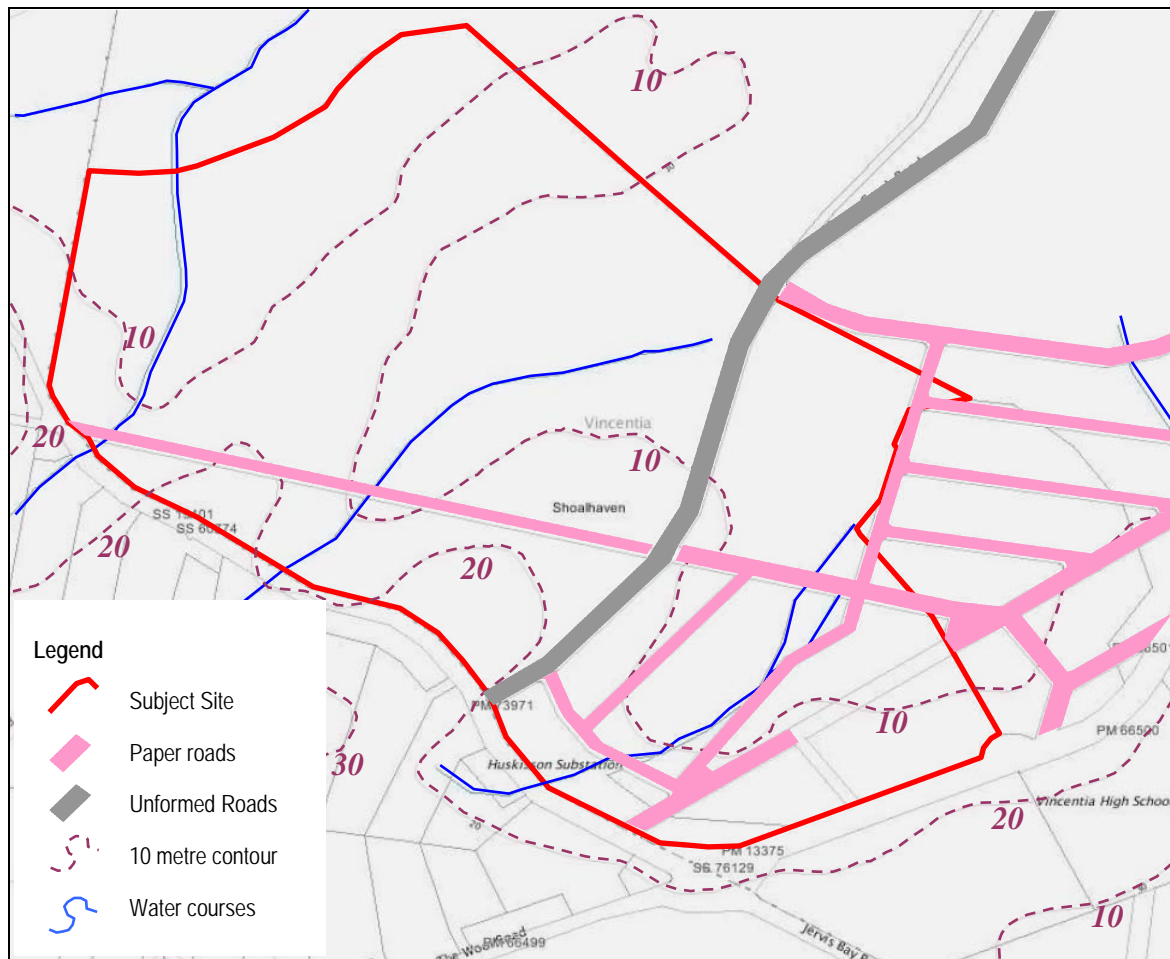


Figure 2 - Key topographic and subdivision features, Vincentia Coastal Village

Proponent	Property Description
Stockland Pty Ltd	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040

Table 1 - Lands subject to Concept Plan and Project Application

2.3 Existing Land Use / Prior Development Approvals

The site is predominantly covered by native vegetation ranging from low growing sedgeland in the south to tall open forest in the north. The site supports habitat for native flora and fauna and threatened species (with a total of 23 threatened species being recorded on site) listed under the *Threatened Species Conservation Act 1995* (TSC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

There are no known land uses on Site. Development of the site has been restricted to isolated infrastructure works, namely roads and the electricity transmission line.

The Site was previously subdivided in the early Twentieth Century for the purposes of residential housing. Despite this, residential housing is understood never to have been established on Site.

2.4 Surrounding Land Uses

Surrounding land uses are limited. This is principally as the Site is separated from the main township of Vincentia and is bound on two sides by the Jervis Bay National Park (refer to Figure 1).

Developed land uses exist adjacent to the Site. These are the Council's Bay and Basin Leisure Centre, which is a community recreation facility incorporating indoor pools, and the Shoalhaven Water sewerage pumping station.

On the opposite side of the Wool Road and Naval College Road, developed land uses involve rural-residential housing and a high school. Council is understood to have granted development consent to both the expansion of the existing school and the establishment of a new school.

The land uses in the Vincentia township to the east comprise residential housing and an existing retail centre. While there is evidence of new housing in Vincentia, most of the residential housing and the existing retail centre date from the middle of the Twentieth Century.

Vincentia's existing retail centre is at the intersection of the Wool Road and Burton Street and consists of three buildings with retail facilities that face onto car parking spaces. There are 45 retail tenancies, including an IGA supermarket. The Proponent's documentation advises that this supermarket has a floor space of 2,600 square metres. The size of this supermarket is small when noting that a full-line supermarket has a size of about 4,000 square metres.

2.5 Site History

2.5.1 Early development activities

The Shoalhaven was opened up for agricultural purposes in the first half of the Nineteenth Century and developed into an area for cattle grazing and wool production. Agricultural activity in the area led to the construction of the Wool Road and the founding of South Huskisson with which to provide a port in order to ship wool to Sydney. South Huskisson was abandoned within a few years of its founding, though. This was in response to the development of a port at Nowra to ship wool and other produce to Sydney, plus severe droughts that affected wool production more generally.

Interest in developing this part of the Shoalhaven did not reoccur until the end of the Nineteenth Century. This coincided with move to federate Great Britain's Australian colonies and the speculation associated with identifying the location of Australia's new capital. Jervis Bay was considered as a possible location at one stage, but was rejected by the Victorian Government because of its perceived proximity to Sydney.

Development in the area again waned until Henry Halloran's involvement in the early Twentieth Century. Henry Halloran, a realtor and Town Planner, bought large areas of land at Jervis Bay with a view to developing a major new town called St Vincent's City and a small number of satellite townships. Halloran was experienced in development near coastal waterways having, before the First World War, subdivided land at various locations in and around Sydney, including Seaforth, Avoca, Stanwell Park, and Cronulla. Halloran's vision drew heavily on the Walter Burley Griffin design for Canberra. While the Great Depression ultimately scuppered his scheme, this was not before Halloran had registered the subdivision for St Vincent's City and the smaller townships. One such township identified by Halloran as "Pacific City" included part of the Site. Figure 2 clearly shows the registered paper subdivision identifying the roadways and future super lots awaiting subdivision into housing allotments. The site currently contains a Special Uses -Road reserves zone under the Shoalhaven LEP.

Vincentia, which occupies the abandoned township of South Huskisson, was developed after the Second World War in anticipation of Jervis Bay being an industrial centre. Although the industrial development did not proceed, Vincentia is now a tourist destination for residents from Sydney and Canberra.

2.5.2 Proposal history

The Proponent met with the Department in 2003 to discuss a development proposal for the Site given that SEPP 71 applied and, according to that planning instrument, the Minister was the consent authority.

The Department advised the Proponent that it considered it would be appropriate to conduct a planning focus meeting with other Government agencies about the project. This decision was made because of the undeveloped state and the possible significant environmental impacts that any development of the Site might have.

A planning focus meeting was organised for 10 September 2003 by the Department and attended by Stockland, Council, and Government agencies, including DEC and DNR. The meeting identified that environmental factors were significant constraints to the development. These constraints included the adjacency of the Jervis Bay National Park, the possible impact on threatened flora and fauna, and the impact development might have on tributaries that fed into the Moona Moona Creek Wetland.

The Department also identified administrative planning problems with the development proposal. These issues were that the proposed shopping centre was not a type of land use captured by SEPP 71, that a concurrent rezoning with Council was necessary to facilitate the development and future occupation of the Site, and that the proposal was not consistent with the Jervis Bay Regional Strategy.

In regards to environmental issues, the Proponent met with DEC and other conservation agencies to resolve these matters over the next 18 months. The outcome from these discussions was the establishment of a "green line" to distinguish between possible areas for development and environmental protection. The Proponent in their EA graphically shows the establishment of the green line and is reproduced at Figure 3.

The Proponent lodged a concurrent SEPP 71 Masterplan and DA in March 2005. The lodgement preceded the final "green line" for development at Vincentia. This had delayed the rezoning process and was having implications on processing the Masterplan and DA, neither of which were exhibited. The applications were subsequently withdrawn.

The introduction of Part 3A and the Major Projects SEPP in August 2005 provided a mechanism by which to resolve administrative planning issues. The Proponent wrote to the Minister on 26 September 2005 seeking approval to lodge the development proposal under Part 3A.

