



NSW GOVERNMENT  
**Department of Planning**

***MAJOR PROJECT ASSESSEMENT:  
Concept Plan Application  
South Coast Correctional Centre  
Major Project No. 07\_0053***

Director-General's  
Environmental Assessment Report  
Section 75I of the *Environmental Planning and  
Assessment Act, 1979*

May 2008

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NSW Department of Planning  
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# 1 EXECUTIVE SUMMARY

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The site is located within the Shoalhaven Local Government Area approximately 5km to the south of Nowra, in a locality known as South Nowra. The site is bounded by Links Road to the North, Princess Highway to the east, State Forest to the South and private land to the west.

The proposal seeks Concept Plan approval for the construction of a 500 bed male and female multi classification security facility, including the extension of internal road access, car parking for 305 vehicles, ancillary support buildings and associated infrastructure works. A Project Application has not been submitted.

The Minister authorised the submission of a concept plan on 4 October 2007. The estimated Capital Investment Value (CIV) of the development is **\$157 million**. The new correctional centre will house 500 inmates and provide employment opportunities for approximately 202 people once operational.

Under the *Shoalhaven Local Environmental Plan 1985*, the subject site is zoned as '1(b) Rural B (Arterial and Main Road Protection)', '1(d) Rural D (General Rural)', '1(f) Rural F (Forest)', and '6(a) Open Space (Recreation "A" Existing)'. The proposal is permissible within the 1(b) and 1(d) zones, however is prohibited in the 1(f) and 6(a) zones. However, Section 75O(3) of the Environmental Planning and Assessment Act 1979, states that the Minister may approve a Concept Plan for development that is otherwise prohibited under any environmental planning instrument.

The project was placed on formal exhibition from **21 November 2007** until **21 December 2007**. The Department received a total of **3** submissions from Government agencies (Shoalhaven Council, RTA and DECC). In addition, the Department received **31 public submissions** from adjoining land owners/properties. Social issues associated with correctional centres (such as undesirables coming into the town leading to a rise in crime), loss of foraging habitat, stormwater run-off and access from Princes Highway or Central Avenue were raised as the key issues. These have been addressed in the body of this report as part of the assessment of this concept plan.

A Preferred Project Report (PPR) was lodged in response to the submissions on 1 May 2008. The PPR proposed vehicle access to the site via Links Avenue and Oxford Road to address the RTA's concerns about access from Princes Highway. The PPR also included an amended Statement of Commitments which addressed DECC's concerns about potential impacts on threatened species on the site.

The Department has assessed the merits of the proposal against legislative requirements and is satisfied that the impacts of the proposed development have been satisfactorily addressed. Furthermore the Department's recommended modifications of approval ensure a satisfactory resolution to the outstanding matters. The recommended modifications (at **Appendix A**) seek to encourage good urban design, provide sufficient landscaping, maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

The Department is satisfied that the site is suitable for the proposed development and that the project will provide an important correctional facility with social and economic benefits to the Southern NSW region. The project is in line with relevant planning controls and objectives of the State Government's Regional Strategy.

The proposal will deliver significant community benefits to Nowra and Shoalhaven in terms of creating a increased employment opportunities, as well as generating revenue for local businesses in the area. The single storey development includes twenty-two buildings and 305 car parking spaces.

Given the detailed Environmental Assessment and Statement of Commitments provided in the application, the Department is satisfied that with the recommended modifications, no further assessment will be required.

The Department recommends that the concept plan be **approved** subject to the imposition of modifications set out in **Appendix A**.

