



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
New Grafton Correctional Centre Stage 2
Design, Construction and Operation
(SSD 8368)**



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

December 2017

Cover Photograph: Illustrative aerial perspective of the hospital (Source: EIS)

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ABBREVIATIONS

Applicant	Infrastructure NSW
APZ	Asset Protection Zone
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Consent	Development Consent
Council	Clarence Valley Council
DCP	Development Control Plan
DECCW	Former Department of Environment, Climate Change and Water
Department	Department of Planning and Environment
Dol	Department of Industry
EIS	Environmental Impact Statement
ENVA	Stage 2 - Environmental Noise and Vibration Assessment
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>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
ICNG	<i>Interim Construction Noise Guideline</i>
ISEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
IWMP	Integrated Water Management Plan
LEP	<i>Clarence Valley Local Environmental Plan 2011</i>
LGA	Local Government Area
Minister	Minister for Planning
NGCC	New Grafton Correctional Centre
NML	Noise Management Level
OEH	Office of Environment and Heritage
POEA Act	<i>Protection of the Environment Administration Act 1991</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services
RSA	Road Safety Audit
RtS	Response to Submissions
RWMP	Recycled Water Management Plan
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
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
WWMP	Waste Water Management Plan

EXECUTIVE SUMMARY

This report provides an assessment of a State significant development (SSD) application for Stage 2 of the New Grafton Correctional Centre (design, construction and operation) (SSD 8368) at 313 Avenue Road, Lavadia. The Applicant is Infrastructure NSW and the proposal is located within the Clarence Valley local government area. The development of the New Grafton Correctional Centre forms the second stage of the concept proposal approval for a 1,700 bed correctional centre. Concurrent approval was given for Stage 1 early works.

The proposal seeks approval for the design, construction and operation of the 1,700 bed maximum and minimum security correctional centre. The proposal includes 64 single and two storey buildings up to 9.8 metres high separated into two facilities to the north (maximum security) and south (minimum security) of the central administrative and visitors area. The development also includes associated on-site facilities, fencing, vehicle access, car parking, utility infrastructure, on-site concrete production and landscaping.

The proposal has a capital investment value (CIV) of \$701 million and would generate 534 operational jobs and 1,100 construction jobs.

The development is SSD under clause 16 of Schedule 1 to the *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. The Minister for Planning is the consent authority.

The EIS for the proposal was publicly exhibited for 46 days from 16 June 2017 until 31 July 2017. The Department of Planning and Environment (the Department) received a total of 26 submissions during this exhibition period – seven submissions from public authorities, including Clarence Valley Council (Council), and 19 submissions from the general public. A total of 12 of the public submissions objected to the development. The key matters raised in submissions relevant to the Stage 2 proposal related to: traffic impacts and road safety; impact on rural farming activities, including stock movements; impact on Aboriginal cultural heritage; perceived inadequate consultation; impact on the character of the local area; visual amenity impacts; safety concerns; waste water runoff impacts; amenity impacts; construction traffic impacts; and costs and environmental impacts from the related utility works.

The Applicant provided a Response to Submissions (RtS) on 25 September 2017, which sought extended construction hours from construction hours identified in the EIS and provided additional detail, refinement and commitments in relation to: consultation; social impacts; traffic impacts; impact on agricultural and farming activities; residential amenity impacts; waste water management; Aboriginal cultural heritage management; and out-of-hours work.

An additional four submissions from public authorities were received in response to the RtS, reiterating issues previously raised. The Applicant provided a further response to issues in a RtS Addendum on 24 November 2017. Additional submissions were received from RMS and RFS providing recommended conditions of consent.

The Department has considered the merits of the proposal in accordance with relevant matters under section 79C, the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, the *North Coast Regional Plan* and issues raised in all submissions as well as the Applicant's response to these issues.

The Department has assessed the merits of the proposal and has found the key issues associated with the project include: traffic and transport; social and economic impacts; built form and visual amenity impacts; waste water management and noise and vibration impacts.

The Department's assessment concludes that the traffic impacts from the development during the operational stage can be accommodated on the road network given the existing Pacific

Highway would be upgraded and good levels of service can be maintained. However, the design of the local road intersections may need to be upgraded to address future speed limits to be set post completion of the Pacific Highway upgrade and subsequent road safety issues.

The Applicant has minimised the social impacts on the directly affected surrounding landowners to address loss of the rural setting and impact on farming activities by:

- providing vegetative screening to protect visual amenity, minimise light spill impacts and maintain the rural landscaped character
- committing to road sharing with farmers moving stock along Avenue Road
- managing feral animals on the property.

The Department is also of the opinion that the waste water can be managed on site, subject to preparation of appropriate management plans and providing a 14 hectare irrigation area and 45 megalitre storage dam.

The Department considers the proposal is not inconsistent with the concept proposal.

The Department has recommended conditions that require:

- further traffic modelling and road safety audits for the construction and operation of the facility to ensure road safety during construction and operation given the significant increase in traffic on local roads at both stages
- measures to be implemented to manage peak construction vehicle numbers to ensure intersections do not reach capacity during the construction period
- preparation of the construction traffic management plan with Council and Roads and Maritime Services to ensure cumulative impacts are addressed
- preparation of a revised Waste Water Management Plan and Recycled Water Management Plan in consultation with Council, NSW Environment Protection Authority and Department of Industry
- ongoing reporting of monitoring of the waste water management system
- payment of section 94A and section 64 water contributions
- Department approval for out-of-hours work
- a potentially widened vegetative buffer along the southern boundary and south-eastern boundary to facilitate an east-west biodiversity corridor given the cumulative biodiversity impacts of the infrastructure projects
- an update of the Aboriginal Cultural Heritage Management Plan to consider and reflect views obtained from relevant knowledge holders or their representatives
- implementation of Asset Protection Zones and preparation of a Fire Management Plan.

The development would deliver critical justice infrastructure facilities to address the needs of the Northern Rivers Region. The facilities provide further investment in regional public infrastructure and supports a total of 1,634 new employment opportunities through the construction and operational stages of the development. The Department is satisfied that the subject site is suitable for the proposal. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State significant development (SSD) application for Stage 2 of the New Grafton Correctional Centre (design, construction and operation) (SSD 8368) at 313 Avenue Road, Lavadia (refer to **Figure 1**). The Applicant is Infrastructure NSW and the proposal is located within the Clarence Valley local government area (LGA).

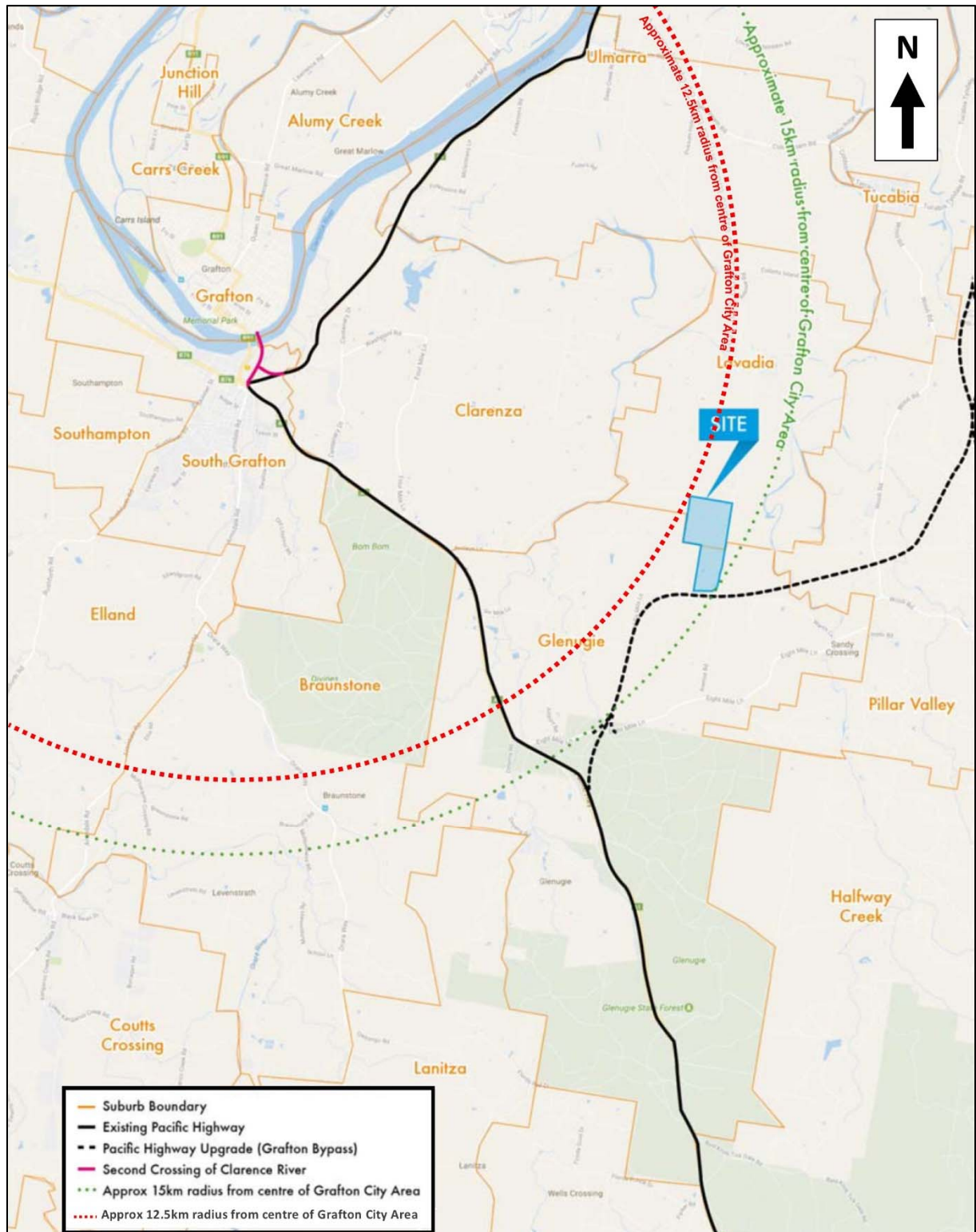


Figure 1: Site location (Base source: EIS)

The development of the New Grafton Correctional Centre forms the second stage of the concept proposal approval, which established the design parameters for a 1,700 bed correctional centre. Concurrent approval was also given for Stage 1 early works, including vegetation clearance works, bulk excavation works, demolition works, construction of access roads, construction of auxiliary facilities and provision of temporary water, power and communication services within the site.

The proposal seeks approval for the design, construction and operation of the 1,700 bed maximum and minimum security correctional centre. The proposal includes 64 single and two storey buildings up to 9.765 metres high separated into two facilities to the north (maximum security) and south (minimum security) of the central administrative and visitors area. The development also includes associated on-site facilities, fencing, vehicle access, car parking, utility infrastructure, on-site concrete production and landscaping.

1.2 The site and surroundings

The site is located in Lavadia 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 (refer to **Figure 2**).



Figure 2: View of the site to the south-west from Avenue Road (Source: the Department)

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 3**). Avenue Road aligns the eastern property boundary and provides access to the site. The new Pacific Highway alignment, which is currently under construction (refer to **Figure 3**), would form the southern boundary of the site. The site would adjoin the corridor for the new Pacific Highway. 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. Avenue Road adjoining the site is also being upgraded under a separate approval to facilitate the subject development.

The site is currently being partially cleared as part of the approved Stage 1 works. A number of scattered patches of remnant vegetation, the most extensive occurring in the western and south western portions of the site, have been retained. This remnant vegetation is contiguous with other extensive vegetation cover, located to the west and south of the site.

The land is currently being modified to provide individual building pads for the new development, otherwise 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 five sediment ponds currently constructed on-site that capture surface flows over the land.



Figure 3: Existing site layout (Base source: nearmap)

1.3.3 Previous approvals and other relevant applications

On 14 March 2017, a concept proposal and Stage 1 works for the new Grafton Correctional Centre (SSD 7413) was approved by the Executive Director, Priority Project Assessments, as delegate of the Minister for Planning under section 89E of the EP&A Act. The staged development approval comprised:

Concept proposal including:

- 1,700 maximum and minimum security beds, consisting of:
 - 1,000 maximum security beds for male inmates
 - 300 maximum security beds for female inmates
 - 400 minimum security beds for male inmates
- core correctional facility buildings including: maximum and minimum accommodation units; special accommodation units; health facilities; education and program 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 of the facility
- water, power, waste water and communication utilities within the site
- a maximum building height of 12 metres (approximately three storeys)
- total GFA of approximately 100,000 sqm
- vegetative buffer of 50 metres along the northern boundary, 15 metres along the eastern boundary and 30 metres along the southern boundary
- asset protection zone of 100 metres from every boundary or vegetation buffer
- one vehicular entry/exit point from Avenue Road
- 500 car parking spaces
- 1.5 metre high boundary fence
- landscaping of ground cover and /or shrubbery.

Stage 1 Works, including:

- vegetation clearance and biodiversity management activities
- bulk excavation and site stabilisation works
- demolition of the existing house and sheds
- construction of access roads including fire access roads to the extent required to conduct Stage 1 works
- construction of auxiliary facilities such as construction compound, construction staff parking facilities and stockpile sites
- temporary provision of water, power and communication services within the site to the extent required to conduct Stage 1 works
- landscaping.

The Stage 1 works are nearing completion.

2. DESCRIPTION OF PROPOSAL

2.1 Description of proposal

Table 1 provides a summary of the proposal's key components and features. **Figures 4 to 7** show the proposed site layout.

Table 1: Key components of the SSD application

Aspect	Description
Development Summary	Design, construction and operation of the 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 400 minimum security beds for male inmates.
Built Form	64 buildings, including visitor reception, special accommodation units, health facilities, education facilities, workshops, storage areas, staff and visitor facilities.
Other Facilities	- A six metre high fence and wall around maximum security facility - A six metre high fence around minimum security facility 12 metre high lighting/security camera poles - Site boundary fence - Associated facilities, including recreational oval - Internal access roads - Mobile on-site concrete production facilities - On-site waste water treatment plant and irrigation area.
Site Area	195 hectares
Building Height	A maximum building height of 9.765 metres (two storeys).
Gross Floor Area (GFA)	90,700 sqm
Access	One vehicular entry/exit point from Avenue Road.
Car Parking	850 car parking spaces
Public domain and landscaping	Retention of 16.6 hectares of vegetation. Landscaping works, including along access roads and around detention basins to supplement vegetative buffers planted as part of Stage 1 works.
Asset Protection Zone (APZ)	100 metres from maximum and minimum security facilities, car parking areas and driveways and 20 metres from waste water treatment plant.
Hours of operation	24 hours per day, 7 days per week (Visiting hours indicatively Wednesday to Sunday from 8:30 am to 4:00 pm and legal visits 8:30 am to 4:00 pm, 7 days per week)
Construction hours of work	7 am to 6 pm Mon-Fri; 8 am to 5 pm Sat; no work on Sun and public holidays.

