



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
New Grafton Correctional Centre
(SSD 7413)**



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

March 2017

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Published March 2017
NSW Department of Planning and Environment
www.planning.nsw.gov.au

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ABBREVIATIONS

ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIMS	Aboriginal Heritage Information Management System
Applicant	Infrastructure NSW, on behalf of Department of Justice
APZ	Asset Protection Zone
BAR	Biodiversity Assessment Report
BOS	Biodiversity Offset Strategy
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Consent	Development Consent
Council	Clarence Valley Council
DA	Development Application
DCP	Development Control Plan
DECCW	Former Department of Environment, Climate Change and Water
Department	Department of Planning and Environment
DIRE	Department of Industry – Resources and Energy
DPI	Department of Primary Industries
EEC	Endangered Ecological Communities
EIS	Environmental Impact Statement
EOI	Expression of Interest
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FBA	Framework for Biodiversity Assessment
ICNG	<i>Interim Construction Noise Guideline</i>
ISEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
LEP	<i>Clarence Valley Local Environmental Plan 2011</i>
Minister	Minister for Planning
MNES	Matters of National Environmental Significance
NBN	National Broadband Network
NGCC	New Grafton Correctional Centre
NML	Noise Management Level
OEH	Office of Environment and Heritage
PAD	Potential Archaeological Deposit
PCT	Plant Community Types
POEA Act	<i>Protection of the Environment Administration Act 1991</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RAP	Remediation Action Plan
RMS	Roads and Maritime Services
RSA	Road Safety Audit
RtS	Response to Submissions
RU2	Rural Landscape Zone
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SP2	Special Purposes Zone
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for NSW
W2B	Woolgoolga to Ballina Pacific Highway upgrade project

EXECUTIVE SUMMARY

This report is an assessment of a staged State significant development (SSD) application lodged by Infrastructure NSW, on behalf of Department of Justice, for a concept proposal for the new Grafton Correctional Centre and concurrent Stage 1 works, comprising vegetation clearance, demolition, bulk excavation and site preparatory works.

The project has a capital investment value (CIV) of greater than \$30 million and would generate between 600-650 operational jobs and 250-300 construction jobs.

The project has arisen due to significant growth in both short and long term demands for capacity within the NSW correctional services network. This project is a primary action under the NSW Government's Prison Bed Capacity Program, which seeks to increase bed numbers through a range of options in the NSW prison system to accommodate the immediate and estimated long-term demands.

The development is SSD in accordance with clause 16 of Schedule 1 under *State Environmental Planning Policy (State and Regional Development) 2011* as it is development for a correctional centre that has a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The site of the proposed correctional centre is in Lavadonia, approximately 12.5 km south-east of the Grafton town centre. This site is zoned RU2 Rural Landscape and SP2 Infrastructure (Classified Road) under the *Clarence Valley Local Environmental Plan 2011* (LEP). In accordance with this LEP, the development of a correctional centre is permissible with consent in the RU2 Rural Landscape zone but prohibited in the SP2 Infrastructure zone. However, a correctional centre is permissible on land zoned SP2 Infrastructure in accordance with *State Environmental Planning Policy (Infrastructure) 2007*.

The proposal was publicly exhibited for 37 days from 13 August 2016 until 19 September 2016. The Department of Planning and Environment (the Department) received a total of 20 submissions during this exhibition period – seven submissions from public authorities, including Clarence Valley Council, and 13 submissions from the general public. The key matters raised in submissions related to site suitability, wastewater management, social and economic impacts, biodiversity impacts, traffic and access.

The Response to Submissions (RtS), provided in November 2016, provided additional detail, refinement and commitments in relation to various construction and operational mitigation measures. This additional detail, together with a number of conditions recommended by the Department, address the issues raised in the submissions, including issues relating to Stage 2 of the development; the construction of the centre.

The Department has assessed the merits of the proposal and agrees with the community that the key issues associated with the proposal relate primarily to site suitability, wastewater management, social and economic impacts, biodiversity impacts, traffic and access. Other identified assessment issues include: bushfire; contamination; infrastructure provision; flooding and hydrology; aboriginal and non-aboriginal heritage; noise and vibration; conflict with adjoining land uses; and infrastructure contributions.

The Department has included a condition requiring further assessment of the social impacts when details of the design, location and operational practices are identified, which would address matters raised by the community. The Department has also included conditions requiring the establishment of a Community Consultative Committee to ensure community engagement during the construction stages and operation of the centre, implementation of the Biodiversity Offset Strategy to ensure biodiversity impacts are managed, a road safety audit to ensure that the access roads for construction vehicles are suitable to cater for the increased

level of traffic and the preparation and implementation of an Aboriginal Cultural Heritage Management Plan to manage conservation of Aboriginal cultural heritage significance. Numerous conditions have been included identifying requirements for the development application for Stage 2, including demonstrating that residential amenity impacts are minimised, further assessment of operational and construction impacts for Stage 2, detailed wastewater management assessment and demonstration that adequate utility infrastructure would be available for the site.

The Department is satisfied the short-term impacts associated with Stage 1 can be minimised through appropriate construction management measures. The Department has also determined that the site is suitable for the new correctional centre, however, further consideration of the design, future construction and operational impacts is required to ensure the centre does not result in any unreasonable environmental, social or economic impacts. This additional review would be undertaken through future development assessment for the design and construction of the centre and informed by both government agencies and the community.

The Department considers the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979*, including ecologically sustainable development, and State priorities. The Department therefore considers the development would be in the public interest and recommends that the SSD application be approved, subject to conditions.

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1 BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

Infrastructure NSW, on behalf of Department of Justice (the Applicant), is seeking approval for a concept proposal and Stage 1 works for a new Grafton Correctional Centre at 313 Avenue Road, Lavadia.

The concept proposal is for a new 1,700 bed maximum and minimum security correctional centre. It comprises building envelopes for buildings up to 12 metres in height and approximately 100,000 sqm footprint. The concept proposal also includes associated on-site facilities, fencing, vehicle access, car parking, utility infrastructure and landscaping.

The Stage 1 works include demolition of an existing dwelling and shed, vegetation clearance works, installation of temporary services and construction facilities and bulk earthworks.

This report describes the concept proposal, the proposed Stage 1 development, surrounding environment, relevant strategic and statutory planning issues, and the issues raised in submissions as well as the Applicant's response to these issues. It evaluates the key issues associated with the development and provides recommendations for managing impacts.

1.2 Site Description and Surrounding Development

The site is located in Lavadia within the Clarence Valley Local Government Area and is approximately 12.5 kilometres south-east of the Grafton Town Centre (refer to **Figure 1**). The local area is characterised by low hills and plains, utilised for either cattle grazing activities, rural residential living or comprising open forest and/or floodplain wetlands.

The site encompasses two allotments, being Lot 26 DP751376 and Lot 1 DP 1190399, and has a total area of 195 hectares (refer to **Figure 2**). Avenue Road aligns the eastern property boundary and provides access to the site (refer to **Figure 3**). The new Pacific Highway alignment, which is currently under construction, would form the southern boundary of the site. The site would adjoin the corridor for the new Pacific Highway (refer to **Figure 4**). Direct access to the site from the Pacific Highway will not be provided. Avenue Road (which would pass over the Pacific Highway), Old Six Mile Road and Wants Lane would be upgraded as part of the new Pacific Highway works.

A newly constructed dwelling and shed is located in the south eastern corner of Lot 1 DP 1190399 and accessed from Avenue Road. The majority of the site has been cleared for grazing activities (refer to **Figure 5**); however, there are a number of scattered patches of remnant vegetation, the most extensive occurring in the western and south western portions of the site. This remnant vegetation is contiguous with other extensive vegetation cover, located to the west and south of the site.

The land slopes generally to the eastern and western site boundaries from a number of low ridge points in the centre of the site. These slopes range between one to six degrees and have established a number of drainage / riparian zones that guide surface flows from the site and eventually into the Coldstream River in the east and Glenugie Creek in the west. There are four farm dams constructed on-site that capture surface flows over the land.



Figure 1: Project location and surrounding context

(Source: EIS)

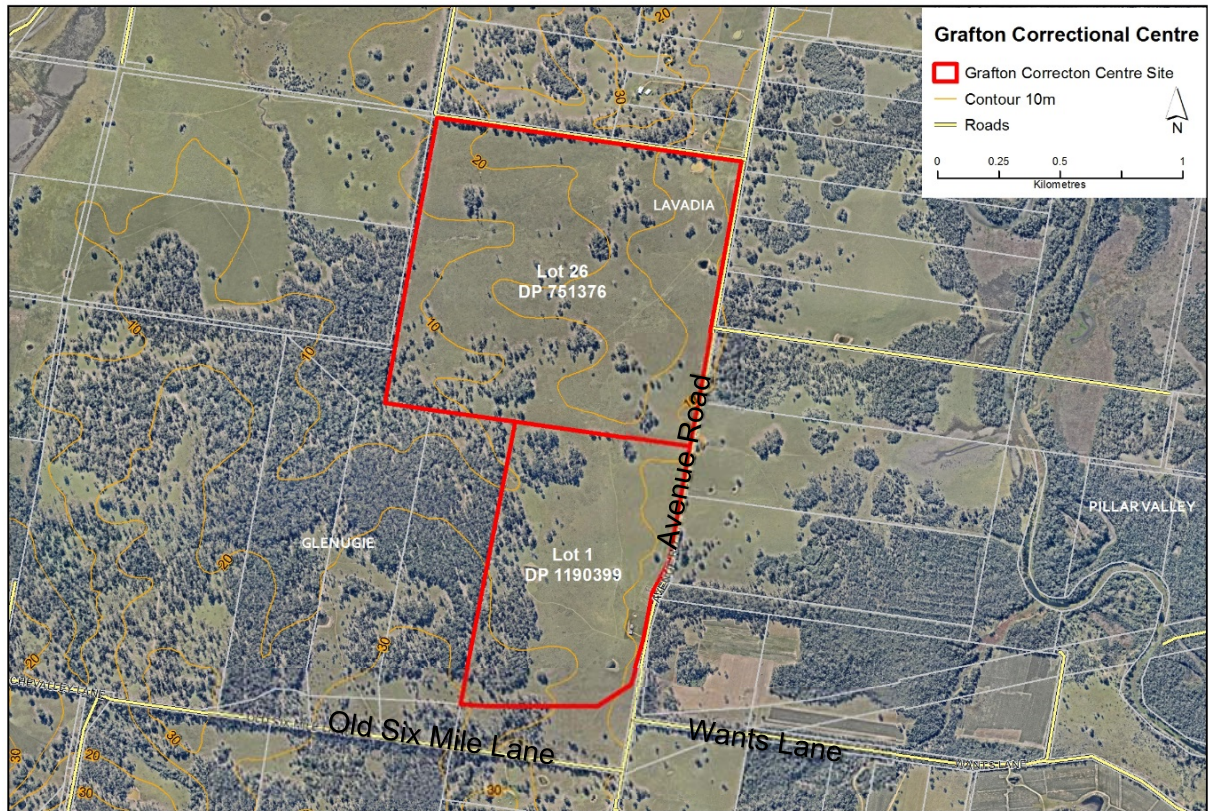


Figure 2: Existing site layout

(Source: EIS)



Figure 3: Avenue Road (aligns to the eastern boundary of the site)

(Source: the Department)

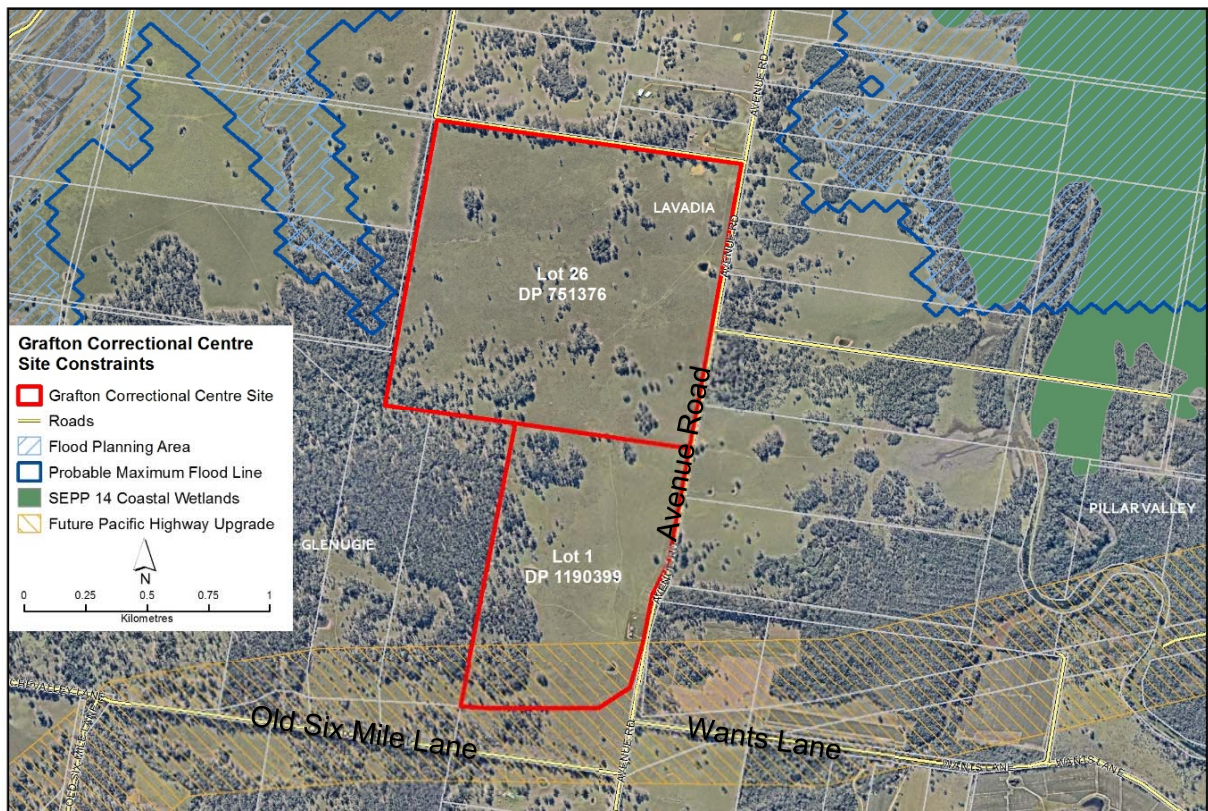


Figure 4: Site characteristics and constraints

(Source: EIS)



Figure 5: The site, looking south west from Avenue Road

(Source: the Department)

1.3 Project Description

Table 1 and **2** provides a summary of the proposal's key components and features. **Figures 6** to **8** present the concept layouts for the site, which include a possible northern or southern siting for the correctional centre. Each of these plans nominate landscaping and asset protection zones (APZs) around the perimeter of the site. The final location for the centre and landscaping outcomes would be determined at the detailed design stage and assessed under a separate Stage 2 development application. **Figure 9** presents the preliminary site plan for the Stage 1 works.