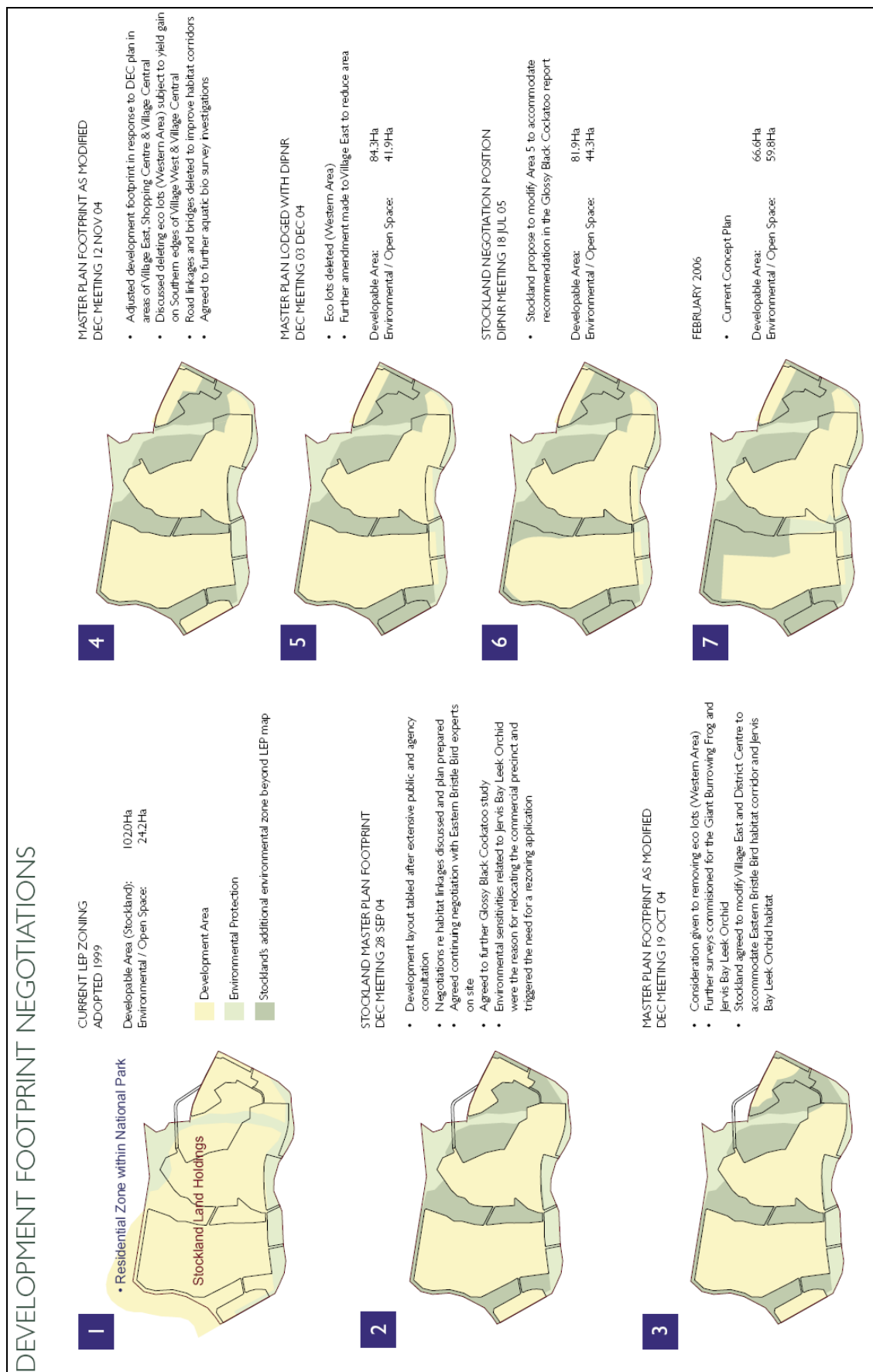


Figure 3 – Evolution of development footprint for Vincentia Coastal Village

3 PROPOSED DEVELOPMENT

3.1 Background

On 16 December 2005, the Proponent lodged a Preliminary Assessment. This provided a preliminary assessment for the Concept Plan and Project Application of the Vincentia Coastal Village Project.

The Preliminary Assessment provided information for the preparation of DGRs. The DGRs were prepared in accordance with Section 75F of the Act and were issued on 28 January 2006.

On 22 February 2006, the Minister agreed to commence the process of amending Major Projects SEPP to include the site as a State significant site in Schedule 3 of the Major Projects SEPP and authorised the submission of a concept plan for the site.

On 27 February 2006, Stockland lodged their Environmental Assessment for Concept Plan and Project Application.

3.2 State Significant Site Study

The SSS Study seeks to establish new land use zones and development controls to facilitate the development proposed in the Concept Plan and Project Application. The SSS Study has been prepared in accordance with Clause 8 of the Major Projects SEPP.

3.3 Concept Plan

The Concept Plan lodged by the Proponent covers the entire Site.

The Proponent seeks a Concept Plan approval that contains discrete components. The Proponent identifies these components (Figure 4) as follows:

- a 604 lot residential subdivision,
- a residential development for an adaptable housing area, and
- commercial development.

A fourth, unspecified component incorporates those parts of the site that are to remain undeveloped and are to be retained for environmental purposes.

The 604 lot residential subdivision is the subject of a concurrent Project Application and is discussed below in 3.4.

The Concept Plan for the residential development is for an adaptable housing area adjacent to the Bay and Basin Leisure Centre. The Concept Plan seeks approval to:

- accommodate approximately 136 dwellings and identify an internal road network,
- indicative residential lots,
- access to The Wool Road, and
- WSUD measures.

The Concept Plan for the commercial development is for a district town centre and involves:

- building footprints;
- an indicative total floor area of 32,000 square metres with approximately 20,000 square metres proposed in Stage 1 and 12,000 square metres proposed in Stage 2;
- a range of uses, including a discount department store, supermarket, medical centre, child care centre, restaurants, bulky goods, potential housing and specialty retail;
- a site (Stage 3) for future bulky goods development;

- an indicative total of 1,399 car parking spaces to be provided in two car parking areas and at the upper a road network that includes a main street, access to The Wool Road and access to a proposed road in the subdivision;
- level of future buildings; and
- WSUD measures and public open space areas.

In regards to this component of the Concept Plan, the Proponent requested DGRs for a project application approval for the first stage of the commercial development centre. The DGRs were issued on 17 November 2006

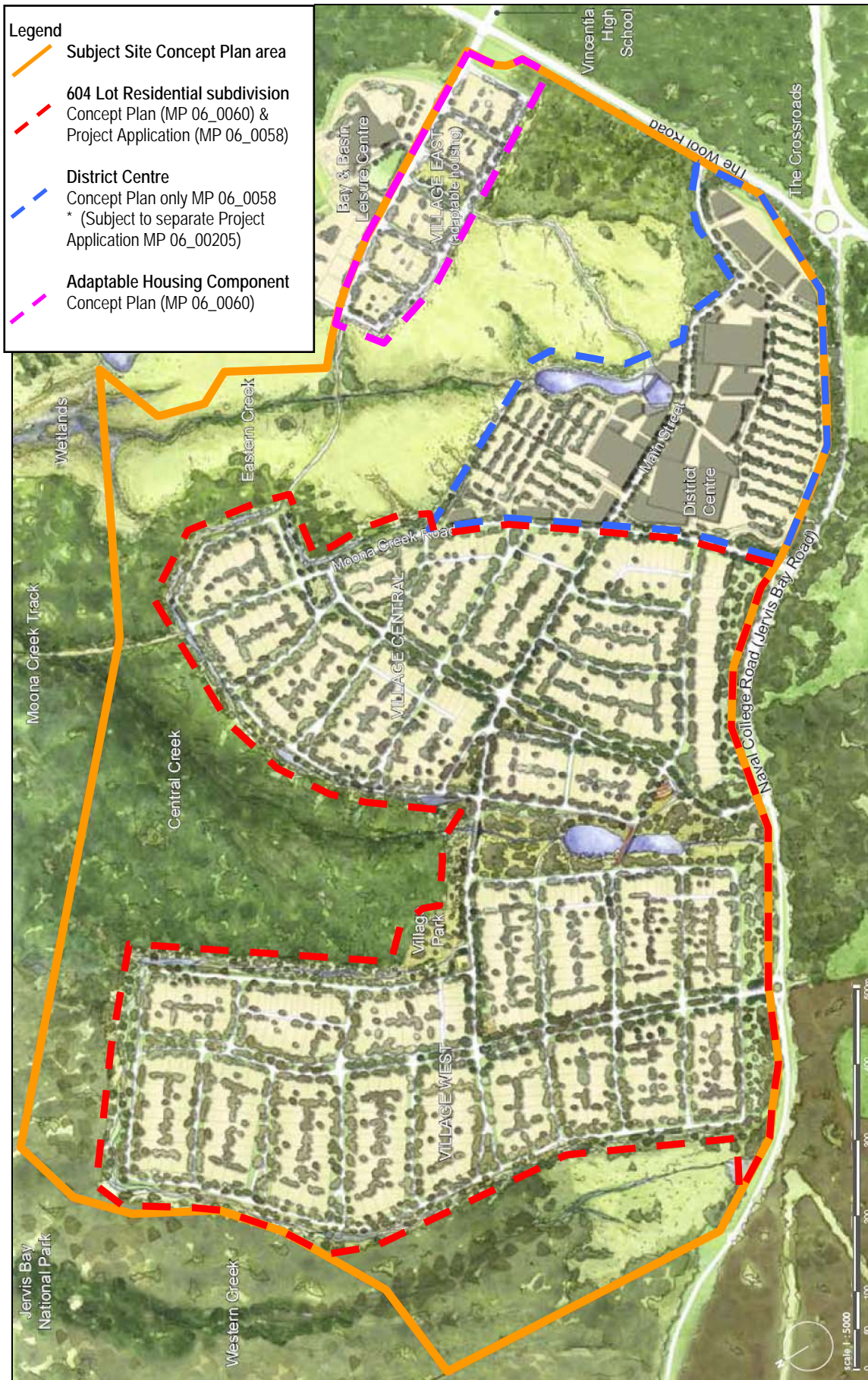


Figure 4 Map showing delineation of Concept Plan and Project Application for Vincentia Coastal Village

3.4 Project Application

The Proponent seeks a Project Application related to the 604 lot residential subdivision component of the Concept Plan. Figure 4 shows the area the Project Application applies to, while Figure 5 shows the subdivision layout.