## 2 BACKGROUND

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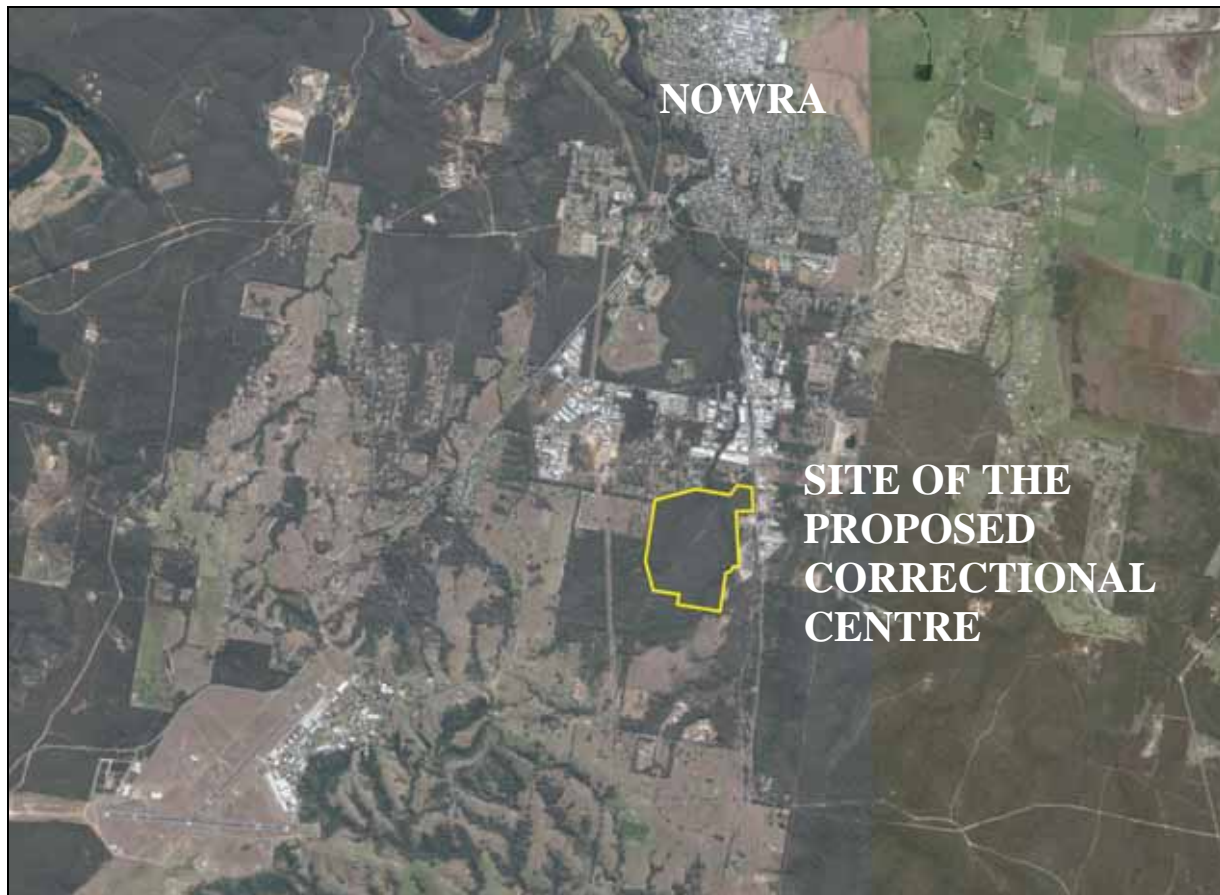


Figure 1 – Location Plan of the South Coast Correctional Centre site (Source: Google Earth)

### 2.1 Introduction

The site comprises separate parcels of land with a total area of 100ha and is located within the Shoalhaven Local Government Area (LGA), being approximately 5km to the South of Nowra City Centre (see **Figure 1**). The subject lands form part of a locality known as Nowra Hill.

The site is owned by the Department of Corrective Services and the Department of Lands. The Proponent is seeking to develop a 500 bed male and female multi classification security facility.

On 19 March 2007, the Director General declared the development proposed by the Proponent to be a project to which Part 3A applies. On 4 October 2007, the Minister authorised the submission of a concept plan for the South Coast Goal Proposal. Consequently, the Minister is the approval authority.

On the 12 November 2007 a concept plan application was lodged. Following the public exhibition of the proposal the proponent submitted a PPR on 1 May 2008 in response to the submissions received.

### 2.2 Site Locality and Description

The land to be utilised for the correctional centre comprises of the following parcels of land (see **Figure 2**):

- 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);
- An adjoining parcel of unsurveyed Crown Land (approx 4.6 ha); and
- Part of Nowra Hill Road (1.6 ha).

Together these parcels of land have a total land area of 122.7 ha. However a quarry currently occupies a 23ha section on the south eastern portion of this land, and accordingly this has been excluded from the SCCC project. As such, the total land area for the SCCC site will be 100ha.

