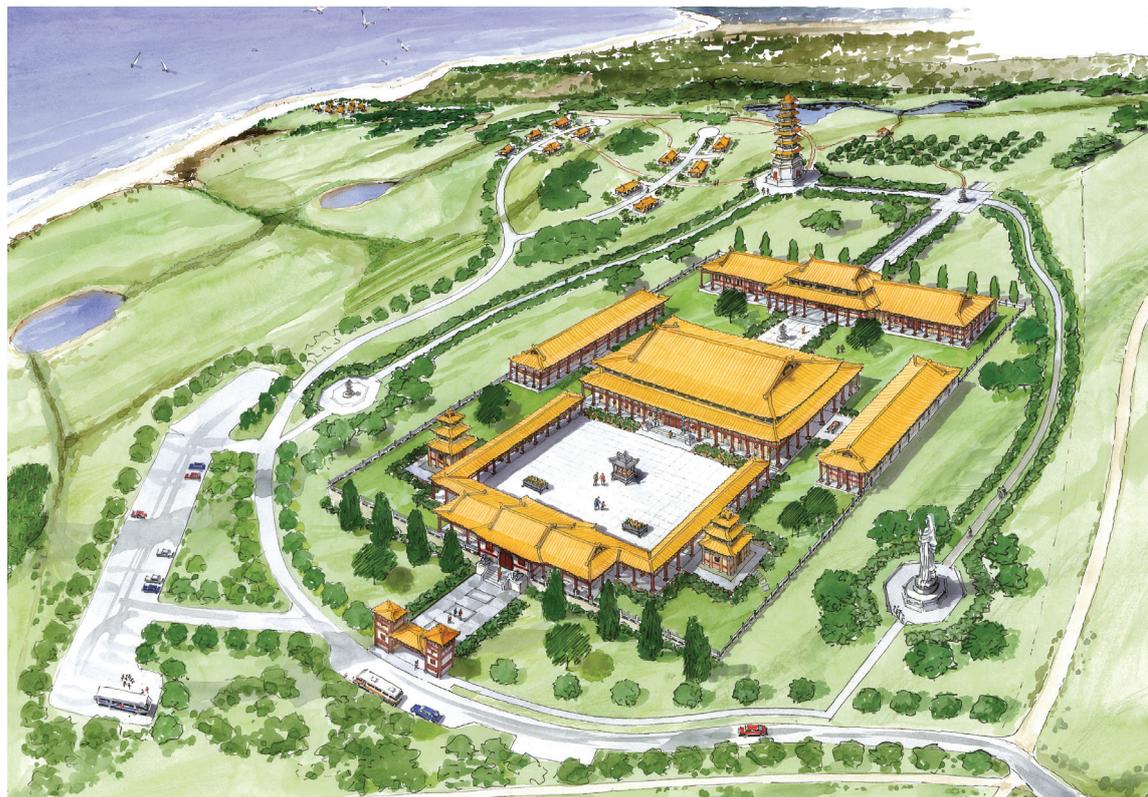


# Assessment Report

for the Development Report

## Nan Hai Pu Tuo Temple

February 2013



Government of  
South Australia



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for the Development Report

**Nan Hai Pu Tuo Temple**

February 2013

**Department of Planning, Transport and Infrastructure**

136 North Terrace, Adelaide  
GPO Box 1815  
South Australia 5001

**Minister for Planning**

[www.sa.gov.au/planning/majordevelopments](http://www.sa.gov.au/planning/majordevelopments)  
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# TABLE OF CONTENTS

<b>1. INTRODUCTION.....</b>	<b>1</b>
1.1 SUMMARY.....	1
1.2 ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCEDURES.....	1
1.2.1 Major Development Declaration.....	1
1.2.2 Level of Assessment and Guidelines.....	1
1.2.3 DR Public Exhibition.....	2
1.2.4 Response Document.....	2
1.2.5 Assessment Report.....	2
1.2.6 Decision.....	2
1.2.7 Structure of this Assessment.....	2
<b>2. THE PROPOSED DEVELOPMENT.....</b>	<b>4</b>
2.1 THE SITE.....	4
2.2 THE LOCALITY.....	5
2.3 DESCRIPTION OF THE PROPOSAL.....	5
2.3.1 Infrastructure Requirements.....	8
2.3.2 Sustainability Initiatives.....	9
2.3.3 Cost of the Proposal.....	9
2.3.4 Construction and Operational Timeframes.....	9
2.3.5 European Cultural Heritage.....	9
<b>3. CONFORMITY WITH LEGISLATION AND POLICIES.....</b>	<b>10</b>
3.1 STATE GOVERNMENT LEGISLATION.....	10
3.1.1 Development Act 1993.....	10
3.1.2 Building Rules.....	10
3.1.3 Environment Protection Act 1993.....	10
3.1.4 Aboriginal Heritage Act 1972.....	10
3.1.5 Assessment.....	11
3.2 STATE GOVERNMENT POLICY.....	11
3.2.1 State Strategic Plan.....	11
3.2.2 30 Year Plan.....	11
3.2.3 Assessment.....	11
3.3 LOCAL GOVERNMENT POLICY.....	12
3.3.1 Yankalilla (DC) Development Plan.....	12
3.3.2 Assessment.....	13
<b>4. SUBMISSIONS.....</b>	<b>14</b>
4.1 GOVERNMENT AGENCIES.....	14
4.2 COUNCIL.....	15
4.3 COMMUNITY.....	15
<b>5. ASSESSMENT OF THE MAIN ISSUES.....</b>	<b>17</b>
5.1 NEED FOR THE PROPOSAL.....	17
5.2 ASSESSMENT PROCESS.....	17
5.3 KEY ENVIRONMENTAL, SOCIAL AND ECONOMIC ISSUES.....	18
5.4 VISUAL AMENITY AND LANDSCAPE CHARACTER IMPACTS.....	18
5.4.1 Potential Visual Impact.....	18
5.4.1 Design.....	18

5.4.3	Landscaping .....	19
5.4.4	Assessment .....	19
5.5	TRAFFIC, ACCESS, AND VEHICLE MOVEMENTS .....	20
5.5.1	Traffic generation and access to the site.....	20
5.5.2	Car Parking .....	21
5.5.3	Internal Road.....	21
5.5.4	Assessment .....	22
5.6	LAND USE IMPLICATIONS .....	23
5.6.1	Bushfire risk .....	23
5.6.2	Impacts to and from surrounding land users .....	23
5.6.3	Site Contamination.....	24
5.6.4	Assessment .....	24
5.7	EFFECTS ON COMMUNITIES .....	25
5.7.1	Visual Amenity and Traffic/ Access .....	25
5.7.2	Construction Impacts.....	25
5.7.3	Tourism and Visitor Numbers .....	25
5.7.4	Assessment .....	26
5.8	HERITAGE IMPACTS .....	26
5.8.1	Aboriginal Heritage .....	26
5.8.2	Non Aboriginal Heritage .....	27
5.8.3	Assessment .....	27
5.9	SUSTAINABILITY, STORMWATER AND WASTEWATER ISSUES .....	27
5.9.1	Sustainability Measures.....	27
5.9.2	Stormwater Issues .....	27
5.9.3	Wastewater.....	28
5.9.4	Assessment .....	29
<b>6.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>30</b>
6.1	CONCLUSIONS .....	30
6.2	RECOMMENDATIONS.....	30
Part A:	Reserved Matters .....	31
Part B:	Conditions of Provisional Development Authorisation .....	32
<b>GLOSSARY</b>	.....	<b>36</b>

# **1. INTRODUCTION**

## **1.1 SUMMARY**

This Assessment Report (AR), prepared by the Minister for Planning, assesses the environmental, social and economic impacts of a proposal by the Nan Hai Pu Tuo Temple of Australia Incorporated (Nan Hai Pu Tuo Temple of Australia) to develop land for a Buddhist Temple at Sellicks Hill. The proposed development is located on land which is currently used for primary production, recreation and permanent accommodation, within the District Council of Yankalilla, approximately 70km south of Adelaide, South Australia.

Should it be approved, the Nan Hai Pu Tuo Temple (the Temple) is proposed to be a working Buddhist temple for the purposes of worship, workshops, special events and ceremonies, as well as remaining available to the public for daily visitation for social and educational purposes. The proposal would also offer accommodation in the form of 20 external units for resident Buddhist nuns and monks. It is proposed that the development be undertaken in several stages over a 7 year period.

This AR is intended to be a 'stand alone' document, however the detailed information on which it is based is contained in the proponent's Development Report (DR) released on 27 September 2010, submissions on the DR, and responses to submissions in the proponent's Response Document (RD) dated 22 September 2011. This AR also relies on information, comments and advice provided by relevant South Australian Government agencies, the Yankalilla District Council and additional information (including minor modifications to the proposal) provided by the proponent which is appended to the RD.

The assessment process is detailed in the next section of this report.

## **1.2 ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCEDURES**

Environmental Impact Assessment (EIA) is a process of identifying the potential social, environmental and economic impacts of a proposal and of identifying appropriate measures that may be taken to minimise any impacts. The main purpose of EIA is to inform decision-makers of the likely effects of a proposal before any decisions are made. EIA also allows the community to make submissions on a proposal. The specific EIA procedures for Major Developments or Projects in South Australia are prescribed in Sections 46 to Section 48 of the *Development Act 1993* (the Act). Outlined below is a summary of the steps in the EIA process.

### **1.2.1 Major Development Declaration**

On 18 December 2008, the former Minister for Urban Development and Planning (Minister) declared the Nan Hai Pu Tuo Temple was of major environmental, economic and social importance, pursuant to section 46(1) of the *Development Act 1993*.

### **1.2.2 Level of Assessment and Guidelines**

Following the Minister's declaration, the Nan Hai Pu Tuo Temple of Australia lodged an application, for referral to the Development Assessment Commission (DAC). Under the Major Development process, the DAC has responsibility for determining the level of assessment that should apply to the proposed development and to set Guidelines for an Environmental Impact Statement (EIS), a Public Environment Report (PER) or a Development Report (DR).

To assist in the preparation of Guidelines and set the level of assessment for the Nan Hai Pu Tuo Temple of Australia, the DAC sought advice from the Environment Protection Authority, SA Tourism and other Government Agencies.