In detail, the Project Application seeks approval for:

- a total of 604 residential lots
- approximately 60 hectares (47 percent of the site) of open space area, which would be comprised of approximately 48 hectares of environmental conservation areas and approximately 12.04 hectares of water sensitive urban design /asset protection zones and urban parks;
- an internal road network,
- three access points to Naval College Road;
- construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing;
- water sensitive urban design measures and landscaping of public space in streets and parks;
- closure of unformed roads.



Figure 5 - Subdivision Layout Plan

4 STATUTORY CONTEXT

4.1 Part 3A, Environmental Planning and Assessment Act 1979

Part 3A of the Act commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all major projects where the Minister was the consent or approval authority under Part 4 (Development Assessment) or Part 5 (Environmental Assessment).

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a SEPP or by order of the Minister published in the Government Gazette.

Section 75M of the Act permits a proponent to lodge a Concept Plan either upon their request to or at the behest of the Minister. The purpose of the Concept Plan is to provide a broad overview of a proposed development and seeks to establish the framework for more detailed development of the proposal subject to future approvals.

On 16 December 2006, the Director General as a delegate of the Minister formed the opinion that the development proposal was subject to Part 3A. The Major Project SEPP identifies development for subdivision of land in a residential zone into more than 25 lots in the coastal zone as a project to which Part 3A of the Environmental Planning and Assessment Act, 1979 applies (Schedule 2, clause 1(1)(i) – Coastal areas).

On 22 February 2005, the Minister for Planning, Hon Frank Sartor MP, formed the opinion that Part 3A of the Act applied to the proposed development and, pursuant to Section 75M of the Act, authorised the Proponents to submit a Concept Plan for Vincentia.

On 27 February 2006, Stockland lodged their Environmental Assessment including concurrent Concept Plan and Project Application.

4.2 State Environmental Planning Policy (Major Projects) 2005

The Major Projects SEPP outlines the types of development declared a major project for the purposes of Part 3A of the Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

Clause 8 of the Major Projects SEPP includes provisions that allow the Minister to determine that a site is State significant and to add it to the list of State significant sites that appear in Schedule 3 of the Major Project SEPP. Prior to listing a site, a SSS Study is required to assess the State or regional planning significance of the site and the suitability and implications of any proposed land use. When making a site a State significant site on Schedule 3 of the Major Projects SEPP, the Minister may establish the planning regime for the site, including any zoning changes.

On 22 February 2006, and as part of authorisation to submit a Concept Plan, the Minister agreed to commence the process of amending the Major Projects SEPP to include the site as a State significant site in Schedule 3 to the Major Projects SEPP.

4.3 Permissibility

The current zoning for the Site in the Shoalhaven LEP is shown in Figure 6 and is as follows:

- Zone 2(c) Residential "C" (Living Area) Zone,
- Zone 3(a) Business "A" (Retail) Zone,
- Zone 5(e) Special Uses "E" (Proposed Local Roads Reservation and Widening of Local Road Reservation) Zone,
- Zone 7(d2) Environmental Protection "D2" (Special Scenic) Zone, and
- Zone 9(a) Natural Hazards "A" (Urban Flooding) Zone.

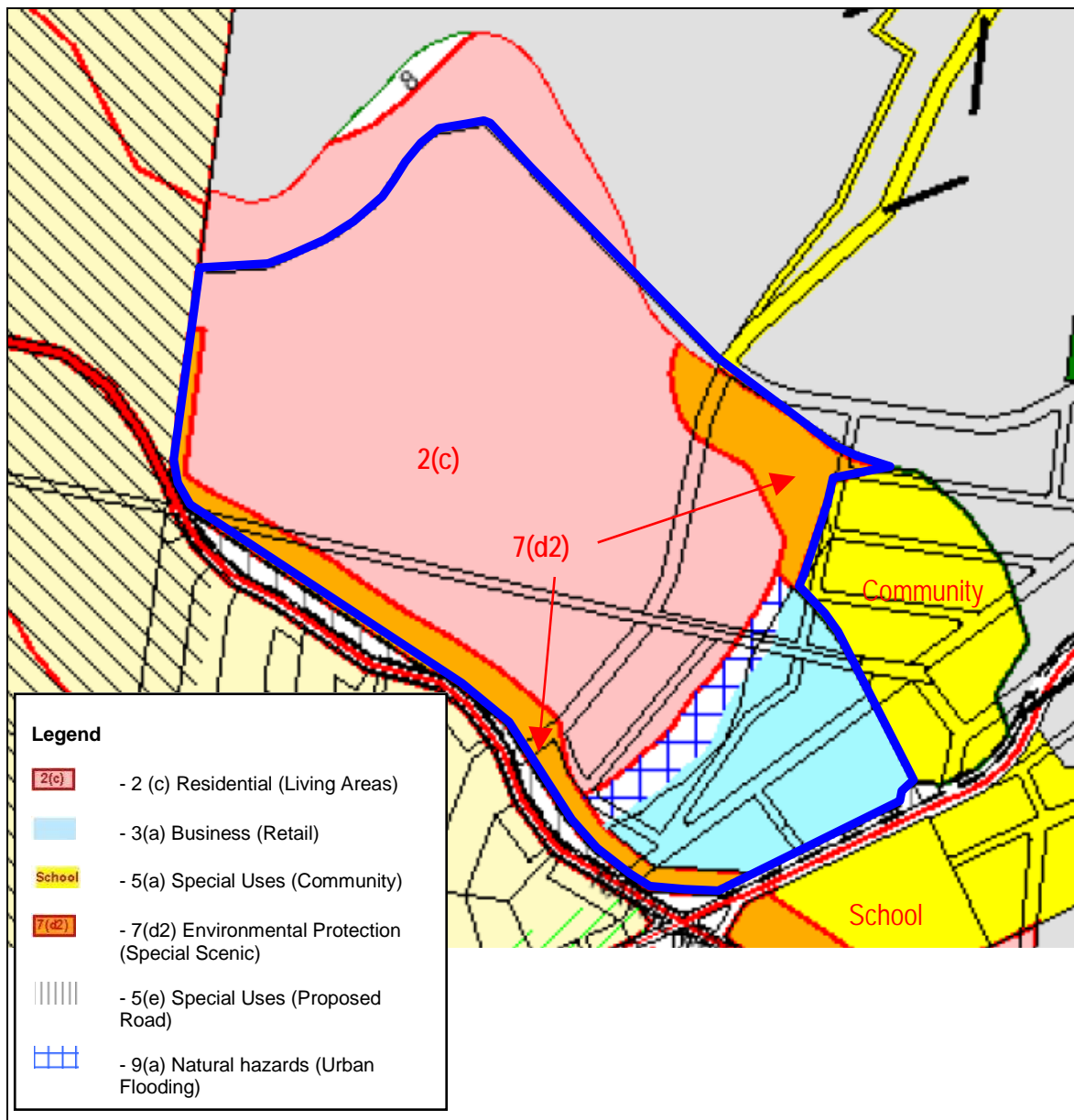


Figure 6 - Land Use Zones in Shoalhaven LEP

4.4 Director General's Environmental Assessment Requirements

On 28 January 2006, the Director-General issued environmental assessment requirements (DGRs) pursuant to Section 75F of the Act. The key issues to be addressed in the DGRs for the concurrent concept plan and project application were identified under the following headings:

- Statutory and other requirements,
- Traffic impacts – Construction and operational,
- Bushfire impact,
- Urban design, visual impact and sustainability,
- Urban design of commercial centre,
- Noise impact,
- Impacts on Moona Moona Creek, adjoining wetlands, and Jervis Bay Marine Park – Water quality, stormwater, sedimentation and soil erosion,
- Drainage and flooding,
- Flora and fauna, threatened species and corridor values,
- Social and economic context,
- Impact of domestic users,
- Visual impact and landscaping,
- Aboriginal and cultural heritage,
- Management of land not subject to development,
- Tourism, and
- Utilities.

4.5 Other relevant legislation and environmental planning instruments

Section 6 and Appendix F set out the approval process, relevant consideration of legislation, environmental planning instruments and planning strategies as required under Part 3A of the Act.

In summary, the relevant EPIs for the EA and SSS Study are as follows:

- *State Environmental Planning Policy (Major Projects) 2005*
- *State Environmental Planning Policy No.11—Traffic Generating Developments*
- *State Environmental Planning Policy No.55—Remediation of Land*
- *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*
- *Draft State Environmental Planning Policy No 66—Integration of Land Use and Transport*
- *State Environmental Planning Policy No 71—Coastal Protection*
- *State Environmental Planning Policy (Seniors Living) 2004*
- *Jervis Bay Regional Environmental Plan 1996*
- *Shoalhaven Local Environmental Plan 1985*
- *Jervis Bay Settlement Strategy 2003*
- *Draft South Coast Regional Strategy 2006-2031.*

In August 2006, the Australian Department of Environment and Heritage advised the Department that a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) had been triggered by the proposal due to presence on site of threatened species listed by the EPBC Act. The Australian Department of Environmental Heritage is publicly exhibiting the development pursuant to the EPBC Act from 28 December 2006 until 9 February 2007.