Table 1: Key development components of the concept proposal

Aspect	Description
Concept Proposal (summary)	Concept Proposal for a new Grafton Correctional Centre
Capacity	1,700 maximum and minimum security beds, comprising: • 1,000 maximum security beds for male inmates; • 300 maximum security beds for female inmates; and • 400 minimum security beds for male inmates.
Facilities	• Core correctional facility buildings including: maximum and minimum accommodation units; special accommodation units; health facilities; education and programs areas; administration; workshops; staff amenities; and visitor facilities; • a recreational oval within the perimeter of the facility; • six metre high fence/s or wall/s around the perimeter of the facility, with light and security camera poles up to 10 metres in height; • store buildings, small ancillary facilities, a central energy plant, black-water treatment facilities and a drug dog detection unit and yard located outside the perimeter wall / fence; • fire access roads on the inside and the outside of the perimeter wall / fence; • water, power, wastewater and communication utilities within the site; • 1.5 metre high boundary fence; and • landscaping of ground cover and /or shrubbery (in areas to be defined).
Site Area	195 ha.
Building envelope	A maximum building height of 12 metres (approximately three storeys).
Footprint	Maximum development zone of 124 ha.
Gross Floor Area (GFA)	Total GFA of approximately 100,000 sqm.
Vegetation Buffer	• 50 metres along the northern boundary; • 15 metres along the eastern boundary; and • 30 metres along the southern boundary.
Asset Protection Zone (APZ)	100 metres from every boundary or vegetation buffer.
Access	One vehicular entry/exit point from Avenue Road.
Car Parking	500 car parking spaces.

Table 2: Key development components of Stage 1 works

Aspect	Description
Stage 1 Works (summary)	• Site preparatory works.
Site Establishment	• Vegetation clearance and biodiversity management activities; and • bulk excavation and site stabilisation works.
Demolition Activities	• Existing house and sheds.
Construction works	• Auxiliary facilities such as construction compound, construction staff parking facilities and stockpiles sites; • access roads including fire access roads to the extent required to conduct Stage 1 works;

	- temporary provision of water, power and communication services within the site to the extent required to conduct Stage 1 works; and - landscaping.
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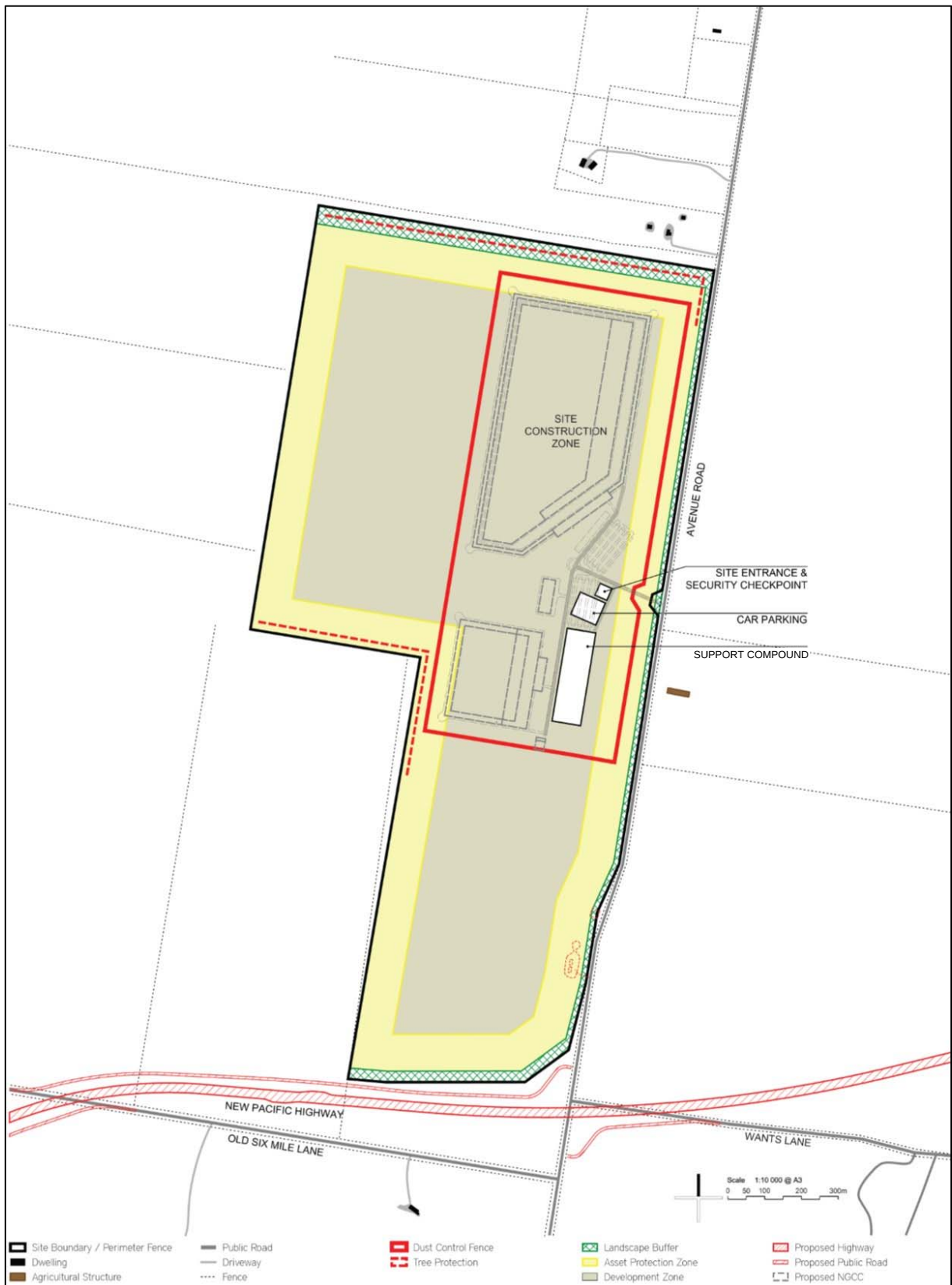
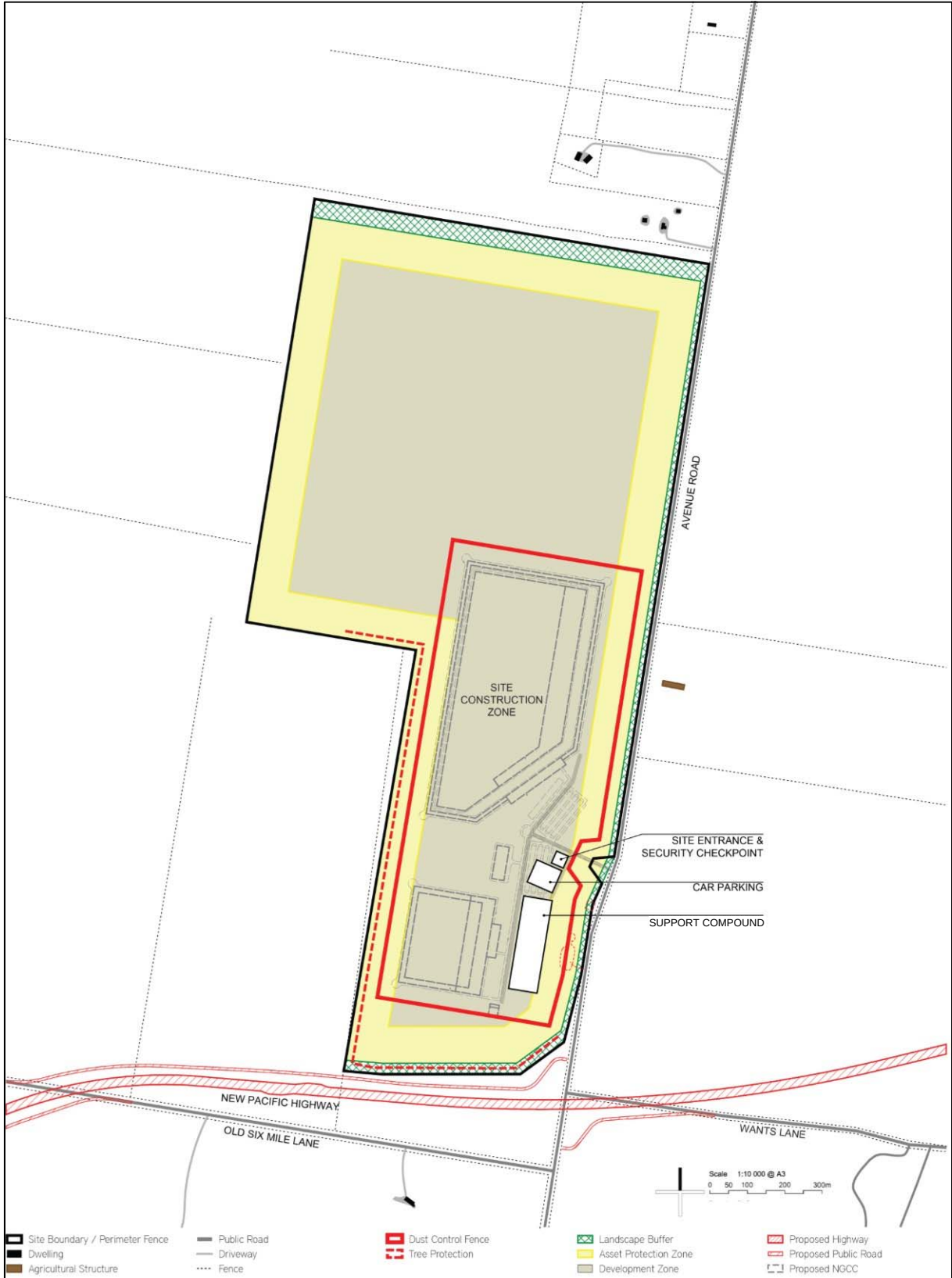


Figure 6: Concept Proposal - Option 1 - Northern Siting

(Source: EIS)



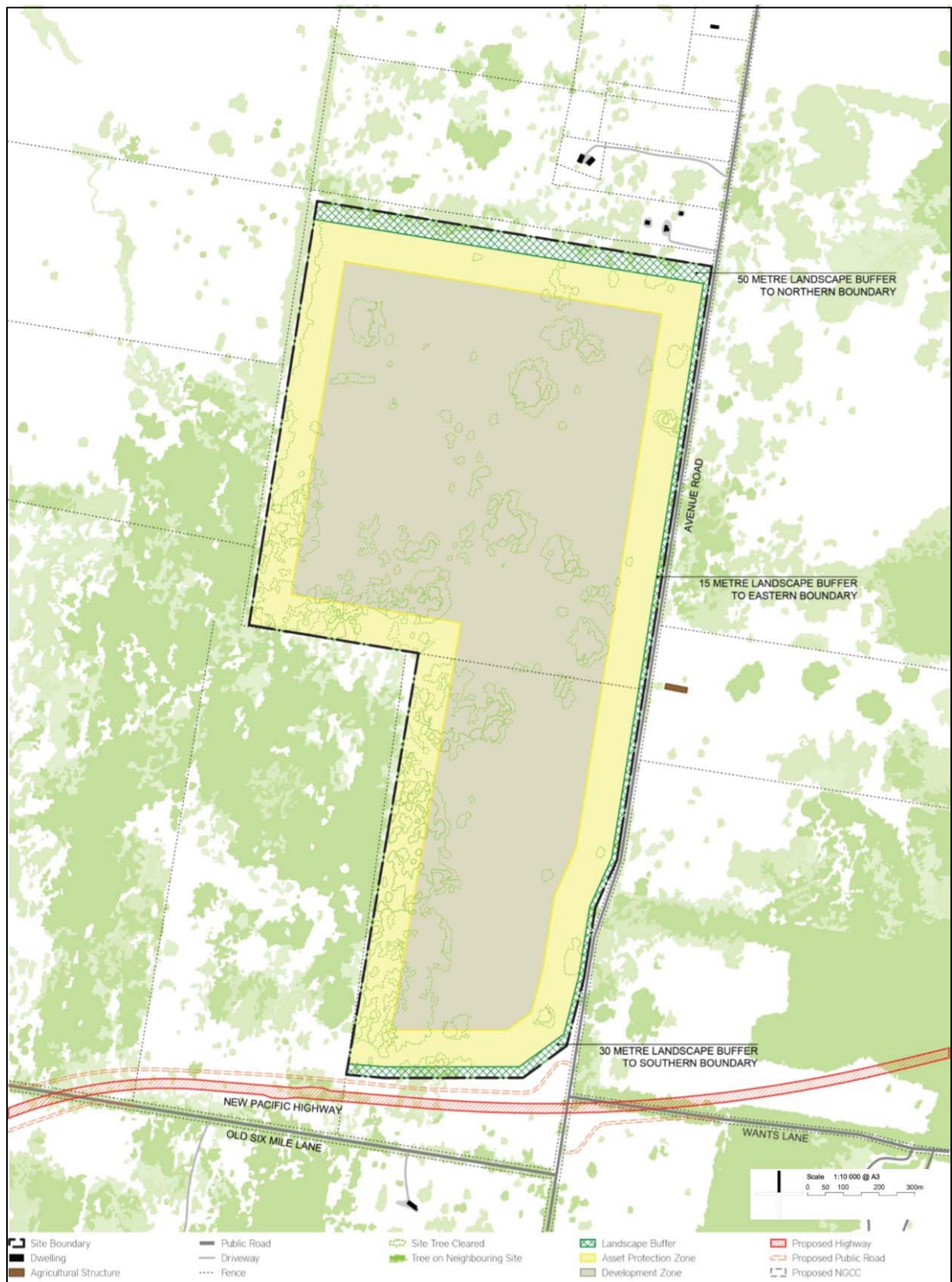


Figure 8: Landscape Mitigation Plan

(Source: EIS)

