

Modification 2 of New Grafton Correctional Centre Stage 2

State Significant Development - Section 4.55(1) Modification Assessment (SSD-8368-Mod-2)

June 2026

This report details the Department's assessment and evaluation of modification 2 to State significant development (SSD) approval for New Grafton Correctional Centre Stage 2 - Design, Construction and Operation (SSD-8368-Mod-2), made under section 4.55(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*,

The proposal

On 21 December 2017, Infrastructure NSW was granted consent for the construction and operation of the New Grafton Correctional Centre with 1,700 beds. Northern Pathways Pty Limited (the Applicant) now proposes to modify the consent to amend the conditions relating to sustainable travel plan (STP) and omit the requirement for approval of the STP by the Planning Secretary and the annual update of the STP. The modification statement prepared by the Applicant to support the application is listed in **Appendix A**.

Statutory context

Modification pathway

The Department has reviewed the proposed changes and is satisfied the modification has no environmental impact. Accordingly, the Department considers that the application may be assessed and determined under section 4.55(1) of the EP&A Act.

The modification application was lodged on 21 May 2026. The prescribed period for determining the application expires 14 days after lodgement, on 4 June 2026.

Consent Authority

The Minister for Planning and Public Spaces is the consent authority for this modification, however, the Team Leader, Social Infrastructure, may determine the modification in accordance with the Minister's instrument of delegation as in force at the date of determination.

Matters for consideration

The Department has taken into consideration the matters set out in section 4.15(1) of the EP&A Act and the reasons for granting the original consent, to the extent they are relevant.

The Department has also considered section 7.17(2) of the *Biodiversity Conservation Act 2016* and is satisfied that the modification will not increase the impact on biodiversity values. Accordingly, a further biodiversity development assessment report is not required for the modification application.

Engagement

There is no mandatory public exhibition period for a modification application under section 4.55(1).

No additional agency engagement was considered necessary due to the administrative nature of the modification.

Assessment

Transport Impacts

The Applicant seeks the following changes to condition D10 and E1 (with additions in bold and underlined and deletions struck out):

- D10. The Sustainable Travel Plan (STP) for the development must be prepared in consultation with TfNSW ~~and submitted to the Secretary for approval prior to occupation unless otherwise agreed by the Secretary.~~ The STP must identify measures to support sustainable transport modes, target a reduction in private vehicle travel and include provision for review and monitoring.
- E1. The STP, as required by condition D10, must be ~~updated~~ **reviewed** annually **and updated as required**, and the measures to promote a modal shift away from private vehicle travel identified in the STP must be implemented accordingly.

The Applicant has requested the changes as the main form of sustainable transport to the site of carpooling is actively supported through an STP and the Applicant is committed to ongoing consultation to improve options where possible, but the demand is limited due to minimal in person visits and the number of staff and timing of shifts.

Prior to the commencement of operations, the Applicant submitted a STP for the facility that documented the limits of any STP for the site as: no public transport options were available; the sensitive nature of the work required flexibility to support staff and unforeseen changes to shifts; and changes to visitation as audio/visual visits became the main means of visitation due to the COVID-19 pandemic.

The Department considers the modification can be supported as the changes would not result in any environmental impact. At the time of the determination of the original project, the sustainable transport measures to support the operation of the development were still being developed. The Applicant provided the original physical infrastructure (bus bays and the supporting infrastructure) to support sustainable transport services to the site, however, the services were never commissioned. Therefore, the changes to the STP conditions would therefore have no impact on transport impacts.

The Department is satisfied that the Applicant provided a STP prior to occupation and the requirement for Planning Secretary approval prior to occupation is now no longer relevant. Further, until such a time that public transport services are delivered, the Department is satisfied that the STP can be reviewed annually and updated only where required. The Applicant would need to continue to consult with Transport for NSW in its annual review and preparation of any updated STP.

Evaluation

The Department has considered the modification application, the existing development consent, previous assessment of the project, applicable government policies and guidelines, and whether any other mandatory statutory requirement applies.

The modification will:

- not introduce any new environmental impact, including any increase in the severity, extent or distribution of an existing impact.
- continue to support the orderly and economic use and development of the site.

The Department is satisfied the modification is appropriate and in the public interest.

The Department considers the conditions in the attached instrument of modification (**Appendix B**):

- relate only to the modification application, and
- do not defeat the purpose of the modification application.

Recommendation

It is recommended that the **Team Leader, Social Infrastructure**, as delegate of the Minister for Planning and Public Spaces:

1. **is satisfied** that the application is within the scope of section 4.55(1) of the EP&A Act.
2. **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification.
3. **modifies the consent** for the New Grafton Correctional Centre Stage 2 - Design, Construction and Operation (SSD-8368) as amended, subject to the conditions in the attached instrument of modification.
4. **signs the attached instrument of modification (Appendix B).**

Recommended by:



Megan Fu

Principal Planning Officer
Social Infrastructure

Determination

The recommendation is **adopted** by:



David Gibson

Team Leader
Social Infrastructure

Appendices

Appendix A – List of referenced documents

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-2-sustainable-travel-plan>

Appendix B – Recommended instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-2-sustainable-travel-plan>