The involvement of the Australian Government in this development is not considered to fetter the Minister from making decision. This is particularly as the Australian Department of Environment and Heritage advised the

Department that their approval process must come after such time as the NSW Minister for Planning makes a determination.

5 CONSULTATION AND ISSUES RAISED

5.1 Lodgement

On 27 February 2006, the Proponents submitted an EA including a concurrent Concept Plan and Project Application. The EA incorporated matters relating to the SSS Study.

5.2 Test of Adequacy

Section 75H of the Act specifies that prior to exhibition, the Department is to conduct a "test of adequacy" to determine if the EA satisfies the DGRs.

On 27 February 2006, the Proponent submitted a final EA for the concurrent Concept Plan and Project application. The EA incorporated matters relating to the SSS Study.

On 6 March 2006, the Department completed an analysis concluded that the EA and SSS Study met the test of adequacy.

5.3 Exhibition

The EA was publicly exhibited in accordance with Section 75H of the Act for 44 days from 15 March 2006 and 27 April 2006 at the following locations:

- Department of Planning (Head Office), Information Centre – 23-33 Bridge Street, Sydney
- Department of Planning (Wollongong Office) – Level 2, 84 Crown Street, Wollongong
- Shoalhaven City Council – City Administrative Centre, 36 Bridge Road, Nowra
- The Bay and Basin Leisure Centre – The Wool Road, Vincentia

During the course of the exhibition period, the EA was available via the Department's website.

5.4 Notification

Notification of the exhibition of the EA including the Concept Plan, Project application and SSS Study was considered appropriate. The notification process was conducted in a manner generally consistent with the Shoalhaven Council's notification policy.

On 13 March 2006, the Department sent letters to 14 public agencies advising them of the exhibition of the EA and SSS Study.

On 13 March 2006, the Department sent letters to 1,574 owners and occupiers of land within a 2 kilometre radius of the Site informing them of the exhibition of the EA and SSS Study. These letters included details on the proposed development and how to make a submission.

The Department placed a notice in the public notices section of the *Nowra South Coast Register* newspaper on 15 March 2006. The advertisement provided details of the proposal, exhibition locations and dates, and how interested parties could make a submission.

5.5 Submissions Received and Issues Raised

In response to the exhibition, the Department received:

- a total of 10 submissions from public agencies, including the Department, DEC, the Australian Government Director of National Parks, and Shoalhaven Council, and

- a total of 228 submissions from the public, of which 8 supported the proposed development and the remainder objected to the proposal.

The issues arising from submissions are assessed as part of Section 6.3. These issues have been broadly categorised as follows:

- Character of development;
- Flora and fauna, particularly impact on threatened species and wildlife corridors;
- Water quality impacts, including on Moona Moona Creek wetlands and the Jervis Bay Marine Park;
- Traffic impacts and provision of road upgrades;
- Urban design and subdivision layout;
- Bushfire protection;
- Economic impacts from additional retailing in the Bay and Basin area;
- Infrastructure costs;
- Impact on tourism;
- Social impacts, especially future employment growth and anti-social behaviour;
- Compliance and enforcement;
- Developer contributions; and
- Management and mitigation measures.

5.6 Response to Submissions and Preferred Project Report

The Proponent was provided with copies of all agency submissions and summaries of submissions received from members of the public. In certain cases, the Proponents were provided with a full copy of submissions by the public where the information contained within the submission was too detailed and an accurate summary was not possible.

The Proponent was requested to respond to all submissions in accordance with Section 75H of the Act. On 19 June 2006, the Proponent provided a Response to Submissions that included additional documentation.

On 2 August 2006, the Department, Proponent, and Council met to discuss outstanding issues in the Response to Submissions and the proposed development. These included issues of traffic and transport, bushfire protection, infrastructure ownership and maintenance, and developer contributions.

On 18 August 2006, the Proponent responded to a request for the Department to address remaining issues. The Department considered that the outstanding issues had not been resolved, but could be managed through modifications to the Concept Plan conditions applied to the Project Application.

The finalisation of the Department's assessment was delayed due to the lengthy negotiation process between Council and the Proponent to resolve traffic, Section 94 and WSUDs/APZs issues. Following these detailed negotiations and discussions, the Proponent and Council reached agreement in relation to roads, developer contributions, APZs and WSUDs. The Proponent provided Council with a revised Statement of Commitments that confirmed these arrangements and this was subsequently endorsed by the Council at its meeting on 24 October 2006.

On 30 October 2006, the Proponent submitted the Council endorsed Statements of Commitments to the Department.

On 30 November 2006, the Proponent provided a final version of the Statement of Commitments to address additional issues raised by the Department.

The final Preferred Project Report is provided in Appendix B.

6 ASSESSMENT

<i>Section 75I(2) criteria</i>	<i>Response</i>
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA is included at Appendix E while the Proponents' Preferred Project Report (including Statement of Commitments) is set out for the Minister's consideration at Appendix B .
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix D .
Copy of any report of a panel constituted under Section 75G in respect of the project	No independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially govern the carrying out of the project is identified in Section 4.5 above. A brief assessment of the impact of the SEPP on the development proposal is provided in Appendix F .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to the prevailing environmental planning instrument is provided in Appendix F
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.

Table 2 - Section 75I(2) requirements for Director-General's Report

6.1 Environmental Assessment Requirements

The Director-General is required under Part 3A to provide a report to the Minister for the purposes of deciding whether or not to grant approval of the Concept Plan pursuant to Section 75O(2)(a) of the Act. Section 75N of the Act provides that the scope of the Director-General's Report for a Concept Plan is the same as with respect to approvals to carry out a project pursuant to Section 75I(2) under Part 3A of the Act. The Act further stipulates that matters that the Director-General's Report is to address.

The Director-General's Report as it relates to the Site has been prepared to satisfy these requirements. It has been prepared after reviewing the EA, SSS Study, Response to Submissions, revisions to the Statement of Commitments, the Preferred Project Report and additional information provided by the Proponents in conjunction with advice from public authorities and the issues raised in public submissions. Table 2 identifies how this Director-General's Report satisfies the criteria set out in Section 75I(2) of the Act

Consideration of the advice and issues as they relate to the Concept Plan, Project Application and SSS Study are provided in Section 6.2. Each relevant issue is identified along with who raised the issue. Consideration is then given to how the Proponents sought to address the issue. Each subsection concludes with a statement on whether the issue is resolved or whether amendments are necessary by modifying the Concept Plan, applying conditions to the Project Application, or introducing new planning provisions in an environmental planning instrument.

Unless noted to the contrary, the Department is satisfied that the responses provided by the proponent in their EA and the additional response to issues raised in submissions are reasonable.

6.2 Key Issues

6.2.1 Flora and Fauna

Raised by

The Department, DEC, Commonwealth Director of National Parks and public submissions

Consideration

As noted in 2.5.2, the development footprint results from significant negotiation involving DEC and Proponent over several years. DEC advised that the development footprint issues have largely been resolved and acknowledged that, whilst it was not possible to retain all threatened species habitat on site, a decision was made to prioritise the conservation of mainly endangered and nationally listed species and their associated habitat.

Key issues raised in submissions are summarised below:

- **Use of the conservation areas.**
The subdivision design and layout includes a number of uses identified in the conservation area that may conflict with environmental protection such as APZs, playgrounds, bike paths and pedestrian linkages.
- **Tenure of the conservation area.**
The EA states on a number of occasions that the conservation area will be owned and managed by DEC. DEC state that the key to the future management of the subject lands requires sufficient funds being available and have asked that consideration be given to a range of options to manage the lands.
- **Management of the conservations areas and impacts on flora and fauna, including wildlife corridors.**
DEC have identified a number of management measures that will mitigate impacts on threatened species and their habitat including providing a 25 metre ecological buffer around the Jervis Bay Leek Orchid Habitat (a threatened species listed by both the NSW and Australian Governments), fencing of the conservation area and monitoring of threatened species habitat.

With regards to the use of conservation areas, the Proponent's Statement of Commitments committed to conserving 48 hectares of high conservation values lands and preparing a Vegetation Management Plan (VMP) for these lands. The VMP includes a movement management plan that would identify where access is to be restricted through the core environmental lands. It is considered that the preparation of a VMP will assist in mitigating impacts on threatened species and their habitat.

With regards to the tenure of the conservation area, the Proponent has committed through their revised Statement of Commitments to retain ownership and maintenance responsibility for the environmental core land until such time as the land is transferred to an agreed entity who will ultimately manage the environmental lands. Consequently, it is considered that this issue has been adequately resolved.

In relation to management of conservation areas and impacts on flora and fauna, the Proponent in their revised Statement of Commitments and modifications to the Concept Plan have committed to a number of management measures to mitigate impacts on threatened species and their habitats. These include:

- Provision of a 25 metre ecological buffer around the Jervis Bay Leek Orchid habitat by reducing the developable area of the adaptable housing;
- Fencing of the interface boundary between the environmental land and the outer edge of the APZ with a post and wire fence constructed to the height of an Australian Standard pool rated fence at each stage of the development;
- A VMP, weed management plan and fire management will be prepared for the environmental lands;
- The VMP that will address the monitoring of threatened species and EECs and threatening processes associated with changes in habitat as well as annual monitoring and reporting to DEC on threatened species and EECs; and
- Prepare and implement the restoration of the scald area within the Jervis Bay Leek Orchid Habitat in consultation with DEC.

The Proponent in their response to submissions stated that APZs will not encroach into the environmental lands as shown on the Subdivision Layout Plan in the EA. Further, the Proponent states that infrastructure and WSUDs will be located within APZs. Although the Proponent has achieved an agreed developable footprint, the Department has been unable to secure a survey that clearly identifies the "green line".