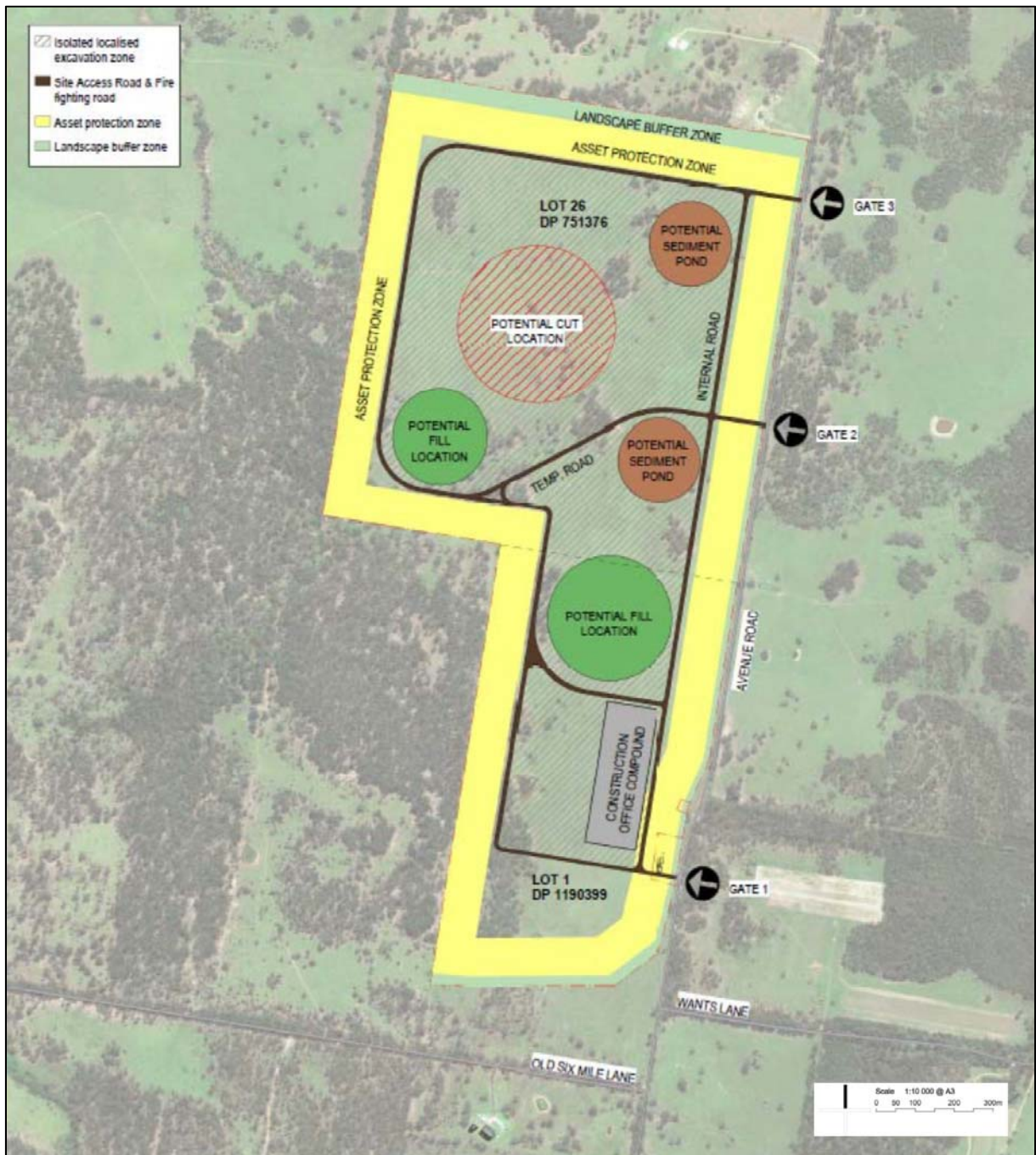


Figure 9: Stage 1 – Preliminary Site Works Plan

(Source: RtS)

1.4 Project Need and Justification

The project has arisen due to significant growth in both short and long term demands for capacity within the NSW correctional services network. The Environmental Impact Statement (EIS) states that there has been an unprecedented and unexpected rise in inmate numbers, which has seen previous inmate population projections for 2030 being surpassed in 2015.

This project is a primary action under the NSW Government's Prison Bed Capacity Program, which seeks to increase bed numbers through a range of options in the NSW prison system to accommodate the immediate and estimated long-term demands. The implications of not proceeding would result in the State being unable to adequately accommodate inmates in Northern NSW given the long-term capacity constraints within the NSW prison system, prisoner population forecasts and constraints to upgrading old Grafton gaol.

2 STRATEGIC AND STATUTORY CONTEXT

2.1. Strategic Context

The Department of Planning and Environment (the Department) considers the proposal is appropriate for the site when considered against the State's strategic framework, given it:

- is consistent with NSW State Priorities to build infrastructure focussing on reducing domestic violence and reoffending;
- is consistent with the Mid North Coast Regional Strategy and the *Draft North Coast Regional Plan*, as it would provide necessary services and infrastructure and support economic growth and new employment opportunity in a regional centre and on relatively unconstrained land; and
- would provide significant direct investment and new jobs in the Region.

2.2. State Significant Development

The proposal is classified as State significant development (SSD) in accordance with Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*, because it is development for the purpose of a correctional centre with a capital investment value (CIV) in excess of \$30 million. Therefore, the Minister for Planning is the consent authority.

2.3. Consent Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions were received objecting to the proposal.

2.4. Permissibility

The site is zoned RU2 Rural Landscape and SP2 Infrastructure (Classified Road) under the *Clarence Valley Local Environmental Plan 2011* (LEP). In accordance with this LEP, the development of a correctional centre is permissible with consent in the RU2 Rural Landscape zone but prohibited in the SP2 Infrastructure zone. In accordance with the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), a correctional centre is permissible on land zoned SP2 Infrastructure.



Figure 10: Land use zones

(Source: NSW Planning Portal)

2.5. Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) were considered in the assessment of the proposed development:

- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP);
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy (Rural Lands) 2008* (Rural Lands SEPP); and
- *Clarence Valley Local Environmental Plan 2011* (LEP).

Detailed consideration of the provisions of all EPIs that apply to the proposed development is provided in **Appendix B** of this report. The Department is satisfied that the proposed development complies with the relevant provisions of these EPIs.

2.6. Objects of the EP&A Act

Decisions made under the *Environmental Planning and Assessment Act 1979* (EP&A Act) must have regard to its objects, as set out in section 5 of the EP&A Act (see glossary at **Appendix C**). The proposal complies with the objects of the EP&A Act, particularly those listed below.

Table 3: Objects of the EP&A Act relevant to the proposed development

Object	Consideration
5(a)(i)	The development would ensure the proper management and development of suitably zoned land for the social welfare of the community and State.
5(a)(ii)	The development would economically serve the community through new jobs and infrastructure investment.
5(a)(iii)	All necessary services will be provided to the site in a coordinated manner.
5(a)(vi)	With the implementation of conditions of consent, the impacts of the development can be mitigated, managed or offset to ensure the environment is protected.
5(a)(vii)	The proposal is consistent with the relevant Ecologically Sustainable Development (ESD) principles (see Section 2.8).
5(b)	The development has been assessed in consultation with relevant government agencies and Council.
5(c)	The application was exhibited in accordance with section 89F(1) of the EP&A Act to provide public involvement and participation.

2.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (POEA Act) (see glossary at **Appendix C**). Section 6(2) of the POEA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle,*
- inter-generational equity,*
- conservation of biological diversity and ecological integrity,*
- improved valuation, pricing and incentive mechanisms.*

The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project.

Whilst the proposal would result in the loss of some significant species and habitat areas on the land, a biodiversity offset strategy (BOS) has been prepared to mitigate the loss. The site is not within a floodplain area and bushfire hazard can be managed with appropriate APZs and other design and operational procedure requirements. The site is unlikely to be impacted by changes in sea level resulting from climate change.

The EIS notes the proposal is consistent with ESD principles and also identifies that ESD initiatives would be incorporated into all future design and construction works for the correctional centre. The ESD initiatives that would be investigated for these future stages include:

- potential accreditation under industry best practice sustainability schemes;
- use of recycled materials; and
- minimising resources requirements through optimising efficiency of energy use, utilising renewable energy, water recycling, use of water efficient fixtures and waste recycling.

The Department has considered the development in relation to the ESD principles and is satisfied that the proposed sustainability initiatives would encourage ESD in accordance with the objects of the EP&A Act and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

2.8 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.9 Secretary's Environmental Assessment Requirements

The EIS is compliant with the Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

2.10 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES). The EIS for the development has concluded that the development would not impact on any of these matters, and therefore is not a 'controlled action'.

The MNES which required assessment under the EPBC Act are listed and summarised below:

- Grey-headed Flying-fox (vulnerable). The potential impacts relate to the loss of potential foraging habitat on-site. It was determined that the project site does not contain roosting habitat and that the loss of on-site vegetation would have a minor impact on the species, given that similar foraging habitat is widespread throughout the locality.
- Swift Parrot (endangered) and the Regent Honeyeater (critically endangered). The potential impacts relate to the loss of potential foraging habitat for both of these species. It was determined that the loss of on-site vegetation would have minor impact on these species, given that similar habitat is widespread throughout the locality and region.
- Koala (vulnerable). The potential impacts relate to the loss of habitat on the site and mortality, due to increased traffic movements. Five reported Koala food tree species were recorded on site, including one primary species, three secondary species and one supplementary species. This potential habitat has been determined to be a low density population, based on a large scale study of Koala presence and activity in the study area as part of the Pacific Highway upgrade. It is not anticipated that the proposal would have a detrimental impact on the Koala.

The Applicant has concluded that the proposal would not have a significant impact and therefore a referral to the Commonwealth Department of Environment and Energy is not required. This is because the site does not contain suitable roosting resource, the species with potential foraging habitat on-site have extensive foraging ranges, widespread similar foraging habitat through the locality and the low density Koala population. It is the Applicant's responsibility to consult the Department of Environment and Energy to determine the need or otherwise for Commonwealth approval and any development consent is not contingent on Commonwealth concurrence and would not absolve the Applicant of its obligations under the EPBC Act.

3 EXHIBITION CONSULTATION AND SUBMISSIONS

3.1 Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was made publicly available for community comment.

The Department advertised the public exhibition of the SSD application in the *Coastal Views* on 12 August 2016 and *Daily Examiner* on 13 August 2016 and notified adjoining landholders and relevant State and local government authorities in writing.

The proposal was publicly exhibited for 37 days from 13 August 2016 until 19 September 2016, with copies being made publicly available at the following locations:

- the Department's website;
- the Department's Sydney Information Centre and Grafton Regional Office; and
- Clarence Valley Council (Council).

The Department received a total of 20 submissions during the exhibition of the application - seven submissions from public authorities, including Clarence Valley Council, and 13 submissions from the general public.

A summary of the issues raised in the submissions is provided in the following sections.

3.2 Public Authority Consultation and Submissions

No public authority objected to the proposal, however, Council, Roads and Maritime Services (RMS), Transport for NSW (TfNSW), the Office of Environment and Heritage (OEH), NSW Rural Fire Service (RFS), Department of Primary Industries (DPI) and Department of Industry – Resources and Energy (DIRE) provided comments for consideration in the Department's assessment of the application. A summary is provided in **Table 4**.

Table 4: Public authority submissions

Council
• Council raised issues relating to: - economic, housing, tourism and social benefits and impacts; - potential traffic impacts and the road upgrading recommendations; - effluent management; - provision of infrastructure and services; and - native vegetation, identified threatened species and the extent of clearing.
RMS
• RMS raised no objection to the proposal, and recommends a Traffic Management Plan be prepared to ensure no disruption with the Woolgoolga to Ballina Pacific Highway upgrade project (W2B) and coordinate utility use with RMS' delivery partner, Pacific Complete. • RMS requires a detailed traffic assessment to be undertaken at further development stages of the correctional centre, regarding impacts on local roads including: - Avenue Road to Eight Mile Lane; - the existing Pacific Highway and Eight Mile Lane; - Old Six Mile Lane and the existing Pacific Highway; and - Old Six Mile Lane and Avenue Road.
TfNSW
• TfNSW raised no objection to the proposal, and recommended that: - a Road Safety Audit for the access roads is prepared considering the traffic environment under the existing and likely future scenarios. This is to ensure road upgrades are designed in accordance with the relevant Austroads Design Guide; and - adequate bus shelter and turning circle areas are established on-site to facilitate appropriate bus services to and from the site

OEH
OEH raised issues with the level of detail in the proposal regarding biodiversity, Aboriginal cultural heritage and acid sulfate soils and recommended that further information be provided to support the concept proposal.
RFS
RFS raised no objection to the concept proposal and Stage 1 works and provided recommended conditions of consent which relate to the creation and maintenance of APZs on-site, provision of fire fighting vehicle access and water supply and the preparation of a fire management plan.
DPI
- DPI required additional information to be provided regarding the management of surface and groundwater at the site and also requested that the Applicant liaise directly with DPI when determining implementation and operational requirements for water supply at the site. - DPI also noted that an unnamed public road adjoins the site to the north and noted that the Applicant should consult with Department of Industry Lands if seeks to utilise this roadway.
DIRE
DPI raised no issues to the proposal, noting that a Petroleum Exploration Licence which previously existed over the land has been relinquished.

3.3 Public Submissions

The Department received 13 submissions from members of the public, of which seven objected to the proposal and six provided comments. The issues raised in the submissions related to:

- consideration of alternatives;
- land acquisition;
- biodiversity, flora and fauna;
- infrastructure servicing (excluding effluent management);
- traffic and road access;
- safety;
- heritage;
- significant land for agriculture;
- effluent management;
- surface water flows;
- inadequate consultation;
- residential amenity;
- property values;
- social and economic impacts;
- inadequate EIS; and
- inconsistency with the Strategic Planning Framework.

These issues and the number of times they were raised in the submissions are summarised in **Table 5**.