The proposal has a capital investment value (CIV) of approximately \$701 million and would generate 1,100 construction jobs and 534 new operational jobs.



Figure 4: Site Layout (Source: EIS)



Figure 5: Aerial visual perspective of proposal from Avenue Road (Source: EIS)



Figure 6: Aerial visual perspective of minimum security facility from the east (Source: EIS)



Figure 7: Aerial visual perspective of maximum security facility from the north-west (Source: EIS)

2.2 Project Need and Justification

Project Need

The proposal has arisen due to significant growth in both short and long term demands for capacity within the NSW correctional services network. 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 proposal 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.

North Coast Regional Plan

North Coast Regional Plan (the Plan) sets out the NSW Government's vision of 'a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances' for the North Coast region and includes several supporting goals and directions. The Plan's key goals for the region are:

- the most stunning environment in NSW
- a thriving, interconnected economy
- vibrant and engaged communities
- great housing choice and lifestyle options.

There are several Directions and Actions that are of particular relevance to the proposal, including:

- Direction 17: Increase the economic self-determination of Aboriginal communities
- Action 17.1: Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism
- Direction 18: Respect and protect the North Coast's Aboriginal heritage
- Action 18.1: Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.

The Plan also acknowledges that the Clarence Valley's strong tourism and agricultural base will also be supplemented by the continued development and delivery of regional government services, including justice and health facilities. The priority to maximise opportunities associated with regional health and justice infrastructure for the Clarence Valley LGA is also relevant to the proposal.

The proposed development supports the strategic goals, directions and actions of the Plan by providing critical state infrastructure that would support the economic growth of the region and deliver new employment opportunities near a regional centre and on relatively unconstrained land. The proposal includes targets for Aboriginal participation in both the construction and operational stages of the development and measures to support Aboriginal communities to ensure that they are able to benefit from the new employment opportunities created by the development, whilst ensuring that the relevant Aboriginal communities are consulted to ensure objects and places of Aboriginal cultural significance are appropriately protected, managed and respected.

Other Strategic Directions

The proposal is consistent with *Premier's Priorities* and *NSW State Priorities* to create jobs, build infrastructure focussing on reducing domestic violence and reoffending, provide additional opportunities for apprenticeships and improving Aboriginal educational outcomes by providing education and training programs to improve Aboriginal employment outcomes.

3. STATUTORY CONTEXT

3.1. State Significant Development

The proposal is SSD under section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$701 million) and is for the purpose of a correctional centre under clause 16 of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The Minister for Planning is therefore the consent authority for the proposal.

3.2. Consent Authority

In accordance with the Minister's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Priority Projects Assessments may determine this application as:

- Clarence Valley Council has not made an objection
- there are less than 25 public submissions in the nature of objections
- a political disclosure statement has not been made.

3.3. 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.

The proposal is consistent with the objectives of the RU2 Rural Landscape zone as it is not incompatible with and would not detrimentally impact on the agricultural activities in the area. The proposal would also ensure that adequate services are available to support the facility and provide improved level of services for the site and surrounds. The proposal is consistent with the objectives of the SP2 Infrastructure zone as it is compatible with and would not detract from the provision of the new Pacific Highway.

3.4. Environmental Planning Instruments

Under section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project. The following EPI's apply to the site:

- *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)*
- *Clarence Valley Local Environmental Plan 2011 (LEP).*

The Department's consideration of these EPIs is provided in **Appendix B**. In summary, the Department is satisfied the application is consistent with the requirements of the EPIs.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 5 of that Act. A response to the Objects of the EP&A Act is provided at **Table 2**.

Table 2: Objects of the EP&A Act relevant to the proposed development

Objects of section 5 of the EP&A Act	Response
(a) to encourage: (i) <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,</i>	The development would ensure the proper management and development of suitably zoned land for the social welfare of the community and State.
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	As discussed in Section 3.3 , the development would meet the objectives of the zone and deliver critical infrastructure for the State. The development would economically serve the community through new jobs and infrastructure investment.
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	All necessary services would be provided to the site in a coordinated manner.
(iv) <i>the provision of land for public purposes,</i>	The proposal would deliver public correctional facilities.
(v) <i>the provision and co-ordination of community services and facilities, and</i>	The proposal would provide infrastructure to maintain safer communities.
(vi) <i>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</i>	The proposal has been designed to minimise impacts on threatened ecological communities and appropriate offsets are being delivered as part of the Stage 1 works to address the environmental impacts.
(vii) <i>ecologically sustainable development, and</i>	The proposal includes measures to deliver ecologically sustainable development (Section 3.6).

Objects of section 5 of the EP&A Act	Response
(viii) <i>the provision and maintenance of affordable housing, and</i>	The proposal does not involve the provision / maintenance of affordable housing.
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The Department publicly exhibited the proposed development as outlined in Section 4.1 , which included consultation with Council and other public authorities and consideration of their responses.
(c) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	The Department publicly exhibited the application as outlined in Section 4.1 , which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's website and at the Department's Sydney and Grafton offices and Council's office.

3.6. 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). 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:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

Whilst the associated Stage 1 works resulted in the loss of some vegetation 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 development proposes ESD initiatives and sustainability measures, including:

- water efficient fixtures, fittings and practices and water metering
- energy and water efficient equipment
- waste water treatment and reuse on site
- naturally ventilated spaces
- efficient building management systems and equipment, including lighting
- passive design elements such as building orientation, external shading, appropriate use of thermal mass, performance glazing, thermal efficiency of building fabric.

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 by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

3.7. 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.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department publicly exhibited the application from 16 June 2017 until 31 July 2017 (46 days). The application was exhibited electronically: on the Department's website; at the Department's Sydney Office and NSW Service Centres. The application was also exhibited at: the Department's Grafton Regional Office; Clarence Valley Council's Customer Service Centres at Grafton and Maclean; Grafton Library; and the Grafton Community Centre.

The Department placed a public exhibition notice in the *Coastal Views* on 16 June 2017 and *Daily Examiner* on 15 June 2017 and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of 26 submissions during the exhibition of the application, comprising seven submissions from public authorities, including Clarence Valley Council, and 19 submissions from the general public, of which 12 objected to the proposal. A summary of the issues raised in the submissions is provided in **Table 3** and **Section 4.1.2** below and copies of the submissions may be viewed at **Appendix A**.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the recommended instrument of consent at **Appendix C**.

4.1.1 Public Authority Submissions

Table 3: Summary of public authority submissions to the EIS exhibition

Clarence Valley Council (Council)
Council does not object to the proposal and provided the following comments: - road and water upgrades are currently being delivered to support the development - there is potential for additional traffic on Avenue Road north of the site and this should be minimised by requiring management practices to be implemented to ensure staff travel to the site from the south - whilst Council is the regulatory authority for the waste water management scheme, EPA would be a more appropriate authority to undertake the role, but if Council was to be the regulatory authority, independent routine inspection and compliance reporting would be required - the Applicant should continue to liaise with Council regarding measures to mitigate the socio-economic impacts - lighting should comply with Australian Standards and ambient and overspill lighting minimised - Section 64 water contributions should be paid as the development is relying on water supply headworks infrastructure provided by Council which was not constructed for the correctional centre and therefore the cost would be borne by existing customers - conditions should only require Council approval where Council's assets or interests are involved.
Roads and Maritime Services (RMS)
RMS provided the following comments: - the impacts of operational traffic on the road network over a 10 year horizon following project completion must be modelled to consider the impacts of the additional traffic generated by the development, in particular the Eight Mile Lane and Six Mile Lane intersections with Pacific Highway - the additional construction vehicle traffic of 810 vehicles per hour would result in unacceptable delays at the Pacific Highway intersections with Eight Mile Lane and Six Mile Lane and would result in unacceptable intersection operation for right turning vehicles and mitigation measures need to be incorporated into relevant construction management plans to address this impact - construction traffic management plan should be prepared in consultation with Council, RMS and Pacific Complete to ensure cumulative traffic impacts are addressed and a coordinated approach to traffic control and community consultation is delivered, including a schedule of expected weekly traffic movements

- further consideration of likely road safety impacts during construction and operational stages along designated routes is required
- swept path analysis of intersections along the identified access route should be undertaken
- compliance management measures should be expanded to identify key issues, including frequency of communication, monitoring and auditing processes
- any Traffic Control Plan should be prepared in accordance with relevant RMS manual and road occupancy licence obtained for any work on the Pacific Highway
- street lighting at key intersections along the identified access route should be provided to ensure road safety as vehicle access is likely to occur outside of daylight hours and during periods of low visibility due to fog.

NSW Environment Protection Authority (EPA)

The EPA provided the following comments and recommended conditions:

- the scheme has been designed with a nil discharge scenario
- the irrigation area and wet weather storage is adequate for ongoing management of waste water subject to careful management of irrigation area, including soil moisture levels and nutrient removal
- buffers to wetlands must be provided and any overflow must not flow east to the wetland
- clarification should be provided regarding any offsite reuse of treated waste water
- the waste water monitoring plan must include methodology, monitoring indicators and frequency
- groundwater monitoring may be required
- Draft Recycle Water Management Plan should be revised to provide greater detail and matters raised regarding monitoring
- the sewage treatment plant is below the licensing thresholds for an Environmental Protection Licence (EPL)
- the construction management plan should be amended to address impacts from on-site concrete production, including management of highly alkaline waste water, dust and solid waste.

The EPA also noted that an EPL was issued for 'extractive activities' approved as part of the Stage 1 construction works and proposed Stage 2 construction works but this does not extend to operational stages of the development.

Office of Environment and Heritage (OEH)

OEH provided the following comments:

- the Aboriginal Cultural Heritage Management Plan (ACHMP) is supported but should include regular review and updating and process for ongoing consultation with the Aboriginal community
- the ACHMP only considers ground disturbance and construction works in relation to unexpected find and does not consider long-term management of Aboriginal objects throughout the operational life of the facility
- the biodiversity assessment does not consider the impact of the development on the local east-west corridor and there is an opportunity to increase the 30 metre vegetation buffer along the southern boundary to between 50 and 70 metres and the 15 metre buffer along the eastern boundary to 30 metres for 550 metres north of the Avenue Road and Wants Lane intersection by providing additional tree planting.

Transport for NSW (TfNSW)

TfNSW provided the following comments:

- supports the Applicant continuing to work with TfNSW and local bus operators to establish a bus service to the site prior to opening
- adequate swept paths for the drop-off/pick-up area must be provided for buses and details provided.

NSW Rural Fire Service (RFS)

RFS provided the following comments:

- the site is not bushfire prone land but as there is limited ability to evacuate the site, bushfire prevention measures should be provided to compensate for this limitation
- the proposed APZs must be extended to include the internal access road.

Department of Industry (DoI)

DoI provided the following comments:

- a Traffic Management Plan is to be prepared in consultation with Local Land Services and affected surrounding landholders to manage road sharing, particularly with respect to ensuring

stock movement is not hindered by additional traffic movements, and to monitor and address complaints during both construction and operation of the correctional centre

- a Soil and Water Management Plan is to be prepared to: manage dam dewatering; soil testing for acid sulfate soils and potential need for an Acid Sulfate Soil Management Plan; and groundwater monitoring for water level and water quality given the history of waterlogging due to high rainfall and shallow groundwater depth in the southern part of the site, including establishing adequate baseline data prior to commencement of operations, and developing a contingency protocol to respond to impacts from irrigation and wet weather storage
- works on waterfront land, including construction and rehabilitation of detention basins and modifications to existing dams, should be conducted in accordance with DPI Water's Guidelines for Controlled Activities on Waterfront Land
- impact on agricultural activities should be minimised for works in relation to connecting to Council's water supply which is being provided under a separate process
- water supply is being provided under a separate process and therefore water supply to the site is yet to be confirmed
- low risk for groundwater to be intercepted during excavation works and DPI Water should be consulted if groundwater is intercepted.

4.1.2 Public Submissions

The Department received 19 submissions from members of the public, of which 12 objected to the proposal, six provided comments and one supported the proposal. The key issues raised include:

- road safety issues on local roads resulting from increased operational and construction traffic
- increased car parking
- biodiversity impacts
- impacts on Aboriginal cultural heritage – the site is ceremonial grounds for men
- potential restrictions on adjoining properties undertaking regular rural activities such as control of feral animals/pests and use of fire arms
- amenity impacts including visual impacts, light spill, noise pollution and air pollution
- incompatible with adjoining agricultural land uses and the loss of rural character
- access to Avenue Road and crown access roads need to be maintained for stock movements, including during flood events
- impacts from on-site waste water management and potential overflow during large rainfall events
- social impacts – locals need to be employed which has not happened on other major infrastructure projects which is further compounded by on-site concrete production instead of use local businesses
- safety and security concerns, including risks associated with anti-social behaviour of visitors
- inappropriate site given the costs associated with providing water, electricity and other utility infrastructure to the site and impacts from the associated infrastructure works
- investment in correctional facilities instead of addressing factors leading to crime and rehabilitation outcomes
- inadequate consultation and access to EIS documentation
- land surrounding the site should be rezoned to allow for more compatible uses like additional housing
- privatisation and concerns regarding capability of consortium partners
- adverse impact on property values
- site selection and land acquisition process.

4.2 Response to Submissions and supplementary information

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in these submissions.

On 25 September 2017, the Applicant provided a Response to Submissions (RtS), which sought extended Saturday construction hours for the proposal from between 8 am and 1 pm to 8 am and 5 pm. The RtS provided additional detail, refinement and further mitigation measures in relation to:

- ongoing community and government agency consultation
- social impacts
- traffic impacts
- impact on agricultural and farming activities
- residential amenity impacts
- waste water management, including further detailed soil analysis
- Aboriginal cultural heritage management
- Identification of potential out of hours work.

The RtS was made publicly available on the Department's website and was referred to relevant public authorities. Further submissions were received from Council, OEH and DoI. A summary of the issues raised in the submissions to the RtS is provided at **Table 4**.