On 28 May 2009, the DAC determined the proposal would be subject to the processes and procedures of a Development Report (DR) as prescribed in section 46D of the *Development Act 1993* and finalised the Guidelines. These Guidelines were publically released on 6 July 2009. Pursuant to Section 46D of the Act, the proponent must address the matters prescribed in the DAC's Guidelines when preparing the DR.

### **1.2.3 DR Public Exhibition**

The proponent prepared the DR in response to the Guidelines and submitted it to the Minister in June 2010 for approval to release the document for public exhibition. The DR was placed on public exhibition from 27 September 2010 until 8 November 2010, during which time submissions were invited from the public and relevant Government Agencies. On 13 October 2010 a public meeting was held at Sellicks Community Hall to describe the project and provide advice on the major development process including how to make a submission. Approximately 100 submissions were received during the public exhibition period.

The DR was provided for download from the former Department of Planning and Local Government's (DPLG) internet site. Copies of the document were also available for viewing at DPLG, the Conservation Council, the City of Onkaparinga and the District Council of Yankalilla Offices. Notification of the exhibition period was made through advertisements in *The Advertiser* (27 September 2010) and the *Messenger – Southern Times* (29 September 2010).

### **1.2.4 Response Document**

Following the public exhibition period, the proponent lodged a draft Response Document (RD) to submissions on the DR in August 2011 and a final RD on 22 September 2011. Following this, additional information was provided by the proponent to support the proposal. Pursuant to Section 48B of the Act, the Minister may permit a proponent to vary an application and any associated documents provided the relevant proposed development remains within the ambit of the Major Development Declaration.

### **1.2.5 Assessment Report**

Pursuant to Section 46C(8) of the Act, the Minister, in preparing this AR, has taken into account the proponent's DR, public and government agency submissions; the proponent's response to these submissions, and other matters the Minister considered appropriate.

### **1.2.6 Decision**

This AR provides advice to the Governor, who is the final decision-maker on the proposed development. Pursuant to Section 48(5) of the Act, when making a decision on the proposed development, the Governor must have regard to the provisions of the appropriate Development Plan and Regulations (so far as they are relevant), the Building Rules (if relevant), the Planning Strategy, the objects, general environmental duty and relevant environment protection policies under the *Environment Protection Act 1993* (if the development involves a prescribed activity of environmental significance), the proponent's DR and RD (and additional information provided), the Minister's AR, and any other matters considered relevant by the Governor. Pursuant to Section 48(6) of the Act, the Governor may also specify any conditions that should be complied with if a development authorisation is granted.

### **1.2.7 Structure of this Assessment**

Chapter 2 of this Assessment Report provide a summary of the proposal and the existing environment where it is proposed. Chapter 3 provides an outline of relevant legislation and policy that has provided the framework for assessment. Chapter 4 provides a summary of feedback from consultation activities undertaken by the proponent and DPTI. The core part of the assessment can be found in Chapter 5, which examines the potential impacts on the

environment, communities and the economy. Recommendations, including suggested conditions and advice are provided in Chapter 6 of this AR.

## 2. THE PROPOSED DEVELOPMENT

### 2.1 THE SITE

The proposed site is approximately 55.5 ha in area and is located at Sellicks Hill, between a coastal reserve and Main South Road, as shown on Figure 1 below. The northern boundary of the property is on the border of the District Council of Yankalilla and the City of Onkaparinga, but is located wholly within the District Council of Yankalilla.

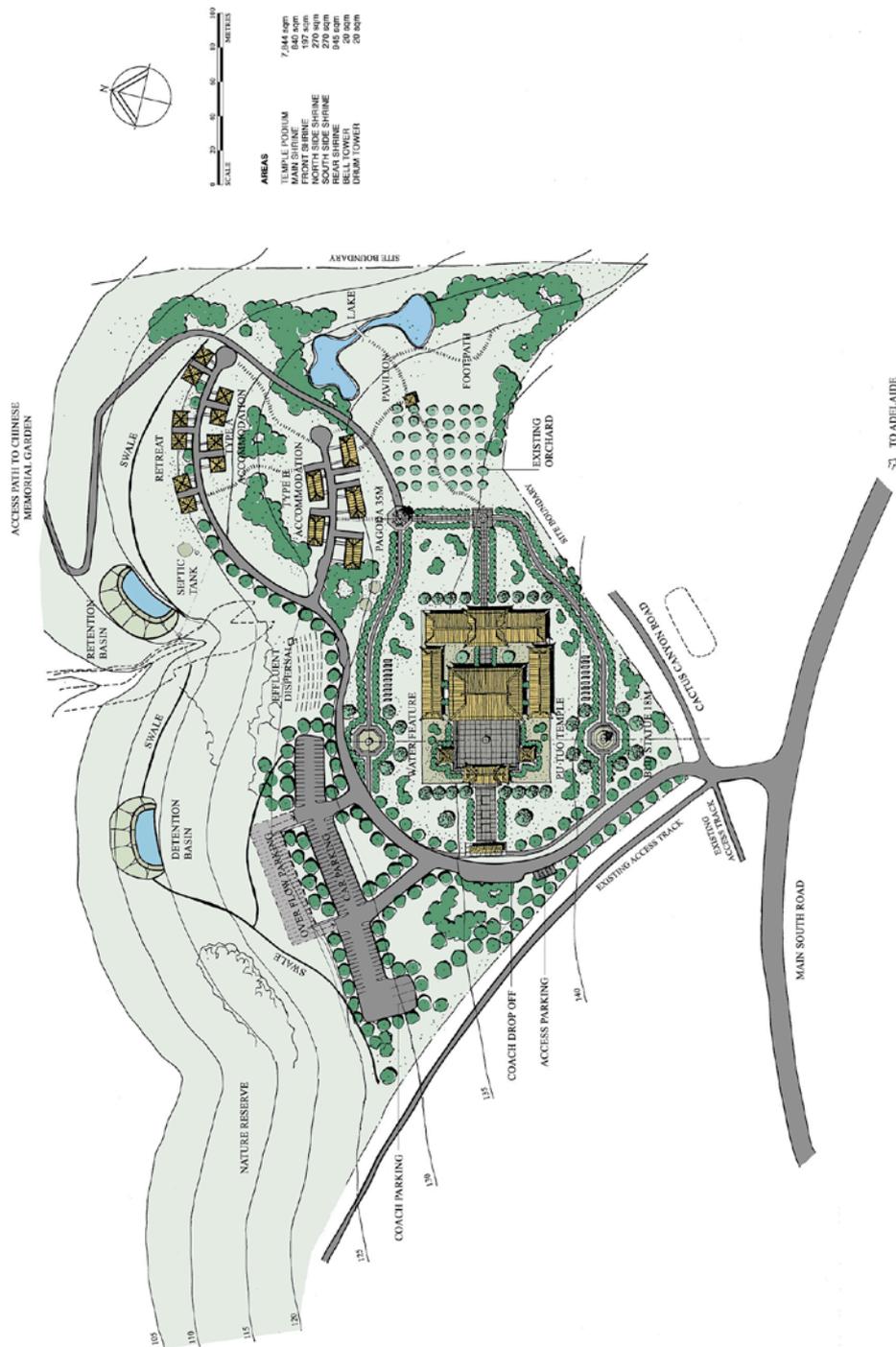


Figure 1 – Nan Hai Pu Tuo Temple site plan

Sellicks Hill is located approximately 70 km south of the Adelaide Central Business District (CBD). Sellicks Beach is the nearest urban area to the proposed site located some 0.5km to the north, although it is separated physically from the site by Cactus Canyon. Geographically the site is set on a coastal cliff and only accessible via Main South Road and is not easily accessible from Sellicks Beach and Aldinga, due to the physical constraints provided by Cactus Canyon.

The current use of the site includes accommodation units for Buddhist nuns and occasional visitors who are members of the faith, as well as some animal grazing (by the neighbour). Other structures on the site include large water tanks that are used by the Buddhist community to grow vegetables for their own consumption. A hang gliding club also occasionally use the site. The site itself is not within the Hills Face Zone and already has some preliminary landscaping.

The DR indicated that prior to land clearance for horticultural pursuits, the land would have contained native vegetation comprising open forest and woodland of messmate (*Eucalyptus obliqua*) and blue gum (*E. leucoxylon*). Currently at the site, little or no native vegetation remains, as it was principally used for pastoral purposes. The dominant vegetation type across the site is the weed horehound (*Marrubium vulgare*).

The proposed site is part of the traditional lands of the Kurna people of the Southern Adelaide plains. The DR states that a total of five Aboriginal sites including stone artefact scatters and campsites have been identified on the property and recorded as Cactus Canyon Sites 1 (CCS1) and 2 (CCS2) and Cactus Canyon South Sites 1 (CCSS1), 2 (CCSS2) and 3 (CCSS3). The investigations were undertaken through site survey and literature review to establish the significance of the sites according to Aboriginal tradition, archaeology, anthropology or history. Fieldwork was also undertaken with representatives of the Kurna Aboriginal Community Heritage Association Inc. in attendance.

The proposed development would utilise approximately 10% of the total site area, with building site coverage in the order of 0.25%. The remainder of the site would be retained as part of the rural landscape and be managed as an integral part of the property.

## **2.2 THE LOCALITY**

Neighbouring land uses comprise typically low intensity grazing to the south and north, with the coastal reserve located to the north-west. Main South Road provides the site boundary to the east, and beyond that further low intensity grazing land is typical, largely influenced by the Sellicks Hill Ranges. A portion of the subject site is currently utilised by the neighbouring farmer for animal grazing, which is intended to continue provided the environmental impact can be managed and appropriate land rehabilitation undertaken.

## **2.3 DESCRIPTION OF THE PROPOSAL**

The proponent seeks to develop the site for a main temple area (including shrine, statue, pagoda, and walkway), accommodation units for resident nuns and monks as well as a Chinese memorial garden (including associated pagodas). If approved, the development would occur in four stages over a period of 7 years. The proposed development comprises the following key elements:

### Stage 1

- Road junction works; and
- Sites works

### Stage 2

- Main Shrine of the temple – the focus of the development, and the principal attraction. It would stand approximately 18m high with a square inner space measuring 840m<sup>2</sup>, a surrounding route separated by lines of columns, with a conical or rectangular sloping roof, behind a porch or entrance area, and framed by freestanding columns or a colonnade;
- Side and Rear Shrines, measuring 270m<sup>2</sup> and 945m<sup>2</sup> (respectively) – to cater for minor ceremonies, with the rear shrine principally for the monks and masters. The side shrines would be utilised for education and instructional purposes;
- Pagoda – traditional element of the temple made of circular, eight sided or rectangular layers that would stand approximately 35m high. If approved, people would be able to climb the pagoda for a higher view of the surrounding area;
- Buddha statue made of bronze (designed to weather over time), that would stand approximately 18m high;
- Chinese Garden and Memorial Park – would be established as contemplative areas in accordance with traditional design, with a private path to link the gardens to the temple; and
- Car parking.