Table 5: Public Submissions

Issue	Key points raised
Consideration of Alternatives	- Alternative options to manage prison populations have not been considered in the EIS. - Questions the suitability for a privately run correctional centre as a means for reducing re-offenders.
Land Acquisition	The acquisition of land and displacement of the landowner is unlawful and unjust.
Biodiversity, Flora and Fauna	- Biodiversity, flora and fauna studies have not been undertaken over a suitable time period. The potential construction and operational impacts have not been appropriately quantified. - Long term and permanent environmental costs should not be further minimised and the ecological integrity of the region should not be compromised.
Infrastructure Servicing (excluding effluent)	- Health risks for human and animals associated with living close to new high voltage electrical services. - Infrastructure servicing requirements have not been appropriately investigated or costed. - New infrastructure services should be connected to adjoining properties.
Traffic	- Local road network not suited to accommodate traffic movements associated with the correctional centre. - Limit traffic movements along Avenue Road. - Right of way access must be maintained through Lot 1 DP 1201636 or alternative access arrangements provided, if Lot 1 DP 1201636 is to be acquired for the correctional centre.
Safety	- Police response times to the new centre would be approximately 15 minutes - On-site operations should ensure protection of residents, staff and visitors. - Community is ill equipped to handle escapes. - Concern regarding the social demographic which the centre would attract and the movement of people in the area.
Heritage Impact	- Potential impact on potential aboriginal objects and places have not been investigated appropriately, including a Bora Ring. - Incorrect reference to Traditional aboriginal Country - should reference Gumbaynggirr Traditional Country.
Significant Land for Agriculture	- The land has agricultural significance as flood refuge area. Loss of this land has not been addressed. - Poses impacts on productive agricultural land adjoining the site. Impacts on adjoining landholders and Clarence River floodplain need to be investigated further. - The EIS does not recognise this land as productive farmland. The project is inconsistent with the Draft North Coast Regional Plan direction for protecting significant farmland. - Avenue Road is used to move cattle. This road needs to remain fenced. - Provide 'cattle on road' signage to ensure safe cattle driving activities.
Effluent Management	- Details regarding effluent disposal are lacking and need to be investigated further. - Potential to impact waterways and wetlands due to runoff and effluent disposal.
Surface Water Flows	- Changes to the surface levels would impact water flows over the site and towards adjoining land. These have not been addressed to ensure no detrimental impact. - There should be no runoff on adjoining land, including a tea tree plantation, EECs and Melaleuca community. Further investigation is required including a review of rainfall data. - Ephemeral tributaries have not been identified or considered in any surface water management strategy.

Inadequate Consultation	• Consultation with adjoining landholders has not been undertaken • Delay of information being made available. • Incorrect information in EIS contrary to former media releases and political announcements.
Residential Amenity	• The centre would have a detrimental visual and privacy impacts on the area. • The centre would create light spill which would detrimentally impact adjoining residencies. • Road widening would impact other private property access points. • Impacts from noise. Adjoining landowners should be notified of construction hours and operations. • The boundary fencing has been incorrectly installed and should be rectified as part of the works.
Property Values	• The impacts of the new correctional centre on the property values and saleability of the adjoining private land.
Social and Economic Impacts (excluding safety)	• Job creation figures are not consistently being calculated and reported. • There is no detail regarding the potential impacts on the Grafton Base Hospital. • The potential to detrimentally impact the social and economic environment of Grafton has not been investigated or quantified appropriately.
Inadequate EIS	• The site investigations, likely impacts and proposed management strategies in the EIS are inadequate. • There are incorrect descriptions and images of Avenue Road included in the EIS.
Draft North Coast Regional Plan	• The proposal is inconsistent with the Draft North Coast Regional Plan.
Miscellaneous	• Pest management needs to be investigated further. • EIS has not been completed by local consultants. • Inconsistent with the RU2 Zone Objectives. • Illegal works have commenced on the land prior to consent being issued. • Sustainable built form and fit out should be provided.

Submissions - Key Issues

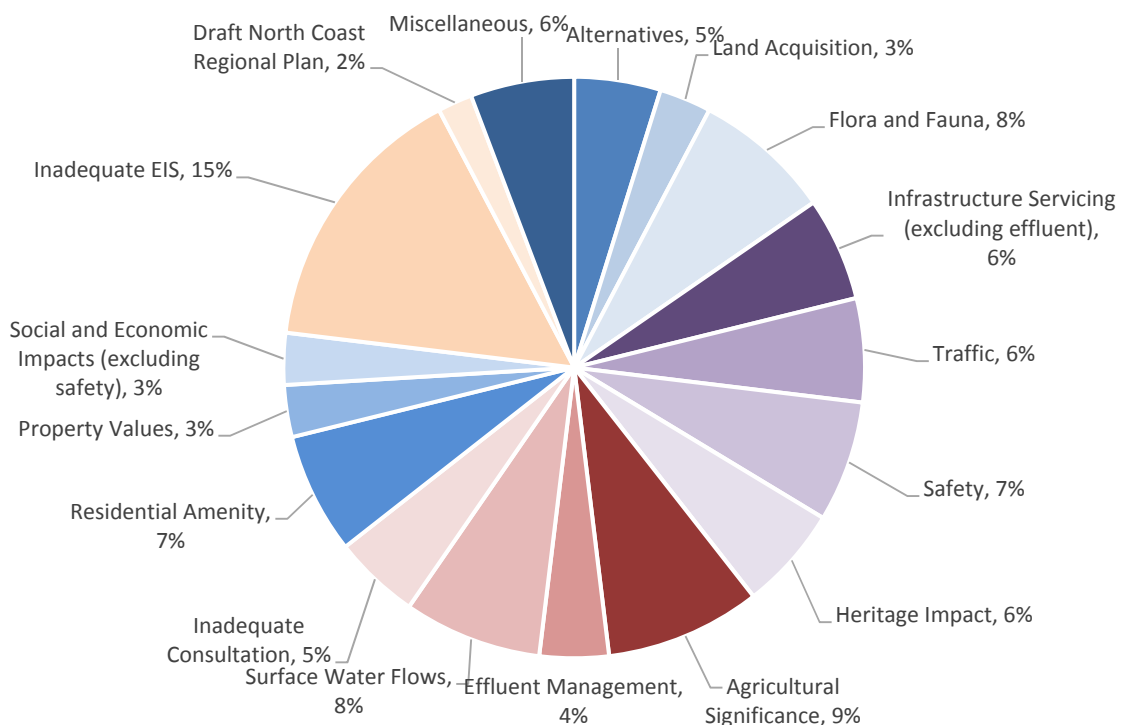


Figure 11: Key issues raised in the public submissions

3.4 Response to Submissions

The Applicant provided a RtS on 2 November 2016, which did not include modifications to the concept proposal but did provide additional detail, refinement and commitments in relation to:

- ongoing community and government agency consultation;
- traffic, access and provision of bus services;
- wastewater irrigation areas and storage volumes;
- biodiversity assessment and offset strategies;
- aboriginal heritage management;
- acid sulfate soil sampling;
- management of drainage, sediment and erosion;
- bushfire management;
- social and economic impacts;
- infrastructure provision and contributions;
- construction and operational management including construction hours, odour, noise, safety, lighting; and
- flood management.

The Applicant's RtS was forwarded to Council and public authorities and was made publicly available on the Department's website and at its offices. A summary of the comments provided by the public authorities is in **Table 6**. A further submission was made by a member of the public re-iterating concerns made in their original submission.

Table 6: Public Authority comments regarding RtS

Council
• Made comments relating to: - potential traffic impacts and access issues and the likely need for road upgrading; - ensuring water supply conduits do not interfere with road and construction activities and future ownership of these services; - contribution payments; - ensuring ongoing liaison with government agencies under future proposals; and - further work being required to determine social and economic impacts.
RMS
• Indicated it was satisfied with the Applicant's response to its submission and noted that it would provide further comment when the intersection traffic studies are provided for the next phase of the project.
TfNSW
• Provided its appreciation to the Applicant making allowance for bus services to the new correctional centre. • Acknowledged and was supportive of a Road Safety Assessment (RSA) being undertaken at Stage 2 to confirm whether road upgrade works are required. • Noted it would provide further advice regarding this matter through the Stage 2 EIS process.
OEH
• Indicated it was satisfied with the Applicant's response to its submission however recommended that further review be undertaken regarding the potential occurrence of Subtropical Coastal Floodplain Forest. • Also noted that references to the Wallum Froglet appear incorrectly under the EIS.
RFS
• Indicated it did not have any additional comments.
DPI
• Recommended the following: - drainage lines be managed in accordance with DPI Guidelines; - sustainable and secure water supply be determined during the early stages of the project; - potential impacts on groundwater be considered early in the project and further clarification be provided regarding the potential to intercept and therefore impact groundwater.

DIRE
Noted it had no additional comments to provide and raised no issues regarding resource management.
EPA
- Advised it is generally satisfied with the proposal for wastewater management based on the preferred option. - Recognised though that the working paper is based on various assumptions which require more detailed investigation, including matters such as detailed soil investigation, nutrient balance, and a comprehensive environmental assessment of potential effluent discharge locations. - The EPA's support is conditional on these and other detailed assessments being conducted which would help guide the final design and management parameters of a wastewater treatment plant and reuse system. - Provided draft conditions of consent regarding matters to be included in a Construction Environmental Management Plan (CEMP) and further investigation around effluent management and disposal.

4 ASSESSMENT

4.1 Section 79C Evaluation

Section 79C of the EP&A Act sets out the matters to be considered by a consent authority when determining a development application (refer to the glossary at **Appendix C**). **Table 7** below summarises these matters and also the Department's consideration.

In summary, the Department is satisfied the proposed development is consistent with the requirements of section 79C of the EP&A Act.

Table 7: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The proposal complies with all relevant environmental planning instruments - see Section 2 and Appendix B .
(a)(ii) any proposed instrument	There are no proposed instruments or any relevant instruments which are subject to public consultation at the time of preparation of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to the relevant DCP at Appendix B .
(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations	The development application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 6 of the EP&A Regulation), public participation procedures for SSD's and schedule 2 of the EP&A Regulation relating to environmental impact statements. Refer to discussion at Section 2.8 .
(a)(v) any coastal zone management plan	The site is not within the coastal zone.
(b) the likely impacts of that development	The impacts of the development have been considered and can be appropriately mitigated or conditioned - refer to Section 4.2 and 4.3 .
(c) the suitability of the site for the development	The Department is satisfied that the site has been appropriately selected - refer to Sections 2 and 4.2 and 4.3 of this report.
(d) any submissions	The Department received 20 submissions during the exhibition period and one public submission to the RtS. The issues raised in the submissions have been discussed and addressed in Sections 3 and 4 of this report.
(e) the public interest	The proposal is considered to be in the public interest given the following: - the proposal is consistent with the State Government's strategy for increasing correctional centre capacity in NSW; and - the new correctional centre would provide a boost to the regional and local economies through the construction and operational phases. The recommended conditions of consent impose a range of controls for the Stage 1 works and future development phases, which the Department considers would ensure any potential detrimental impacts of the development are appropriately reviewed, managed and minimised. - refer to Section 4.2 and 4.3.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

4.2 Key Issues

The Department has considered the EIS, the issues raised in submissions and the Applicant's response to these issues in its assessment of the proposal. The Department considers the key issues to be:

- site suitability;
- wastewater management
- social and economic impacts;
- biodiversity impacts;
- traffic and access; and
- built form and visual amenity impacts.

Other assessment matters including bushfire, contamination, infrastructure provision, flooding and hydrology, aboriginal and non-aboriginal heritage, noise and vibration, conflict with adjoining land uses and infrastructure contributions have been addressed in **Section 4.3**.

4.2.1 Site Suitability

The suitability of the site for a new correctional centre was a key issue raised in public submissions, with many submissions stating that the new correctional centre would be better placed in an urban area, where it would not detrimentally impact on agricultural activities and rural amenity. The submissions also raised concern regarding the capacity of the roads to service the new centre as well as perceived environmental, social and economic impacts associated with a new correctional centre being established on the land.

The NSW Government announced in June 2015 that the area of Grafton had been selected to accommodate a new northern region correctional centre to meet the State's need for increased prison capacity. As outlined in the EIS, the old Grafton gaol has been in town since 1893. The size of the existing Grafton gaol site however makes it unsuitable for accommodating current and projected capacity needs. The Grafton gaol is expected to remain operational given the long-term capacity constraints and population forecasts.

A large and relatively unconstrained site is required to accommodate the new correctional centre. A working group comprised of key government agencies including Department of Justice, Infrastructure NSW, the Roads and Maritime Services, Treasury and the Department investigated sites within a 40 km radius of the Grafton Town Centre. The broad criteria used to guide the site selection process included: access to roads, ecology, floodplain, ownership, property size, services, slope, surrounds, zoning and land use. The subject site was selected as the preferred site for the new correctional centre given its size, location and lack of environmental constraints.

The site is located 12.5km from Grafton and would be located adjacent to the new Pacific Highway alignment, which is currently under construction. Being within close proximity to Grafton, the project would assist this regional centre by providing new job opportunities.

Approximately 84 per cent of the site is cleared of mature vegetation, and whilst the proposal would still result in the loss of vegetation, a Biodiversity Offset Strategy (BOS) has been prepared to offset the loss. Furthermore, the land is not within a riverine corridor; is not flood prone; is not within a water catchment area; is relatively flat and not subject to landslip; and is not classified as wetland, prime agricultural, environmentally sensitive, sensitive coastal or scenic protection. The Land Capability and Soil Salinity Working Paper in the EIS confirms that the soils are not saline and the land is suitable for the proposed use. This preliminary analysis also indicated that the land may be suitable for effluent disposal. Natural hazard risks such as bushfire, acid sulfate soils, stormwater runoff and contamination can be controlled with appropriate design and construction procedures.

Concern was raised in the public submissions regarding the potential for the correctional centre to impact on adjoining land uses, with specific regard to impacts on agricultural practices; residential amenity; visual impact; and safety.

In accordance with *Living and Working in Rural Areas* (DPI 2007), setbacks of a minimum 50 metres should be achieved between grazing land and non-agricultural land uses. The EIS presents two concept locations for the site, being a southern and northern siting. Under both concept locations, setbacks of approximately 150 metres can be achieved between the proposed on-site facilities and adjoining grazing land. Boundary landscaping as well as APZs would be established and maintained within these setback areas.

These landscaped setback areas together with controlled noise and lighting activities and upgraded access roadways, where required, would ensure the operations of the correctional centre do not detrimentally impact on surrounding agricultural activities and the rural amenity of the area.

Regarding the loss of agricultural land, the Department considers the use of the land for correctional facilities acceptable as the site is not mapped as regionally significant farmland in the mapping undertaken for the Mid North Coast Farmland Mapping Project 2008, which identifies the region's important farmland, and the land zoning permits correctional centres.

In regard to the residential amenity, visual impacts and safety impacts, these matters are considered in the following sections and would need to be further considered in the development application for Stage 2 where the location, design and operational practices of the centre would influence the level of mitigation required to address these matters. The Department is satisfied that these matters can be suitably addressed for the site given the buffers and separation from adjoining residential dwellings that can be provided. The Department has recommended conditions requiring the future development application for Stage 2 to address impacts on adjoining land uses, including design, noise, lighting, safety, traffic, use of crown roads and right of ways and on-site operations.