Table 4: Public Authority comments regarding RtS

Council
Council provided the following comments: • supports comments raised by RMS as part of further consultation undertaken with the Applicant and the relevant transport agencies in relation to road issues • reiterates that it prefers not to be the regulatory authority for the on-site waste water management system but if Council is the regulatory authority, a management plan needs to be approved by Council, which would require independent quarterly servicing reporting • water contributions are required • requests an opportunity to review draft conditions.
RMS
RMS provided the following comments: • the 'baseline' for the traffic impact assessment is not reasonable, the predictions of impact are not robust (and conservative) with suitable sensitivity testing and the proposal does not include all reasonably feasible mitigation options • it is unclear if ongoing consultation is being undertaken with relevant roads authorities, including Council, RMS and Pacific Complete in relation to preparation of traffic management plans • the proposal has not adequately addressed safety concerns previously identified • traffic efficiency is expected to deteriorate to an unacceptable level during construction (LoS F) for vehicles turning right out of Six Mile Lane onto Pacific Highway during the AM peak period • transport assessment only assessed the Level of Service (LoS) at various intersections along the proposed traffic route but did not consider Austroads Guide to Traffic Management and Austroads Guide to Road Design in relation to warrants and geometric design requirements of these intersections for the proposed permanent speed limit at the ten year design horizon • anecdotal evidence of additional construction traffic related to the correctional centre using Six Mile Lane and as evidenced by traffic counts undertaken by Council and road safety issues arising • it is unclear if the Construction Environmental Management Plan (CEMP) would be successful in preventing the use of Six Mile Lane by construction traffic • the project would also have minimal control over the use of Six Mile Lane by operational traffic • further traffic impact assessment for both the construction and operational phases of the development and preparation of a Road Safety Audit (RSA) is required • further traffic assessment, preparation of construction traffic management plans and road safety audits must be completed prior to the commencement of construction traffic associated with Stage 2 and prior to operation • it is recommended that the Applicant agree to install street lighting, to Council's requirements, at the development access on Avenue Road

OEH
OEH provided the following comments: • supports the Applicant's intention to investigate the increased vegetative buffer and a condition should be imposed requiring the Applicant to maximise the buffer along the southern and south-eastern boundaries • supports ongoing consultation and engagement with all groups to ensure local and regional cultural value is reported on and managed in a respectful manner • supports the update of the Aboriginal Cultural Heritage Management Plan (ACHMP) for the site and input from all Aboriginal groups who have identified themselves as contact points for knowledge-holders: - should be evident in the finalised statement of significance of any salvaged or collected Aboriginal objects from the site - should be considered for the temporary curation and long-term storage of the above objects - should be reflected in any cultural induction or safety packages developed and delivered for the site.
DoI
DoI provided the following comments: • confirmation that reticulated water supply would be available to meet construction requirements or water requirements quantified and supply secured before any approval • conditions should be imposed requiring management of works within watercourses or on waterfront land in accordance with guidelines, management plan be prepared to address dam dewatering and consultation with Crown Lands and Water for the RWMP and the Stormwater Management Plan.

A RtS Addendum was submitted by the Applicant to respond to outstanding matters raised by the agencies and provided further information in relation to social impacts, traffic impacts, asset protection zones, biodiversity impacts and Aboriginal cultural heritage. The RtS Addendum was made publicly available on the Department's website in December 2017 and was referred to relevant public authorities. Further submissions were received from RMS and RFS, who provided recommended conditions of consent provided at **Table 5**.

Table 5: Public Authority comments regarding RtS Adendum

RMS
RMS provided the following comments: • a CTMP must be prepared in consultation with and to the satisfaction of RMS and Council. The CTMP must include agreed processes for consultation in regard to monitoring, reviewing and updating the CTMP with a view to mitigating safety and efficiency impacts on the road network during construction. The CTMP should include a Drivers Code of Conduct that addresses, but is not limited to, the following: - a map of the primary haulage route highlighting critical locations - safety initiatives for haulage through residential areas and/or school zones - an induction process for vehicle operators and regular toolbox meetings - a complaint resolution and disciplinary procedure - community consultation measures for peak haulage periods. • the Applicant must undertake an independent Road Safety Audit (RSA) of Six Mile Lane and Old Six Mile Lane, from the existing Pacific Highway to Avenue Road, prior to construction and operation to identify any road safety risks and ensure that appropriate measures are implemented to mitigate any identified risks to the satisfaction of Council and RMS. In particular, the existing intersection of Six Mile Lane and the Grafton Regional Airport must be considered given a potential road safety risk has already been identified and the additional traffic generated by the development is likely to exacerbate the situation • the Applicant must upgrade Eight Mile Lane and Avenue Road intersection and Old Six Mile Lane and Avenue Road intersection to the satisfaction of Council prior to commencement of operations with consideration of: - expected traffic volumes on these roads in 2030 (ten year horizon from occupation) as agreed by RMS and Council - a speed limit of 80km/h on both Avenue Road and Eight Mile Lane (or as otherwise advised by RMS)

- warrants in accordance with Austroads Guide to Traffic Management and geometric design in accordance with Austroads Guide to Road Design.
RFS
RFS provided recommended conditions of consent which relate to: - the creation and maintenance of APZs on-site in accordance with amended plans - preparation of a Fire Management Plan in consultation with NSW RFS Clarence Valley Control Centre to address: strategy for managing grass fires; emergency management procedures for fire within the facility; internal road systems; water supplies; hazardous materials; annual review and reporting mechanism; and site familiarisation and response mechanisms.

5. ASSESSMENT

5.1 Section 79C(1) matters for consideration

Table 6 identifies the matters for consideration under section 79C that apply to SSD, in accordance with section 89H of the EP&A Act. The EIS has been prepared by the Applicant to consider these matters and also those required to be considered in the SEARs, section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 6: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3 and 5 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

5.2 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:

- traffic and access
- social and economic impacts
- built form and visual amenity impacts
- waste water management
- noise and vibration impacts.

Other assessment matters include: biodiversity impacts; bushfire impacts; development contributions; water supply and connection; utilities; Aboriginal cultural heritage impacts; flooding; safety and security; contamination; biting insects; feral animal control; impact on rural leisure activities (use of firearms); land use conflict; and property values. These issues have been addressed in **Table 7**.

5.2.1 Traffic and Access

Operational – Traffic and Network Capacity

The Transport and Accessibility Report (TAR) submitted with the EIS has 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, including the upgrade of Avenue Road to allow for two-way traffic. This review has determined that existing traffic flows are well below the road classifications and that key intersections operate satisfactorily under existing conditions.

The TAR estimates that the proposal would generate a peak of 300 vehicles per hour during the morning peak period with 100 vehicles leaving and 200 vehicles arriving for the start of the day shift. The departures and afternoon peak period would be dispersed over a greater timeframe and traffic generated by the proposal would not adversely impact the afternoon peak period.

The TAR has provided an assessment of the impact on intersection operation of the local road network and concluded that it is expected to continue to operate within capacity and at satisfactory levels of service.

In its submission on the EIS, RMS requested that the impacts of operational traffic on the road network over a 10 year horizon following project completion be modelled to further consider the impacts of the additional traffic on the impacted intersections, in particular the Eight Mile Lane and Six Mile Lane intersections with the existing Pacific Highway. Council requested that appropriate management practices are implemented during operation to limit staff from arriving to the site from the northern end of Avenue Road as it not been upgraded to account for additional traffic generated by the development. TfNSW advised that it is continuing to work with the Applicant to establish a bus service to the facility.

Concerns were raised in the public submissions regarding the additional operational traffic movements on local roads and road safety issues given the design and condition of these local roads.

The Applicant provided a revised TAR in the RtS Addendum, which provided a 10 year horizon modelling for the Eight Mile Lane and existing Pacific Highway intersection. The Applicant also responded to the other matters raised by RMS in its submission on the RtS regarding further assessment of intersection operations and road safety. The Applicant contends that the Pacific Highway upgrade and associated works would largely improve traffic efficiency and road safety audits would be undertaken as part of the Pacific Highway works and would not be required to be replicated by the Applicant.

The Department notes that the road safety audits to be undertaken as part of the Pacific Highway upgrade works would not account for the additional traffic generated by the correctional centre. Furthermore, the Applicant has not demonstrated to the satisfaction of RMS or Council that operational traffic generated by the development can be managed to use the designated route, existing Pacific Highway and Eight Mile Lane, instead of the shorter route via Six Mile Lane and Old Six Mile Lane (refer to **Figure 8**). RMS also advised that the TARs prepared for the development are deficient as the predictions of impact are not robust (and conservative) with suitable sensitivity testing and the proposal does not include all reasonably feasible mitigation options. The TARs have been prepared using temporary speed limits that are currently in place to manage road safety risks resulting from the current construction works

for the Pacific Highway upgrades. Furthermore, whilst the local intersections are likely to operate at acceptable levels of service, road safety risks may need to be mitigated due to the anticipated higher speed limits post Pacific Highway works on Eight Mile Lane and Avenue Road and additional traffic generated by the proposal.

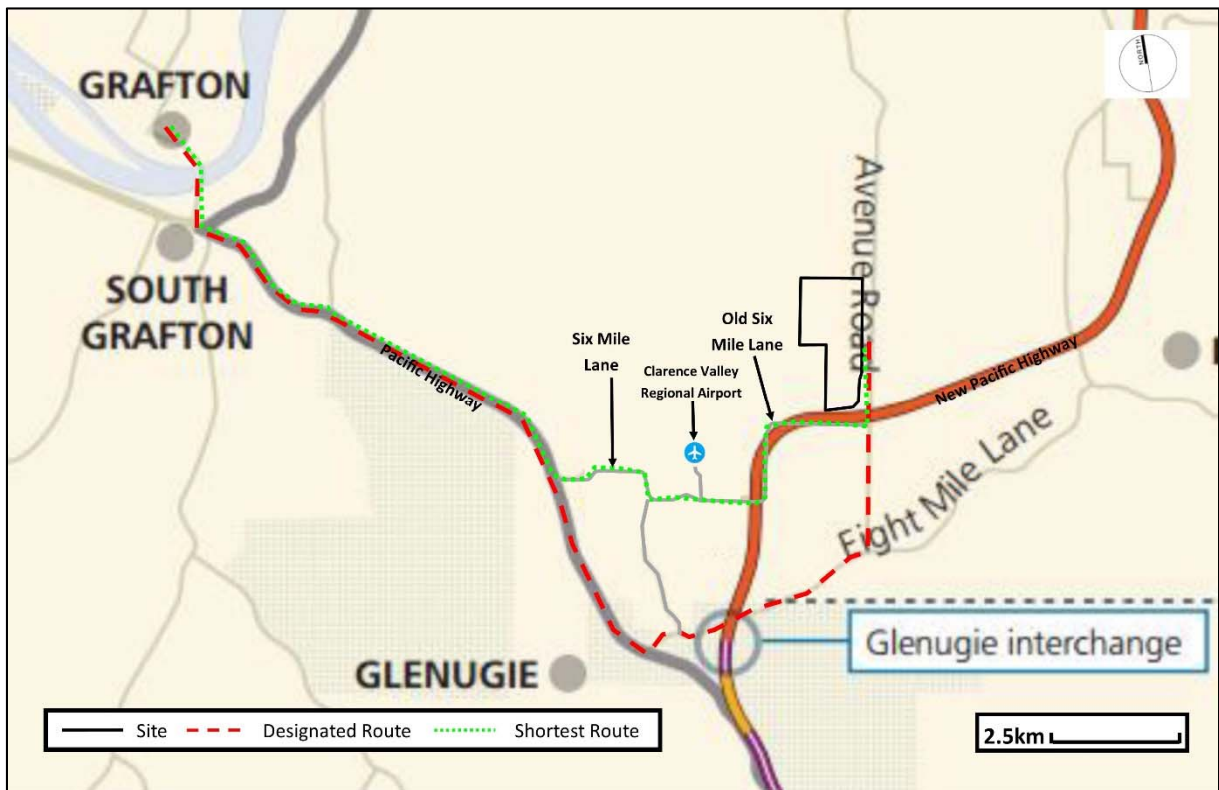


Figure 8: Traffic route from Grafton (Base source: EIS)

RMS reviewed the Applicant's RtS Addendum. To ensure that the design of the intersections operate safely with the additional traffic generated by the development and post Pacific Highway upgrade, RMS provided the following recommendations in relation to addressing operational traffic impacts:

- the Applicant must undertake an independent Road Safety Audit (RSA) of Six Mile Lane and Old Six Mile Lane, from the existing Pacific Highway to Avenue Road, to identify any road safety risks and ensure that appropriate measures are implemented to mitigate any identified risks to the satisfaction of Council and RMS. In particular, the existing intersection of Six Mile Lane and the Grafton Regional Airport must be considered given a potential road safety risk has already been identified and the additional traffic generated by the development is likely to exacerbate the situation
- the Applicant must upgrade Eight Mile Lane and Avenue Road intersection and Old Six Mile Lane and Avenue Road intersections to the satisfaction of Council prior to commencement of operations with consideration of:
 - expected traffic volumes on these roads in 2030 (ten year horizon from occupation) as agreed by RMS and Council
 - a speed limit of 80 km/h on both Avenue Road and Eight Mile Lane (or as otherwise advised by RMS)
 - warrants in accordance with Austroads Guide to Traffic Management and geometric design in accordance with Austroads Guide to Road Design.

The Department considers that the Applicant must undertake the necessary upgrades to address the additional traffic generated by the development. The Department notes that until the speed limits are set, the assessment of road safety and identification of any necessary intersection upgrades cannot be undertaken. The Department therefore recommends that prior

to occupation when speed limits will be known, the Applicant must undertake the further road safety assessment of the above intersections with RMS and Council and deliver any necessary intersection upgrades, in co-ordination with any Pacific Highway upgrade works that are anticipated to be completed by 2020. The Department has also recommended a condition requiring that an operational management plan be prepared in consultation with Council in relation to managing staff and visitors so that they use Eight Mile Lane and Avenue Road to access the facility. The plan must be completed and used to inform the further traffic assessment and road safety audits required by RMS.

Operational - Car Parking

The concept proposal identified an indicative 500 car parking spaces for the new correctional centre. The Department's assessment of the concept proposal also recognised that the specific car parking demand generated by the proposal would need to be determined and addressed in Stage 2 of the project.

To calculate the peak car parking demand for the correctional centre, the TAR for Stage 2 identified a need for 350 car spaces for staff and 340 car spaces for visitors based on rate adopted for the Victorian Department of Justice on the Ravenhall Prison project. The subject proposal incorporates 350 car spaces for staff and 350 car spaces for visitors and 150 car spaces as an overflow area for visitor car parking (refer to **Figure 4**).