### Stage 3

- Front Shrine of the temple – gateway to the temple, that would stand approximately 9m high (Stage 3).

### Stage 4

- Expanded Accommodation – provided for nuns and monks who would live on the site. Proposed to comprise 6 additional (currently 4) internal accommodation facilities and 10 single bed attached units and 10 two bedroom detached units. (Stage 4).

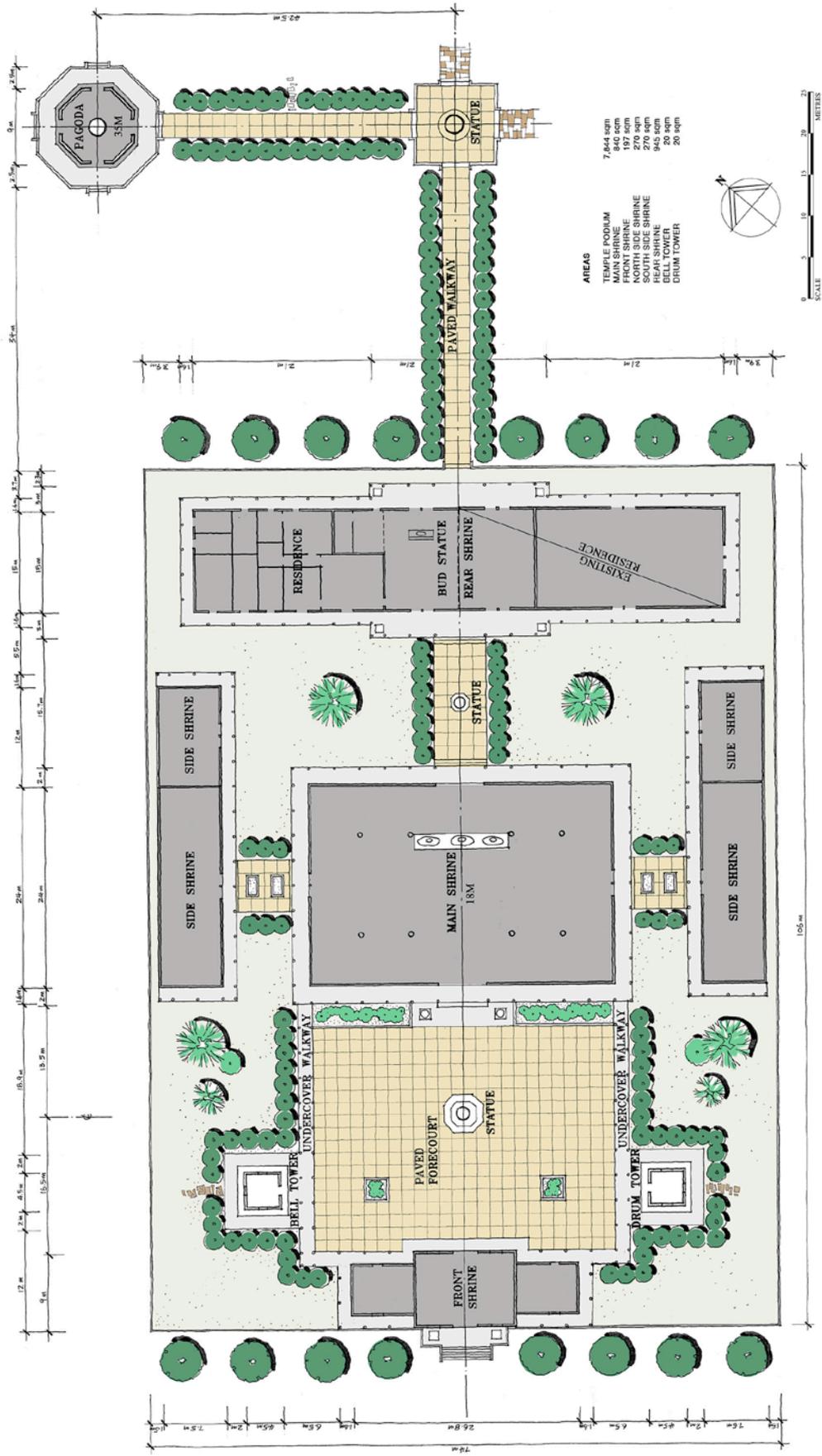


Figure 2 – Nan Hai Pu Tuo Temple floor plan

The first accommodation proposed to be constructed on site would provide for four nuns who would permanently live on site and help manage the Temple. On completion, the total accommodation provided for retired/current monks and nuns would be for a maximum of 34 people (including the 4 accommodation units provided within the existing temple). Overnight accommodation would not be made available for tourists or individuals/groups wanting to participate in educational or instructional programs.

The proponent has advised that the temple would be of major significance in terms of the hierarchy of Buddhist temples globally and more particularly in the South East Asian region. The name Nan Hai Pu Tuo Temple comes from the Pu Tuo Mountain and the South China Sea. The Pu Tuo Mountain in China has religious and cultural significance. The name also refers to the South China Sea (Nan Hai) and the site has a desirable orientation to the South China Sea.

The proponent's criterion for selecting the site was directed by Feng Shui principles, in particular the suitability of the site relates to harmony with the environment. The proposed location is considered by the proponent to have the ideal and correct relationship between the mountains and the sea. The site allows for orientation of the Temple buildings and gardens which will adhere to Feng Shui principles.

### **2.3.1 Infrastructure Requirements**

The following infrastructure has been proposed to service the site:

#### *Services*

All required infrastructure services including power, water, and telecommunications could be established on the site of the proposed development, either as new facilities or by connection to and/or augmentation of existing services.

#### *Waste Management*

Domestic waste would be sorted into recyclable and waste materials by the religious order staff and removed on a regular basis by the preferred waste management contractor. The frequency of collection would be determined by the contractor once the temple was operational and the waste taken to the Myponga Waste Recycling Facility.

#### *Stormwater/Wastewater Management*

No stormwater infrastructure presently exists on the site. Conceptual plans for the proposal require the capture and reuse of stormwater using Water Sensitive Urban Design principles. A detailed description is provided in Chapter 5 of this AR.

Wastewater would be managed and treated on site, with the final design complying with Australian and New Zealand standards. Details of the proposed system are provided in Chapter 5 of this AR.

#### *Traffic and Access*

Access to the site is currently via Main South Road. It is proposed that this arrangement would continue, however due to the expected increase in traffic accessing the site, modifications would be required to upgrade the intersection at Main South Road to the development. 150 car parking spaces, adjacent to the temple are proposed to service the development.

### ***Electricity***

Electricity supply to the site would be available from an 11 kV overhead line intersecting the development site. Connection to the allotment was considered obtainable in the DR via a transformer and suitable overhead or underground line.

### ***Water***

Water supply would be available via connection to the Myponga Trunk Main, either through an existing connection or new tapping, depending on the required location of the connection and the rate of supply.

## **2.3.2 Sustainability Initiatives**

To reduce the reliance on mains water, the proponent has committed to harvesting and reusing rainwater for the cultivation of food grown on site. Where possible, the buildings have been designed and sited to maximise direct sunlight, i.e. northern exposure for natural winter sunlight and to reuse materials where possible. To ensure the best use of energy at the site, the proponent has also committed to using photovoltaic cells for production of solar power. In accordance with the Building Rules, solar hot water systems would be incorporated into the development.

A detailed description is provided in Chapter 5 of this AR.

## **2.3.3 Cost of the Proposal**

The proponent's direct investment in the project would be approximately \$20 million over the 7 year construction period including the supply of materials, labour and expertise.

## **2.3.4 Construction and Operational Timeframes**

Should the Governor grant development authorisation for the Nan Hai Pu Tuo Temple, construction is proposed over the following timeframes:

Stage 1 – **2 years** to complete road junction works and site works for construction elements.

Stage 2 – **4 years** to complete main shrine, side and rear shrines, statue, pagoda, car parking/ access and memorial gardens.

Stage 3 – **6 years** to complete front shrine, courtyards and covered walkways.

Stage 4 – **7 years** to complete all accommodation units.

## **2.3.5 European Cultural Heritage**

A search by the proponent of the Government Heritage Places Database, identified no known places of State or local heritage on the site.

### **3. CONFORMITY WITH LEGISLATION AND POLICIES**

#### **3.1 STATE GOVERNMENT LEGISLATION**

##### **3.1.1 Development Act 1993**

Section 48(5) of the *Development Act, 1993* (the Act), requires that before the Governor considers a proposal that has been declared a Major Development, he must have regard to, amongst other things, the provisions of the appropriate Development Plan and the Regulations (so far as they are relevant) and the 30 Year Plan. Other matters considered relevant by the Governor can also be taken into account.

The Crown Solicitor has advised that in respect of applications being assessed as Major Developments under the Act, the appropriate Development Plan and Planning Strategy are those current at the time of the decision.

##### **3.1.2 Building Rules**

This AR does not include a specific assessment of the development against the provisions of the Building Rules under the Act. If the Governor grants a provisional development authorisation, pursuant to Section 48 of the Act, further assessment and certification of the proposed development against the Building Rules is required as a condition of approval. The Building Rules certification must be consistent with any provisional development authorisation and would ensure safety (including fire safety) and stability of construction.

##### **3.1.3 Environment Protection Act 1993**

The South Australian *Environment Protection Act 1993* provides for the protection and management of the environment (including site contamination, air quality, water quality, noise and waste). A key objective of the Act is to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development; and to prevent, reduce, minimise and, where practicable, eliminate harm to the environment.