On the basis of the above, the Department considers that the proposed location of the new correctional centre is justified. The facility would provide much needed correctional service capacity as well as significant benefits towards infrastructure investment and new job opportunities in the Clarence Valley and northern region.

Further detail regarding site specific issues is provided below.

4.2.2 Wastewater Management

Concept Proposal

The Applicant's revised Wastewater Servicing Working Paper (WSWP), which was submitted with the RtS, indicates the preferred option for on-site wastewater management outlined in the proposal consists of on-site treatment of effluent with approximately 51 per cent of the treated wastewater reused within the facility (for uses such as irrigation of playing fields, water for cooling towers and toilet/urinal flushing). The remaining 49 per cent is proposed to be used for an agricultural irrigation scheme located on the project site. This scheme would include an irrigation storage dam.

The revised WSWP concluded that the water balance modelling results have decreased the required irrigation area from 30 hectares to 25 hectares and the required storage volume from 40ML to 20ML. The RtS identifies that approximately 125 hectares of land is available on-site that drains to the west, away from the lowland areas to the east of the site. The RtS proposes that this area is sufficient to accommodate the required irrigation area of 25 hectares.

The preferred option for on-site treatment and re-use of wastewater on the site is dependent on the site having suitable soils and area to accept the entire volume of wastewater produced

from the proposed facility. The Applicant has advised that a detailed site and soil analysis has not yet been undertaken to determine the area of the site that is suitable for effluent disposal, as it would be addressed in a future development application for the detailed design and construction of the centre.

The WSWP notes that off-site discharge options are limited by nearby SEPP 14 wetlands, the distance to the Clarence River and the availability of neighbouring properties that may utilise the water. It notes that further studies would be required to determine an appropriate location for discharge of any unused treated wastewater. The RtS notes that no beneficial groundwater users were identified in close proximity to the site.

The size of the wastewater treatment system currently proposed for the facility does not exceed the thresholds specified in the *Protection of the Environment Operations Act 1997* (POEA Act) for a licence from the EPA. However, the Wastewater Servicing Working Paper recommends seeking approval from the EPA so that an off-site discharge can be approved and licenced if necessary following further investigations of the suitability of the site for effluent disposal.

Council has noted that off-site discharge would require a licence under the *Water Industry Competition Act 2006*.

The EPA advised that it is generally satisfied with the proposal for wastewater management based on the preferred option and that further detailed assessments can be conducted at a later stage to inform the final wastewater treatment system and its installation. The EPA has indicated that it would accept a licence application if this was determined to be required.

The Department notes that:

- buffers between groundwater bores on the site and the effluent disposal area have not yet been identified;
- the method of construction of the irrigation area and detailed soil analysis to ensure the soil conditions are appropriate for the nominated disposal area have not been provided;
- the agricultural irrigation scheme does not nominate the crop proposed to be grown in this scheme, which would have a significant impact on the amount of water used for irrigation on the site;
- the model used to assess the water demands and wastewater flows includes a number of assumptions that need to be further justified, such as the adopted average daily water use per inmate of 331L/d (which is closer to the minimum typical water usage in the range for prisoners) as this would influence the amount of effluent produced and the ability of the site to accommodate on-site effluent disposal; and
- the evaporation data uses figures from Coffs Harbour, which are more reflective of the climatic conditions at Grafton compared to the Inverell data originally used, but is still likely to be quite different to evaporation data in Grafton considering the climatic differences between the two locations.

The Department considers that the conceptual analysis of the above matters at this stage is acceptable given the potential for variations in the detailed design stages but would need to be carefully considered and justified in water and wastewater assessments for the detailed design within the environmental capacity of the site. This would include a detailed calculation of the water inputs and wastewater outputs, including justification of the figures used, and comprehensive site and soil analysis to inform the final design of the wastewater treatment and storage system, including consideration of Alstonville evaporation data to verify findings. Conditions of consent to this effect have been recommended.

The Department is satisfied that adequate provisions can be made for the future servicing of the next stage of development in relation to effluent disposal. The Department is satisfied that options exist either for the treatment of effluent on site, with wastewater adequately re-used or disposed of on site or alternatively for off-site disposal to a licensed facility to be negotiated.

This option would require that the applicant to negotiate with Council to make suitable arrangements for the disposal of effluent to an existing facility and be subject to relevant infrastructure contributions or licensing requirements.

Stage 1 Works

Temporary wastewater services for construction workers would be required within the site for the Stage 1 works. The EIS does not identify any significant issues or required works for the provision of wastewater services for the Stage 1 works but notes that a Waste Management Strategy would be prepared prior to the commencement of these works.

It is anticipated that wastewater service infrastructure requirements for these works would be minimal and managed with temporary services and/or utilising the infrastructure already provided for the existing dwelling. In this regard, the Department is satisfied that the impacts associated with these works can be appropriately mitigated and managed, subject to recommended conditions.

4.2.3 Social and Economic Impacts

The EIS and RtS have considered the likely social and economic impacts of the project on the local region on the basis of broad concept parameters. The EIS notes the following broad public benefits:

- positive economic benefit to the region of approximately \$557 million in value add, representing an increase in the regional economy by 0.45 per cent;
- employment opportunities during the construction and operational phases of the correctional centre;
- expansion of a stable industry, diversifying the economy of Grafton; and
- increased demand for employment training services, expanding the level of service delivery and capability (including staffing) in the area.

The RtS notes that there is potential for a marginal increase in demand for housing during the peak construction period. To mitigate this potential short-to-medium term impact, the Applicant has been in ongoing discussions with Council over alternative accommodation options during the construction phase.

The RtS also noted that due to the location of the proposed correctional centre, being 12.5 km out of Grafton, it is unlikely to have an impact on the visitor economy of the town or social demographics as demonstrated in the case study of Lithgow. The case study in Lithgow also indicated that it is unlikely that passers-by would forgo staying in the area due its association with the correctional centre. Similarly, the Lithgow case study indicates that inmates rarely remain within the local township once released, family members rarely relocate to be near a loved-one and any increased demand for local services has been negligible.

The proposal would have benefits for the economy and therefore social benefits for the region as growth could support associated increase in services and facilities. The extent of these positive impacts is dependent upon how the operation of the corrections facility is to be managed in relation to the development and nurturing of employment and economic collaborative relationships within the broader community. Details of these relationships and the extent of the operator's commitment will need to be detailed as part of the next stage of the development to enable a detailed assessment of social impact to be undertaken.

Although a number of potential negative impacts associated with a correctional centre are mitigated due to the distance of the facility from centre of town. A number of social impacts will be further investigated in preparing the detailed design of the centre when decisions about the location of the facilities on the site and operations of the facility are being formulated. This will enable the nature and extent of impacts to be identified, as well as the proposed management of residual impacts on the residents of the adjoining properties and on local services and

facilities. Further details of the positive social benefits would also be detailed in this assessment, such as adjoining residents benefitting from improved infrastructure to the site (road, water, telecommunications, etc.) and potentially improvement in bus services for the town.

Accordingly, the Department recommends that a comprehensive Social Impact Assessment (SIA) be prepared for the Stage 2 development application for the detailed design and operation of the facility and must address, but not be limited to, the following matters:

- preparation of a social baseline study;
- details of the extensive, inclusive and participative program of community engagement informing the SIA which actively seeks input from the affected community and other stakeholders (including various qualitative methods) in order to identify the impacts from the perspectives of those affected;
- identification of the directly-affected community and other stakeholders, specifying in what way each might be affected;
- clearly distinguish between potential impacts (technical and perceived) on adjoining neighbours / landholders and broader regional impacts, including significance of the impacts by assessing duration, extent, sensitivity, severity and level of community concern;
- completion of a qualitative community profile (including values and aspirations) as well as a quantitative baseline of key social indicators;
- identification of any diversity of views/concerns that might exist in the community;
- relevance of any previous, current, and anticipated relevant developments (e.g. Pacific Highway upgrade) and how these might shape community views; and
- discuss mitigation options for potentially significant negative social impacts, and propose strategies to secure and maximise beneficial impacts, including monitoring and reporting mechanisms.

The Department appreciates that the social impacts cannot be clearly identified at the conceptual stage given the final location and operational information is yet to be detailed. The Department is satisfied that a more detailed SIA would be prepared and submitted with the future stage to construct and operate the correctional centre. This SIA should be informed by an extensive program of community engagement, including a Community Consultative Committee. This would ensure a complete understanding of the potential social and economic impacts and maximise beneficial outcomes for the community associated with the final design of the facility and operational commitments.

4.2.4 Biodiversity

A Biodiversity Assessment Report (BAR) and Stage 1 and 2 BOS's, prepared in accordance with the *Framework for Biodiversity Assessment: NSW Offsets Policy for Major Projects* (FBA), have been submitted. The BAR provided an assessment of the likely impacts on biodiversity including predictions of vegetation clearing, potential impacts on any threatened species or populations, and a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts.

The BOS for the site is being developed in three stages. Stage 1 identified the relevant credit requirements and included a search of the public register for relevant biobanking credits. The Stage 2 BOS included an updated search of the public register and a search using available spatial data for properties that may contain relevant vegetation that could be used as offsets. A Stage 3 BOS would address whether BioBanking agreements could be established for the potential sites with the relevant landowners, including verification of the suitability of the vegetation for offsets, or identify the supplementary measures required to offset the biodiversity impacts.

Approximately 84 per cent of the 195 ha site has been cleared of trees as a result of past agricultural and rural settlement land uses. Some tree cover does however remain, with scattered patches of remnant vegetation predominantly occurring in the western portion of the

site. It has been calculated that approximately 30.3 ha of the site is vegetated and that this vegetation does provide habitat for listed threatened species.

The vegetation survey identified three Plant Community Types (PCTs) within the site. The PCTs include:

- Coastal freshwater meadows and forblands of lagoons and wetlands (PCT 782);
- Spotted Gum – Grey Box – Grey Ironbark dry open forest of the Clarence Valley Lowlands of the NSW North Coast Bioregion (PCT 1209); and
- Spotted Gum – Grey Ironbark – Pink Bloodwood open forest of the Clarence Valley Lowlands of the NSW North Coast Bioregion (PCT 1211).

The forest vegetation types on the site are not endangered ecological communities (EEC) and the lagoons / wetlands are not consistent with the EEC listing under the *Threatened Species Conservation Act 1995* (TSC Act) as they are artificially constructed dams and do not occur on the coastal floodplain.

No threatened plant species were recorded from the targeted survey of the site. There were nine threatened fauna species recorded on the site, however, several other threatened fauna species, which were not recorded on the site were considered to have a moderate to high likelihood of occurring. Threatened species include:

- Grey-headed Flying Fox – vulnerable species under the TSC Act and EPBC Act;
- Rufous Bettong – vulnerable species under the TSC Act;
- Little Lorikeet – vulnerable species under the TSC Act;
- Grey-crowned Babbler – vulnerable species under the TSC Act;
- Brolga – vulnerable species under the TSC Act;
- Brown tree creeper – vulnerable species under the TSC Act;
- Little Bentwing Bat – vulnerable species under the TSC Act;
- Glossy Black-Cockatoo (*Calyptorhynchus lathami*) – vulnerable species under the TSC Act; and
- Wallum Froglet (*Crinia tinnula*) – vulnerable species under the TSC Act.

The BAR determined potential direct and indirect impacts based on a worst case scenario and on this basis assumes that the majority of the site would be cleared. It was also noted that potential impacts to threatened fauna and their habitat would not only occur during clearing in the short-term but also in the long-term as a result of the reduction in habitat throughout the landscape. The direct impacts include:

- removal of native vegetation;
- loss of food resources;
- loss of tree hollows and woody debris (sheltering and breeding habitat); and
- loss of ephemeral wet meadow (breeding and foraging habitat for wetland dependant species).

Potential indirect impacts considered in the BAR include:

- increase sedimentation and erosion along the drainage lines;
- interaction with groundwater;
- changes to hydrology;
- fragmentation of identified biodiversity links and habitat corridors;
- edge effects on adjacent native vegetation and habitat;
- injury and mortality of fauna;
- spread of noxious weeds;
- invasion and spread of pests;
- invasion and spread of pathogens and disease;
- noise, light, dust and vibration; and
- cumulative impacts.

A range of mitigation measures have been detailed to address expected impacts during the construction and operational stages of the project. It is expected that further detail regarding these measures would be outlined in the final recommended Construction Environmental Management Plan (CEMP) and associated Flora and Fauna Management Plan, which would be prepared and approved prior to construction works commencing. These measures include:

- only clearing each stage of the project as required so that vegetation would be retained as a buffer area until future stages commence;
- providing nesting boxes in retained habitat within the buffer areas;
- selecting a fire trail and break buffer to avoid removing vegetation and habitat;
- undertaking a pre-clearing inspection to identify nesting areas;
- capturing and relocating fauna during habitat removal activities;
- any dewatering of artificial dams is to be avoided during late spring and summer, the breeding period for most frogs;
- the re-establishment of native vegetation in buffer lands along the northern, eastern and southern boundaries of the site comprising 10.4 ha which would retain 1.3 ha of PCTs and be incorporated into the landscape zone;
- construction during daylight hours only;
- selecting appropriate locations for the main construction access and placement of ancillary facilities that avoid tree removal;
- weed and pest control during construction and operation; and
- minimising travel and work during night hours to avoid vehicle collisions and minimise light and noise impacts.

Despite these measures, impacts on biodiversity, including loss of remnant vegetation and known threatened species habitat would result from construction and operation of the proposal.

The proposal seeks to mitigate the impacts through biodiversity offsets, including purchasing and retiring appropriate credits established under the Biobanking scheme or undertaking supplementary measures where credits are not available. The required offset requirements have been calculated in accordance with the FBA Bio-Banking Credit Calculator and **Tables 8 and 9** provide a summary of the offset requirements.

Table 8. Ecosystem credits summary

Plant Community Type	Credits
Costal freshwater meadows and forblands of lagoons and wetlands	42
Spotted Gum – Grey Box – Grey Ironbark dry open forest of the Clarence Valley Lowlands of the NSW North Coast Bioregion	539
Spotted Gum – Grey Ironbark – Pink Bloodwood open forest of the Clarence Valley Lowlands of the NSW North Coast Bioregion	654
Total	1,193

Table 9 Species credits summary

Species	Credits
Black-necked Stork	54
Brolga	9
Brush-tailed Phasogale	592
Common Planigale	770
Emu population	788
Koala	770
Little Bentwing-bat	394
Rufous Bettong	788
Squirrel Glider	651

OEH has raised concern regarding the possible occurrence of Subtropical Coastal Floodplain Forest on the site and recommended that further review be undertaken before final ecosystem credits are determined and clearing works commence.

