

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 07_0053

(FILE NO. S07/00196)

I, the Minister for Planning, under the *Environmental Planning & Assessment Act, 1979*, determine:

- (a) under Section 75O(1), to approve the Concept Plan (Major Project No. 07_0053) referred to in the attached Schedule 1, subject to the modifications set out in Schedule 2; and
- (b) under Section 75P(1)(c) that construction and operation of a correctional centre requires no further environmental assessment for the project or any particular stage of the project.

The reasons for the imposition of the modifications are:

- (1) To ensure the site is suitable for the proposed development.
- (2) To adequately mitigate the environmental and construction impacts of the development.
- (3) To reasonably protect the amenity of the local area.
- (4) To provide sufficient landscaping.
- (5) To encourage public transport use.



Frank Sartor MP
Minister for Planning

Sydney,

 2008

SCHEDULE 1

PART A — TABLE

Application made by:	Department of Corrective Services
Application made to:	Minister for Planning
Major Project Number:	07_0053
On land comprising:	<ul style="list-style-type: none"> • Part of Lot 464 in DP1058778 (64.64 ha); • Lots 102 and 103 in DP755952 (approx 40 ha); • Lot 444 in DP823204 (7.2 ha); • Lot 2 in DP1112040 (4.714 ha); • Adjoining parcel of unsurveyed Crown Land (approx 4.6 ha); • Unformed section of Nowra Hill Road (1.6 ha).
Local Government Area	Shoalhaven Council
For the carrying out of:	Construction of a 500 bed male and female multi-classification security correctional centre and associated site works and car parking.
Capital Investment Value	\$157 million
Type of development:	Concept plan approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Concept Plan approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

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

Environmental Assessment means the document titled South Coast Correctional Centre – 500 Bed Multi Classification Facility - Environmental Assessment Report prepared by Health Projects International Pty Limited Architects and Health Facility Planners, dated 1 November 2006 (amended 25 January 2007).

BCA means the Building Code of Australia.

Council means Shoalhaven Council.

Department means the Department of Planning or its successors.

Director means the Director of the Strategic Assessments Branch of the Department of Planning.

Director General means the Director General of the Department of Planning.

Executive Director means the Executive Director of the Strategic Sites and Urban Renewals Division within the Department of Planning.

Major Project No. 07_0053 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

Minister means the Minister for Planning.

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

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

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

RTA means the Roads and Traffic Authority.

Statement of Commitments means the Statement of Commitments (as they apply to this project) made by the Proponent.

Subject Site has the same meaning as the land identified in Part A of this schedule

SCHEDULE 2

PART C – MODIFICATIONS

ADMINISTRATION

A1 Development Description

Concept Plan Approval is granted only to the carrying out of the following development:

- Construction of a 500-bed, male and female multi-classification security correctional centre including associated site works and parking.

A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans and documentation:

South Coast Correctional Centre Environmental Assessment			
Architectural (or Design) Drawings prepared by Perumal Pedavoli Architects and Woolacotts Consulting Engineers			
Drawing No.	Revision	Name of Plan	Date
DA01	A	OVERALL SITE PLAN	29 April 2008
DA02	A	SITE PLAN	29 April 2008
DA03	A	OVERALL ROOF PLAN	29 April 2008
DA04	A	OVERALL ELEVATIONS	29 April 2008
DA05	A	LANDSCAPE PLAN	29 April 2008
DA06	A	TREE EXCLUSION & CONSTRUCTION ZONE PLAN	29 April 2008
DA07	A	HYDRAULIC SERVICES (off site gas, cold water & sewer infrastructure)	29 April 2008
DA08	A	CIVIL WORKS – Stormwater Management Plan	29 April 2008
DA09	A	CIVIL WORKS – Erosion & Sediment Control Plan	29 April 2008
DA10	A	CIVIL WORKS – Bulk Earthworks Plan	29 April 2008
DA11	A	SURVEY PLAN	Undated

A3 Inconsistency between plans and documentation

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

A4 Lapsing of Approval

The approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5 Prescribed Conditions

The proponent shall comply with the prescribed conditions of approval under Section 75J(4) of the Act.

A6 Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part C of this approval.

DESIGN DETAILS

B1 Flooding

All habitable areas shall have a minimum freeboard of 500mm shall be provided above the 100 year ARI flood level in accordance with Shoalhaven Floodplain Development Manual. All road levels shall be at or above the 100 year ARI flood level.