The following Environment Protection Policies are considered applicable to the proposed development:

- Environment Protection (Water Quality) Policy, 2003;
- Environment Protection (Waste to Resources) Policy, 2010;
- Environment Protection (Air Quality) Policy, 1994; and
- Environment Protection (Noise) Policy, 2007

##### **3.1.4 Aboriginal Heritage Act 1972**

The Department of Premier & Cabinet (Aboriginal Affairs and Reconciliation), which administers the *Aboriginal Heritage Act 1988*, requires that in the event archaeological items are uncovered during earthmoving, it be contacted immediately. The proponent would need to ensure construction contractors are aware of this requirement. Approval would need to be sought to clear or disturb any sites of Aboriginal heritage significance.

### **3.1.5 Assessment**

This AR concludes that subject to appropriate design and management, as discussed in Chapter 5 of this AR, the proposal is generally consistent with relevant State legislation.

## **3.2 STATE GOVERNMENT POLICY**

### **3.2.1 State Strategic Plan**

The State Strategic Plan (SSP) (updated 2011) is the overarching policy document influencing the direction of South Australia. It seeks to deliver a range of economic, environmental and social outcomes to benefit South Australians and contains 100 targets, aimed at achieving the following key objectives:

- Growing Prosperity
- Improving Wellbeing
- Attaining Sustainability
- Fostering Creativity and Innovation
- Building Communities
- Expanding Opportunity

Of particular relevance to the proposed temple are SSP targets 4 and 4, discussed below.

Due to the religious significance of the Temple, particularly to the south-east Asian region, it is expected the Temple would attract many visitors to the Fleurieu region. Accordingly, the AR considers that the proposal supports Target 4 of the SSP, being to increase visitor expenditure in the State's tourism industry.

The AR further considers that the proposal supports the achievement of Target 5, being to increase the percentage of South Australians who accept cultural diversity as a positive influence in the community. Specifically, the proposal would offer education opportunities for school groups and the community to learn about another culture.

### **3.2.2 30 Year Plan**

The 30 Year Plan for Greater Adelaide (2010) presents the physical and policy framework to assist in reaching various targets outlined in the State Strategic Plan, by providing direction from the State Government on land use and development activities over the next 30 years. The Plan is underpinned by principles relevant to the proposed development such as:

- social inclusion and fairness;
- world-class design and vibrancy;
- environmental protection, restoration and enhancement; and
- community engagement.

### **3.2.3 Assessment**

This AR concludes the proposal is compatible with the relevant objectives of the State Strategic Plan for South Australia, and supports the relevant principles of the 30 Year Plan.

### **3.3 LOCAL GOVERNMENT POLICY**

#### **3.3.1 Yankalilla (DC) Development Plan**

The proposed Nan Hai Pu Tuo Temple is located within the Yankalilla District Council local government area. The relevant Development Plan for the proposed Temple is the Yankalilla (DC) Development Plan (10 January 2013). The proposed site is located wholly within the Primary Industry Zone.

##### *Primary Industry Zone*

The intent of the 'Primary Industry Zone' is to accommodate uses such as primary production, on-farm activities related to the harvest and storage of production and, in appropriate locations, processing of raw products. All development in the zone should be of a high standard, with appropriate native landscaping used to screen buildings that assist in achieving an attractive visual amenity and contribute to ecological sustainability. Proposed development should also promote a desirable economic and trading environment.

Development in the zone should not create significant environmental nuisance including noise, smoke, odour, dust, waste products, waste water, unsightly visual prominence, and high volumes of traffic through residential areas. Ecologically sustainable development is encouraged through the reuse of materials to reduce waste, and demonstration of sustainable stormwater management through site design, stormwater detention and retention proposals.

The key principles of development control within the zone include:

- Stormwater systems for buildings and ground areas should maximise the potential for stormwater harvesting and reuse, and minimise the impact on natural drainage systems;
- Where practicable, the visibility of buildings from public roads and adjoining properties should be minimised;
- The external materials of buildings and structures should minimise the visual obtrusiveness of buildings; and
- No building should exceed a height, measured from the lowest point of the building at natural ground level to the highest point of the building, of:
  - 7.5 metres, where the site of the proposed development has a natural gradient equal to or flatter than one in six; or
  - 9.0 metres, where the site of the proposed development has a natural gradient steeper than one in six.

##### *Council Wide Objectives*

The 'Council Wide Objectives' in the Development Plan seek similar objectives to the Primary Industry Zone and provide some additional detail about design criteria for relevant development in relation to access, building treatments, landscaping and amenity.

### 3.3.2 Assessment

Although the proposal is considered to be inconsistent with the intent of the zone, the AR concludes that adjoining agricultural uses would not be constrained or alienated as significant buffers would be provided to adjoining uses. Furthermore, the structures proposed constitute only a very small portion of the overall site (in the order of 0.25 %), and even less when considered in the wider region that has been zoned for primary industry purposes. In the context of the very small loss of agriculturally productive land and the significant buffers afforded to adjoining uses, the AR concludes that, on balance, sufficient merit has been demonstrated to support non-compliance with the zone provisions. Further, the AR considers the proposal would be an expansion of the existing use, as the site currently supports accommodation and a small place of worship, as well as some animal grazing, which is proposed to continue.

Mitigation measures proposed in the DR provide appropriate environmental measures and visual amenity considerations to address the outcomes sought for the Primary Industry Zone. Such measures include the use of non-reflective building materials where possible that blend with the natural environment, appropriate building layout and built form to ensure sufficient buffering to adjoining uses and the coastline, as well as the use of extensive and appropriate landscaping using native species. The development also seeks to reduce, and where possible, eliminate environmental nuisance on nearby land uses in accordance with the relevant Environmental Protection Policies. Accordingly, the AR concludes that the development would not detract from the character and intent of the zone.

A Development Plan Amendment (DPA) process to rezone the site is not considered necessary.

## **4. SUBMISSIONS**

### **4.1 GOVERNMENT AGENCIES**

During the 6 week public exhibition period, eleven (11) State Government Agencies made submissions. A summary of the comments received by Government agencies include:

#### **Department of Transport, Energy and Infrastructure (DTEI)**

- Concerns of potentially increasing traffic movements at the proposed junction;
- Sight distances are below those required as a safe intersection sight distance (SISD);
- Traffic investigations insufficient; including the need for a detailed traffic analysis by qualified traffic engineer;
- Car parking rates should be reviewed;
- Reference to wrong Australian Standard in DR for off-street car parking; and
- All costs for works would be borne by the developer.

#### **Department for Families and Communities (DFC)**

- No comment.

#### **Department of Premier and Cabinet (DPC)**

- No comment.

#### **SA Health (Health)**

- Waste water management system and recycled water system for non-potable use to be approved and connected with authorisation and in accordance with relevant standards and codes.

#### **Department of Further Education, Employment, Science and Technology (DFEEST)**

- No Comment.

#### **SA Water**

- Concerns if proposed development included use of existing private access road by other parties outside 'right of way' agreement and easement;
- An application for second water connection would not be supported;
- Requested the opportunity to review detailed internal road designs, particularly access to stage 3, 4, and 5 plantation sites; and
- Additional information required regarding future access of whole site and visitor/ occupant movements within the whole site.

#### **SA Tourism**

- Supports the proposal in principal as it provides the Fleurieu Peninsula with a new tourist attraction;
- Visitor numbers are difficult to interpret; and
- Reference to percentage of visitors from Asia would be less than stated.

#### **Department of Education and Children's Services (DECS)**

- No comment.

#### **Environment Protection Authority (EPA)**

- Proponent should investigate installing a domestic Waste Water Treatment Plant;
- Targets for stormwater quality and flow to be included in Response Document;
- Unclear definitions for 'average year' regarding flow off the site (ARI);
- Environmental Management Plan (EMP) to be developed prior to construction;
- Noise from bells and drums expected to be acceptable; and
- Site contamination audit report required.

#### **Department of Environment and Natural Resources (DENR)**

- Selection of species for landscaping could be improved to utilise more appropriate locally indigenous native species;
- Changes to terminology and treatment of pest species; and
- Effluent treatment and disposal system must be appropriate and meet requested features.

#### **Zero Waste**

- Waste strategy targets identified.

#### **Aboriginal Affairs**

- Registered Aboriginal sites in the area; and
- Any Aboriginal sites, objects or remains discovered on the site must be reported to Minister for Aboriginal Affairs and Reconciliation.

#### **Primary Industry and Resources SA (PIRSA)**

- Potential impact on private mines.

## **4.2 COUNCIL**

#### **Yankalilla Council**

- In favour of the development;
- Waste system needs to meet SA Health's standards;
- Traffic elements to meet DTEI requirements and costs to be borne by applicant; and
- Colours of the buildings and structures should compliment the surrounding landscape.

#### **Onkaparinga Council**

- May be significant tourism benefits associated with the proposal;
- Potential impact on the coastline when viewed from Main South Road travelling north;
- Doesn't meet Onkaparinga's development plan provisions for bulk, scale and visual impact;
- Concerns with access; and
- Non-reflective materials should be used.

## **4.3 COMMUNITY**

There were 94 public submissions received in response to the release of the DR. A public meeting was held on 13 October 2010, where the public was given an opportunity to raise issues.

Approximately one third of the 67 submissions received opposing the proposal were either partly or completely of a religious nature, and these aspects of the submissions have not been considered relevant to this assessment.

It is important to note that the submissions summarised below pre-dated the amendments made by the proponent in its RD.

A brief summary of issues from submissions are as follows:

**Social Impacts**

- Positive influence on community;
- Educational benefits;
- Improve social inclusion; and
- Opposition based on religious grounds/setting religious precedent.

**Tourism**

- Will benefit region from tourism opportunities; and
- Not enough services in Sellicks Beach for visitors.

**Visual Amenity/Landscape Character**

- Detracts from coastal scenery;
- Adverse effect on the hills face; and
- Excessive bulk and height.

**Traffic/Access/Car parking**

- Traffic implications for South Road access;
- Distraction to traffic on South Road; and
- Inadequate provision of car parking on site.

**Planning/Land Use issues**

- Does not meet Development Plan provisions; and
- Loss of primary production land.

**Stormwater/Wastewater**

- Wastewater treatment issues on site; and
- Stormwater should not go into Cactus Canyon.

**Noise Impacts**

- Bells and drums will be disruptive.