The Department considers that a survey line that sets the boundary of the developable footprint is necessary to ensure that the flora and fauna habitat of the Site is adequately protected. Such a survey would provide the necessary certainty for future development of the site and to satisfy other issues in regards to flora and fauna and the management of the environmental lands. In addition, this survey would assist in charting the future rezoning of the Site.

The Department recommends that the Concept Plan be modified to require a survey be provided to adequately define the boundary between the developable footprint and the environmental lands. It is considered that a site survey of the interface between the environmental lands and the developable area should be undertaken in consultation with DEC prior to the subdivision certificate being issued to ensure the interface boundary has been accurately delineated.

Whilst development of the site is anticipated, it is considered to be reasonably offset by the mitigation measures and on-going management of 48 hectares of high conservation value land. Further to the above Statement of Commitments, the Department recommends the following additional measures to further mitigate impacts on flora and fauna:

- No pathway should be constructed through the Jervis Bay Leek Orchid habitat, including a pathway shown in the Concept Plan to link the district centre and adaptable housing components of the Concept Plan. Access to and from the district centre should be provided along the pedestrian path of Naval College and The Wool Road;
- The 25 metre ecological buffer that is to be provided around the Jervis Bay Leek Orchid habitat should not permit all infrastructure, including roads and APZs.
- Delineation of the green line should be via site survey in consultation with DEC to ensure that the developable area of the Site is accurately established and confirmed.

Resolution

The Department is satisfied that this issue has been adequately resolved through the revised Statement of Commitments and conditions to project application and modifications to the concept.

6.2.2 Water Sensitive Urban Design (WSUD)

Raised By

Council, DEC, DPI, Marine Parks Authority (MPA) and public submissions.

Consideration

The submissions raised issues relating to the adequacy, design, operation and maintenance of the proposed Water Sensitive Urban Design structures (WSUD) and the proposed water quality monitoring program. These issues are summarised as follows:

- Council, DEC, MPA and a number of public submissions raised a degree of uncertainty about the adequacy of the WSUD to protect the sensitive receiving waters (Moona Moona Wetlands and the Jervis Bay Marine Park), from adverse water quality and increased water quantity.
- DPI indicated their support for best practice WSUD measures.
- Concern was raised by Council and the RFS about the co-location of APZs and WSUD.
- Concern was raised by Council and the MPA about the ongoing management and maintenance of the WSUD.
- DPI indicated their support for best management practice to control erosion and sediment during construction.
- Concern was raised by Council, MPA and a number of public submissions about the adequacy of the water quality monitoring program.

The Department's key concerns relate to:

- Transition arrangements for WSUDs following construction,
- The co-location of the APZs with WSUDs; and
- On-going management and maintenance arrangements.

In terms of the transition arrangements, the Proponent initially proposed to maintain the WSUDs until 80 % of the houses within the residential stage have been constructed. Council and the MPA were particularly concerned about the open ended nature of these arrangements noting that it was unclear what happened after the 80 % threshold was reached or the possible impact of the design in terms of water quality. Through discussions with Council and the Department, the Proponent resolved to work with Council and establish an agreed detailed design for WSUD and their maintenance.

With regards to the water quality monitoring program, the Proponent advised the Department that baseline water quality monitoring was conducted in 2004. A total of 8 campaigns (both wet and dry) have been undertaken to date. Five sampling locations, 3 upstream and 2 downstream, have been adopted for each campaign. A further 3 sampling locations in the Moona Creek wetlands were added during the 2005 – 2006 campaigns to enable supplementary comparisons.

With regards to the co-location of the APZs with WSUDs, the Proponent initially recommended that the majority of the APZ width and WSUD be co-located and donated to Council for on-going management. Council indicated in their submission, as well as at a subsequent joint meeting with the Department and the Proponent, that they were unwilling to take on the management responsibility of these lands. This was principally due to the associated maintenance costs of WSUDs and the liability associated with the management responsibility of APZs. Council also expressed concern about the precedence that this might establish with other projects in their LGA if Council took on the maintenance responsibility of APZs.

In response to Council's concerns, the Proponent amended the subdivision design to increase the proportion of the APZ located within the residential allotments and the perimeter road reservation. The amended subdivision layout is shown at Figure 7.

The impact of this redesign is to reduce APZs encroaching into vegetated areas where WSUDs are not located. In instances where there are no WSUD within the perimeter area, the APZ is retained within private lots and the road reserve.

Council advised the Department on 30 October 2006 that, following detailed discussions and negotiations between Council staff and the Proponent that Council has agreed to take on the maintenance of the APZs where they are co-located with the WSUD in accordance with the revised design. In order to support this arrangement the Proponent has committed to the following in the revised Statement of Commitments:

- constructing WSUDs in a manner suitable to Council,
- remaining responsible for the maintenance for three years after the construction of the dwellings within each stage containing WSUDs,
- agreeing to test WSUDs prior to the maintenance responsibility being given to Council to ensure that they operate in accordance with the approved design,
- agreeing to contribute \$150, 000 to Council to cover WSUD maintenance costs where they are co-located with APZs for ten years, and
- preparing a soil and water management plan in consultation with Council prior to the release of the construction certificate.

The Department is generally satisfied that the issues relating to the adequacy, design, operation and maintenance of the WSUDs and the water quality monitoring program have been resolved through the revised Statement of Commitments and the additional 3 water sampling locations. However, it would be appropriate to have ongoing water quality monitoring reports provided to Council, MPA and other relevant agencies.

Resolution

The Department recommends that the Proponent be required by way of conditions to the project application to provide the results of the water quality monitoring to Council, MPA and other relevant agencies.

6.2.3 Bushfire Protection Requirements

Raised by

The Department, RFS and Council

Consideration

A summary of key issues raised in submissions is detailed below:

- Long term maintenance of APZs.
- APZs should not be located within National Park areas or conservation zones, but incorporated as part of the development footprint.
- Details need to be provided on strategic fire advantage zones within the conservation area, which includes a plan that identifies fire trails that can be utilised for strategic burning of these areas.
- The widths of proposed roads and parking bays identified in EA Report do not meet the RFS minimum requirements.

In relation to long term maintenance of APZs associated with WSUDs, the Proponent in their response to submissions revised their Statement of Commitments to maintain WSUDs and APZs where they occupy the same area for 3 years post construction. After such time, they will be dedicated to Council for management and maintenance. Council has agreed to this arrangement and therefore it is considered that issue has been adequately addressed.

The Proponent in the revised Statement of Commitments have stated that they will dedicate to Council the APZ within the current 5(e) zone along Naval College Road. The Department recommends the Proponent maintain ownership and maintenance of this APZ until such time as the land can be transferred to an agreed entity. This has been imposed as both a condition on the project application and modification to the concept plan.

The Proponent in their response to submissions has stated that APZs will not encroach into the environmental lands as shown on the Subdivision Layout Plan in the EA. As noted elsewhere, a site survey to delineate the green line should be undertaken in consultation with DEC prior to issuing of a subdivision certificate. This will be imposed as a condition of approval of the Project Application and as a modification to the Concept Plan.

Strategic Fire Advantage zones in the environmental lands are likely to be required. These zones comprise fire trails and other features needed to provide fire fighters to manage and respond to bushfires. With regards to this, the Proponent has committed to prepare a Fire Management Plan for the Conservation area in consultation with the DEC and the RFS. It is considered that this issue has been adequately addressed.

With regards to road widths, the RFS requires two way public access roads and a road reserve of 20 metres. Further to this, RFS requires parking bays of at least 2.6 metres wide from kerb edge to road pavement, with no services or hydrants located within the parking bays. The 30 metre Ridge Road, 20 metre Connector Road, 20 metre Main Street, 16 metre Local Street and 12 metre Park Edge Road do not meet this requirement.

The Proponents' in their Response to Submissions that the road widths and parking bays will be modified to comply with Planning for Bushfire Protection Guidelines. However, it is not possible to accurately confirm if the road widths comply with Planning for Bushfire Protection Guidelines.

The Department considers that the road reserves widths in the proposed subdivision are wide enough to accommodate RFS minimum two-way trafficable road width and parking bay requirements. Therefore, the Department considers conditions and modifications be imposed to require that the design of road and parking bays comply with RFS requirements.

Resolution

The Department is satisfied that the Proponent has adequately addressed this issue through the revised Statements of Commitments and conditions of approval imposed to the project application and modifications imposed to the concept plan.

6.2.4 Management and Ownership of Core Conservation Lands

Raised by

The Department, DEC, Council and public submissions

Consideration

A summary of the key issues raised in submissions is detailed below:

- Long term management of core conservation lands as there is no agreed entity to manage the lands; and
- Council and DEC indicated in their submissions that they are unwilling to accept the ownership and maintenance of the land.

The Proponent has committed through their revised Statement of Commitments to retain ownership and maintenance responsibility for the environmental core land until such time as the land is transferred to an agreed entity to manage the environmental lands. The Proponent has also agreed to prepare the following management plans for the core environmental lands:

- VMP including management of threatened species.
- Weed Management Plan
- Fire Management Plan

The Department considers that this issue has been adequately addressed.

Resolution

The Department is satisfied that this issue has been resolved through the revised Statement of Commitments

6.2.5 Traffic Issues

Raised By

Council, the Department, and public submissions.

Consideration

Council raised concern that:

- the proposal does not allow for road widening adjacent to the proposed district centre or the western residential area as required by the land zoned 5(e) Road Widening.
- the proposal would require a number of road infrastructure upgrades that were not identified in Council's contributions plan. This issue is considered further in Section 6.2.3, which discusses the proposed developer contributions.
- assumptions were made with the data used to carry out the traffic assessment and that these either underestimated the traffic generated by the proposal or overestimated the capacity of the existing road network.