Council, RMS and TfNSW have not raised concerns regarding car parking provided for the centre.

The Department notes that whilst the rate used to determine the car parking demand for staff and visitors for the Victorian Department of Justice on the Ravenhall Prison project appears to be an arbitrary rate based on inmate numbers, it adopts a significantly higher rate compared to that utilised in the concept proposal. The Department therefore considers that the indicative car parking identified in the concept proposal would not be adequate to address demand generated by the facility as a significantly higher rate of car parking has been provided for Ravenhall, which is located on the edge of a metropolitan city and benefits from better public transport options.

No planning controls apply in relation to car parking for correctional centres and given the location of the facility and accessibility of the site, the Department considers a more conservative approach is appropriate. A 350 car park for staff is considered reasonable for 200 staff during the day and allowance for staff changeover and other vehicles (such as escort and delivery vehicles). The Department has reviewed the anticipated potential visitors for the centre of approximately 290, equating to a potential 116 vehicles based on 2.5 occupants per vehicle, and considers the 350 car parking spaces and overflow of 150 car parking spaces also acceptable. The 350 visitor car spaces would cater for a potential lower vehicle occupancy rate and the potential overlap for arriving and departing visitors. The Department also considers the provision of an overflow car parking area acceptable given the location of the centre and limited alternate modes of transport, which would ensure that any unexpected car parking demand would be adequately catered for on-site to ensure that there are no adverse impacts on surrounding areas.

Operational - Site Access

The concept proposal endorsed one vehicle access point for the site from Avenue Road. The Stage 2 proposal is consistent with the concept proposal and has located the site access 1.6 kms from the Old Six Mile Lane and Avenue Road intersection and 750 metres from the northern boundary, at a crest in the road to provide optimal sightlines and avoid steep level changes. The Applicant has also demonstrated that the site access would support any future bus service that might be provided to the site.

Council and RMS have raised lack of lighting at the site access as an issue due to traffic potentially arriving during the night, sometimes in fog.

The Applicant contends lighting at the site access is not required due to low traffic numbers at night and as the balance of Avenue Road is not illuminated, lighting could be a nuisance to neighbours and potentially impact on fauna.

The Department considers that given the significant vegetative buffer being provided along the boundary of the site, potential for shift change over during times of low light and low visibility due to fog, lighting at the site access would be appropriate. This would ensure that the site access is clearly identifiable and minimise any safety concerns or traffic impacts on surrounding landowners resulting from vehicles missing the main entrance. The Department has included a recommended condition requiring that lighting be provided at the site access to address safety concerns raised by RMS and Council. The lighting could be operated in a manner to operate under fog conditions or periods of low light where vehicles are arriving to the site to minimise impacts on neighbours and fauna.

Operation and Construction – Impact on stock movements

The Department is aware of stock moving permits that have been issued by Local Land Services for the walking of cattle along Avenue Road.

Dol has requested that a Traffic Management Plan be prepared in consultation with Local Land Services and affected surrounding landholders to manage road sharing, particularly with respect to ensuring stock movement is not hindered by additional traffic movements, and to monitor and address complaints during both construction and operation of the correctional centre. Concern was raised in the public submissions regarding traffic impact on local agricultural activities, confirming that the local road network is also used for moving cattle.

The Applicant has prepared a Stock Movement Protocol to address stock movements for Stage 1 construction works. The Applicant has identified the following measures to ensure stock movements are not impeded during construction:

- liaising with permit holders regularly to be informed in advance of intended stock movements
- notification to staff, sub-contractors and deliveries of stock movement time and location (this will be done through either email or text message notification, depending on the amount of notice given beforehand)
- educating staff and sub-contractors of the stock movement protocols during site inductions
- liaising with neighbours during times of flood to determine whether stock movements will be undertaken and manage construction traffic to accommodate these stock movements
- incorporating the above measures in the CTMP and reviewed quarterly in consultation with neighbours and Local Land Services.

The Applicant also contends that the stock movements, which would take approximately an hour to pass the site with an average cattle herd walking speed of 3 km/hour, would be able to co-exist with the additional traffic once the facility is operational given the upgraded two-lane Avenue Road would provide opportunities for cars to pass. The Applicant has identified similar measures relying on advance warning and notification systems as above when the facility opens to manage road sharing.

The Department considers that this does not account for the size of the herd or the potential for multiple herds during flood times. The Department notes that the traffic would be largely coming from the south and therefore, the additional traffic generated by the proposal is unlikely to have significant impact on stock movements occurring north of the site and accessing farms to the west via the access road to the north of the site. Furthermore, vehicle access via these roads may be impeded by flood waters and therefore the proposal would not result in additional traffic impeding these stock movements.

The additional operational traffic would potentially impact stock movements passing the site. The Department has recommended that the Stock Movement Protocol be amended to include a Traffic Management Plan to manage road sharing, particularly with respect to ensuring stock moving routes are not hindered by additional traffic movements, and to monitor and address complaints during both construction and operation of the correctional centre. This must be prepared in consultation with Local Land Services and affected surrounding landholders.

Construction – Traffic, Network Capacity and Parking

The TAR identifies that up to 850 vehicles per hour would be generated during construction of Stage 2 and traffic is likely to travel to and from the site via Avenue Road, Eight Mile Lane and the Pacific Highway. The TAR identifies that the operation of Old Six Mile Lane and Pacific Highway intersection may deteriorate to a Level of Service of F from the projected construction vehicle traffic. The EIS is supported by a preliminary Construction Traffic Management Plan (CTMP) to manage construction traffic impacts, including consideration of provision of bus services to the site during key construction periods.

RMS raised construction impacts from the peak construction vehicle generation as an issue, including the need for further and ongoing consultation with Council, RMS and Pacific Complete to ensure the cumulative impacts from the concurrent infrastructure projects are coordinated. RMS also raised concerns regarding construction vehicles not using designated routes as evidenced by increased traffic volumes on Six Mile Lane and Old Six Mile Lane during Stage 1 works.

RMS has recommended the following to address construction impacts:

- the Applicant must undertake an independent RSA of Six Mile Lane and Old Six Mile Lane, from the existing Pacific Highway to Avenue Road, to identify any road safety risks and ensure that appropriate measures are implemented to mitigate any identified risks to the satisfaction of Council and RMS. In particular, the existing intersection of Six Mile Lane and the Grafton Regional Airport
- a CTMP must be prepared in consultation with and to the satisfaction of RMS and Council. The CTMP must include agreed processes for consultation in regard to monitoring, reviewing and updating the CTMP with a view to mitigating safety and efficiency impacts on the road network during construction. The CTMP should include a Drivers Code of Conduct that addresses, but is not limited to, the following:
 - a) a map of the primary haulage route highlighting critical locations
 - b) safety initiatives for haulage through residential areas and/or school zones
 - c) an induction process for vehicle operators and regular toolbox meetings
 - d) a complaint resolution and disciplinary procedure
 - e) community consultation measures for peak haulage periods.

The Applicant has agreed to undertake the road safety audits of Six Mile Lane and Old Six Mile Lane for the construction stage of the development even though construction traffic would be directed to not use Six Mile Lane and Old Six Mile Lane.

Car parking spaces would be provided on-site. 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 RMS, Council, W2B contractor (Pacific Complete) and immediately adjoining landowners prior to the commencement of works. The Department also recommends that the Level of Service during construction does not deteriorate to an 'E' or worse at any of the intersections impacted by construction vehicles and bus services and 'park and ride' facilities away from the site be investigated if required, to maintain acceptable intersection operation. The Department has

also recommended a condition requiring RSAs be undertaken for Six Mile Lane and Old Six Mile Lane from the existing Pacific Highway to Avenue Road, as recommended by RMS.

The Department considers that the cumulative impacts of the multiple infrastructure projects may cause confusion in the community in relation to which projects are effectively managing construction impacts or breaching commitments regarding designated construction vehicle routes, or causing road safety issues from unsafe travel behaviour. The Department therefore considers that distinguishing which project the construction traffic is related to would be beneficial for community confidence and reporting and compliance matters. Whilst the Department considers that ideally all the projects in the locality should undertake this approach, the Department can only require that this measure be applied to this project. Accordingly, the Department recommends that all vehicles entering the site during construction stage must be clearly identified as a construction vehicle for the subject development (i.e. a magnet or sticker clearly identifying the project that the construction vehicle is related to, which must be clearly visible and identifiable for passing vehicles or people).

5.2.2 Social and Economic Impacts

The approval of the concept proposal acknowledged that the social impacts of the correctional centre would need to be further investigated for the detailed design of the centre when the exact siting of the facilities on the site and operational details of the facility were known.

The broader positive economic benefits of the proposal for the region were largely acknowledged in the concept proposal approval, including: economic investment; job creation; expansion of a stable industry; diversifying the economy; training improvements; improved service delivery; and overall improved capabilities in the community. It was also recognised that the broader potential negative social and economic impacts associated with a correctional centre would be mitigated due to the distance of the facility from centre of town, which minimises the direct tangible negative social impacts that might otherwise have been experienced by the Grafton community, including potential impacts on visitor economy of the town or social demographics. This was further mitigated by the existence of an existing correctional facility.

The negative social impacts acknowledged by the Social Impact Assessment (SIA) submitted with the EIS are primarily associated with the direct tangible impacts of the construction and operation of the correctional centre on the directly affected surrounding landowners. Whilst there are also both tangible and intangible negative social impacts that may be experienced by the Grafton community and other nearby towns, the positive economic and social benefits contribute to mitigating the negative social aspects of the proposal.

The SIA submitted for the proposal included a social baseline study, as required by the conditions of approval for the concept proposal, which establishes a community profile of the key social indicators, including values and aspirations. This allows Council and other organisations to monitor the impacts of the facility on the community. The establishment of the Community Consultative Committee for the new Grafton Correctional Centre also provides a direct avenue for the community to provide feedback and obtain relevant information from the Applicant in relation to the construction and ongoing operation of the proposal.

The approval of the concept proposal required an extensive, inclusive and participative program of community engagement to garner input from the affected community and other stakeholders to identify the impacts from the perspectives of those affected to inform the SIA. The SIA and the subsequent Phase Two EIS Exhibition Period Engagement Report (Engagement Report) submitted with the RtS provide details of the comprehensive engagement activities that were undertaken with directly-affected community and other stakeholders and identifies in what way each might expect to be affected. It is acknowledged that the directly affected landowners have identified negative outcomes and an overall negative

attitude towards the proposal whereas the broader community acknowledge the social and economic benefits to the community.

The social baseline study recognised the vulnerability of the young people of Grafton and the challenges they face with employment, housing and mental health. The social baseline study also acknowledged the community's recognition of the previous economic implications to the local economy experienced by the previous closure of the existing Grafton Correctional Centre, subsequent loss of other significant employers and potential impacts on the local economy from the Pacific Highway Grafton bypass.

Council acknowledged the documentation of the socio-economic impacts and recommended that the Applicant should continue to liaise with Council regarding measures to mitigate the ongoing socio-economic impacts of the correctional centre.

The Department met with several directly affected landowners over two days during the public exhibition period to understand the potential tangible and perceived impacts that the most affected stakeholders are expected to experience. The key matters that were raised relevant to this stage of the development were: impact on stock movements; rural lifestyle amenity; road safety concerns given the additional construction and operational traffic; air pollution; impact on Aboriginal communities; non-compliance with conditions of consent for Stage 1 works; overstated economic benefits given on-site concrete production instead of using local businesses; cumulative impact of large infrastructure projects; potential contaminated runoff from the site; potential restrictions on undertaking rural activities; odour impacts from sewage treatment; safety; visual impact from landscaping buffer; management of feral animals; and maintenance of shared boundary fencing.

A number of the matters raised by the public were already considered and addressed as part of the assessment of the concept proposal, including site selection, impact on property values and consultation regarding the previous stage. Issues not relevant to the assessment were also raised, including the overall cost of establishing the correctional centre at the subject site given the costs associated with the infrastructure works required to support the development, property acquisition and location of a preferred electricity transmission line.

The SIA and the subsequent Engagement Report address the requirements of the conditions of the concept proposal in relation to community engagement and understanding the potential (tangible and perceived) social impacts of the development. The SIA confirmed that the positive benefits to the community are widely acknowledged and the concerns regarding social impacts relate to:

- declining safety and security
- impact on the housing market, in particular the affordable housing market
- pressure being added to already struggling services, such as local health services
- environmental impact of waste water and sewerage from the facility
- construction impacts reducing the quiet, rural amenity of the surrounding area.

The SIA acknowledged the significant negative impacts would be:

- way of life, particularly rural lifestyle during both construction and operation
- the effect on the availability of short term accommodation during construction given the cumulative impact of other major infrastructure construction projects underway in the Clarence Valley LGA
- community, relating to rural character in the immediate locality, both during construction and operation
- the environment, both during construction and operation, in relation to residential amenity and agricultural land quality
- fears and aspirations, specifically relating to concerns about safety of family and children during operation

- cumulative impacts during construction, specifically related to the immediate locality.

The SIA identified the significant benefits of the project would be:

- impacts on way of life for the wider Grafton community, specifically the economic growth and activity both during construction and operation
- impacts on culture, specifically consultation and engagement undertaken to manage Aboriginal cultural heritage during both construction and operation
- impacts on community, particularly providing job opportunities during construction and operation to support courses being delivered at higher education facilities in the region
- impacts on volunteering, sponsorship and community interaction
- impacts on political systems, through providing people with the ability to participate in decisions that affect people (such as through the consultation process for the project and participation in the Community Consultative Committee established for the project)
- impacts on health and wellbeing, in relation to the health facilities that will be provided within the NGCC as it may attract more medically trained professionals to the Grafton area
- safety and security, specifically related to improved probation and parole services.

The Engagement Report concluded that the overall community perception about the facility was a positive one and that there was a broad strong support for the facility as it would significantly boost the local economy, local employment and drive skilled workers and their families to the region. The Engagement Report confirmed the findings of the SIA and EIS. The broader community identified the need to successfully manage community benefits given previous perceived failures of major infrastructure projects, employment targets, visitor management and inmate support and release programs. The key concerns raised by the directly affected landowners reflects those directly conveyed to the Department during its engagement activities. The RtS identifies options to mitigate the potential residual negative social impacts, including establishing collaborative relationships within the broader community to ensure that the local community benefits from the opportunities associated with the construction and operation of the facility. A number of these measures include monitoring and reporting mechanisms.