## **5. ASSESSMENT OF THE MAIN ISSUES**

### **5.1 NEED FOR THE PROPOSAL**

The proponent has described the need for the Temple as a means to encourage and foster growth of the Buddhist faith for both those of the faith and those that have an interest in learning more about Buddhism. This proposal would be of major significance in the hierarchy of Buddhist temples on a global scale, and in particular the South East Asian Region. A number of different activities would occur at the Temple including workshops, Buddhism conferences, calendar days and other special events. There are special days in the Chinese calendar when devotees visit the temple for worship and it is intended that the Temple would be open for general visitors.

The Temple is proposed to comprise of a number of different buildings including shrines, a bell tower, a drum tower, water feature and a pagoda (refer DR Figure 4). Its purpose is to provide a place of worship for devotees as well as somewhere visitors can learn about Buddhism. Accommodation would also be provided for nuns and monks engaged in managing the operations of the temple. The design of the Temple adheres to Feng Shui principles which relate to factors in the design like its location between the sea and the hills.

The proponents state that the following benefits could be expected should the Temple be approved:

- The direct investment of approximately \$20 million during the construction phase;
- A facility for worship and support for the Buddhist community in Adelaide;
- Opportunities to increase the understanding of Buddhism through educational tours of the Temple and gardens; and
- Opportunity for the site to be revegetated, including rehabilitation of the degraded sections of the site, a legacy from previous agricultural activities. This in turn would provide positive environmental impacts.

### **5.2 ASSESSMENT PROCESS**

In response to public submissions regarding the assessment process, it is considered that the Major Development process is the most robust and inclusive process available under the *Development Act 1993* for the assessment of a project of State significance exhibiting considerable community interest.

The Guidelines set for the project by the independent Development Assessment Commission (in consultation with key State Agencies) provided a comprehensive set of criteria at the level of Development Report. The DR was exhibited in accordance with the statutory requirements under the Act. Although not a requirement of the Act, a public meeting was also held during the public exhibition period, to give the community information about the project and explain the submission making process.

### **5.3 KEY ENVIRONMENTAL, SOCIAL AND ECONOMIC ISSUES**

The key environmental issues for the project include:

- Visual amenity and landscape character impacts;
- Traffic, Access and Vehicle Movements;
- Land Use Implications;
- Effects on communities;
- Heritage Impacts; and
- Sustainability, Stormwater and Wastewater Issues.

### **5.4 VISUAL AMENITY AND LANDSCAPE CHARACTER IMPACTS**

#### **5.4.1 Potential Visual Impact**

The subject site is approximately 55.5 hectares, and if approved, the proposed development would utilise around 10% of the site. The proponent indicated in the DR that the location of the Temple site was chosen to minimise the visual impact from surrounding areas, while satisfying the necessary criteria for the purpose of a Buddhist Temple. The RD (Appendix A site plan S03) provides a site concept plan for the proposed Temple.

The proposed development would have multiple high elements clearly visible in the landscape, namely the Main Shrine and Buddha statue at 18m and the Pagoda, at 35m. These elements have been raised as a source of concern in submissions with regards to visual impact on the predominantly natural landscape. The proponent stated in the RD that it considered reducing the height of the Pagoda and Buddha statue; however, the form, placement, scale and function of all elements of the proposal are integral to achieving the appropriate spiritual and cultural objectives of the Temple and Buddhist faith (RD section 5.3.3). Furthermore, to ignore these principles would render the development unable to achieve part of its primary intent.

The siting of the proposed development would result in two main vantage points where the temple would be in full view. These are from Main South Road, for approximately 500 to 600 metres, and from the neighbouring suburb of Sellicks Beach. The view from Sellicks Beach would be restricted to only a small number of residences, and would be from a distance of approximately 0.5 km or greater, from the far side of Cactus Canyon. The proponent considered that both the distance and the physical lay of the land would reduce the impact to Sellicks Beach residents. Figures 16 to 22 in the DR demonstrate the visual impact from various view points.

#### **5.4.1 Design**

The construction materials would include the use of traditional colours and materials representative of the Temple community's religious beliefs. The colours proposed would also seek to maximise the visual integration of the development and its surrounding environment. The predominant colours proposed would be sandy/red ochre for the Temple roof and a red brick with some sandy colours for the walls of the buildings. Based on traditional design for Buddhist temples other colours used in the detail of the temple would include the use of jade green, off-white and highlights of red and gold.

Fence and building pillars are proposed to be brick red. Fencing infill panels (vertical rails) are proposed to be dark grey to blend into the environment. The main Pagoda would be a combination of golden/ochre colours and brick red. The DR states that this would be in contrast to the present grassed areas which would be green in winter, but the introduction of additional native vegetation would soften the impact of these colours.

The proponent provided examples of other Buddhist temples and the style it intends to use which takes into account Feng Shui principles, which are considered essential by the proponent to the development should it be approved (DR figures 13 to 15).

Detailed architectural drawings have not been provided at this stage of the assessment process, however if approved, it is recommended that a reserve matter require the approval of detailed design drawings by the Minister for Planning.

### **5.4.3 Landscaping**

The approach presented by the proponent to soften the impact of the buildings from external views to the site would be to increase the use of indigenous native plant species to screen, to some extent, the appearance of the temple and associated structures. As well as contributing to the visual amenity of the site, the proponent states that the proposed landscaping would also reduce further land degradation, and encourage a sustainable coastal environment through the use of sound land management practices.

In the areas surrounding the Temple, particularly to the west, traditional Chinese gardens are proposed to be planted. The landscaping of these gardens would be intended to create a contemplative setting and would comprise of non-indigenous coastal vegetation.

The Landscape Plan provided in the DR also included provision for fire prevention and stormwater management. Fire prevention measures would include a grass buffer along the roadside, water storage and annual slashing of vegetation. The stormwater retention plans included a series of retention ponds, as well as proposals to reuse water for irrigation and the release of water slowly into existing drainage channels (as discussed in section 5.9.2 of this AR).

In response to concerns raised in relation to visual amenity, as well as the additional plantings suggested by the Department of Environment and Natural Resources (DENR), the proponent prepared an amended Landscape Plan that was presented in the RD (Appendix A of the RD). It is recommended that should the project be approved that the proponent be required to prepare a detailed Landscaping Plan and schedule for approval by the Minister for Planning.

### **5.4.4 Assessment**

The AR recognises that the Temple structure would have limited building frontage to Main South Road and that views of the temple from the south would be constrained by the Sellicks Hill Ranges and views from the north constrained by a hill adjacent to nearby Cactus Canyon.

Although the footprint of the proposed development is small relative to the subject site (approximately 10%), the AR considers that the distinctive Buddha statue, Pagoda and Main Shrine would stand out visually from some vantage points. Depending on personal taste, such views could be considered attractive features and add interest to the predominantly rural landscape.

The nature of the proposal dictates that the materials and colours used for construction of the Temple would be limited due to traditional religious requirements. The AR considers that some of the proposed colours and materials, particularly the brick red would be in contrast to the existing, predominantly 'natural' environment. However, despite this the AR considers that the use of ochres and greys as proposed for use on some features, as well as the proposed extensive landscaping around the Temple would aid in screening and 'softening' the impacts of the development sufficient to appropriately manage the visual impacts of the proposal.

Accordingly, while the development would undoubtedly be a prominent feature due to both the height of certain features and the nature of the structures, the AR does not consider the proposal would be detrimental to the landscape and visual amenity of the area, but rather a point of visual interest. The AR concurs with the assessment provided in the RD that having regard to the vast scale of the landscape and the relative size and height of all elements of the proposal, as well as distance to view points, the visual impact of the development is considered acceptable, subject to compliance with the recommended reserve matters and conditions regarding the siting of the proposal and the preparation and implementation of a detailed Landscaping Plan. Should the proponent require signage on Main South Road for the Temple, approval would be required.

## **5.5 TRAFFIC, ACCESS, AND VEHICLE MOVEMENTS**

### **5.5.1 Traffic generation and access to the site**

The proponent engaged MFY Traffic Engineers to estimate and assess the potential traffic generation rates and the impact should the development be approved. The following assumptions were made for the proposed development regarding traffic generation (Section 5.0 of RD, Appendix E):

- the maximum attendance at the temple would be in the order of 1000 people per day;
- an average attendance would attract 300 people per day;
- any travel by passenger vehicle would be undertaken with a vehicle occupancy of 2.5 persons per vehicle;
- four buses, with capacity of 50 persons each, would be used to transport people to and from the site on Special Event Days; and
- the proportion of trips to and from the north would account for approximately 90% of all trips with the balance directed to and from the south.

The analysis conducted by MFY Traffic Engineers based on this information, combined with relevant count data indicate that even in the worst case scenario Main South Road would still have spare capacity, and the junction at Cactus Canyon Road would operate efficiently.

Information presented in the DR estimated a peak number of cars for special event days as approximately 100 vehicles per hour, which would equate to approximately 250 people (using the assumption of 2.5 people per car). Therefore, based on the assumptions outlined above, it could be expected that on the busiest attendance day (1000 people), that approximately 400 vehicle movements would be expected over the day, but that on a regular day, approximately 120 vehicle movement per day would be expected, plus buses as required.

The DR described the vehicle access to the site as being from Main South Road, where there is an existing unsealed shoulder and guardrail to the west of the site. Sight distances to the north and south from the site would be 260 metres and 230 metres respectively. Initial advice to the proponent from the former Department for Transport Energy and Infrastructure ((DTEI) now Department of Planning, Transport and Infrastructure (DPTI)) recommended that access to the site should comply with the recommended Safe Intersection Sight Distance (SISD). This recommendation is specified in the Austroads Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections. The calculations based on the SISD, assuming the current speed limit of 100km/per hour, are 240 metres to the north and 260 metres to the south. Initial designs presented in the DR (Figure 11) showed the right turn from Main South Road into the property was designed based on the Austroads guidelines. The provision of a protected right turn lane, as required by the appropriate standards, would require the widening of either the eastern or western side of Main South Road (Figure 11). Concerns were raised by DTEI regarding the safety and efficiency of the intersection. Accordingly, further traffic analysis was sought by DTEI.

In response to concerns raised by DTEI the proponent engaged MFY and Associates to undertake further modelling analysis of the junction to ensure appropriate access arrangements in accordance with relevant standards would be achievable. Multiple attendance scenarios, as well as peak, and worst case scenario traffic numbers, beyond that initially envisaged by the proponent, were used. As part of the submission process, DTEI requested that a concept road and junction plan be prepared, identifying the nature of treatment required to facilitate safe access to and from Main South Road and Cactus Canyon Road. This plan was prepared and included in the RD (Figure 5 of Appendix E).