The Stage 2 BOS confirms that offsets are available in the local and regional area to meet the requirements of the project, noting that this figure may change following further detailed review of potential Subtropical Coastal Floodplain Forest. Whilst the Stage 2 BOS found that limited credits are currently available for immediate purchase, there are a number of properties on the Expression of Interest (EOI) register that are likely to meet the requirements in addition to other local properties that are not registered. It is proposed that under Stage 3 of the BOS that more detailed investigations of the prospective potential offset properties would be undertaken to determine the preferred offset sites. OEH considered this approach acceptable given the time and effort required to secure the offset site/s. OEH also acknowledge that there is the ability for supplementary measures to be delivered in accordance with the FBA in the event the offset site/s cannot be secured.

It is considered that the proposal would result in the loss of biodiversity values on the site but the impacts can be adequately compensated. Conditions of consent are recommended to ensure that within 12 months of any vegetation clearing works being undertaken on the land that ecosystem and species credits are purchased and retired in accordance with Stage 3 of the BOS to be approved by the Secretary within three months of any consent for the project. Conditions requiring the BAR and BOS be updated to reflect the occurrence of Subtropical Coastal Floodplain Forest and Conditions and wallum froglet have also been recommended. Recommended conditions for the Stage 1 works require a CEMP and Flora and Fauna Management Plan be prepared to help avoid, minimise and mitigate the loss of biodiversity during Stage 1 construction works.

4.2.5 Traffic and Transport

Concept Proposal – Traffic and Network Capacity

The EIS and Traffic and Access Working Paper have considered the existing and likely future traffic conditions along the local road network surrounding the site. It also considers the planned upgrades to this network in association with the new Pacific Highway upgrade. This review has determined that existing traffic flows are well below the road classifications and that key intersections operate satisfactorily under existing conditions.

The review estimates that an additional 1,600 traffic movements would occur along the local roadways per day when the centre is operational and at capacity, with an estimated hourly peak of 250 movements between 2 pm and 3 pm. Despite this increase, the EIS indicates the local road network is expected to continue to operate within capacity. Commitments are proposed in the EIS that upgrade works to this network would be undertaken if further assessment for Stage 2 identifies upgrades are necessary to ensure a safe traffic environment is maintained and local traffic movements are not compromised. These commitments include:

- upgrade of Avenue Road to either improve passing places or for the road to be widened between the site and Eight Mile Lane; and
- upgrade of the Avenue Road and Eight Mile Lane intersection to accommodate two way traffic along Avenue Road for at least 50 metres on the approach to the intersection. Pavement markings and Give Way signs should be installed on Avenue Road to provide formalised priority controlled T intersection.

The Department notes that no objection was raised by RMS, TfNSW or Council in relation to traffic generation and impacts on the surrounding road network, however each of these public authorities noted that greater traffic analysis is required to confirm and inform any design of road upgrade works for Stage 2. Concerns were also raised in public submissions in relation to whether the Applicant's traffic survey recognises the state and conditions of this local road network accurately.

The Department considers it highly likely that this analysis would identify the requirement for upgrade works to the local roadways, given they are rural roadways and for the most part not built to a two lane width standard. The EIS notes that any upgrades to the local road network would be subject to separate / additional assessments and approvals and in co-ordination with any Pacific Highway upgrade works.

Concerns were raised in the public submissions regarding the possibility for additional traffic movements to impact on local agricultural activities, as the local road network is also used for moving cattle.

The Department is aware of at least one stock moving permit (Holding Reference 109168542) that has been issued by Local Land Services. This permit allows for the walking of cattle along Avenue Road and Lavadia Road.

Any future construction or operational management plans for the project should therefore be prepared in consultation with local road users, including the stock moving permit holder, to ensure it recognises activities like cattle movements particularly during flood events. The Department has recommended a condition that requires the Applicant to demonstrate in the future application for Stage 2 that adequate measures are implemented to ensure stock movements along Avenue Road can be maintained along the entire length of the site during construction and all operational activities and consider how such activities may impact operations.

Given the proximity of the proposal to the Woolgoolga to Ballina Pacific Highway upgrade project (W2B), the final traffic management plan and traffic control plan should be prepared in consultation with the W2B contractor, RMS, Council and local residents and submitted to the Department with the future application for the construction and operation of the centre.

Concept Proposal - Car Parking

To calculate the peak car parking demand for the correctional centre, the Applicant considered there would be a maximum of 200 staff on-site for shifts and up to 50 visitors. To allow for shift handover, it is proposed to establish up to 500 car parking spaces on the site. A delivery and loading and associated turning area would also be accommodated on-site.

The Department notes the proposed 500 space car parking area and loading facility is indicative only at this stage, and that the specific car parking demand generated by the proposal would need to be determined and addressed in Stage 2 of the project. It is also noted that neither Council nor TfNSW raised concerns regarding car parking.

The Department is satisfied that based on the indicative operational characteristics of the correctional centre, suitable provision could be made to accommodate all required car parking on the site. However, appropriate conditions of approval are recommended requiring the submission of a detailed traffic assessment, wherein details and the design of the proposed car parking facility can be further considered.

Concept Proposal - Site Access

There is only one vehicle access point proposed for the site, which would be from Avenue Road. The actual location and design of the proposed site access would be developed and proposed as part of the development application for Stage 2. It is considered that a stopping/viewing distance of at least 160 metres can be accommodated and therefore no issues are raised regarding identifying the site access at a later stage of the project. TfNSW has also identified that the detailed design would need to consider the potential bus services accessing the site. The Applicant supports any bus service and the Department has included a recommended condition requiring the future application for the construction and operation of the centre demonstrate that the site access and internal road network has been designed to accommodate bus services.

Stage 1 Works – Traffic, Network Capacity and Parking

The EIS and Traffic and Access Working Paper identifies that construction traffic for Stage 1 is likely to travel to and from the site via Avenue Road, Eight Mile Lane and the Pacific Highway. The Applicant also notes that it is anticipated that less than 100 construction vehicle movements are predicted per day in relation to Stage 1 works, which is within the existing road network capacity.

The EIS makes a number of commitments to ensure safe construction activities are maintained along these roadways and that local traffic movements are not compromised. In relation to Stage 1, these commitments include:

- liaising with the W2B contractor to ensure cumulative impacts for the two projects are coordinated and minimised;
- liaison with RMS and Council where required;
- possible upgrading / provision of passing places along Avenue Road;
- production of a traffic management plan and traffic control plan;
- further details on anticipated out of hours works to be outlined and approved under a CEMP; and
- undertaking a dilapidation survey prior to construction commencing.

The EIS and RtS have not recognised that Avenue Road, for the most part, is a single lane width rural roadway with no formal passing bays, despite it being two way. Vehicles under the current traffic environment are required to veer off the carriageway and onto the unsealed verge to allow vehicles travelling in the opposite direction to pass. Under the construction scenario, this is likely to result in cars and heavy vehicles frequently using the unsealed verge areas to allow other vehicles to pass. This in turn is likely to lead to damages to this roadway and potential safety issues.

Whilst the RMS has not required a road safety audit (RSA) be undertaken at Stage 1 of the project, TfNSW requested a RSA be undertaken for the existing situation and Council has raised concern that they would in fact need to be upgraded under this initial phase. In noting the predicted construction traffic generation of Stage 1 works, the Department considers the road upgrades are not required for this stage provided a road safety audit confirms the access roads are able to accommodate this construction traffic. The upgrade / widening works to Avenue Road would be required for the future centre and requires separate approval or approval as part of the development application for Stage 2. Council have since been provided with concept plan details of the Avenue Road upgrade and is generally satisfied with the design. The final detailed design would be submitted to Council for approval or with the development application for Stage 2.

As noted above, the construction works and associated traffic would impact on local agricultural activities, which utilise Avenue Road for stock movements. It is therefore considered appropriate that the construction management plan for Stage 1 works be prepared in consultation with local road users to ensure agricultural activities are not detrimentally impacted.

Car parking spaces would be provided on-site for the Stage 1 works. There would be no requirement to rely on the road network for car parking.

The Department is satisfied that potential impacts associated with construction traffic can be appropriately managed and mitigated, subject to conditions. The recommended conditions require that a construction traffic management plan be prepared in consultation with the W2B contractor, RMS, Council and adjoining landowners prior to the commencement of works. The recommended conditions require that a road safety audit and any safety risks for the Stage 1 works be addressed as part of the construction traffic management plan.

4.2.6 Built form and visual amenity impacts

The proposal includes the construction of a significant number of buildings and associated facilities that would have built form impacts given the surrounding rural landscape. The concept proposal prescribes a maximum height of 12 metres (three storeys) and approximately 100,000 sqm of floorspace. In addition to the future buildings, a six metre fence or wall would be constructed around the facility and 10 metre high light and security camera poles. The Applicant has identified the following design guideline and parameters for the future development of the facility:

- landscape screening between the APZ and the site boundary with canopy trees up to 20 metres and dense vegetation consisting of endemic native species;
- maximise distance between the development and the northern boundary to allow the existing ridge line within the site to partially screen the development;
- positioning the development more towards the western boundary to reduce the impact from Avenue Road;
- consider the role of the wall or fence in mitigating the view impacts of the development;
- variation of up to 20 per cent additional floorspace;
- provide separation between the two facilities on the site to reduce the visual impact when viewed from the north or south of the site;
- locate double storey buildings as far from neighbouring dwellings and Avenue Road;
- a single access point for regular traffic located away from the north-east and south-east corners of the site;
- investigate planting along Avenue Road reserve;
- early landscaping within vegetation zones to allow for plant growth;
- minimum 20 metre vegetation buffer zones to north and south to support broad variety of plant types with tall and mid storey characteristics to mitigate distant and direct view impacts;
- minimum 5 metre buffer zone to Avenue Road;
- creation of drainage swales in conjunction with landscape buffers to assist with long-term establishment of the planting; and
- dimming lights after dark.

No height or floorspace controls apply to the site under the LEP.

A number of public submissions raised visual amenity impacts as an issue.

The Department notes that this application is for a concept proposal and Stage 1 clearance and site preparatory works only. The concept proposal provides for a broad overview of what is proposed, establishing the framework for the detailed future development application.

The Department considers that as the detailed design of the built form elements would be considered under a subsequent future development application, it would be premature and inappropriate to consider matters of detailed design at this stage of the planning process as the location of the buildings would significantly alter the severity of the impact. The Department notes that a height limit and setbacks, including a vegetative buffer, have been included as design parameters to address the built form impacts. The three storey height limit is considered appropriate to ensure that the horizontal footprint is minimised, which mitigates visual and other amenity impacts. The vegetative buffer is also considered appropriate to assist in mitigating the visual and amenity impacts.

4.3 Other Matters

4.3.1 Bushfire Impacts

While the site is not mapped as containing bushfire prone land or being within a bushfire prone buffer area, bushfire risk associated with the remnant vegetation on and adjoining the site has been considered in the EIS.

Considering the structure and extent of the remnant vegetation, the Bushfire Assessment Working Paper submitted with the EIS has determined that parts of the site are in fact at high bush fire risk. The concept proposal in this regard commits to various design and operational bushfire protection measures. These include:

- establishing and maintaining a 100 metre APZ around the development zone as well as an APZ along the site boundary;
- providing internal access roads to ensure safe operational access into the site and around its perimeter;
- upgrading external roadways, where necessary, to ensure safe emergency access to and from the site;
- provision of adequate water supplies and safely locating electrical and gas services;
- ensuring emergency and bushfire management plans are in place during construction and operational phases; and
- ongoing maintenance to the property to reduce bushfire risk.

The NSW RFS raised no objections to the project and has recommended conditions to be included if development consent is granted. The NSW RFS noted that its response does not consider any final design for the site however. Bushfire risk management would need to be reviewed further at detailed design stage.

The Department supports the NSW RFS recommended conditions being included to ensure the commitments under the EIS are undertaken and that the recommendations of the NSW RFS are implemented.

4.3.2 Contamination

A preliminary Phase 1 contamination assessment has been undertaken for the site, which included a desktop review, review of historical information, and site walkover. No intrusive soil sampling has been undertaken.

This Phase 1 investigation identified six potential areas of environmental interest. The review determined that these areas have a low or low-moderate contamination risk rating and therefore recommended that further testing not be required. These areas of environmental interest over include:

- stockpiled miscellaneous waste material in the west of Lot 1 DP 1190399;
- the four farm dams on-site;
- the entire site, given it has been historically used of grazing activities;
- a broken down tractor on Lot 26 DP 751376;
- miscellaneous waste material across the site; and
- a septic tank associated with the existing dwelling on Lot 1 DP 1190399.

The Applicant proposes to include in a CEMP procedures to ensure potential contaminants, if encountered, are managed appropriately.

The public submissions received during the exhibition of the EIS indicated concern that flora downstream of the site has recently died and that this could be attributed to contaminants being exposed as a result of geotechnical test pitting and then draining from the site.

NSW planning guidelines recommend that detailed investigation / site testing should be undertaken where agricultural activities have been undertaken on the land and a change of use is proposed. Despite the findings of the Phase 1 review, it is considered appropriate that a Phase 2 assessment be undertaken for the site prior to excavation works given the historical use of the site for agriculture and significant earthworks are proposed as part of Stage 1. This assessment would provide more certainty into whether contamination is present and whether remediation is required. The Department has recommended conditions requiring this further

assessment before commencement of works and documentation requirements for Stage 2 if remediation is required.

4.3.3 Infrastructure Provision (excluding surface and waste water management)

Stage 1

The proposal states that temporary provision of water, power, and communication services would be made available within the site to the extent required to conduct Stage 1 works.

It is anticipated that the service infrastructure requirements for these works would be minimal and the infrastructure provided for the existing dwelling are likely to be adequate to service these works. The EIS does not identify any significant issues or required works for the provision of services for infrastructure for the Stage 1 works.

Concept Proposal – Electrical Services Provision

The EIS indicates that the facility would have a maximum electricity demand of approximately 15 MVA. It is proposed to supply electricity to the development via a high voltage overhead line from the nearest zone substation which is located at Koolkhan.