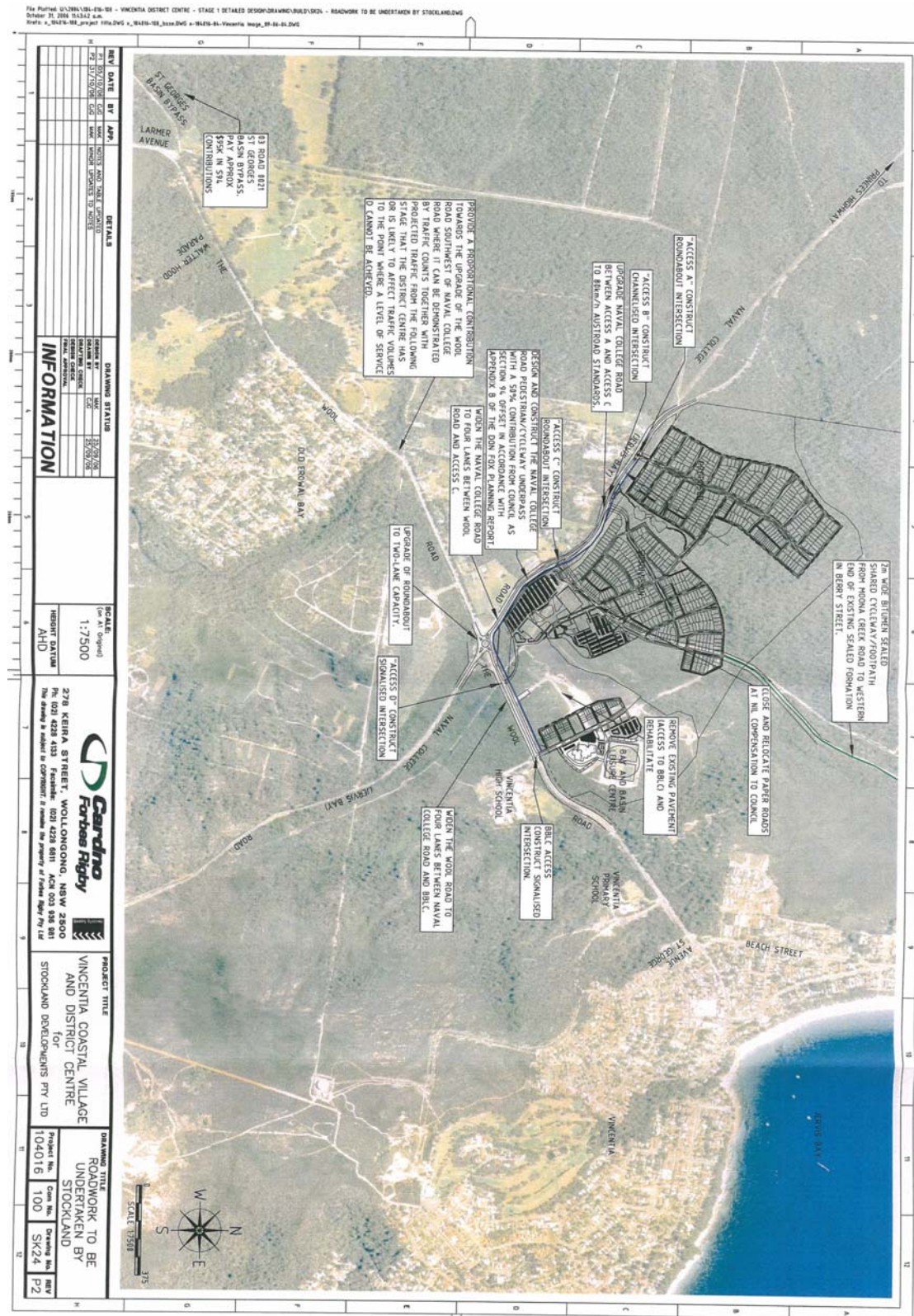


Figure 7 – Road works to be undertaken by the Proponent

The Department's concerns with the proposal were in regards to the adequacy of the existing road network and whether the Proponent was providing appropriate funding to these roads, where relevant.

Council advised the Department on 30 October 2006 that following detailed discussions and negotiations between Council staff and the Proponent an agreed position was reached on road works. Figure 7 illustrates the proposed road upgrade works agreed to be undertaken by the Proponent.

The Proponent revised the Statement of Commitments to reflect the agreements and these were subsequently endorsed by Council at its meeting on 24 October 2006. Central to this agreement is that the Proponent does not have to carry out those traffic upgrade works Council requested in their 8 June 2006 submission. These works were located well beyond the site and had a questionable nexus with the proposed development. The agreement was reached on the proviso that the Proponent pays the full developer contributions required by Council's Developer Contributions Plan.

As part of the negotiations, Council and the Proponent reached an agreement that the Proponent would transfer the land adjacent to the proposed district centre and the western residential area required for road widening to Council in exchange for the paper roads within the proposed residential subdivision area. In addition, the Proponent agreed to fund any costs associated with affecting the transfer of these lands.

Council raised an issue about the under-estimation of traffic counts and the associated potential traffic impacts of the future district centre development. It was agreed by Council and the Proponent that they could not undertake an accurate analysis on future traffic impacts at the concept plan stage. To resolve this issue, the Proponent has committed through the revised Statement of Commitments to providing a further assessment of traffic and to identify any necessary upgrade works following completion of Stage 1 of the district centre and each subsequent stage thereafter.

The Department is aware that the proposal triggers SEPP 11 Schedule 1 Clause (g) (*subdivision of land into 200 or more allotments where the subdivision includes the opening of a public road*) and therefore forwarded the proposal to the RTA seeking its comments. Upon the Department's request, the RTA provided the Department with a submission on 11 January 2007. The RTA specifies that "*provided the proposal incorporates infrastructure required to ameliorate the traffic impacts associated with the proposal to the satisfaction of Shoalhaven Council, has no objection to the proposal in principle*". The Department acknowledges that the Proponent has committed to providing substantial traffic works in association with this proposal and further assessment of traffic impacts and any necessary upgrade works in relation to the proposed district centre (see section 6.2.7), as stated above. Therefore, the Department is satisfied that this issue has been addressed.

With regards to SEPP 11, the RTA does not raise any issues in its submission associated with this proposal. However, its submission specifies that if future development proposals associated with the rezoning meet the criteria under Schedule 1 of SEPP 1 then these applications should be referred to the RTA for comment.

Resolution

The Department is satisfied that this issue has been adequately addressed through the revised Statement of Commitments.

6.2.6 Developer Contributions

Raised by

Council

Consideration

The Proponent lodged a plan prepared by Don Fox Planning with their EA that sought to revise the developer contributions paid to Council for the Vincentia Coastal Village project. In their submission, Council recommended that a number of road infrastructure upgrading works that were not included in the Proponent's plan would be required as a direct result of the proposal. Council also claimed that there was a significant monetary deficit between the Proponent's plan and Council's adopted Developer Contributions plan.

The Proponent generally noted concern with the adequacy of Council's Developer Contributions plan and did not agree with Council's submission. In particular, the Proponent disputed the nexus of the additional road work upgrades.

Council indicated that it may be in a position to partially reimburse the Proponent for some road infrastructure costs associated with the additional projects not currently identified in the contributions plan. However, the Proponent verbally advised the Department that these additional road infrastructure projects represented an additional \$17 million in contributions. The Proponent claimed that this would substantially affect the viability of the development.

Council advised the Department on 30 October 2006 that following detailed discussions and negotiations between Council staff and the Proponent an agreed position was reached on developer contributions. The Proponent has agreed to provide a total contribution of \$2,534, 431.00 which represents \$4196.00 per residential lot.

In addition, the Proponent has agreed to;

- dedicate approximately 48 hectares of land to suitable public ownership for environmental conservation;
- dedicate 3.3 hectares of land to Shoalhaven Council for passive open space;
- construct a bitumen sealed 2 metre wide cycleway network to extend up to the western end of the existing sealed road formation of Berry Street, Vincentia (see Figure 7); and
- undertake the traffic upgrade works outlined above in Section 6.2.2 and identified in Figure 7.

Resolution

The Department is satisfied that the developer contributions issue has been resolved and confirmed through revisions to the Statement of Commitment agreed to by Council.

6.2.7 District Centre

Raised by

The Department.

Consideration

The concept plan identifies a District Centre on the corner of The Wool Road and Naval College Road. The Proponent lodged a project application for Stage 1 of the District Centre in July 2006. DGRs have been issued and these require the Proponent to "demonstrate full compliance with all aspects of the approved concept plan".

Through the assessment of the concept plan a number of issues have been identified that will need further consideration in the project application. These issues principally relate to urban design and can be appropriately addressed with design excellence provisions to ensure the District Town Centre is of good urban form.

Other issues relating to the District Centre development relate to establishing adequate floor space, provision of community facilities, bushfire management, retail hierarchy and retail functions commensurate with the character of the area. These issues are not critical to the Concept Plan and can be addressed in future detailed stages.

Resolution

The Department recommends that design excellence provisions be applied to the District Centre by way of modifications to the concept plan.

7 CONCLUSION

The Department has reviewed the EA and the preferred project report and duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been assessed.

The Proponents' EA and Concept Plan presents technical reports and statements as evidence that it adequately addresses the key issues raised in the DGRs and the issues that arose from submissions made during the public exhibition period. The Proponents claim that the evidence supports a development footprint for the Vincentia Coastal Village as shown in Figure 4.