The proponent acknowledges that further works may be required following a detailed engineering survey, should the development be approved. In this regard, section 5.2 of the RD confirms the proponent's willingness, should an approval be granted, to participate in a Developer Agreement with DPTI with respect to necessary works assessment. Should the development be approved, a reserve matter would require further detailed plans and Developer Agreement to be developed in conjunction with and for approval by DPTI.

### **5.5.2 Car Parking**

The Yankalilla Development Plan outlines the requirements for parking for a place of worship as one per five seats. This particular standard, however, is not easily applied for the assessment of this development as the Temple would have no seating. In section 9.7 of the DR the proponent outlined the proposed parking allowance for the development as being 120 spaces for cars and 4 spaces for coaches (capacity of 50 people each). Based on the assumptions provided above (i.e. 2.5 people per car), this number of car parks would only be expected to cater for approximately 300 people, plus the potential for up to 200 people accessing the Temple via bus transport. Accordingly, this number of car parking spaces would be sufficient for a 'normal' attendance day but would likely be insufficient for special event days (up to 1000 people).

Subsequent to the release of the DR, the proponent engaged MFY Traffic Engineers who generated an up to date provision rate for parking. The RD outlines that the parking provisions for the development were based upon a maximum attendance at the Temple of 1000 persons over one day, with no more than 500 expected at one time. In applying the Yankalilla Development Plan's parking rates of one space per 5 seats (despite no formalised seating being provided) the proponent determined that the requirement would be 100 spaces. Despite this, the proponent lodged an amended parking plan that made an allowance to provide 100 parking spaces, with 50 additional spaces in an 'overflow car park' to cater for special event days (RD Section 5.2.4). In addition to these, four coach parks have remained in the plan to accommodate large groups.

### **5.5.3 Internal Road**

The main internal road will be to the Temple building from Main South Road for the general public. The DR proposed that the width of the access road would taper from 10 metres at Main South Road, to 8 metres at the property boundary. The sealed road would then continue on the

property at a width of 8 metres to the car park. The roadway from this point forward, to the accommodation units, would be restricted to the public and reduced to a width of 5.5 metres (DR Section 9.8).

The DR indicates that the roadway would be sealed up to the car park so as to prevent the risk of scouring due to the steep grades and to reduce dust. Details of the proposed design are outlined in the Response Document; however, final design, including surfacing, would need to be to the satisfaction of the Yankalilla Council. A condition of approval has been recommended to reflect this requirement.

An access road to the north/north east of the property was proposed in the DR to provide access to the Chinese Memorial Gardens; however, this has since been removed from the proposal due to concerns by the closest neighbouring resident. If approved, the access would be via a 4.5 metre wide pathway from the Pagoda.

#### 5.5.4 Assessment

DPTI has reviewed the updated traffic/access plans submitted in the RD. The concept road and junction plan detailed at Figure 5 of Appendix E (Traffic and Parking Assessment report by Murray F Young & Associates dated July 2011) consists of the following:

- Channelised right-turn (CHR) treatment and short left-turn treatment (AUL(s)) at the Main South Road/Cactus Canyon Road junction.
- Constructing a “level” section of Cactus Canyon Road at its junction with Main South Road for a distance of approximately 15 metres to enable a bus to be positioned on Cactus Canyon Road and be able to easily accelerate to join the traffic stream on Main South Road, rather than having to contend with an incline as currently exists.
- Sealing the section to Cactus Canyon Road (from its junction with Main South Road to a point just north of the access to the Temple, to DPTI and Council requirements).
- Sufficient width on Cactus Canyon Road to accommodate simultaneous two-way movements.
- Any other civil related works to establish appropriate road grades to connect to existing levels.

Whilst the concept design is acceptable in-principle to DPTI, the detailed design will need to be undertaken to DPTI’s satisfaction and will need to consider the following:

- Providing Safe Intersection Sight Distance (SISD) at the Main South Road/Cactus Canyon Road junction, using a design speed of 110km/h. SISD needs to be provided on both approaches of Main South Road in order to enable vehicles on Cactus Canyon Road to safely enter Main South Road. It provides sufficient distance for a driver of a vehicle on Main South Road to observe a vehicle from the Cactus Canyon Road approach moving into a collision situation (e.g. in the worst case, stalling across the traffic lanes), and to decelerate to a stop before reaching the collision point.  
This may require some earthworks to the batters to the south-east of the junction adjacent to Main South Road and may impact on adjacent properties.
- The impact (if any) on the existing overtaking lane on Main South Road located just south of Cactus Canyon Road.
- The impact on guard fencing.
- The impact on the informal parking bay on Main South Road located just north of Cactus Canyon Road.

The AR recommends that the proponent be required to enter into a Developer Agreement with DPTI for the required works. The RD (Section 5.2.1) indicates that the applicant will participate in a Developer Agreement with DPTI with respect to the works required. The required works will need to be completed prior to the opening of the Temple and associated works.

The AR considers that based on calculations using the Yankalilla Development Plan’s parking rates of one space per 5 seats for a ‘place of worship’ (despite no formalised seating being provided), the revised number of car parks to be provided on the site is appropriate.

## **5.6 LAND USE IMPLICATIONS**

### **5.6.1 Bushfire risk**

The RD outlined that the proposed development falls within a 'High Bushfire Area' as defined in the Yankalilla Development Plan. To manage the bushfire risk, the proposed site for the Temple is located primarily on open and un-vegetated land. The RD states that the proposal is in accordance with The Minister's Code (Undertaking Development in Bushfire Protection Areas), providing necessary access and turning areas for fire service vehicles, maintaining suitable distance between vegetation and dwellings, provision of a grass buffer along the roadside, as well as having the appropriate water storage on site. Section 6.2 of the DR outlines actions committed to by the proponent.

### **5.6.2 Impacts to and from surrounding land users**

#### *Operational Impacts – Land Use*

The adjacent properties are currently used for animal grazing and rural residential purposes. It is expected that the proposed development would have minimal impact on these land uses, due to the limited site coverage (10%) of the proposed structures. Further, the proposal is considered an expansion of the existing use, as the site currently houses a small temple, accommodations units and animal grazing. Although, the proposed use is the same as currently occurs on site (but at a greater scale), it is expected that if approved, the number of visitors to the site would increase significantly. However, given the distance to the nearest residence the impact is expected to be minimal during operation.

The southern portion of the subject land is currently leased (for free) to the neighbouring property for the use of animal grazing. There is no intention to cease this arrangement in the foreseeable future.

### ***Operational Impacts – Noise Impacts***

A number of submissions expressed concern regarding operational noise, in particular from the drum and bell. In response to these concerns the proponent engaged an acoustic engineer to consider the impacts of noise associated with the drum and bell, as well as noise associated with the roadway and car parking areas. The acoustic report found that noise from the existing drum and bell and from traffic movement on the site would readily meet the *Environment Protection (Noise) Policy 1997* as well as levels indicated in the Yankalilla Development Plan. The acoustic report has been attached to the proponent's Response Document as Appendix C.

This AR also notes that the drum and bell would be housed within structures and their use limited to 20 special event days in the Buddhist calendar. On these special occasion days the bell and drum would only be used in the order of 2 to 3 times a day. The acoustic report further noted that the bell and drum would continue to meet noise guidelines even if the doors and windows in the structure were open, and that the background traffic noise from Main South Road is higher than would be generated by the proposal having regard to the nearest dwellings, which would be 260m from the main shrine area and 200m from the Chinese Memorial Garden (where cars would not be permitted).

### ***Construction Impacts***

Temporary impacts during the construction of the development would be managed, and are discussed further in Section 5.7.2 of this AR. In particular the proponent would be required to prepare and implement a Construction Management and Environmental Management Plan (CEMMP) that amongst other matters, would seek to manage construction impacts (i.e. noise and dust) to adjoining land uses.

#### **5.6.3 Site Contamination**

The RD states that the Environment Protection Authority (EPA) raised concern with the possibility of site contamination due to the historic agricultural use of the site. While originally a site contamination audit report was sought, since the production of the DR, the process regarding land previously used for agricultural purposes has changed. A Site History Report will now be required and has been recommended as a condition prior to construction commencing, should the project be approved. Should a potentially contaminating activity or land use be found, the proponent would be required to remediate the site in accordance with EPA requirements.

#### **5.6.4 Assessment**

The AR considers that there would be appropriate and sufficient mitigation and management measures in place to manage land use impacts, including bushfire risk. The AR also considers that operational noise would be low and within the limits prescribed in the *Environment Protection (Noise) Policy 1997*.

The proponent has not conducted Site History Report to date, however, such a report would be conditioned for should the proposal be approved.

The AR considers that disturbance to surrounding land users would occur during the construction period. The proponent, however, would be required to meet the requirements of a CEMMP, developed in consultation with the EPA for their approval. This plan would include measures for traffic management, dust management, soil erosion and drainage, waste management and a communication plan for affected residents. Accordingly, the AR concludes that the impacts from the construction period would be manageable.

## **5.7 EFFECTS ON COMMUNITIES**

### **5.7.1 Visual Amenity and Traffic/Access**

The DR outlines the expected community impacts of the Temple. The most significant issues raised through submissions were impacts on visual amenity and traffic/access impacts. These issues are discussed in detail in sections 5.1 and 5.2 of this AR.

### **5.7.2 Construction Impacts**

The DR outlines that should the development be approved the construction impacts would be minimal and address all statutory requirements for the management of construction. It is expected that potential noise impacts at the closest property (only one property located within .5 km) would be minimal and within the compliance criteria set by the *Environment Protection (Noise) Policy 2007* (EPP Noise).

Accordingly, should the project be approved, it is recommended that a condition be imposed that construction activities be limited to day light hours between 7am and 7pm Monday to Saturday and that noise levels must comply with the EPP(Noise). As referred to earlier, a Construction Environmental Management and Monitoring Plan (CEMMP) is proposed to be provided for each stage of the project, which would include measures to control construction impacts and include a traffic plan, pedestrian management plan and a consultation strategy. A condition has been recommended requiring the preparation and implementation of a CEMMP for approval by the EPA. This CEMMP would require a Communications Plan identifying how affected residents would be notified prior to and during construction and how concerns raised would be addressed and managed.