The proposal does not include details of the route of the proposed high voltage line, though it notes that two options are available. The first option is construction of the line within road reserves while the second option is the construction of the infrastructure across private property utilising easements. While the second option would require the negotiation and potential compensation of land owners it is likely to be the most cost effective option as the distance of the line can be minimised. The distance from the Koolkhan substation is approximately 24 kilometres.

A condition has been recommended requiring the development application for Stage 2 demonstrate that adequate electricity infrastructure would be provided to service the centre. This would be subject to a separate application or undertaken as development without consent by or on behalf of an electricity supply authority.

One submission raised concern with the potential health impacts of living in close proximity to future high voltage power lines that would service the proposed correction centre.

The RtS responded to this issue by noting that electricity infrastructure would be provided by the relevant service provider in accordance with industry standards. This matter can be addressed further in future stages of the development when the route of the proposed high voltage line is known and the actual distances from dwellings is known.

Concept Proposal – Telecommunication Services Provision

The concept proposal indicates that an existing Telstra copper cable services the residential properties to the north and south of the subject property. Telstra has advised that these copper cables would not have the capability to service the proposed development. Telstra has advised that an existing optical fibre cable is located in the vicinity of the Clarence Valley Regional Airport and it may be possible to provide communication services to the proposed development from this location.

The EIS notes that Telstra or the National Broadband Network's (NBN) ability to provide communication services to the project cannot be confirmed until closer to the build date. A condition has been recommended requiring the development application for Stage 2 to include detail of the final telecommunication infrastructure measures and the potential impacts on the surrounding properties.

The information provided in the EIS provides a level of satisfaction that the facility can be provided with suitable telecommunication facilities though detailed information would be required with the development application for Stage 2 of the development.

Water Supply and Water Cycle Management

The preferred option for the supply of reticulated water to the site is the provision of a pipeline along existing road reserves. Further detail would however need to be provided with Stage 2 of the project to confirm its installation would not impact on road and construction activities.

The revised Water Cycle Management Working Paper that supports the RtS indicates there is potential for the proposal to use recycled wastewater for cooling towers, irrigation and toilet and urinal flushing and roof water for all other uses or the use of recycled wastewater for all water uses in the facility. This would have the benefits of reducing potable water demand by up to 72 per cent and reducing wastewater discharges by up to 57 per cent. Any shortfall in recycled wastewater or roof water demand would be topped up from the reticulated supply system.

The use of roof water or recycled wastewater to reduce the need for reticulated water is supported, though greater detail of the water cycle management would need to be provided in the development application for Stage 2.

The information provided in the EIS provides a level of satisfaction that the facility can be supplied with a suitable water supply comprising roof water harvesting and a reticulated supply.

Other Infrastructure Issues

Submissions requested that all services provided to the proposed correction centre should also be provided to the surrounding residential properties. The RtS notes that the upgraded infrastructure would be designed for the proposed correctional facility only however some nearby residents may be able to benefit from some of the upgraded services. This matter can be explored further under Stage 2 of the project.

4.3.4 Flooding and Hydrology

The Flooding Working Paper submitted with the EIS confirms that the land and primary access routes to the site are outside the Clarence River floodplain and therefore not below the flood planning, probable maximum flood or predicted sea level rise areas. The land in this regard is not considered to be located on flood prone/liable land, as defined by the NSW Floodplain Development Manual 2005. The EIS notes, however, that there is potential for local flooding on the land from site catchment areas and also recognises that there are a number of ephemeral tributaries / drainage paths on the land that feed into the surrounding Coldstream River and Glenugie Creek catchment areas.

The RtS notes that localised flooding and runoff from the site would need to be managed through suitable site-based drainage design to ensure there are no flooding / stormwater runoff impacts on the land or downstream environments. This includes providing on-site detention areas and implementing water quality, erosion and sedimentation mitigation measures during the construction and operation of the correctional centre. These measures are listed under the preliminary CEMP for the Stage 1 works, however, there is limited detail provided under the EIS or RtS regarding on-site detention areas for this stage of the development. There has been no modelling undertaken at this stage of how water would flow over the land once the site clearance works are undertaken and what impacts this may have on downstream/catchment areas. This is because detailed earthworks plans for Stage 1 are yet to be prepared. Whilst the preliminary CEMP notes that drainage lines would be managed, it is considered appropriate that further investigation of this matter be undertaken to inform the final CEMP for the Stage 1 works.

The EIS notes that contingency plans should be implemented for the operations of the correctional centre to address impacts on access to the site. The Department considers similar plans should also be implemented during Stage 1 and future construction of Stage 2 of the project to address emergency management within the locality.

The Department has recommended conditions to ensure these matters are addressed prior to works being undertaken on the land.

In regard to the full development scenario, the EIS has calculated that the development would comprise approximately 33.5 ha of impervious area. This would require a stormwater detention system with a volume of 5,709 cubic metres calculated in accordance with *Northern Rivers Local Government Handbook of Stormwater Drainage Design*. Details of the method of construction of this detention system, its location and any other required stormwater management measures is proposed to be provided with the development application for Stage 2 of the project.

The site has sufficient area to accommodate the necessary stormwater detention facilities. However, more detailed design is required to ensure that the location of these facilities and the discharge point does not adversely impact on the effluent disposal area and effluent storage dam which are likely to share similar locations on the site.

4.3.5 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was undertaken to inform the proposal. The report was prepared in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010) and *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

The preparation of the ACHAR included a call for nominations of interest from local Aboriginal groups, publically calling for interested parties, a review of previous Aboriginal heritage assessments, land uses, cultural and geological conditions of the site, site inspections and excavations. In total, 17 artefacts were identified during the investigations. These artefacts were found in scatters, and in one case as an isolated artefact. These artefacts have led to the registration of three new AHIMS sites, and an expansion of an existing AHIMS site. The four AHIMS sites are listed in **Table 10**.

Table 10 Aboriginal heritage sites

AHIMS ID (name)	Description
09-4-0108 (W2XI Site 8) - extension	Artefact scatter
13-4-0192 (NGCC 2)	Isolated artefact
13-04-0193 (NGCC 1)	Artefact scatter
13-04-0191 (NGCC 3)	Artefact scatter

A potential archaeological deposit (PAD) area has also been noted under the EIS.

It is noted that all of the sites, and potential PAD area, within the project boundary would be directly impacted as a result of the project works. The Applicant has advised that the parties who have registered an interest over this land are supportive of the proposed management measures to salvage and collect artefacts.

During the exhibition of the proposal, OEH recommended the preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) prior to the commencement of works. OEH generally support the recommendations in the ACHAR and Archaeological Assessment Report (AAR), however suggested that an archaeologist and representatives of the Registered Aboriginal Parties (RAP's) should be present during salvage works and that reporting of any findings be undertaken. OEH and the Applicant have agreed to the Applicant preparing the ACHMP in liaison with OEH. The Department supports OEH's recommended conditions for approval.

Concern has been raised in the public submissions about the potential impact on a Bora Ring on this site. Despite the ACHAR investigations, no evidence of a Bora Ring was discovered on the land. It is considered appropriate, however, that the Aboriginal community be provided opportunity to identify this site to the Applicant as part of the preparation of the ACHMP. If

identified, the Applicant would need to ensure this site is appropriately managed. A condition requiring consultation with the Aboriginal community to identify the Bora Ring has been recommended.

Concern was also raised in the public submissions that the Yaegl people were contacted, when this land is in fact in Gumbaynggirr country. A search of the National Native Title Tribunal mapping shows no registered claims for this land. The process of public advertising and calling for interested parties to come forward in this regard is acceptable. OEH raised no concern with the consultation process which was undertaken to identify the interested parties or the identification of the RAP's. Accordingly, the Department is satisfied the participation of the RAP's is acceptable for the management of Aboriginal cultural heritage on the site.

4.3.6 Non-Aboriginal Heritage

An assessment of the non-Aboriginal heritage at the proposed site was undertaken in support of the proposal. The report by Jacobs Group (Australia) Pty Ltd found no items of non-aboriginal heritage within or adjacent to the subject site. It did however recommend mitigation measures should unexpected non-aboriginal heritage material, features or deposits, or human remains, be found. It is recommended a condition be included requiring compliance with the proposed mitigation measures.

4.3.7 Noise and Vibration

Stage 1 Works – Construction

The EIS provides a breakdown of the predicted construction noise levels for the Stage 1 works at surrounding sensitive receivers (residences), and compares these with the noise management levels (NML) under the *Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)* (ICNG). The sensitive receivers are shown in **Figure 12**, while the NML and predicted noise levels for the proposed works as listed in the EIS are shown in **Table 11**.

Table 11: Summary of predicted construction noise levels

Construction Stage	NML dB(A)	Predicted Noise Levels dB(A)
Land clearing	58	37 - 46
Earthworks	58	41 - 52
Building / car park construction	58	35 - 46
Landscaping and fencing	58	<30 - 37

The predicted construction noise levels are likely to be below the NML for all of the surrounding residences. Despite this, the EIS lists a range of standard construction management measures which would be employed on-site to ensure minimal impact. The EIS also notes that a Construction Noise and Vibration Management Plan (CNVMP) would be prepared prior to construction works occurring on the land. The construction noise levels would be unlikely to exceed the highly affected noise management level of 75 dB(A) for residential receivers and impacts would be appropriately mitigated by the implementation of the CNVMP.

The EIS does not detail how the predicted construction noise levels were generated and whether the predicted noise levels are based on each construction stage being located in close proximity to the relevant noise sensitive receiver. The EIS also does not identify if the results consider the possibility of two or more noise generating activities being undertaken on the site at the same time.

In this regard, the Department has recommended a condition requiring further consultation with the affected residents if noise levels are likely to exceed the NML. Undertaking consultation prior to construction works commencing is appropriate as details of the location, extent of earthworks and construction programming would be available to allow for more accurate construction noise levels and subsequent mitigation requirements to be determined.

Based on the assessment in the EIS noise impacts on surrounding residents can be adequately managed.

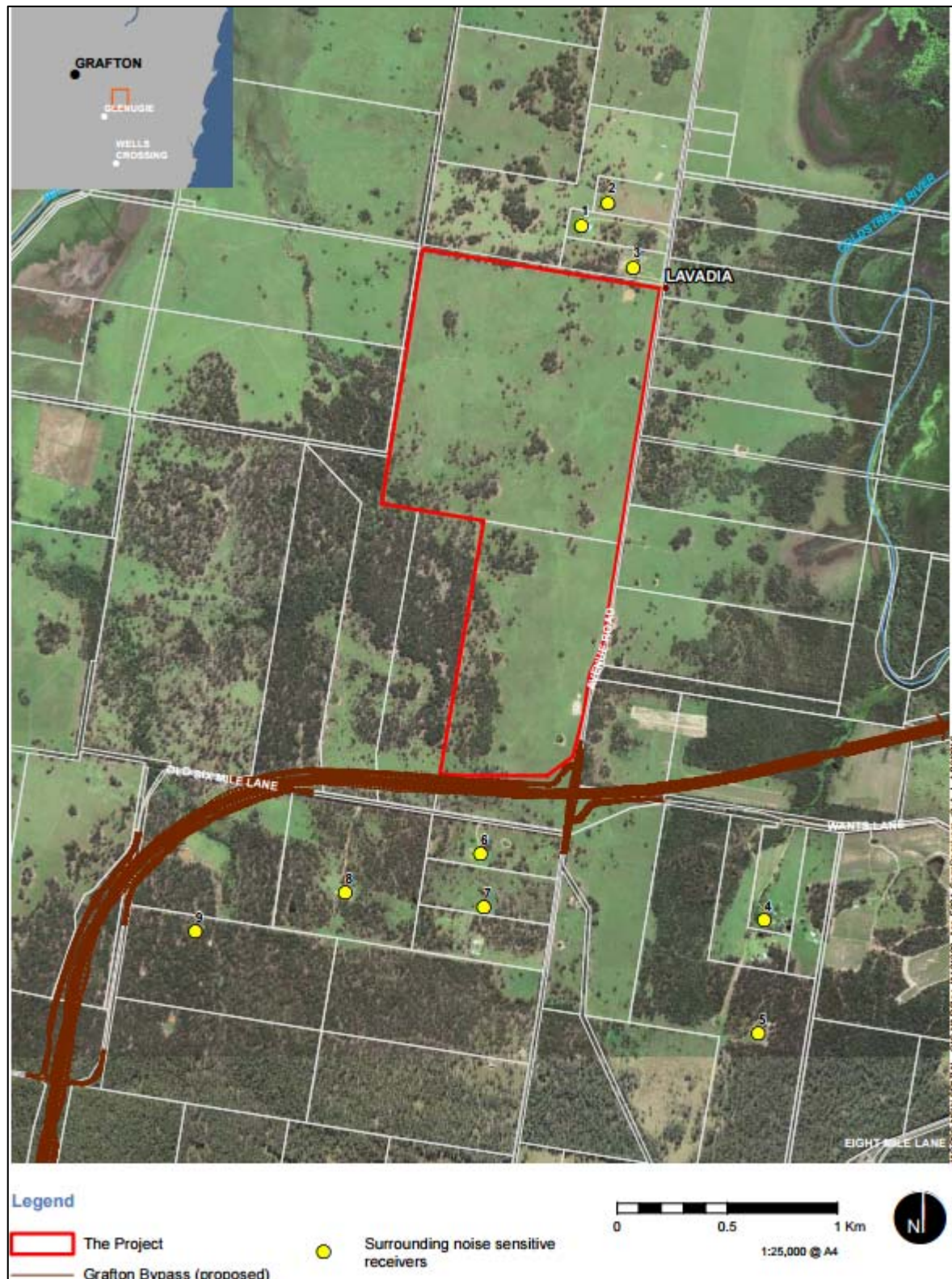


Figure 12: Sensitive noise receivers

(Source: EIS)

In regard to construction traffic noise, it is estimated that up to 50 vehicles per day per direction may be generated. The traffic modelling has estimated that at its peak, these additional traffic movements would likely increase noise levels at residences adjoining the local road network by 2 dB(A). The predicted maximum daily construction traffic noise in this regard would be 55 dB(A) which is less than the NML for construction traffic noise.

The Stage 1 works are expected to take between six and 12 months. The Department has included a recommended condition restricting construction hours to the standard construction hours recommended in the ICNG.

Vibration impacts are not predicted to be significant due to the setbacks provided between the site and the closest residence.