In addition to the direct positive economic benefits recognised in approving the concept proposal, the Department acknowledges that the proposal would result in the following social benefits for the community:

- tangible improvements to road, water, electrical and telecommunications infrastructure
- increased employment opportunities for Aboriginal and Torres Strait Islanders
- long-term economic growth
- attracting new human capital into the town, such as teachers, doctors and specialists
- supports local facilities and infrastructure
- facilitation of further economic growth from flow-on industries, such as cafes and hotels
- potential improvement in bus services for the town.

Residual Social Impacts

The Department has considered the residual concerns in relation to potential social impacts below:

Intangible impacts on Aboriginal communities (e.g. impacts of changing the use of the land on values attached to country)

The Applicant contends that no feedback was received from the Aboriginal community regarding intangible impacts and the site was previously privately owned and used for agricultural purposes and Aboriginal cultural heritage is being managed in accordance with the approved ACHMP.

The Department notes that whilst the Aboriginal Cultural Heritage Assessment Report prepared for the concept proposal and the approved ACHMP considers intangible impacts of

the proposal through consideration of cultural heritage impacts, these do not specifically consider intangible social impacts on the Aboriginal community. However, the Department notes that the consultation and engagement activities included various means to illicit the views of the Aboriginal community and the prevailing view from the wider Aboriginal community has been that the proposal would provide social benefits from the increased employment opportunities for the community. Furthermore, the Applicant has advised that local Aboriginal leaders and groups would be consulted in the preparation and implementation of culturally appropriate programs within the facility promoting culture, art, language and country. There would also be Aboriginal participation in induction training manuals prepared for the development.

The Department considers that appropriate measures would be implemented to mitigate the intangible impacts by continuing engagement with the Aboriginal community and maximising Aboriginal participation in the preparation of programs and plans to be developed for the operation of the facility.

Psychological health impacts on Aboriginal communities in locating a prison in a community experiencing high rates of Aboriginal disadvantage

The Applicant has advised that it is not aware of any direct research relating to the psychological health impacts of locating a prison in a community or any significant psychological community health risks. The Applicant also notes that a correctional facility and a juvenile detention facility have been located in Grafton for many decades and the community would not be unfamiliar with such a facility and its connection to the community. The high rate of incarceration of Aboriginal people was recognised as an issue and measures are being prepared to sensitively address the issues through rehabilitation and reintegration strategies. The community consultation with Aboriginal community did not identify any specific health concerns from locating the facility in an area of Aboriginal disadvantage.

The Department accepts that the consultation and engagement activities included various means to illicit the views of the Aboriginal community, including consultation with indigenous support groups, where it was acknowledged that there is sensitivity related to correctional centres but the Aboriginal community recognise the economic benefits. The Department also recognises that the proposed model of rehabilitation (including 'culturally appropriate programs' and 'Aboriginal healing models') would be prepared with Aboriginal participation.

Furthermore, the location of the correctional centre has been selected to ensure adequate capacity for inmates is provided within the Northern Rivers region. The Department recognises that allowing more inmates to serve sentences within the region of their origin also provides social benefits to the community by allowing them to maintain their relationships with their family and support networks, which facilitates rehabilitation and reduces the risk of re-offending upon release as they have a better chance of re-integrating into the community.

Accordingly, the Department considers that potential psychological health impacts on Aboriginal communities from the location of the correctional centre are balanced by the need to ensure adequate capacity is provided within the Northern Rivers region and mitigated by the existing institutional facilities in Grafton. Furthermore, the model for the correctional centre is focused on rehabilitation and reducing re-offending over traditional focus on industry, including education and training to provide more diverse skills and opportunities for re-integration into the community. The Applicant has also committed to developing programs specifically to address the over representation of Aboriginal people within the inmate population, including Aboriginal healing models with local specialists and an Aboriginal elder mentoring program, to achieve improved rehabilitation outcomes.

Impact on Aboriginal parties who may not be formally registered parties but would still experience impacts

The Applicant had advised that the Aboriginal Engagement Strategy Report appended to the Engagement Report identifies that regular yarning circles have been held which are designed to illicit broader views of the Aboriginal community beyond Aboriginal cultural heritage matters that registered Aboriginal parties have identified an interest in.

The Department notes that the Applicant is proposing to continue conducting regular yarning circles, which would also consider and facilitate ongoing broader Aboriginal participation. The Department is satisfied that adequate opportunities exist for Aboriginal parties to be engaged and participate in the development.

Cumulative social impacts on way of life, community and social cohesion has not been considered, only social change

The Applicant has considered the direct and indirect cumulative impacts of social change and contends that the local community is largely united in its support of the proposal. The Applicant has stated that the local community acknowledges that Grafton and its surrounds have experienced a significant decline in prosperity while the coastal regions nearby have thrived. The community welcomes the investment, jobs and social vitality that the new facility would bring.

The Department considers that community concern over the cumulative impacts on the way of life from the multiple infrastructure projects is valid. Whilst only the cumulative impacts of social change (impacts on housing supply, impacts on road network) have been explicitly considered, the Department considers positive social cohesion is demonstrated through the broader community acknowledgment and acceptance of the proposal. Whilst impacts on way of life may result, there is an appreciation of the ongoing benefits the proposal would have and assist in addressing existing social and economic issues experienced in the community.

The proposal has been designed to integrate and collaborate with the local community, including utilising the local workforce. Thereby, resulting in negligible cumulative social impacts with other infrastructure projects.

Local employment is defined as a 90-minute drive and captures communities that would not be considered to be local, such as Casino and southern suburbs of Coffs Harbour

The Applicant has noted that towns within the Clarence Valley LGA were identified as local in the community consultation undertaken. A number of these towns are located outside of the 90-minute drive and should not be excluded. The Applicant has identified only Clarence Valley postcodes for reporting on 'local' workforce participation. The Applicant has also stated that it would be beneficial to utilise the highly skilled resource pools in areas such as Coffs Harbour.

The Department notes that it was identified in the community consultation that Grafton has suffered a loss of population as people move away for work. Classifying workers from Casino and Coffs Harbour as 'local' for the purposes of the proposal would potentially exacerbate the concerns of using a local workforce and providing benefits to the local community. The Department acknowledges that using available workforce within 90-minutes of the site would mitigate impacts in relation to increasing housing demand but the social impacts would need to be recognised and mitigated where possible.

Accordingly, the Department considers that the definition of local workforce must be constrained to residents who reside within 90-minutes of the site within the Clarence Valley LGA or residents who reside within the Clarence Valley LGA to ensure that that social benefits to the local community can be maximised. Should the proposal not achieve a sufficient workforce using this target, then residents within a 90-minute catchment could be the next targeted group to ensure impacts on accommodation supply and costs can be minimised. The

Department has included recommended conditions to clearly identify what constitutes the local workforce, which the Applicant is required monitor and report against as part of ongoing review of social impacts of the development.

Conclusion

On balance, the Department considers the public benefit provided by this proposal, which delivers critical justice infrastructure for the State and overall economic benefits to a regional town balance the negative social impacts of the proposal, which are being reasonably mitigated. Accordingly, the social impacts and economic impacts of the development are considered satisfactory mitigated. The Department has however recommended a condition requiring the Applicant to monitor and report on the social indicators identified in the SIA, to ensure that any community requirements that emerge as a result of the proposal can be actioned.

5.2.3 Built Form and Visual Amenity Impacts

The concept proposal prescribed a maximum height of 12 metres (three storeys) and approximately 100,000 sqm of floorspace. Height restrictions were also prescribed for fencing, walls and lighting, being six metre high fences or walls around the facility and 10 metre high lights and security camera poles.

The following are relevant built form design guidelines and parameters established in the concept proposal:

- 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
- investigate planting along Avenue Road reserve
- 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 five metre buffer zone to Avenue Road
- dimming lights after dark.

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

The proposal includes the construction of 64 buildings and associated facilities that would have built form impacts given the surrounding rural landscape (refer to **Figure 4**). The proposal is generally consistent with the built form parameters approved in the concept proposal and generally meets the established design guideline and parameters. Whilst the height of the lights and power poles are higher than envisaged under the concept proposal it is consistent with the tallest forms approved for the site. The proposed buildings are generally lower than the 12 metre height limit approved in the concept proposal given the campus style of development (refer to **Figures 5 to 7 and 9**). The tallest building on the site would be Building 14 (Male Maximum – Visits / Operations / Administration) with a building height of 9.765 metres, which results in an overall height of RL 33.84. However, the building with the highest elevation on the site would be Building 4 (Male Minimum – Gatehouse & Visits) at RL 36.52 and building height of 8.92 on a ground level RL 27.6 (refer to **Figures 10 and 11**).



Figure 9: Visual perspective of Building 3 (Maximum Gatehouse) from the south (Source: EIS)

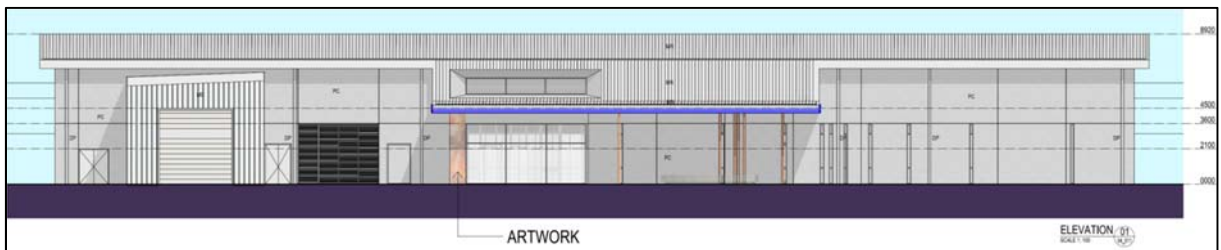


Figure 10: Northern Elevation of Building 4 (Source: EIS)



Figure 11: Visual perspective of Building 4 (Minimum Security Gatehouse) from the north (Source: EIS)

A number of public submissions raised visual amenity impacts as an issue and loss of the rural landscape setting.

The proposed built form is generally low scale development of single and two storey buildings up to 9.765 metres high. The proposed buildings will not result in any overshadowing or privacy impacts. The proposal has been designed as a low scale campus style centre and minimises visual impacts by siting the buildings either side of the ridge that runs north-south along the site. Individual building pads approximately four to five metres below the ridgeline are provided instead of on a single level for the entire site as previously envisaged under the concept proposal. However, due to the campus style layout, the proposal has a footprint of 60 hectares compared to the indicative 45 hectares identified in the concept proposal design. A total of 135 hectares of the site remains undeveloped and supports APZs, vegetative screening, landscaping and irrigation areas and therefore overall amenity of the site has been maintained.

The Applicant proposes to use a subdued colour palette of a rural vernacular (metal cladding with deep blue, shades of grey and green, concrete finish and galvanised fencing) to minimise the visual impacts. Landscaping and artwork would be incorporated to distinguish the various functional spaces as well as reduce the monotony in the design of the large institutional complex. The Applicant has also proposed variations in pavement surface colour, texture and pattern to address the large scale of the site to provide visual cues for use and direction to try to convey a human scale.

The Applicant has undertaken an assessment of the visual impacts and identified three residential properties that would be impacted by the development. The most affected property would be Residence 2 (RL 19) as identified in **Figure 12**, located approximately 60 metres from the northern boundary. Residence 1 as identified in **Figure 12**, located 200 metres from the northern boundary, would also be affected given its higher elevation of RL 36. A view assessment was also undertaken for Residence 3 (refer to **Figure 12**) to the south of the site but this property is over 350 metres from the site and the closest facilities would be 500 metres from the southern boundary. Residence 3 would also be separated from the site by the new Pacific Highway.

The Applicant has provided an assessment of light spill, which identifies the proposal would not have adverse impacts from lighting as it would be minimised to a horizontal illuminance of less than 0.1 lux and vertical illuminance of less than 1 lux at 65 metres from the fence. The lighting would be directed downwards to minimise light spill. The Applicant contends that the vegetation buffer would provide adequate screening from neighbouring properties (see **Figures 13 to 20**) and would also mitigate any light spill impacts. The vegetative buffer would comprise canopy trees that would reach a height of 20 metres, mid-canopy trees ranging in height from six to 16 metres and low level planting between two and six metres,

The Department notes that the proposed buildings are generally lower than what was envisaged under the concept proposal which is more suitable within the rural landscape. Whilst the development is on a larger footprint, adequate setbacks are provided to all boundaries, including a minimum 310 metre setback to the boundary of the closest dwellings to the north. The campus style accommodation buildings progress from 60-bed accommodation units to smaller seven-bed residential units to five-bed duplex-type cottages. This transition in built form provides visual interest and visually represents the inmates progression through the system and reintegration into the community, from institutional to residential. The colour palette and materials are appropriate within the rural setting.

The Department notes that internal building floor plans do not accompany this application due to security considerations. The Department has recommended a condition requiring further approval from NSW Justice Health regarding cell design and meeting relevant health requirements.