### **5.7.3 Tourism and Visitor Numbers**

The Temple is proposed to be a facility open to the Buddhist community and the wider community. The site would be open as a tourist destination and an educational facility for people interested in learning about the Buddhist culture. The estimate provided in the DR for visitor numbers is approximately 22 000 people a year, which would include a combination of people specifically visiting the Temple and people visiting on the way to and from other tourist destinations in the southern metropolitan region and the Fleurieu Peninsula. Increased visitors to the Sellicks Hill area to visit the Temple would result in increased traffic on Main South Road.

It is proposed in the DR (Section 10.1) that the construction of the Temple and associated buildings/gardens would contribute approximately \$20 million to the economy. There is also expected to be ongoing benefits to the South Australian economy in terms of goods and services required for the residents and visitors to the Temple. The region would benefit from accommodation and food expenditure from visitors specifically coming to see the Temple, including visitors from south-east Asia.

The DR based the visitor numbers on the operational Nan Tien Temple in Wollongong and gave an approximation of what the visitor numbers to the Nan Hai Pu Tuo Temple could be. The Nan Tien Temple is a larger temple and provides accommodation, educational and conference facilities to the wider community.

#### **5.7.4 Assessment**

It would be expected, should the project be approved, that the construction period would cause some disturbance to nearby residences, in particular, the property closest to the site to the north. This disturbance would be short term, and restrictions would be in place to ensure works only occurred from 7am to 7pm Monday to Saturday. The AR recommends that a CEMMP be required as a condition to ensure appropriate mitigation measures are put in place prior to work starting on the site.

Accordingly, the AR considers the potential construction impacts to the community can be appropriately managed, subject to compliance with an approved CEMMP, that amongst other matters, would restrict hours of work and require implementation of an approved Traffic Management Plan.

Should the development be approved, it would be expected that it could draw large numbers of visitors to the region, not only from within Australia, but from around the world. The Buddhist culture is such that devotees often travel great distances for special occasions in the Buddhist calendar as well as for regular visits to pray and meditate. Such an example can be taken from the Wollongong Nan Tien Temple in NSW, which over the past ten years has become one of the favourite venues for religious study groups, school excursions and community group outings. Nan Tien Temple offers regular events, such as meditation retreats, excursions, art and craft classes etc. It attracts more than a few hundred thousand visitors from all over the world all year round.

The proposed Nan Hai Pu Tuo Temple has the potential to draw many visitors to South Australia, as outlined in the DR, and in particular the southern region. Although, Tourism SA felt the visitor numbers predicted may be too high, particularly those visiting from overseas, the numbers are nonetheless considered significant and beneficial to tourism in the region. Further, it is considered there would be potential, subject to further approval, for the development to incorporate additional facilities for visitors such as conference and educational areas in future should this be deemed appropriate and practical (similar to the Wollongong Temple).

The AR considers the potential visitor and economic benefits from the development to be positive and appropriate and accordingly supports approval of the proposed development.

## **5.8 HERITAGE IMPACTS**

### **5.8.1 Aboriginal Heritage**

The proponent undertook appropriate investigations to establish whether significant Aboriginal heritage sites existed in the locality. Specifically, fieldwork was done with representatives of the Kurna Aboriginal Heritage Association Inc. in attendance. A report written on these issues found that:

- There were no previously registered Aboriginal sites;
- Five sites with stone artefact scatters/campsites were identified on the property. These sites generally contained stone artefacts made from quartzite and quartz. One site contained fragments of turbo shells; and
- Two of the five identified sites are likely to be in close proximity to the proposed development. The other sites are outside the proposed development area.

Section 11.4.3 of the DR outlines recommendations for the management of the five identified sites, including where development has the potential to directly impact upon the sites, a systematic collection of materials would be undertaken prior to any works taking place. These

artefacts would then be labelled and referenced to indicate the origin before being submitted to the relevant Department.

The proponent has committed to adopting a Risk Management Plan for dealing with the sites for pre construction works and upon completion, in consultation with the relevant department and Kaurua representatives.

### **5.8.2 Non Aboriginal Heritage**

Investigations undertaken by the proponent did not find anything of non Aboriginal heritage on the site. This finding was expected as the site has predominantly been used for animal grazing, and previous investigations undertaken for the existing buildings on site did not identify any listed heritage items.

### **5.8.3 Assessment**

The AR concludes that provided appropriate measures are taken, including the development of a Risk Management Plan, Aboriginal and non-Aboriginal heritage issues can be appropriately managed. Accordingly, a condition to this effect has been recommended. Further, should additional sites of Aboriginal significance be found during construction, the proponent (or their contractor) would be required to comply with the procedures established under the *Aboriginal Heritage Act 1988*.

## **5.9 SUSTAINABILITY, STORMWATER AND WASTEWATER ISSUES**

### **5.9.1 Sustainability Measures**

The DR briefly outlined the sustainability measures proposed. In this regard, the proponent has committed to ensuring, where possible, that the orientation of buildings are designed to have a northern exposure, thereby maximising natural light, as well as the installation of solar hot water systems and photovoltaic cells on the accommodation buildings. Should the project be approved, it is expected that these measures would be included in the detailed designs for the project. Accordingly it is recommended that a condition be imposed requiring the above sustainability measures be incorporated in the final designs.

### **5.9.2 Stormwater Issues**

The DR states that the development of the site would result in increased runoff predominantly from increased roof surfaces and hard stand surfaces. Increased stormwater runoff into Cactus Canyon Creek, to the north of the site, would increase the flow, and therefore the turbidity of the water entering the marine environment. To minimise the impacts of the development, the proponent proposed to implement Water Sensitive Urban Design (WSUD) principles, such as to retain and reuse stormwater on site. It is outlined in the DR that water from the drainage system would be diverted into a series of retention basins and then used for irrigation of the landscaping on site. It was estimated in the DR that the total volume of the basins would be approximately 4700m<sup>3</sup> (DR Section 6.3).

Developing a series of basins rather than a single basin would overcome the need for major earthworks and potential interference with the topography of the land. Calculations for the stormwater retention were outlined in section 6.3 of the DR. Stormwater runoff from roof surfaces would also be captured in a series of above ground water tanks. This water would be used for non-potable domestic water demands such as toilet flushing and fire fighting purposes.

In addition to larger retention and detention basins, a series of swales could be used in order to reduce the runoff rates across the landscape, particularly as it is a sloped site. Infiltration trenches are also an option in the car parking areas as another means to dispose of stormwater to the natural soil profile, while reducing flows into the receiving water environment. Permeable paving would also be an option as part of the sealed road from the site entrance to the car parking area.

The RD (Section 5.1.2) states that following the public consultation period the proponent engaged FMG Engineers to undertake a detailed assessment of the potential stormwater impacts, considering the water usage of the site as well as potential water capture. The report confirms that the roof catchment exceeds the day to day water requirements for the proposal, with overflow being directed to retention and detention basins on the site. The report further recommends specific design solutions in regards to volume and erosion protection measures (RD Appendix D).

### **5.9.3 Wastewater**

Presently the site does not have a reticulated sewerage system. The nearest common sewerage system is located in Aldinga and there are presently no plans to extend the service to Sellicks Beach. Based on the site having a maximum of 30 residents and up to 1000 people on the site in a day, a new effluent treatment system on site would be required. There are two options for a treatment system –septic tanks or a Domestic Wastewater Treatment Plant (WWTP).

In response to a number of submissions made, including one by the EPA, the proponent engaged FMG Engineers to complete a detailed investigation on an appropriate wastewater solution for the site. The recommendation in the RD was the use of an Evaporation Transpiration Bed system. Further information on this system was outlined in section 5.1.1 of the RD and a detailed report was provided in Appendix D of the RD. It should be noted that the preferred wastewater treatment system would require the approval of the Department of Health (as well as the EPA if the system was to meet the criteria in Schedule 1 of the *Environment Protection Act 1993*, therefore requiring a licence) and must be in place prior to the operation of the temple and associated facilities.

#### **5.9.4 Assessment**

The sustainability measures proposed are considered appropriate for this development, with the AR concluding that the measures proposed, including the provision of photovoltaic cells on the accommodation buildings has been recommended as a condition, should the project be approved.

The AR concludes that development of the proposed site would create the need for management of altered stormwater flows. This would require the implementation of suitable WSUD measures within the development site. Methods outlined in the DR and RD are considered to be suitable provided they are implemented appropriately and in consultation with EPA. Accordingly, a condition of approval to this effect has been recommended.

The AR considers that the site is suitable for onsite treatment of wastewater and impacts can be appropriately managed, provided the required approvals (that would include conditions regarding management of the system) are received from the Department of Health and the EPA, prior to installation of a suitable wastewater treatment system. On the basis that approval is required from these other Agencies, a note to this effect has been recommended advising the proponent of their obligations to seek approval for their preferred wastewater management system and that prior to seeking approval they should commence consultation with the EPA and SA Health about their preferred treatment method.

## **6. CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 CONCLUSIONS**

The proposal has evolved through the assessment process, to reflect further details submitted by the proponent, and in response to Council, Government Agency and public issues.

Changes made by the proponent and those recommended in this AR deal with stormwater, traffic and access, and wastewater management.

In summary, the AR concludes that subject to compliance with the recommended conditions that:

- The development will create tourism and economic growth opportunities,
- The development will create a point of interest in the landscape,
- The traffic, access and parking arrangements can be managed and are acceptable,
- While the structures exceed Development Plan height limits, the impacts arising from the additional height are acceptable, and
- The development has adopted suitable sustainability initiatives.

Accordingly, the AR concludes that the proposal is worthy of provisional approval subject to the recommended reserve matters and conditions set out in the next part of this AR. Should the Governor approve the proposal, the approved uses would include:

- Front Shrine of the temple – gateway to the temple that would stand approximately 9m high and 197m<sup>2</sup>;
- Main Shrine of the temple – approximately 18m high and 840m<sup>2</sup>;
- Side and Rear Shrines of the temple – 270m<sup>2</sup> and 945m<sup>2</sup> (respectively);
- Pagoda – approximately 35m high;
- Buddha statue made of bronze – approximately 18m high;
- Expanded Accommodation – comprising 6 additional internal accommodation facilities and 10 single bed attached units and 10 two bedroom detached units.
- Chinese Garden and Memorial Park;
- On-site vegetable garden and water harvesting facilities; and
- Car parking.