B2 Water

The proponent shall construct a water main from Links Road (adjacent Lot 81 DP 1067883) to the site. The Statement of Commitments shall be modified to require that:

- detailed design drawings be submitted to Shoalhaven Water Group prior to the commencement of works;
- any applicable Section 64 contributions shall be paid prior to the commencement of works; and
- upon completion of the works, a compliance certificate is to be obtained and a copy submitted to Shoalhaven Council.

B3 Sewer

The proponent shall construct a sewer main from the site line. The Statement of Commitments shall be modified to require that:

- detailed design drawings shall be submitted to Shoalhaven Water Group prior to commencement of works;
- any applicable Section 64 contributions shall be paid prior to the commencement of works; and
- upon completion of the works, a compliance certificate is to be obtained and a copy submitted to Shoalhaven Council.

B4 Sewer pumping station

The sewer pumping station shall be designed in accordance with the Shoalhaven Manual of Practice Sewerage Pumping Station Design. The Statement of Commitments shall be modified to require that:

- details shall be submitted to the Shoalhaven Water Group prior to the commencement of works;
- the pumping station shall be transferred to Council prior to the commencement of the use or alternatively, appropriate easements or instruments are to be created to enable Council to access the pumping station to carry out routine inspections and maintenance works.

B5 Roadworks

The proponent shall undertake the following road upgrades and traffic improvements as identified for "Option 2" in the traffic report prepared by Traffix and dated October 2003:

- Completion of kerb and guttering on the northern side of Central Avenue generally between Bellevue Street and Oxford Street (about 250m one side only);
- Reconstruction of Oxford Street to provide a minimum 8m wide carriageway between Central Avenue and Links Road (about 500m on both sides);

The Statement of Commitments shall be modified to require that detailed engineering drawings and specifications be submitted to Council for approval prior to the commencement of works.

DURING CONSTRUCTION

C1 Tree Exclusion Zone

The Statement of Commitments shall be modified to require that the riparian zone be fenced off and protected for the duration of the construction works and that appropriate tree protection measures be implemented to protect trees within the tree exclusion zone (shown on Drawing DA-06 Revision A) when construction works are being carried out in adjacent areas.

C2 Site fencing

The Statement of Commitments shall be modified to require that a 1.8m high chainwire fence with 3 strands of barbed wire on top be erected along the site boundaries and that the trees shown on Drawing DA-11 Revision A be retained and protected during the construction of the boundary fence.

C3 Construction Hours

The Statement of Commitments shall be modified to require that all construction work shall be restricted to the hours of 7am to 8pm Monday to Friday and 8am to 3pm on Saturday and no work shall take place on Sundays or public holidays.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**D1 Bushfire Risk**

The proposed bushfire management plan and evacuation procedures (refer to Statement of Commitments) shall be submitted the Rural Fire Service and the Department of Planning prior to the commencement of the use.

D2 Operational Environment Management Plan

The proposed Operational Environment Management Plan (refer to Statement of Commitments) shall be submitted to the Department of Planning for approval prior to the commencement of the use.

D3 Public transport to Bombaderry Station

Arrangements shall be made with a bus operator or other service provider to provide a weekend transport service between the South Coast Correctional Centre and Bombaderry railway station. The proponent shall liaise with the Community Consultative Committee proposed in the Statement of Commitments.

D4 Signage for the correctional facility

The Statement of Commitments shall be modified to require that prior to occupation the proponent, in consultation with Council should provide signage to the new facility directing traffic from Princes Highway.

D5 Works-As-Executed Plans

The Statement of Commitments shall be modified to require that prior to occupation, one (1) full set of works as executed plans for any road and/or drainage works on Council land shall be submitted to Council for information purposes only.

D6 Compliance with Conditions

The Statement of Commitments shall be modified to require that documentary evidence shall be submitted to the Department of Planning prior to commencement of the use demonstrating that the measures outlined in the Revised Statement of Commitments dated 1 May 2008 have been incorporated in the development.

D7 Vegetation Management Plan

The Statement of Commitments shall be modified to require that the proposed Vegetation Management Plan (refer to Statement of Commitments) shall be submitted to the Department of Planning for approval prior to the commencement of the use .

ADVISORY NOTES**AN1 Requirements of Public Authorities for Connection to Services**

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 Use of Mobile Cranes

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN3 Roads Act, 1993

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN4 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN5 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN6 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN7 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

AN8 Dial 1100 Before You Dig'

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act, 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN10 Security Fencing

Security fencing shall be provided around the perimeter of the site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition and construction.