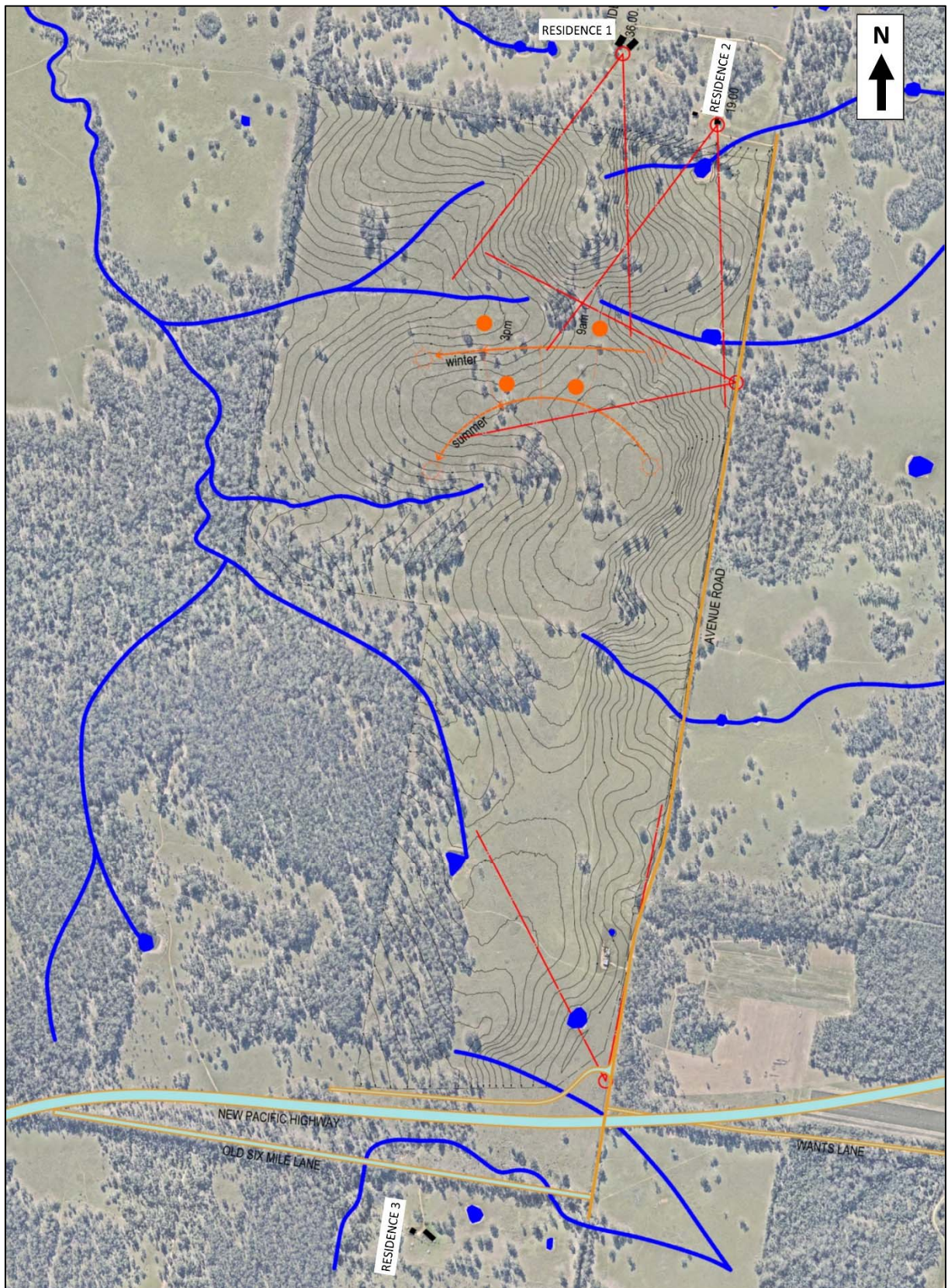


Figure 12: Residence locations for view assessment (Source: EIS)



Figure 13: Residence 2 view in day without vegetative screening (Source: EIS)



Figure 14: Residence 2 view in day with vegetative screening (Source: EIS)



Figure 15: Residence 2 view at night without vegetative screening (Source: EIS)



Figure 16: Residence 2 view at night with vegetative screening (Source: EIS)



Figure 17: Residence 1 view in day without vegetative screening (Source: EIS)



Figure 18: Residence 1 view in day with vegetative screening (Source: EIS)



Figure 19: Residence 1 view at night without vegetative screening (Source: EIS)



Figure 20: Residence 1 view at night with vegetative screening (Source: EIS)

The Department considers the multi-levelled canopy of the vegetative buffer would provide acceptable screening at the human level, visual relief and minimises the visual impact from the public domain (refer to **Figures 21 to 24**). The additional landscaping along the access road would also minimise the impacts on changes to the rural landscape setting. It is also noted that the rural amenity of the area has been significantly altered by the construction of the Pacific Highway and the additional vegetative buffers would both mitigate the visual impact of the correctional centre from the highway whilst improving the rural landscape setting along the highway (refer to **Figures 25 to 28**).

It is noted that the most affected neighbour located to the north of the facility has requested that the vegetative buffer not be provided so a transparent and open outlook can be maintained. The Department notes that the maximum security facility is located towards the north and therefore a solid wall that would partially screen activities within the facility. The Applicant has committed to consulting with the adjoining landowner to revise the design of the buffer in the vicinity to address these concerns.

The Department considers the built form and visual amenity impacts satisfactory.



Figure 21: View along Avenue Road in day without vegetative screening (Source: EIS)



Figure 22: View along Avenue Road in day with vegetative screening (Source: EIS)



Figure 23: View along Avenue Road at night without vegetative screening (Source: EIS)



Figure 24: View along Avenue Road at night with vegetative screening (Source: EIS)



Figure 25: View from new Pacific Highway in day without vegetative screening (Source: EIS)



Figure 26: View from new Pacific Highway in day with vegetative screening (Source: EIS)



Figure 27: View from new Pacific Highway at night without vegetative screening (Source: EIS)



Figure 28: View from new Pacific Highway at night with vegetative screening (Source: EIS)

5.2.4 Waste Water Management

The Waste Water Management Plan (WWMP) submitted as part of the EIS has identified that an on-site waste water management system has been selected to manage waste water and forms part of the proposal. The proposal includes a Membrane Bioreactor (MBR) Waste Water Treatment Plan with a 550 kL/day treatment capacity (2,380 equivalent persons). The Integrated Water Management Plan (IWMP) and WWMP includes a detailed calculation of the water inputs and waste water outputs, including justification of the figures used, and comprehensive site and soil analysis to inform the final design of the waste water treatment and storage system, including consideration of Alstonville evaporation data to verify findings in accordance with the requirements of the concept proposal.

The on-site waste water treatment is estimated to produce 496 kL/day of treated waste water of high end use standard suitable for toilet flushing, wash down water, irrigation and washing machines based on the anticipated water use of the facility. Approximately 292 kL/day of the treated waste water on average is proposed to be reused within the facility (for uses such as irrigation of playing fields, water for cooling towers, washing and toilet/urinal flushing) and approximately 115 kL/day is proposed to be used for an agricultural irrigation scheme located on the site. Whilst this does not utilise the 496 kL/day of treated waste water, the irrigation of playing fields, water for cooling towers, washing and toilet/urinal flushing can reach up to 935 kL/day. This scheme would include a wet weather storage dam of 45 megalitre. The WWMP identifies the need for an irrigation area of 14 hectares. The designated irrigation area is shown in **Figure 29** with reserve areas totalling 28.63 hectares are also illustrated to meet the reserve area of 28.5 hectares required by the WWMP. The dewatered biosolids would be disposed of off-site, subject to an agreement with Council or landfill operator.

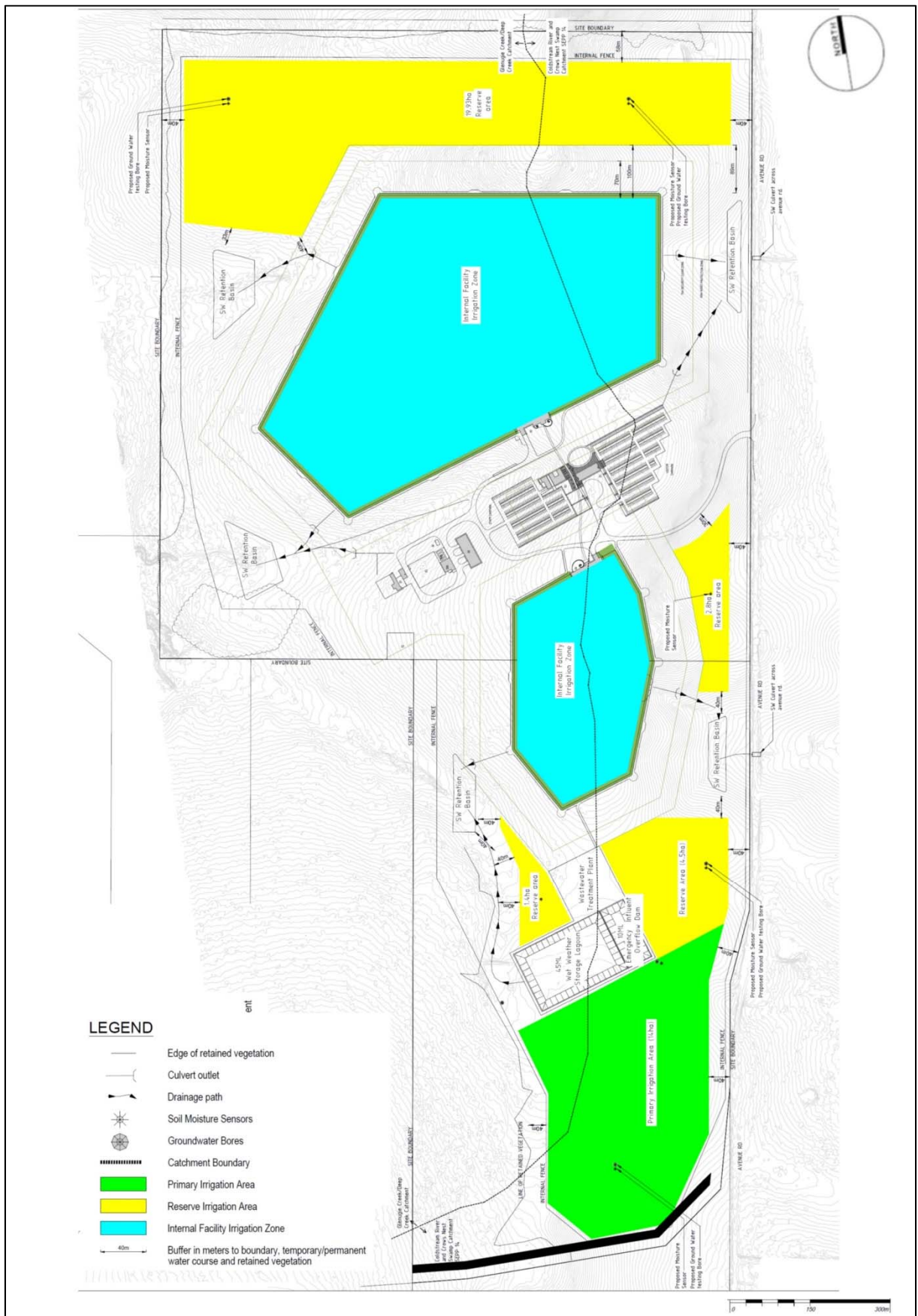


Figure 29: Waste water management scheme (Source: RtS)

EPA have advised:

- the irrigation area needs to be carefully managed due to the low permeability subsoils and risk of excess sodium concentration levels in the soils, including low application rates, soil moisture sensors, targeted irrigation, soil amelioration, soil monitoring and application of gypsum if necessary
- appropriate buffers must be provided to wetlands (250 metres) but given the recycle waste water will be low strength, a buffer of 50 metres would be appropriate if a tailwater collection system is in place to capture any first flush runoff, such as the roadway along the eastern boundary
- details of nutrient removal from the irrigation areas needs to be provided
- the modelling demonstrates that scheme has been designed so that overflow is consistent with a nil discharge scenario
- the irrigation area and wet weather storage is adequate for ongoing management of waste water subject to careful management of irrigation area, including nutrient removal
- any overflow from the western side of the lagoon would flow towards the detention basin before any discharge from the site, which must not flow east to the wetland
- the irrigation area and wet weather storage is adequate for ongoing management of waste water
- clarification should be provided regarding any offsite reuse of treated waste water
- soil moisture buffer capacity of 5 mm to 10 mm should be provided and can be accommodated by the proposed irrigation area and wet weather storage
- the monitoring plan for waste water must identify monitoring indicators and frequency as well as sampling methodology (depth increments or composite sampling)
- groundwater monitoring may be required if soil monitoring indicates increased risks.

EPA recommended that the WWMP and Draft Recycle Water Management Plan (draft RWMP) be revised to provide greater detail and matters raised regarding monitoring. DoI have also recommended impacts on groundwater should be monitored and the RWMP should be prepared in consultation with Crown Lands and Water of DoI.

The public submissions raised overflow of storage areas as an issue. EPA have advised any overflow from the western side of the lagoon would flow towards the detention basin before any discharge from the site. EPA have identified that any discharge of the detention basin must not flow east to the adjacent wetland.

A revised draft RWMP was submitted with the RtS. The draft RWMP generally addresses the matters raised by EPA. However, as a number of the matters would still need to be confirmed based on final detailed design and selection of plant, the Department recommends that the final plan is submitted for approval.

The Department considers that on-site treatment and re-use of waste water on the site can be supported as the Applicant has demonstrated that suitable soils and areas are available to accept the entire volume of recycled waste water produced from the proposed facility. The Applicant has advised that there would be no off-site re-use of treated waste water at this time and should that change in the future, the relevant approvals would be obtained. The model used to assess the water demands and waste water flows includes a number of assumptions that have been further justified, including adopted average daily water use per inmate of 185 L/day. No concerns were raised by Council, EPA or DoI in relation to water use assumptions or predicted amount of recycled waste water produced.

The Department and EPA recommends:

- the WWMP and RWMP, must be updated to the satisfaction of EPA, Crown Lands and Water of DoI and Council to address, but not limited to:
 - details of nutrient removal from the irrigation areas
 - location and number of soil moisture sensors

- soil moisture buffer capacity of 5 mm to 10 mm for irrigation areas
- monitoring indicators, frequency and sampling methodology
- a performance assessment/audit of the waste water management system must be prepared quarterly by a suitably qualified experience independent person and submitted to Council for a commissioning period of up to two years from occupation, and annually thereafter. Annual performance assessment should include an assessment of the sustainability of irrigation practices
- the performance assessment/audit should be guided by Environmental Guidelines: Use of Effluent by Irrigation (DEC 2004) and the updated WWMP and RWMP
- if any of the 'Proposed Recycled Water Criteria' specified in the updated RWMP are exceeded, the Applicant must provide Council a quarterly performance assessment/audit of the waste water management system for a year before reverting back to annual reporting.

5.2.5 Noise and Vibration Impacts

Construction

The Stage 2 - Environmental Noise and Vibration Assessment (ENVA) provides an assessment of the likely construction noise and vibration impacts at the surrounding sensitive residential receivers (refer to **Figure 30**).

The ENVA provides an assessment of the noise levels of the main plant and equipment to be used and compares the predicted noise levels against the noise management levels (NML) calculated in accordance with the *Interim Construction Noise Guideline* (ICNG). The NML is consistent with that established for Stage 1 works. The Applicant has committed to preparing a Construction Noise and Vibration Management Plan (CNVMP) prior to commencing construction works.

The NML identified for the evening period has been calculated incorrectly as it uses the same method used to calculate the NML for standard construction hours (i.e. the same as the NML identified for the day time period). Whilst there is unlikely to be regular construction activities undertaken during the evening period as it falls outside of the requested construction hours, out-of-hours works may be undertaken within this period. This would include: delivery of oversized plant or structures; emergency work; maintenance and repair of public infrastructure works; and public infrastructure works. The Department recommends that the NML for the evening period be corrected in the CNVMP prepared for the project.