The site is located on the western side of the Princess Highway. The site has a northern boundary to Links Road of 940 metres, a southern boundary to an unformed road of 1,072 metres, an eastern boundary to the Princess Highway of 227 metres and a western boundary to an adjoining private land of 911 metres.

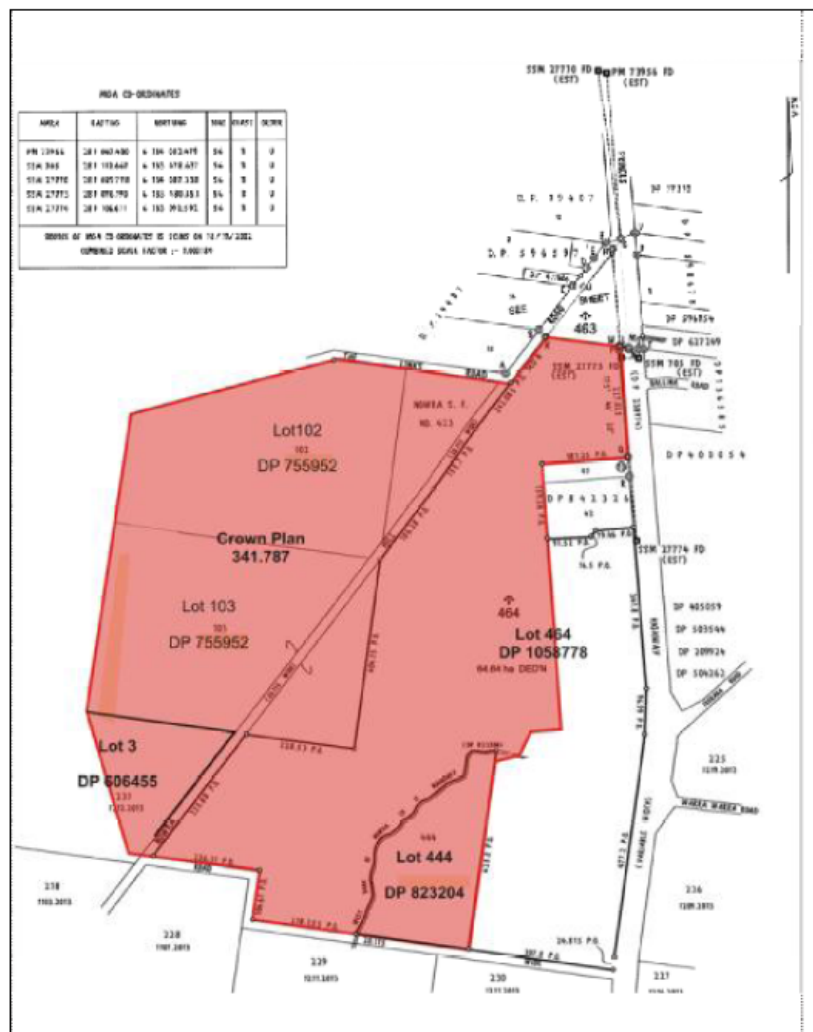


Figure 2 – Site plan (Source: BBC Consulting Planners)

## 2.3 Existing Site and Land Use

The site is a former State Forest precinct, comprising of two forest communities; Spotted Gum Forest and Paperbark Forest. The forest has been subject to logging in the past and as such existing vegetation is generally young forest that has had the majority of the large trees previously removed. Vegetation on the site comprises of gum trees, shrubland and weeds. The site is identified as an indicative habitat corridor, however having poorly conserved vegetation type. Other than vegetation, there are no existing structures on the site.

The site is divided by Nowra Creek and a tributary of this creek that runs south-west to north-east through the site.

Topography of the land is relatively flat with minor relief.

## 2.4 Surrounding Land Uses

Land uses surrounding the site comprise of a mixture of residential, industrial and agricultural.

The Nowra City Centre is the major commercial, retail and administrative centre within the LGA, with the majority of services being located within this centre.

To the north of the site are low density residential development and a mix of industrial uses forming part of the South Nowra industrial area. To the east of the site on the eastern side of the Princes Highway is a range of rural residential development, light industrial and warehousing uses, including a bricks work, quarry, bulky goods retail outlets as well as land affected by mining leases. To the west is general agricultural land, some of which is heavily vegetated.