The Department concurs that, in balancing the State significant planning outcomes with the issues raised in the body of this report, the evidence supports the development of the Vincentia Coastal Village site. An assessment of the EA and associated documentation identifies that the Proponents have generally been able to satisfactorily mitigate environmental impacts arising from the development of the Vincentia Coastal Village.

Notwithstanding this, the Department is aware that some outstanding issues remain with the development of the Vincentia Coastal Village. Consequently, the Department has recommending modifications to the Concept Plan and conditions to the Project Application. The reasons for the imposition of these modifications and conditions are as follows:

- to protect significant flora and fauna,
- to ensure adequate protection from bushfire hazards,
- to clarify the extent of the subdivision of the site, and
- ensure future development of shopping/ district centre achieves a high quality design and an appropriate level of retailing that responds to its location.

The development will provide significant community benefits through:

- protecting 48ha (37.8%) of the Site's high conservation value lands, which mainly prioritises for the conservation of endangered and nationally listed threatened species habitat. This compares to 16.26ha or 12.8% of the site which is currently zoned environmental protection under the Shoalhaven LEP. This is an increase of 31.74 ha of land that will be zoned for environmental protection;
- providing an estimated \$90 million in economic impacts (through construction and multiplier impacts) and long-term operational jobs in retail; and
- providing much needed retail/commercial facilities and additional housing.

The Proponent has committed via Statements of Commitments to a number of measures to ensure the redevelopment proceeds smoothly and does not adversely impact on land within the site and adjoining areas. The Department is recommending further modifications as part of the approval to augment commitments made by the Proponent and ensure their consistency with the findings of this Report.

The Department, in considering the Concept Plan, has identified changes to the planning provisions governing the site. These changes are warranted to ensure the Objects of the Act are achieved for this Concept Plan and the future development of the Vincentia Coastal Village site more generally. The rezoning of the site identified in the SSS Study will be pursued separately.

The Department considers that future development at Vincentia Coastal Village with a capital investment of \$5 million or more will be subject to Part 3A of the Act. Future development with a capital investment of less than \$5 million will be subject to Part 4 or Part 5 of the Act.

8 RECOMMENDATION

It is recommended that the Minister for Planning:

- (A) **consider** the findings and recommendations of this report in regards to the Concept Plan.
- (B) **consider** the findings and recommendations of this report in regards to the Project Application
- (C) **grant approval** by signing the Instrument of Approval at Appendix A for:
 - (1) the Concept Plan pursuant to section 75O(1) of the Act, subject to modifications; and
 - (2) the Project Application pursuant to section 75J(1) of the Act, subject to conditions;
- (D) **determine** that approval to carry out development with a capital investment value of:
 - (1) \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act.
 - (2) less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act, and
- (E) **Determine** that pursuant to section 75P(2)(a) of the Act, the determination of a development application for the project or that stage of the project under Part 4 is to be generally consistent with the terms of the approval of the Concept Plan.
- (F) **Note** that the proposed listing of the site within Schedule 3 of the Major Projects SEPP will be pursued separately, however this does not preclude the Minister from approving the Concept Plan prior to an amendment to the Major Projects SEPP.

Endorsed by

Michael File
Team Leader, Strategic Assessments

Jim Corrigan
Acting Director, Strategic Assessments

Jason Perica
Executive Director, Strategic Sites & Urban
Renewal

APPENDIX A. CONDITIONS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECTS MP 06_0058 & MP 06_0060

(FILE NO. 901569)

CONCEPT PLAN FOR VINCENTIA COASTAL VILLAGE & PROJECT APPLICATION FOR 604 LOT RESIDENTIAL SUBDIVISION

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* (the Act) determine:

- (a) to grant approval for:
 - (i) the Concept Plan pursuant to section 75O(1) of the Act for the project as described in Schedule 1, subject to the modifications set out in Schedule 2, and
 - (ii) the Project Application pursuant to section 75J(1) of the Act for the project as described in Schedule 3, subject to the conditions set out in Schedule 4
- (b) That approval to carry out the remainder of the project or stages of the projects with a capital investment value:
 - (i) of \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act;
 - (ii) less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act ;
- (c) That a development application for the project or that stage of the project under Part 4 is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

Frank Sartor MP
Minister for Planning

Sydney,

2007

SCHEDULE 1 – CONCEPT PLAN

PART A – CONCEPT PLAN APPROVAL

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney)
Application made to:	Minister for Planning
Major Project Number:	06_0060
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Concept Plan for: <ul style="list-style-type: none"> ▪ a 604 lot residential subdivision, ▪ a residential development for an adaptable housing area, and ▪ commercial development; and ▪ environmental protection measures on the remaining land
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	10 years from the date of determination

A2 Approval in detail

Concept approval is only to the following development:

- (1) a residential development involving:
 - (a) up to 604 residential lots
 - (b) open space area, comprising water sensitive urban design /asset protection zones and urban parks
 - (c) at least 48 hectares of environmental conservation areas,

- (d) an internal road network,
- (e) three access points to Naval College Road;
- (f) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing;
- (g) water sensitive urban design measures and landscaping of public space in streets and parks;
- (h) closure of unformed roads;
- (2) for an adaptable housing area adjacent to the Bay and Basin Leisure Centre involving:
 - (a) no more than 136 dwellings,
 - (b) an internal road network,
 - (c) access to The Wool Road, and
 - (d) WSUD measures.
- (3) the commercial development being a district town centre identifying:
 - (a) indicative building footprints;
 - (b) a total floor area of no more than 32,000 square metres;
 - (c) a range of uses, including a discount department store, supermarket, medical centre, child care centre, restaurants, potential housing and specialty retail;
 - (d) a site (Stage 3) for future retail development; and
 - (e) an indicative road network that includes a main street, access to The Wool Road and access to a proposed road in the subdivision;

A3 *Development in Accordance with Plans and Documentation*

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Vincentia: Environmental Assessment Report. February 2006* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd
 - (b) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 1* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd; and
 - (c) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 2* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd.
- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
 - (a) *Preferred Project Report* including *Revised Statement of Commitments* prepared by Stockland Developments Pty Ltd and dated, December 2006.
- (3) In the event of any inconsistencies,
 - (a) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
 - (b) the modifications of the Concept Plan approval identified in Schedule 2 prevail over the documentation listed in (1) and (2) above

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within **3** months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

APZ means Asset Protection Zone

Council means Shoalhaven Council.

DEC means the Department of Environment and Conservation NSW

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

RFS means the NSW Rural Fire Service

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

SCHEDULE 2 – MODIFICATIONS TO THE CONCEPT PLAN (MP 06_0060)

PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS

A1 *Development in proximity to the Jervis Bay Leek Orchid*

The Concept Plan shall be modified as follows to ensure that adequate separation is provided between development and the habitat of the Jervis Bay Leek Orchid Habitat or its pollinator habitat:

- (a) Development, including structures, buildings, infrastructure and bushfire protection measures, shall not occur within 25 metres of the surveyed habitat of the Jervis Bay Leek Orchid or its pollinator habitat.
- (b) Development for the purposes of a roadway or access way connecting the district centre site with the adaptable housing site is not permitted other than via the Wool Road and the Main Street described in the Concept Plan.

A2 *Survey of Environmental lands and developable lands*

- (1) The Concept Plan shall be modified to define the extent of development. The Proponent shall provide a survey of the Subject Site completed by a registered surveyor that delineates the boundary of the development.
- (2) In satisfying the above, the Proponent shall consult with DEC and use its best endeavours to secure the written agreement of DEC to the boundary of development. The surveyed boundary shall be generally consistent with the concept plan.

A3 *Bushfire Protection*

- (1) Unless otherwise agreed to by the RFS in writing, the Proponent shall demonstrate compliance with the Planning for Bushfire Protection Guidelines.
- (2) The Proponent shall retain ownership and maintenance of the APZ within the land adjacent to Naval College Road and zoned in the *Shoalhaven Local Environmental Plan 1985* as Zone 5(e) Special Uses "E" (Proposed Local Roads Reservation and Widening of Local Road Reservation) Zone the until such time as an agreed entity provides its written agreement to accept the dedication of the APZ.

A4 *Design Excellence*

- (1) The Proponent shall hold a design excellence competition for the district centre. The brief shall be approved by the Director General or his delegate.
- (2) The Proponent shall establish a jury panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
 - (d) whether the car parking is designed in a manner that is not visible from any public area including

roads and the environmental lands,

- (e) whether the car park design includes impervious surfaces to allow water filtration.
- (3) The Proponent is to submit the report of the jury panel as part of any future application for development.
- (4) For the purposes of this modification, a *jury panel* means a 3 to 5 member panel comprised of appropriately qualified design professionals, chaired by a registered architect.

PART B – FUTURE APPLICATIONS

B1 Adaptable Housing

Future applications lodged by the Proponent for the purposes of adaptable housing shall:

- (a) provide a survey of the Jervis Bay Leek Orchid and its pollinator habitat,
- (b) demonstrate that the development satisfies the requirements of Modification A1, Schedule 2 of the Concept Plan Approval
- (c) demonstrate that the delineation of the development area is consistent with Modification A2, Schedule 2 of the Concept Plan Approval,
- (d) include a plan for subdivision of the adaptable housing area; and
- (e) demonstrate to the satisfaction of the relevant authority that the development is consistent with the relevant provision of Modification A3, Schedule 1 of the Concept Plan Approval.

B2 District Centre

Future applications lodged by the Proponent for the purposes of the district centre shall:

- (a) demonstrate that the development satisfies the requirements of Modification A1, Schedule 2 of the Concept Plan Approval
- (b) demonstrate that the delineation of the development area is consistent with Modification A2, Schedule 2 of the Concept Plan Approval, and
- (c) include a plan for subdivision of the district centre area; and
- (d) provide a report demonstrating that it satisfies the requirements of Modification A4, Schedule 2 of the Concept Plan Approval.
- (e) demonstrate to the satisfaction of the relevant authority that appropriate APZs have been implemented to minimise the district centre from the risk associated with bushfires.