The ENVA identifies acceptable working distances for the typical plant and equipment to be used to minimise noise impacts on adjoining sensitive receivers from the construction works. Due to the significant distance of the works from the boundary of residential receivers (minimum 310 metres) the construction works are predicted to meet the NML during all phases of construction if plant is located a minimum 250 metres from the affected residences. Concrete batching would also comply provided plant is located a minimum 500 metres from the sensitive receivers. Given the distance of the works to the residential receivers, the proposal would have no predicted cumulative noise impacts with the Pacific Highway works.

The construction works are expected to take 24 months. The Applicant has requested a variation to the standard construction hours recommended in the ICNG, seeking an extension of the Saturday construction hours from the standard of between 8 am and 1 pm to between 8 am and 5 pm. The Applicant has sought the variation as it would: reduce the construction period by two months; allow works like concrete pours to be undertaken as they could not be completed in half a day; and allow work to be undertaken in cooler periods outside the middle of the day. The Applicant has also advised that the variation to Saturday construction hours is comparable with those approved for the Pacific Highway upgrade (8 am to 5 pm) and Council standard construction hours (7 am to 6 pm).

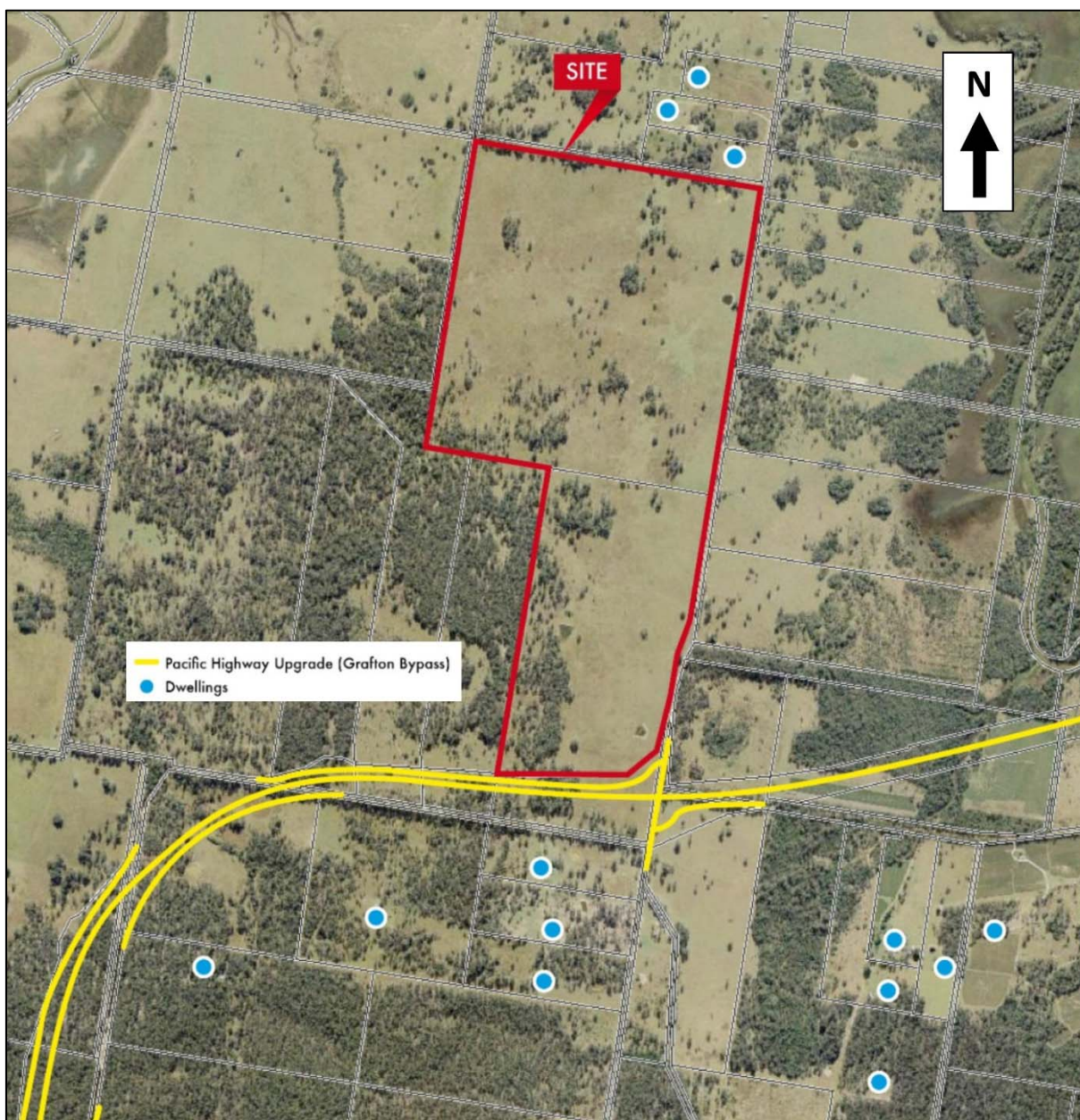


Figure 30: Sensitive noise receivers (Source: EIS)

The Applicant has advised that it is likely that works would need to be undertaken outside of the construction hours, including: delivery of oversized plant or structures; emergency work; maintenance and repair of public infrastructure works; public infrastructure works that shorten the project and are approved by the affected community; and works where the Applicant demonstrates and justifies a need to operate outside the recommended standard hours. The ENVA includes an Out-of-Hours Work protocol that allows an Environmental Representative to approve these works. The Department considers that whilst some out-of-hours work could be supported, an Out-of-Hours Work protocol is not appropriate for the site given that works are being undertaken within a confined and controlled site. The Department considers that any out-of-hours work should be justified and any variation approved by the Secretary, as per conditions that applied to Stage 1 works.

In regard to construction traffic noise, it is estimated that a peak of approximately 944 vehicles per day may be generated, inclusive of 105 trucks. The predicted maximum daily construction traffic noise in this regard would be up to 58 dB(A) which meets the NML for construction traffic noise.

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

The Department is satisfied 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 of 75 dB(A) for residential receivers. The NML for the evening period and the restriction on the Out-of-Hours Work protocol are addressed in the recommended conditions of consent.

Operational Noise

The noise generating activities associated with the operation of the future correctional centre would include the operation of plant and machinery, ground maintenance activities, industrial work, sporting activities, sirens, public address (PA) systems and traffic. The ENVA identifies that the noise generated during operations would not result in any adverse noise impacts on sensitive residential receivers as noise generated would be generally inaudible, except for ground maintenance activities given the distance and attenuation provided by the six-metre high masonry wall. The ENVA did recommend that the operational noise impacts be re-evaluated at the detailed design stage.

The traffic modelling has estimated that the additional traffic movements would comply with the noise criteria.

The Department is satisfied that, subject to the recommended conditions requiring verification of the findings in the ENVA at the detailed design stage, any noise impacts associated with the operation of the proposed development can be adequately mitigated and managed.

Traffic noise impacts on the Correctional Centre

The ENVA indicates road noise from the Pacific Highway may impact workers and inmates. The Department notes that the assessment undertaken for the concept proposal identified only a minor exceedance of one dB(A) of the *NSW Road Noise Policy* criteria if the correctional centre was located centrally on the site and would comply if located in the north. The proposal is located largely in the north and aligned with the northern siting identified in the concept proposal. The proposal also includes a six metre high masonry wall, which would provide significant attenuation for workers and inmates. The Department considers the traffic noise impacts satisfactory.

5.2.6 Other issues

The Department's consideration of other issues is provided at **Table 7**.

Table 7: Department's assessment of other issues

Issue	Consideration	Recommendation
Biodiversity impacts	The proposal has reduced the extent of the clearing footprint, which includes avoiding the Subtropical Coastal Floodplain Forest which was confirmed as being located on the site after further soil testing. The Department in consultation with OEH subsequently approved a revised Biodiversity Assessment Report and Biodiversity Offset Strategy, that recalculated the reduced biodiversity impacts and subsequent offset requirements. The conditions of approval for Stage 1 works, which included vegetation removal, require the Applicant to retire the necessary biodiversity offset credits to address the loss of biodiversity values on the site. OEH has requested that the Applicant increase the vegetative buffer along the southern and south-eastern boundary to maintain an east-west biodiversity corridor to address the cumulative impacts created by the Pacific	The Department has recommended a condition requiring the Applicant to investigate increasing the vegetative buffer along the southern and south-eastern boundary to maintain an east-west biodiversity corridor in consultation with OEH or demonstrate it that it is unfeasible to provide (such as it would reduce land

	Highway upgrade and the proposal. OEH supports the Applicant's intention to investigate the increased vegetative buffer and recommended a condition requiring the buffer along the southern and south-eastern boundaries be provided where feasible.	available to address waste water management requirements).
Bushfire impacts	The site is subject to bushfire risk due to the remnant vegetation on the site and surrounding grasslands. Bushfire prevention measures are necessary given the limited ability to evacuate the facility. RFS have advised that it is satisfied with the proposed APZs and provided recommended conditions of consent. The Department is satisfied that adequate measures would be implemented to manage bushfire risk.	The Department has included the relevant RFS conditions in the recommended conditions of consent.
Development contributions	The Applicant has offered to pay Section 94A contributions to Council to the sum of \$3 million. The Section 94A contribution based on a levy of one per cent of the CIV applied to non-residential development in Clarence Valley Contributions Plan 2011 would be approximately \$7 million. The Department notes that as a Crown Authority, payment of development contributions needs to be considered on its merits as required by Circular D6. As the consent authority, the Minister may require payment of Section 94A contributions after having regard to the applicable contributions plan as per s94B(2) of the EP&A Act. The Department considers that the centre would operate as its own community and would not necessarily result in a significant increase in demand on local infrastructure and services, identified in Council's contributions plan (such as open space and infrastructure). However, the Department notes that the development is likely to have direct and indirect social impacts and the Applicant intends on working with Council to monitor the subsequent social impacts. The development contributions would allow Council to provide any additional community facilities that may be required to address any adverse social impacts and therefore the Department considers a development contribution should be payable. As Council and the Applicant have agreed to a sum of \$3 million, the Department considers this to be a reasonable development contribution.	The Department has recommended a condition requiring payment of a s94A development contribution in the sum of \$3 million.
Water Supply and Connection	The Applicant has provided details of the approved works for water supply that have been assessed under a separate process, which are anticipated to be completed January 2018. DoI requested confirmation that a reticulated water supply would be available to meet construction requirements or water requirements quantified and a supply to be secured before any approval. The Department considers the information provided in the EIS provides a level of satisfaction that the facility can be supplied with a suitable water supply comprising reticulated supply and waste water re-use. Council has requested payment of a contribution pursuant to Section 64 of the Local Government Act 1993. DPI Water's <i>2016 Developer Charges Guidelines for Water, Sewerage and Stormwater</i> (Guidelines) identify developer charges are not necessarily applicable	The Department has recommended conditions requiring the Applicant to demonstrate that adequate water supply is provided to service the facility prior to occupation and that adequate water supply is available for construction. The Department has recommended a condition requiring the Applicant to obtain a Certificate of Compliance from

	to Crown Developments for essential community services. The <i>Section 64 Determinations of Equivalent Tenements Guidelines</i> (ET Guidelines) establish that a standard Equivalent Tenement (ET) would use 230kL/annum and correctional centres should be charged at a rate of 0.5 ET per inmate and staff member. This would equate to a total payment of \$5,540,125 based on 1,700 inmates and 650 staff in accordance with Council's 17/18 water contribution rate of \$4,715/ET. The development is relying on water supply headworks infrastructure provided by Council, which was not constructed for the correctional centre and therefore the cost would be borne by Council and the local community. Under sections 306 (4) and (5), of the <i>Water Management Act 2000</i>, the Minister for Planning may make a determination in regard to developer charges levied on Crown developments. The Department considers that the development is a regional facility and not provided as an essential community facility and therefore headworks charges should be paid for the development. The IWMP identifies that there would be a 315 kL/day demand generated for potable water, which equates to water use of 500 ET (230 kL/annum). The demand for potable water is significantly lower than that of a standard ET due to recycled water use. The Department considers that it would be reasonable to use the likely demand to calculate the water contribution. Based on 500 ETs, a water contribution of \$2,357,500 would be required. The Applicant has offered to pay \$3 million. The Department considers that a payment of \$3 million would be satisfactory as the potable water demand generated by inmates can be accurately calculated but the additional funds would account for any unexpected additional water use and connection costs. The Department has provided Council with its assessment what a reasonable contribution for connection to Council water supply would be based on demand and the Council has raised no issue with the Department's assessment and condition requiring payment of \$3 million for Section 64 water contributions.	Council (as the water supply authority) and payment of section 64 water contribution to the sum of \$3 million.
Utilities	<i>Electrical Services Provision</i> The Applicant has provided details of anticipated electrical supply infrastructure to be constructed to facilitate this development. The EIS indicates that the facility would have a maximum electricity demand of approximately 12 mega-volt amps. Submissions 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 and impact on fauna. The supply of electricity is being assessed under a separate process. The information provided in the EIS provides a level of satisfaction that the facility can be supplied with a suitable electricity supply.	The Department has recommended a condition requiring the Applicant demonstrate that adequate electricity and telecommunications are provided to service the facility prior to occupation.