The following list details the surrounding land uses (See **Figure 3**):

1. Residential Dwellings
2. Bulky goods/light industrial
3. Light industrial/warehouse
4. Residential subdivision (Proposed expansion)
5. Proposed industrial subdivision
6. Industrial site and adjacent residential dwelling
7. Quarry
8. Bushland/agriculture



Figure 3 – Surrounding Land Uses (Source: BBC Consulting Planners)

## 3 PROPOSED DEVELOPMENT

### 3.1 Concept Plan Application

The proponent seeks concept plan approval for:

- accommodation for 500 beds and associated facilities and services (including inmate industries, programme buildings and visit buildings, recreation and contemplation areas);
- associated development including the extension of the internal access road;
- infrastructure works;
- stormwater management;
- road access from Central Avenue; and
- additional parking and associated works.

The building has a gross floor area of 24,306 m<sup>2</sup> and provides 305 parking spaces.

### 3.2 Detailed Development Description

The proposal is described in detail in Table 1 below, while Figures 4 - 7 illustrate components of the proposal graphically.

**Table 1:**

Aspect	Description
Development description	<ul style="list-style-type: none"><li>▪ 500 bed multi classification correctional centre;</li><li>▪ associated development including the extension of the internal access road and erection of a perimeter fence;</li><li>▪ bulk earthworks to provide building platforms for the proposed buildings ;</li><li>▪ upgrade of services; and</li><li>▪ additional parking.</li><li>▪ <b>NOTE</b> – Internal building floorplans do not accompany this application due to security considerations</li></ul>
Project staging	<ul style="list-style-type: none"><li>▪ Construction will be undertaken in a single stage.</li><li>▪ Construction period is expected to take between 12 and 15 months.</li></ul>
GFA / Footprints	<ul style="list-style-type: none"><li>▪ GFA - 24,306m<sup>2</sup></li></ul>
Height	<ul style="list-style-type: none"><li>▪ The gatehouse, maximum security accommodation and minimum security accommodation are up to 9.2 metres above ground level and contain two storeys.</li><li>▪ Most buildings will be single storey and no higher than 6 metres.</li></ul>
Building materials	<ul style="list-style-type: none"><li>▪ A variety of materials and building forms and colours will distinguish the various functional spaces and minimise the institutional character.</li><li>▪ Metal roofing</li><li>▪ Walls to be constructed using precast concrete, metal cladding and vitra panel.</li></ul>
Landscaping	<ul style="list-style-type: none"><li>▪ A cleared area around the correctional centre walls is proposed but a large percentage of the site is not proposed to be cleared thus providing a comprehensive screening of the correctional centre.</li><li>▪ Internal to the correctional centre walls, medium and small scale deciduous tree planting.</li><li>▪ Reed and submerged plants are to be constructed in and around the wetland areas.</li></ul>
Access and Car Parking	<ul style="list-style-type: none"><li>▪ Vehicular access to the site is provided from Links Road and Central Avenue.</li><li>▪ Parking – 305 spaces (staff and visitor)</li><li>▪ Construction vehicles will enter and leave the site via Links Road and Central Avenue.</li></ul>

### 3.3 Response to Submissions

Following exhibition of the proposal, the proponent submitted a Preferred Project Report and Statement of Commitments which detail the proponent's response to the submissions.

### 3.4 Amendment to Concept Application

On 1 May 2008, the proponent proposed the following amendments to the concept application:

- Vehicle access to the site from Central Avenue to the north shown in revised plans and section 3.1 of the PPR as well as;
- Off-site works to be undertaken in Oxford Street and Links Road, including a new intersection (detailed in Appendix 3 of the Preferred Project Report), improvements to Oxford Street providing a 7 metre sealed carriageway with two metre gravel shoulders and improvements to Links Road to provide a 7 metre sealed carriageway for a distance of 30 metres from the Links Road.
- The Statement of Commitments details the preparation of a Vegetation Management Plan (VMP) to ensure appropriate management of residual land.
- The submitted documentation includes a commitment to the preparation of a stormwater management and recycling plan to capture water runoff from all buildings and impervious surfaces within the correctional centre.
- Existing trees to be incorporated into the landscaping plan for the new facility are referred to in the Statement of Commitments.