SCHEDULE 3 – PROJECT APPLICATION

PART A – PROJECT APPROVAL

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney)
Application made to:	Minister for Planning
Major Project Number:	06_0058
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Project Application for a 604 lot residential subdivision
Capital Investment Value:	\$150 million
Type of development:	Project approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Project approval is granted subject to the conditions in the attached Schedule 4.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

A2 Approval in detail

Project Application approval is granted only to the following development being carried out:

- (f) a 604 residential lot subdivision
- (g) an open space area of at least 60 hectares, comprising:
 - (i) water sensitive urban design /asset protection zones and urban parks, and
 - (ii) at least 48 hectares of environmental conservation areas,
- (h) an internal road network,
- (i) three access points to Naval College Road;
- (j) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing;
- (k) water sensitive urban design measures and landscaping of public space in streets and parks; and

- (l) closure of unformed roads;

A3 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Vincentia: Environmental Assessment Report. February 2006* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd
 - (b) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 1* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd; and
 - (c) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 2* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd.
- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
 - (a) *Preferred Project Report* prepared by Stockland Developments Pty Ltd and dated December 2006; and
 - (b) *Revised Statement of Commitments* prepared by Stockland Developments Pty Ltd and dated, December 2006.
- (3) In the event of any inconsistencies,
 - (a) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
 - (b) the conditions of the Project Application approval identified in Schedule 4 prevail over the documentation listed in (1) and (2) above

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Council means Shoalhaven Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

Regulations means the Environmental Planning and Assessment Regulations, 2000 (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

SCHEDULE 4 – CONDITIONS TO THE PROJECT APPLICATION (MP 06_0058)

PART A – CONDITIONS OF APPROVAL

A1 *Residue land*

For the purposes of clarification, this approval limits subdivision and subdivision works for the following to lands shown highlighted as "Project Approval" shown on the plan labelled "Application Definition Plan" in the *Vincentia: Environmental Assessment Report. February 2006*:

- (a) a 604 residential lot subdivision
- (b) an open space area of at least 60 hectares, comprising:
 - (i) water sensitive urban design /asset protection zones and urban parks, and
 - (ii) at least 48 hectares of environmental conservation areas,
- (c) an internal road network,
- (d) three access points to Naval College Road;
- (e) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing; and
- (f) water sensitive urban design measures and landscaping of public space in streets and parks.

A2 *Water quality*

The Project Application is amended in regards to water quality standards as follows:

- (a) The Proponent shall engage a suitably qualified professional to conduct regular water quality monitoring during the construction period on 3 monthly basis.
- (b) The Proponent is to provide a report from the suitably qualified professional on the water quality monitoring to the Jervis Bay Marine Park Authority, Council and any other relevant agency.
- (c) The Report provided in (b) above shall include:
 - (i) an assessment of the data against relevant water quality standards,
 - (ii) identify any instance where the water quality results exceed the relevant standards,
 - (iii) identify all appropriate mitigation measures made to comply with the relevant standards in the event of their being exceeded.

A3 *Certificates*

- (1) Prior to issuing of a subdivision certificate, the Proponent shall provide a survey report to the relevant certifying authority in accordance with Modification A2, Part A, Schedule 2 of the Instrument of Approval for the Concept Plan.
- (2) The relevant certifying authority shall not issue a subdivision certificate for any subdivision for the purposes of residential lots, roads, or infrastructure that occurs within an area identified as being for environmental purposes in the survey report.
- (3) Before the issue of any relevant certificate, the Proponent is to demonstrate compliance that Shoalhaven Water's requirements pursuant to the *Water Management Act 2000* have been met.

APPENDIX B. PREFERRED PROJECT REPORT INCLUDING STATEMENT OF COMMITMENTS

APPENDIX C. RESPONSE TO SUBMISSIONS

APPENDIX D. SUBMISSIONS

APPENDIX E. ENVIRONMENTAL ASSESSMENT

APPENDIX F. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

The proposal is subject to the following planning instruments and strategies:

State Environmental Planning Policy (Major Projects) 2005

The Major Projects SEPP outlines the types of development declared to be a Major Project for the purposes of Part 3A of the Act.

For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 16 December 2005, the Director-General as a delegate Minister for Planning formed the opinion pursuant to Clause 6 of State Environmental Planning Policy (Major Projects) 2005 that the proposal is a Major Project and subject to Part 3A of the *Environmental Planning and Assessment Act, 1979*.

State Environmental Planning Policy No.11—Traffic Generating Developments

State Environmental Planning Policy No.11 (Traffic Generating Developments) aims at ensuring that the Roads and Traffic Authority is aware of major traffic generating developments. Developments of the types listed in Schedule 1 and 2 of the SEPP require referral to the Roads and Traffic Authority. The proposal triggers Schedule 1 of SEPP 11 (development of greater than 200 lots). As part of the agency consultation process, the proposal was referred to the RTA. However, the Department did not receive a submission from the RTA within the statutory timeframe. Upon the Department's request, the RTA provided the Department with a submission on 11 January 2007. The RTA does not raise any issues in its submission associated with this proposal, in relation to SEPP 11. However, its submission specifies that if future development proposals associated with the rezoning meet the criteria under SEPP 1 then these applications should be referred to the RTA for comment.

Draft State Environmental Planning Policy No 66—Integration of Land Use and Transport

Draft *State Environmental Planning Policy No 66—Integration of Land Use and Transport* seeks to ensure that the location of land uses are designed to support transport (including freight) and *vice versa*. This draft SEPP is intended to guide both the preparation of environmental planning instruments and the assessment of development.

This draft SEPP is applicable to the Concept Plan by virtue of the proposed rezoning process, the Concept Plan, and the provision of new residential land. An assessment indicates that the proposal is consistent with the draft SEPP.

State Environmental Planning Policy No 71—Coastal Protection

State Environmental Planning Policy No 71—Coastal Protection aims to ensure development assists in protecting, preserving, and managing the coast of NSW.

This SEPP applies as the Vincentia Coastal Village site is within the Coastal Zone. The Concept Plan, though, is not Significant Coastal Development within the meaning of Part 3 of that SEPP.

The SEPP requires the Vincentia Coastal Village development to be subject to a master plan. The SEPP identifies certain matters for consideration to be addressed during the preparation of this master plan and includes specific matters that the development application would need to address. For the purposes of this SEPP, it is considered that a Concept Plan satisfies the requirement for a master plan. Future development consistent with the Concept Plan should not be bound by this requirement.

State Environmental Planning Policy (Seniors Living) 2004

State Environmental Planning Policy (Seniors Living) 2004 establishes standards (including design standards) for housing to service the needs of seniors and people's with disabilities.

This SEPP applies to the component of Concept Plan proposed by the Proponent insofar as the Concept Plan seeks to contain adaptable housing. This is located both adjacent to the Bay and Basin Leisure Centre and in land northwest of the proposed commercial centre

The provisions of the SEPP, though, focus on detailed matters needed for seniors living facilities, as well as architectural design. The SEPP is therefore more relevant to future development proposals consistent with the Concept Plan.

Having said this, the SEPP is important in assisting to establish future development controls for the site to ensure that the Concept Plan is not inconsistent with the need to provide housing for seniors and people with disabilities.

Jervis Bay Settlement Strategy 2003

The Jervis Bay Settlement Strategy 2003 contains a vision for the Jervis Bay Region and a number of principles for managing growth. Vincentia Coastal Village site has been identified in the Jervis Bay Settlement Strategy 2003 as proposed Urban Expansion (zoned).

Jervis Bay Regional Environmental Plan 1996

The Jervis Bay Regional Environmental Plan 1996 identifies aims that development should address when assessing development applications under Part 4. The planning instrument identifies that responsibility for these actions are principally with the applicant proposing the development.

The planning matters in this REP affect Council only. However, it is appropriate to consider this REP in order to ensure that future development in the Concept Plan and Project Application are not inconsistent with that REP.

The Concept Plan and Project Application have been the subject of discussions with DEC. On this basis, the provisions within the REP related to environmental conservation matters are considered to have been met.

In regards to landscape quality provisions of the REP, the Concept Plan and Project Application the retention of significant trees is considered to be an acceptable method to satisfy the requirement to let tree canopies dominate the landscape.

Shoalhaven Local Environmental Plan 1985

Shoalhaven Local Environmental Plan 1985 identifies the local planning controls applicable to the Shoalhaven LGA. This involves land use zones and special provisions.

The Concept Plan and Project Application are not consistent with the Shoalhaven LEP as it proposes land uses that are prohibited. These prohibitions arise from

- part of the residential subdivision and concept commercial development area being within the Zone 7(d2) Environmental Protection "D2" (Special Scenic) Zone and which does not permit subdivision, and
- the Concept Plan as it relates to the commercial development being a prohibited land use as it is partly within the Zone 9(a) Natural Hazards "A" (Urban Flooding) Zone.

The inconsistencies between the Shoalhaven LEP and both the Project Application and Concept Plan are the subject of the rezoning process via the Major Projects SEPP.

Draft South Coast Regional Strategy 2006-2031

The Draft *South Coast Regional Strategy 2006-2031* outlines a plan for the region's new housing, employment growth, natural resources and cultural heritage over the next 25 years.

The Concept Plan and Project Application are generally consistent with the draft Strategy in providing employment opportunities, new housing, and protecting and rehabilitating areas of environmental importance.