	<i>Telecommunication Services Provision</i> Telstra has advised that there are two available routes to provide communication services to the proposed development. The Applicant has executed a contract with Telstra to ensure sufficient infrastructure is provided to the site. The supply of telecommunications infrastructure is being assessed under a separate process. The information provided in the EIS provides a level of satisfaction that the facility can be provided with suitable telecommunication facilities.	
Aboriginal Cultural Heritage Impacts	An Aboriginal Cultural Heritage Management Plan (ACHMP) was approved prior to the commencement of Stage 1 works. A salvage report has also subsequently been approved. Further concerns were raised in the public submissions regarding the potential Aboriginal cultural heritage significance of the site, including a potential Bora Ring on the site, and ensuring that the appropriate knowledge holders are involved in the review of significance. The Applicant has reiterated that it is acknowledged that the land is Gumbaynggirr country but Yaegl people were the only representatives that registered formally to speak for country and therefore have participated in the process to date. The Applicant has undertaken further consultation with Aboriginal parties that provided a submission or made further representations directly to OEH, and provided them with the opportunity to identify culturally significant objects or relics on the site. No details regarding the location of a Bora Ring or any other cultural objects or relics were provided to the Applicant. OEH has also discussed the matters with members of the Aboriginal community that have contacted OEH. OEH have advised that they support the update of the ACHMP and that input from all Aboriginal groups who have identified themselves as contact points for knowledge-holders: • should be evident in the finalised statement of significance of any salvaged or collected Aboriginal objects from the site • should be considered for the temporary curation and long-term storage of the above objects • should be reflected in any cultural induction or safety packages developed and delivered for the site. The Applicant has accepted the recommendations of OEH.	The Department has recommended conditions in accordance with the recommendations of OEH.
Flooding	The site and primary access to the site are outside the Clarence River floodplain and are not considered to be flood prone/liable land, as defined by the NSW Floodplain Development Manual 2005. There is the potential for local flooding on the land from site catchment areas. The site-based drainage design would be modified as a result of the approved works and the addition of greater proportion of impervious surface area. The Stormwater Management Report has identified the size of the five detention basins that would need to be established to capture stormwater from the impervious areas of the	The Department has recommended conditions requiring the relevant construction management plans be updated to address on-site detention areas and implementing water quality, erosion and sedimentation

	development. The development also includes swales to direct stormwater flow to the detention basins. The location of these facilities and the discharge point is located upstream from the waste water storage dam and waste water irrigation area. The detention basin in the south-west would capture any overflow from the recycled waste water wet weather storage dam. Localised flooding and runoff from construction works are being managed on the site in accordance with erosion and sediment controls plans prepared for the Stage 1 works. The Department is aware of the sediment basins previously failing. The Department considers that to ensure there are no flooding / stormwater runoff impacts on the land or downstream environments that the erosion and sediment control plan must be updated to account for the various stages of construction, including providing on-site detention areas and implementing water quality, erosion and sedimentation mitigation measures as required for the relevant stage of the development and to address any failures.	mitigation measures and that the final stormwater management plan be prepared in consultation with Council and DoI.
Safety and Security	Concerns regarding safety and security was raised by the immediately adjoining landowner to the north. The Applicant has stated discussions are ongoing in relation to installation of security measures. Notwithstanding that impact on safety and security is identified as a perceived impact by the Applicant, the additional workers and visitors in the area exposes the adjoining landowner to additional risk as the property is the most accessible adjoining property to the correctional centre. Therefore, the Department considers it would be reasonable for the Applicant to address this concern.	The Department recommends a condition requiring that prior to commencing construction works, the Applicant provide any reasonable additional safety and security measures in an agreed timeframe with the adjoining landowner.
Contamination	A Phase 2 assessment was undertaken to comply with the conditions of consent for Stage 1 works. The Phase 2 assessment confirmed that the site is suitable for the proposed use and no elevated levels of contaminants, including pesticides, were identified as occurring on the site except in the vicinity of a former abandoned tractor. The Phase 2 assessment concluded no remediation action plan is required. The Department is satisfied that the site is suitable for the intended purpose.	The Department considers no conditions or amendments are necessary.
Biting Insects	The northern region of NSW is a known sanctuary for mosquitos, sandflies and midges breeding areas. The land is within close proximity to SEPP 14 wetlands and floodplain areas and the site would have stormwater and waste water detention areas on-site. These areas present primary habitats for supporting biting insect breeding. The Applicant has considered the impacts that the development could have on these species and the impact on the staff, inmates and visitors. The Applicant has identified a number of mitigation measures: • wet weather storage dam designed with steep sides free of plants and vegetation to minimise mosquito breeding sites • drainage paths profiles and fall designed to limit any water retention	The Department considers no conditions or amendments are necessary.

	- insect screens provided to minimum security residential buildings - air conditioning provided to habitable spaces and 'tempered air' to cells - during construction disperse water held in depressions and drainage structures, issue appropriate clothing for those working where high concentration of pests and issue insect repellent - during operation undertake regular maintenance of grounds, including irrigation areas and stormwater swales, to ensure organic matter/dead vegetation does not accumulate and prevent/remove stagnant water and provide suitable clothing for staff and inmates for outdoor works to protect against biting insects - pesticides would only be used where necessary to prevent contamination of the adjacent wetlands. The Department is satisfied that the Applicant has considered impacts from biting insects in the design, construction and operation of the centre.	
Feral animal control	The Applicant has advised that restrictions on baiting for pest control only prohibits the use of 1080 bait for the control of wild dogs within 150 metre of a building if the method of baiting is by ground, which can be reduced to 50 metres with agreement of the landowner. Whilst the correctional centre is located greater than 150 metres from any property boundary and therefore it is unlikely to impact adjoining landowners' ability to use pest control, the Applicant has identified that it would provide consent if required. The use of pest control would still need to comply with all other requirement regarding use of baits. The Applicant has also indicated that it would manage pests and feral animals as part of its operations.	The Department considers no conditions or amendments are necessary.
Impact on rural leisure activities – use of firearms	The use of firearms is generally a controlled activity. The Applicant has advised that no additional restrictions apply to a correctional centre, that is any control of use of firearms for any leisure activities are the same that apply to use within the correctional centre. Therefore, the establishment of the correctional centre would not impose any additional restrictions on adjoining landowners being allowed to use firearms.	The Department considers no conditions or amendments are necessary.
Land use conflict	In accordance with <i>Living and Working in Rural Areas</i> (DPI 2007), setbacks of a minimum 50 metres should be achieved between grazing land and non-agricultural land uses. The location of the facilities on the site are setback a minimum 190 metres from the site boundaries and adjoining grazing land. Whilst landscaping and APZs would be established and maintained within these setback areas, the vegetation would not be incompatible with the surrounding agricultural activities.	The Department considers no conditions or amendments are necessary.
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 proposal. However, it is an established principle that the impact of a development on surrounding property value is not a planning consideration (refer e.g. <i>Trinvass Pty Ltd and Anor v Council of the City of Sydney</i> [2015] NSWLEC 151, [89]).	The Department considers no conditions or amendments are necessary.

Public interest

The proposal is considered to be in the public interest as it would provide the following public benefits:

- delivering critical justice infrastructure
- positive economic benefit to the regional economy
- total of 1,634 employment opportunities during the construction and operational phases of the correctional centre
- expansion of a stable employer for the region providing long-term employment reliability
- diversifying the economy of Grafton
- Aboriginal participation in the construction and operational stages, including in the rehabilitation process
- focussing on rehabilitation and reducing re-offending over traditional focus on industry
- increased demand for employment training services, expanding the level of service delivery and capability (including staffing) in the area.

6. 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 Department has assessed the merits of the proposal and has found the key issues associated with the project include: traffic and transport; social and economic impacts; built form and visual amenity impacts; waste water management and noise and vibration impacts.

The Department's assessment concludes that the traffic impacts from the development during the operational stage can be accommodated on the road network given the significant reduction in vehicles travelling on the Pacific Highway as a result of traffic relocating to the upgraded Pacific Highway and good levels of service can be maintained. However, the design of the local road intersections may need to be upgraded to address future speed limits to be set post completion of the Pacific Highway upgrade and subsequent road safety issues.

The Department has considered the social impacts and on balance considers that the economic benefits provided by the proposal, if managed appropriately, would ensure the negative impacts to the community can be adequately offset and this is largely acknowledged by the wider community. The Applicant has also mitigated the social impacts on the directly affected surrounding landowners, relating to loss of the rural setting and impact on farming activities as part of the project as far as reasonably practicable. This is achieved by: addressing social, built form and visual amenity impacts by providing appropriate vegetative screening to protect visual amenity, minimise light spill impacts and maintain the rural landscaped character; and minimising impacts on surrounding agricultural activities by committing to implementing measures to ensure road sharing is achieved with farmers moving stock along Avenue Road and management of feral animals on the property.

The Applicant has minimised the social impacts on the directly affected surrounding landowners, relating to loss of the rural setting and impact on farming activities by:

- providing appropriate vegetative screening to protect visual amenity, minimise light spill impacts and maintain the rural landscaped character
- minimising impacts on surrounding agricultural activities by committing to implementing measures to ensure road sharing is achieved with farmers moving stock along Avenue Road
- management of feral animals on the property.

The Department is also of the opinion that the waste water can be managed on site, subject to preparation of appropriate management plans and providing a 14 hectare irrigation area and 45 megalitre storage dam.

The Department considers the proposal is not inconsistent with the concept proposal.

The Department has recommended conditions that require:

- further traffic modelling and road safety audits for the construction and operation of the facility to ensure road safety during construction and operation given the significant increase in traffic on local roads at both stages
- measures to be implemented to manage peak construction vehicle numbers to ensure intersections do not reach capacity during the construction period
- preparation of the construction traffic management plan with Council and Roads and Maritime Services to ensure cumulative impacts are addressed
- preparation of a revised Waste Water Management Plan and Recycled Water Management Plan in consultation with Council, NSW Environment Protection Authority and Department of Industry
- ongoing reporting of monitoring of the waste water management system
- payment of section 94A and section 64 water contributions
- out-of-hours work to be approved by the Department and not subject to an out-of-hours work protocol
- a potentially widened vegetative buffer along the southern boundary and south-eastern boundary to facilitate an east-west biodiversity corridor given the cumulative biodiversity impacts of the infrastructure projects
- an update of the Aboriginal Cultural Heritage Management Plan to consider and reflect views obtained from relevant knowledge holders or their representatives
- implementation of APZs and preparation of a Fire Management Plan.

The Department considers the application is consistent with the objects of the EP&A Act (including ecologically sustainable development), Premier and State priorities and the *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 proposal would provide 1,634 jobs during the construction and operational stages of the development.

The Department concludes that the impacts of the development can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. 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:

- **consider** the findings and recommendations of this report
- **approve** the State significant development application for SSD 8368
- **sign** the attached development consent and recommended conditions of consent (**Appendix C**).

Prepared by: Megan Fu
Senior Planner, Social and Other Infrastructure Assessments

Recommended by:



20 December 2017

Karen Harragon
Director
Social and Other Infrastructure Assessments

Decision

Approved by:



21/12/17.

David Gainsford
Executive Director
Priority Projects Assessments
as delegate of the Minister for Planning

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=8368.
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8368.
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8368.
4. Applicant's Response to Submissions Addendum
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8368

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

State Environmental Planning Policy (State and Regional Development) 2011

The provisions of the SRD SEPP are considered in **Table 1**.

Table 1: SRD SEPP consideration

Relevant Sections	Consideration / Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is a type specified in Schedule 1.	Yes
Schedule 1 State significant development – general (Clause 8 (1)) 16 Correctional centres and correctional complexes (a) Development for the purpose of a new correctional centre, or the expansion of an existing correctional complex, that has a capital investment value of more than \$30 million. (b) In this clause: correctional complex means any premises declared to be a correctional complex by a proclamation in force under section 224 of the <i>Crimes (Administration of Sentences) Act 1999</i> .	The proposed development comprises development for the purpose of a hospital and has a CIV in excess of \$30 million.	Yes

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.

The biodiversity development assessment report and biodiversity offset strategy (BOS) undertaken for the concept proposal addressed potential impacts on koalas and their habitat. The BOS has been prepared to offset the loss of this habitat. This was updated as part of Stage 2 to recognise the reduced impacts. Conditions of consent for the Stage 1 works require the implementation of the BOS. Construction management measures have also been proposed to minimise the potential for works on the land to impact on the Koala.

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.

A condition of consent for the Stage 1 works required 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. A Phase 2 assessment was undertaken to comply with the conditions of consent for Stage 1 works. The Phase 2 assessment confirmed that the site is suitable for the proposed use and no elevated levels of contaminants, including pesticides, were identified as occurring on the site except in the vicinity of a former abandoned tractor. The Phase 2 assessment concluded no remediation action plan is required.

The Department is satisfied that the site is suitable for the intended purpose.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development is considered to be consistent with the SEPP given that consultation with RMS has been undertaken and the issues addressed under **Section 5.2** 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, 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 (CVLEP) 2011

The CVLEP aims to identify land for industrial and business development that provides opportunities for employment and to protect key infrastructure and ensure adequate integration of infrastructure and development.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the CVLEP and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the CVLEP. Consideration of the relevant clauses of the CVLEP is provided in **Table 2**.

Table 1: Consideration of Clarence Valley LEP 2011

LEP Clause	Department Comment/Assessment
Clause 5.9 Preservation of trees or vegetation	The development would ensure retention of 16.6 hectares of vegetation, vegetation that has been removed is being offset and additional tree planting forms part of the landscaping works.
Clause 7.1 Acid Sulfate Soils	Part of the land is mapped as potentially containing Class 5 Acid Sulfate Soils. The Applicant has undertaken further testing and confirmed that the site does not contain Acid Sulfate Soils and an Acid Sulfate Soils Management Plan is not required.

Clause 7.2 Earthworks	Bulk excavation and site stabilisation works was undertaken as part of Stage 1 works. The Department has included a condition of consent requiring a CEMP to address sediment, runoff and erosion to ensure minimal environmental impact, which would address additional bulk earthworks sought as part of the Stage 2 works.
Clause 7.8 Essential Services	The Applicant has demonstrated that works are currently under construction to ensure essential service are provided to the site or agreement with providers have been entered into to ensure adequate services would be available prior to occupation or services would be managed on-site.

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 16 June 2017 until 31 July 2017
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 850 car parking spaces on-site. 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 and car parking arrangements to be satisfactory – see Section 5.2 of the report.
Part G Sustainable Water Controls	The proposal seeks to use recycled waste water for toilet flushing, wash down water, irrigation and washing machines and this significantly reduces potable water demand.
Part H Erosion and Sediment Control	The Department has included a condition of consent requiring a CEMP to address sediment, runoff and erosion to ensure minimal environmental impact, which would address additional bulk earthworks sought as part of the Stage 2 works.
Part R Controls for Biodiversity and Habitat Protection	The proposal has reduced the extent of the clearing footprint, which includes avoiding the Subtropical Coastal Floodplain Forest which was confirmed as being located on the site after further soil testing. The Department in consultation with OEH subsequently approved a revised BAR and BOS, that recalculated the reduced biodiversity impacts and subsequent offset requirements. The conditions of approval for Stage 1 works, which included vegetation removal, require the Applicant to retire the necessary biodiversity offset credits to address the loss of biodiversity values on the site. This process is underway.

APPENDIX C RECOMMENDED CONDITIONS OF CONSENT