### **6.2 RECOMMENDATIONS**

The AR concludes that the proposed Nan Hai Pu Tuo Temple at Sellicks Hill is acceptable following the changes made by the proponent in its RD, and subject to compliance with the following recommended reserve matters and conditions.

Should the Governor provisionally approve the proposed development, the following reserved matters, conditions and notes are recommended for inclusion in any approval documentation:

## **Part A: Reserved Matters**

The following are the matters reserved for further assessment:-

- (a) The proponent must prepare detailed design drawings for all structures on site for approval by the Minister for Planning. The final design drawings must show the layout of the structures on the site and the sustainability measures proposed by the proponent including:
  - (i) The layout of photovoltaic cells on the accommodation units; and
  - (ii) The orientation of buildings to maximise northern exposure.
- (b) The developer must enter into a Developer Agreement with DPTI for the required works. The works shall include (but not be limited to) the following:
  - Channelised right-turn (CHR) treatment and left-turn treatment (AUL(s)) at the Main South Road/Cactus Canyon Road junction and any associated changes to the existing overtaking lane on Main South Road located just south of Cactus Canyon Road, guard fencing and the informal parking bay on Main South Road located just north of Cactus Canyon Road.
  - Constructing a “level” section of Cactus Canyon Road at its junction with Main South Road that can accommodate the largest vehicle expected to enter the site.
  - Sealing the section to Cactus Canyon Road (from its junction with Main South Road to a point just north of the access to the Temple).
  - Providing sufficient width on Cactus Canyon Road to accommodate simultaneous two-way movements.
  - Any other civil related works to establish appropriate road grades to connect to existing levels.
  - Providing Safe Intersection Sight Distance (SISD) at the Main South Road/Cactus Canyon Road junction, using a design speed of 110km/h.
- (c) The proponent for the purposes of section 48(11)(b) has the period of 12 months from the date of this provisional development authorisation as the time within which reserve matters must be satisfied and 12 months thereafter for substantial work to be commenced on site, failing which the authorisation may be cancelled. For the purposes of this approval, ‘substantial commencement’ will be the completion of road works.
- (d) The proponent must address the reserved matters and submit relevant documentation to the Minister for approval.

## **Part B: Conditions of Provisional Development Authorisation**

1. The development authorisation granted hereunder is provisional only, does not operate as a final development authorisation, and does not therefore authorise implementation of the proposed Major Development. Only an authorisation granted under section 48(2) (b) (i) can operate to authorise implementation of the proposed Major Development, which authorisation will only be granted after the reserved matters have been assessed and approved.
- 1a. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed Major Development must be undertaken in strict accordance with the following documents:
  - Development Application from Nan Hai Pu Tuo Temple of Australia Inc dated 27 January 2009 (except to the extent that it may be varied by a subsequent document in this paragraph).
  - Development Application from Nolan Rumsby Planners dated 19 December 2011 (except to the extent that it may be varied by a subsequent document in this paragraph).
  - Development Report, Nan Hai Pu Tuo Temple, prepared by Hames Sharley (for the Nan Hai Pu Tuo Temple of Australia Inc), dated September 2010 (except to the extent that it may be varied by a subsequent document in this paragraph).
  - Response Document, Nan Hai Pu Tuo Temple, prepared by Nolan Rumsby (for the Nan Hai Pu Tuo Temple of Australia Inc), dated September 2011 (except to the extent that it may be varied by a subsequent document in this paragraph).

### **Final Staging plan**

Drawings:

S02 Location Plan  
S03 Site Plan  
S04 Temple Floor Plan  
S05 Elevation  
S06 Elevation  
S07 Elevations  
S08 Elevation  
C001 Concept Stormwater Management Plan – FMG Engineering  
C002 Concept Wastewater Management Plan – FMG Engineering

Assessment Report prepared by the Minister for Planning dated February 2013.

### **Building Work**

2. Before any building work is undertaken on the site, the building work must be certified by a private certifier, or by some person determined by the Minister for Planning, as complying with the provisions of the Building Rules.

### **Parking and Access**

3. The works required to provide safe and convenient access must be designed and constructed to the satisfaction of DPTI and in accordance with the Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, with all costs (including design, construction, project management, any upgrade of drainage, footpaths or road lighting required, any changes to guard fencing etc) being borne by the developer. The works shall be completed prior to the opening of the Temple and associated facilities. The works must include an independent safety audit of the design.
4. The main car and bus parking area shown on Site Plan S03 must be sealed with a permeable surface and provide for 100 car parking spaces and 4 bus parking spaces. The parking layout including surface paving, parking dimensions and line marking must be undertaken in accordance with the Yankalilla Council's requirements.
5. The overflow car parking area shown on Site Plan S03 must provide an all weather surface and provide for 50 car parking spaces. The overflow car park must be constructed in accordance with the Yankalilla Council's requirements.
6. All car parking and manoeuvring areas shall conform to Australian/New Zealand Standards for off-street parking; AS/NZS 2890.1:2004 Parking facilities - Off-street car parking and AS 2890.6-2009 Off-street parking for people with disabilities.
7. All commercial vehicle areas shall conform to the Australian Standard AS 2890.2-2002 Parking facilities - Off-street commercial vehicle facilities.
8. No signage is to be placed external to the site without gaining required approvals.

### **Stormwater Management**

9. All stormwater design and construction must be in accordance with Australian/New Zealand Standards, AS/NZS 3500-2003 and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property.
10. Detention and retention storage for stormwater run-off is to be provided on-site in conjunction with the stormwater disposal. This storage is to be designed in accordance with the EPA's requirements, as outlined in condition 12.
11. Water-sensitive urban design measures and practices must be adopted for the management of run-off, including stormwater capture and reuse.
12. The proponent must prepare a stormwater management plan that meets the following quality targets:
  - (a) Suspended solids – 80% retention of the typical urban annual load with no treatment.
  - (b) Total phosphorous – 45% retention of the typical urban annual load with no treatment.
  - (c) Total nitrogen – 45% retention of the typical urban annual load with no treatment.
  - (d) Achieve run off rates as near as practicable to pre-development levels.

## Landscaping

13. The proponent must prepare a detailed Landscaping Plan and Planting Schedule for the site, using locally indigenous species (with the exception of the Chinese Garden). The Plan must indicate the mature height and density of species used to screen the temple and associated infrastructure. The Landscaping Plan must be lodged with the Minister for Planning (or his delegate) for approval prior to operation of the facility.
13. When landscaping of the site is established it must be maintained in good health and condition at all times. A plant must be replaced if and when it dies or becomes seriously diseased within the first growing season.

## Construction Activities

14. The proponent must prepare a Construction Environmental Management and Monitoring Plan (CEMMP) for approval by the Environment Protection Authority (EPA) prior to construction commencing on site. The CEMMP must include measures that at a minimum address the following:
  - (i) A Traffic and Pedestrian Management Plan;
  - (ii) Management of noise to ensure compliance with the requirements of construction noise as outlined in part 6 of the *Environment Protection (Noise) Policy 2007* (Noise EPP);
  - (iii) Dust management measures;
  - (iv) A soil erosion and drainage management plan, including:
    - Minimising areas disturbed;
    - Rainfall landing upstream of disturbed areas to be diverted around the site;
    - Installation and maintenance of erosion control measures; and
    - Progressive rehabilitation and stabilisation of disturbed areas.
  - (v) A Waste Management Plan; and
  - (vi) A Communications Plan identifying how affected residents will be notified prior to and during construction and how concerns raised will be addressed and managed.
15. Normal operating hours for construction activities and construction truck movements to and from the site must be from 7:00am to 7:00pm, Monday to Saturday inclusive.
16. The proponent must implement the development in accordance with approved engineering construction plans for roads, drainage, footpaths and intersections.
17. Stockpiled soils must be suitably managed to control dust emissions, erosion and weed infestation.
18. The proponent must prepare a site history report that:
  - (a) has been prepared by a site contamination consultant in accordance with Schedules A and B of the *National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM)*; and

- (b) documents the preliminary investigations at the site carried out in accordance with the NEPM; and
- (c) determines whether a potentially contaminating land use as described in Appendix 1 of Planning Advisory Notice 20 has occurred with the potential to cause site contamination affecting the site; and
- (d) provides statements in relation to the existence of site contamination at the site. Statements by site contamination consultants in relation to site contamination must be clearly qualified as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion as required by Section 103ZA of the *Environment Protection Act 1993*.

### **Servicing**

- 19. Sufficient access must be provided for onsite manoeuvrability of waste collection vehicles and an appropriate screening treatment must be given to the waste disposal area.

### **Heritage**

- 20. The proponent must prepare a Risk Management Plan prior to construction commencing on the site that identify measures for the protection of identified Aboriginal sites during construction and operation of the Temple and associated infrastructure.

### **Wastewater**

- 21. The proponent must consult with the Department of Health about the proposed wastewater treatment system and ensure appropriate approvals are in place prior to the operation of the Temple, accommodation units and associated infrastructure.

### **Staging and Completion**

- 22. The proponent must comply with the following staging and timing from the date of full approval:
  - Stage 1 – two (2) years to complete road junction works and site works for construction elements
  - Stage 2 – four (4) years to complete main, side and rear shrines, statue, pagoda, car parking and access, and Chinese Memorial Gardens
  - Stage 3 – six (6) years to complete front shrine, courtyards and covered walkways
  - Stage 4 – seven (7) years to complete all accommodation units

## GLOSSARY

AR	Assessment Report
CEMMP	Construction Environmental Management and Monitoring Plan
DECS	Department of Education and Children's Services
DENR	Department of Environment and Natural Resources
DPTI	Department of Planning, Transport and Infrastructure
DR	Development Report
DPLG	Department of Planning and Local Government (former)
DTEI	Department for Transport Energy and Infrastructure (former)
DFW	Department for Water
EIA	Environmental Impact Assessment
SISD	Safe Intersection Sight Distance
DPA	Development Plan Amendment
EPA	Environment Protection Authority
RD	Response Document
NRM	Natural Resources Management
WSUD	Water Sensitive Urban Design
WWTP	Waste Water Treatment Plant