The Department considers the information provided under the EIS identifies that construction works, construction traffic noise and vibration can be managed to ensure minimal impacts for surrounding residences. The predicted noise levels are significantly lower than the highly affected noise level and therefore any potential cumulative impacts from W2B and Stage 1 works would be unlikely to exceed the highly affected noise management level of 75 dB(A). The EIS notes that construction methodology and equipment would be further developed during the construction design stage of the project and this would form part of a Construction Noise and Vibration Management Plan. The EIS also notes that if construction activities, other than emergency works or some deliveries, are required to be undertaken outside of standard working hours that this would be subject to a separate assessment and approval by the Secretary. These matters are addressed in the recommended conditions of consent.

Concept Proposal - Construction Noise and Vibration

The Applicant would need to demonstrate in any future development proposal that appropriate mitigation measures have been considered and would be implemented to manage noise and vibration impacts from the construction of the correctional centre. The impacts and mitigation measures would be dependent on the final design and location of the correctional centre. The Department has recommended a condition requiring a detailed Noise and Vibration Impact Assessment be prepared and submitted with the development application for Stage 2 to ensure that these issues are addressed.

Concept Proposal - Operational Noise

The noise generating activities associated with the operation of the future correction centre would include the operation of plant and machinery, public address (PA) systems, sirens and traffic. The EIS notes that operational noises, excluding traffic noise, would be short term and infrequent and not likely to result in exceedance of daytime and night time acceptable noise levels. It is considered that noise from plant and machinery, PA systems and sirens could be managed through standard acoustic treatments and operational procedures.

The traffic modelling has estimated that at its peak, these additional traffic movements would likely increase noise levels at residences adjoining the local road network by less than 3 dB(A).

The Applicant would need to demonstrate in any future development application for Stage 2 that the operation of the correctional centre would not result in any adverse noise impacts on the surrounding sensitive land uses (rural residences).

The Applicant has acknowledged in the EIS that additional noise monitoring would be undertaken as part of the acoustic assessment for the development application for Stage 2.

The Department has recommended a condition requiring a detailed Noise and Vibration Impact Assessment be prepared and submitted with the development application for Stage 2 to ensure that these issues are addressed.

Concept Proposal - Noise impacts on the Correctional Centre

The EIS considers noise impacts on the correctional centre due to surrounding noise generating activities. These include the new Pacific Highway and Clarence Valley Regional Airport. The EIS indicates that *NSW Road Noise Policy* criteria may be slightly exceeded if the correctional centre was to be located in the southern or central locations of the site but compliant in the northern development scenario. This is due to noise associated with the new Pacific Highway alignment.

The EIS notes that aircraft noise would not have any detrimental impact on inmates.

The EIS does not consider other noise generating activities such as the local road network and their potential to impact amenity within the correctional centre. This is likely because of the proposed perimeter and centre walls, the proposed setback of the development from adjoining roads and the results of the traffic modelling for the surrounding sensitive receivers (noted above).

The Applicant has acknowledged in the EIS that additional noise monitoring would be undertaken for future proposals. This would help inform the best location for the correctional centre on the site as well as any design and noise mitigation requirements.

The Department has recommended a condition requiring a detailed Noise and Vibration Impact Assessment be prepared and submitted with the development application for Stage 2 to ensure that these issues are addressed.

4.3.8 Biting Insects

The impacts of the development on mosquitos, sandflies and midges breeding areas and concurrently, the impacts of these species on the development have not been considered under the proposal. The northern region of NSW is a known sanctuary for these species, the land is within close proximity to SEPP 14 wetlands and floodplain areas and the Stage 1 works and concept proposal include both stormwater and wastewater detention areas on-site. These areas present primary habitats for supporting biting insect breeding.

Conditions have been recommended to ensure the development minimises the potential for creating new midge and mosquito breeding areas as well as detailing what measures are proposed in the development application for Stage 2 to ameliorate the impact of these species on staff, inmates and visitors.

4.3.9 Property Values

The Department acknowledges the issue raised in submissions received from the public regarding the risk to property values as a result of the proposed project. However, it is an established principle that the impact of a project on surrounding property value is not a planning consideration (refer e.g. *Trinvass Pty Ltd and Anor v Council of the City of Sydney* [2015] NSWLEC 151, [89]).

4.3.10 Land Acquisition

The Department acknowledges the issue raised in submissions received from the public regarding land acquisition as a result of the proposed project. The privately negotiated purchase of the land in relation to the project occurred prior to the lodgement of the application. The privately negotiated sale and purchase of the land is not a relevant planning consideration.

5 CONCLUSION

The Department has carefully assessed the merits of the proposal, taking into consideration the issues raised in submissions, and is satisfied that impacts of the proposal are satisfactorily addressed in the Applicant's EIS, RtS or through the Department's recommended conditions.

The application is consistent with the objects of the EP&A Act (including ecologically sustainable development), State priorities, the Mid North Coast Regional Strategy and the *Draft North Coast Regional Plan*. The proposed development would provide much needed capacity in the NSW correctional service network, whilst boosting the regional and local economies through the construction and operational phases.

The site is ideally located and suited to accommodate the new correctional centre and construction and operational works can be appropriately managed to ensure minimal impact. The proposal would result in the loss of biodiversity but appropriate biodiversity offsets would be provided to mitigate the impacts. The Applicant has committed to delivering the necessary road upgrades to support the additional traffic generated by the proposal.

The Department recognises that as it is primarily a concept proposal, certain impacts of the development cannot be measured or mitigated at this stage as it is subject to the detailed design of the centre and the operational practices of the future centre. The issues that would need to be carefully considered in the future application include: the built form; amenity impacts; social impacts, even though it is acknowledged that the proposal would have both positive and negative impacts for the residents and the broader community; and effluent management. The Department is confident that these matters can be addressed as part of the future development application for Stage 2 and has included recommended conditions detailing the requirements that have to be met in the environmental assessment of the future application for construction and operation of the centre.

The Department is also satisfied that the outstanding environmental management matters for the Stage 1 works can be addressed prior to works commencing on the site. The Department in this regard has recommended conditions to ensure that suitable information is provided prior to works commencing on the land.

The Department is satisfied that the proposal satisfactorily responds to the issues raised and recommends that the SSD application for the concept proposal and Stage 1 site works be approved, subject to conditions.

6 RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- (a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of this assessment report and appended documentation;
- (b) **grant consent** to the staged State significant development application for the New Grafton Correctional Centre (SSD 7413), subject to conditions of consent set out in the attached instrument at **Appendix D**; and
- (c) **sign** the attached development consent at **Appendix D**.

Prepared by: Luke Blandford
Acting Senior Planning Officer, Northern

Endorsed by:

 14/03/2017
Karen Harragon
Director
Social & Other Infrastructure Assessments

Approved by:

 14/3/17
David Gainsford
Executive Director
Priority Projects Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7413.
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7413.
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7413.

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

State Environmental Planning Policy (State and Regional Development) 2011

The aim of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) is to identify State significant development and State significant infrastructure.

The proposal is SSD in accordance with the SRD SEPP as it is development for the purpose of a correctional centre with a CIV in excess of \$30 million (refer to clause 16 of Schedule 1).

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

A detailed review for the proposal's potential to impact on Koala habitat has been undertaken as part of the preparation of a BOS for the site. Five reported Koala food tree species were identified on the site, including one primary species, three secondary species and one supplementary species. The BOS has been prepared to offset the loss of this habitat. Construction management measures have also been proposed to minimise the potential for works on the land to impact on the Koala. These measures would need to be reviewed and approved as part of any final CEMP.

The proposal is consistent with the aims of the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The Phase 1 contamination assessment undertaken for the site did not recommend that further testing be undertaken, however it confirmed that the land has historically been used for agricultural activities. This land use is recognised under NSW Planning Guidelines as a potentially contaminating activity.

The Department is satisfied that, in accordance with clause 7 of SEPP 55, the investigations undertaken of the subject site demonstrate that the site can be made suitable for the use of the site for the intended purpose. However, the Department has recommended a condition requiring a Phase 2 investigation be undertaken over the land prior to any earthworks commencing to confirm if there are any risks of potentially exposing contaminated soils and if so, how these soils should be managed to ensure minimal environmental impact before any application for the construction and operation of the facility.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective state wide delivery of infrastructure.

Schedule 3 of the Infrastructure SEPP requires traffic generating development to be referred to the RMS.

The proposal was referred to the RMS who raised no objection to the development. The RMS did request that its recommended conditions relating to intersection analysis for Stage 2 and consultation on construction works be included.

The development is considered to be consistent with the SEPP given that consultation with RMS has been undertaken and the issues addressed under Section 4 of this report. The Department has included recommended conditions to address the matters raised by RMS.

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy (Rural Lands) 2008 aims to facilitate the orderly and economic use and development of rural lands for rural and rural related purposes and minimise land use conflicts.

The proposed height and setbacks of the correctional centre under the concept proposal, together with construction and operational management procedures would ensure that the proposed development does not detrimentally impact on agricultural activities in the area. The Department is satisfied the proposed development is consistent with the Rural Planning Principles of the SEPP.

Clarence Valley Local Environmental Plan (LEP) 2011

The land is zoned part RU2 Rural Landscape and part SP2 Infrastructure (Classified Road), as identified under **Figure 10** of this report.

The objectives of both the RU2 Rural Landscape and SP2 Infrastructure (Classified Road) are provided within the glossary at **Appendix C**.

The proposed height and setbacks of the correctional centre under the concept proposal, together with construction and operational management procedures, would ensure that the proposed development does not detrimentally impact on agricultural activities in the area.

The EIS confirms that environmental hazards can be appropriately managed to ensure safe operations on-site and no cumulative impact for adjoining lands. An initial analysis has indicated that the proposal would not unreasonably increase the demand for public services and facilities and in fact would result in positive social and economic outcomes for the local area.

The proposal in this regard is consistent with the objectives for the RU2 Rural Landscape zone.

Although the proposed development on land zoned SP2 is prohibited under the LEP, it is permissible under the provisions of the Infrastructure SEPP. Development on land zoned SP2 would be limited to landscaping / asset protection activities. These works are compatible with and would not detract from the provision of the Pacific Highway.

The proposal in this regard is consistent with the objectives for the SP2 Infrastructure (Classified Road) zone.

Consideration of the relevant clauses of the LEP is provided in **Table 1**.

Table 1: Consideration of Clarence Valley LEP 2011

LEP Clause	Department Comment/Assessment
Clause 2.7 Demolition requires development consent	Demolition of the existing house and sheds form part of the Stage 1 works.
Clause 4.3 Height of buildings	N/A

	There is no height of building standard applied to the land under the Clarence Valley LEP 2012. The concept proposal seeks approval for building heights of up to 12 m (2-3 storeys).
Clause 4.4 Floor space ratio	N/A There are no floor space ratio provisions applied under the Clarence Valley LEP 2012.
Clause 5.9 Preservation of trees or vegetation	The application seeks to enter into a biobanking agreement to offset habitat loss from the site.
Clause 7.1 Acid Sulfate Soils	Part of the land is mapped as potentially containing Class 5 Acid Sulfate Soils. Whilst the preliminary testing which has been undertaken on the land identified low risk, the EIS recommends that further testing be undertaken in locations where excavation is required. The results of this testing would inform the preparation of an Acid Sulfate Soils Management Plan (if required). This is consistent with the provisions of the clause. The Department has included conditions of consent to this effect.
Clause 7.2 Earthworks	Stage 1 includes bulk excavation and site stabilisation works and a preliminary CEMP has been prepared to indicate that sediment, runoff and erosion would be controlled to ensure minimal environmental impact. The Department has included conditions of consent to this effect.
Clause 7.8 Essential Services	It is anticipated that the temporary service infrastructure requirements for the Stage 1 works would be minimal and can be accommodated on-site. All required services would be provided to the site under the full development scenario and this would be investigated under future development proposals.

Clarence Valley (Rural Zones) DCP 2011

It is noted that clause 11 of the SRD SEPP provides that development control plans do not apply to SSD. Despite this provision, consideration of relevant controls under the Clarence Valley DCP 2011 has been given in **Table 2**. The provisions under the Rural Zones chapter of the DCP have only been considered, given that development on land zoned for special purposes would generally be limited to landscaping / asset protection.

Table 2. Consideration of Clarence Valley (Rural Zones) DCP 2011

DCP Part	Department Comment/Assessment
Part B Notification and Advertising of Development Applications	Correctional centres are listed as development requiring notification and advertising. This application has been notified and advertised in accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation. The Department publicly exhibited the EIS from 13 August 2016 until 19 September 2016.

Part C General Development Controls for Rural Zones	The key objectives and controls under this part of the DCP seek to ensure non-rural development in a rural zone are in context with the surrounding environment and do not have an adverse impact on agricultural activities. The proposal is suitable on the land considering the controls under the DCP and would not result in any unreasonable impacts to the adjoining rural properties.
Part F Parking and Vehicular Access Controls	It is proposed to establish a maximum of 300 car parking spaces on-site for the Stage 1 works and 500 permanent car parking spaces on-site under the full development scenario. These spaces would be accessed from a single driveway point off Avenue Road. A delivery and loading and associated turning area would also be accommodated on-site. The Department considers the proposed site access arrangements to be satisfactory, acknowledging that construction plans for the temporary car park are to be provided and that a future development application for the detailed design and construction of the centre would be provided that would detail this car parking area.
Part G Sustainable Water Controls	The proposal indicates that there is potential to use recycled wastewater for cooling towers, irrigation and toilet and urinal flushing and roof water for all other uses or the use of recycled wastewater for all water uses in the facility. This would have the benefits of reducing potable water demand by up to 72 per cent and reducing wastewater discharges by up to 57 per cent.
Part H Erosion And Sediment Control	Stage 1 includes bulk excavation and site stabilisation works and a preliminary CEMP has been prepared to indicate that sediment, runoff and erosion would be controlled to ensure minimal environmental impact.
Part I Subdivision and Engineering Standards	The proposal does not seek to subdivide the land however all required services would be provided in accordance with relevant design standards.
Part J Advertisements and Advertising Structures	No advertising structures have been proposed under the Concept Proposal and Stage 1 works.
Part R Controls for Biodiversity and Habitat Protection	The application seeks to enter into a biobanking agreement to offset habitat loss from the site.

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation).*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.

Clarence Valley Local Environmental Plan (LEP) 2012

SP2 Infrastructure (Classified Road) Zone Objectives

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

RU2 Rural Landscape Zone Objectives

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide land for less intensive agricultural production.
- To prevent dispersed rural settlement.
- To minimise conflict between land uses within the zone and with adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure development is not adversely impacted by environmental hazards.

APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