**Figure 4 - Site Plan of Proposed Development**



**Figure 5 – Building Footprint of Proposed Development**

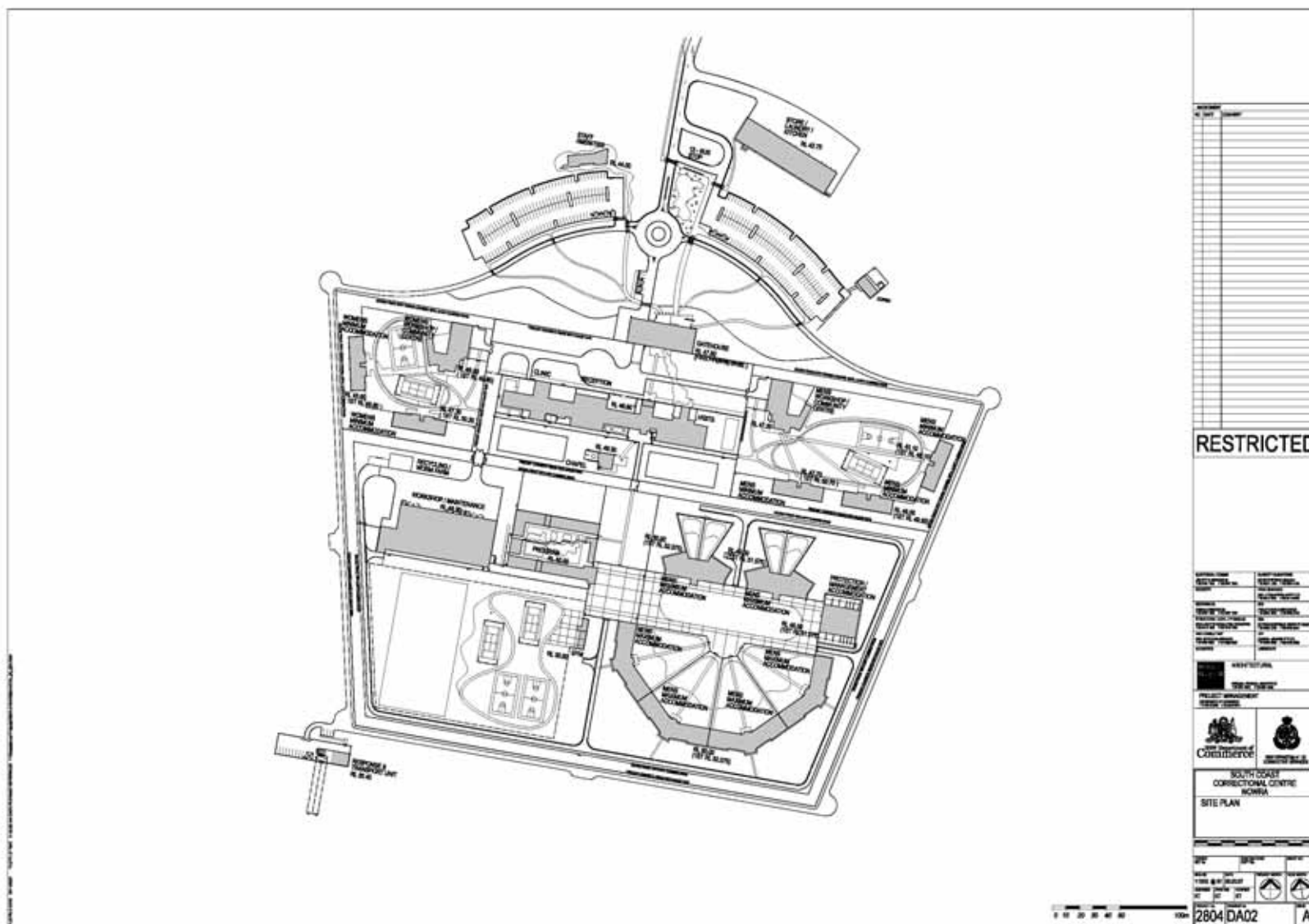


Figure 6 - Roof Plan of Proposed Development

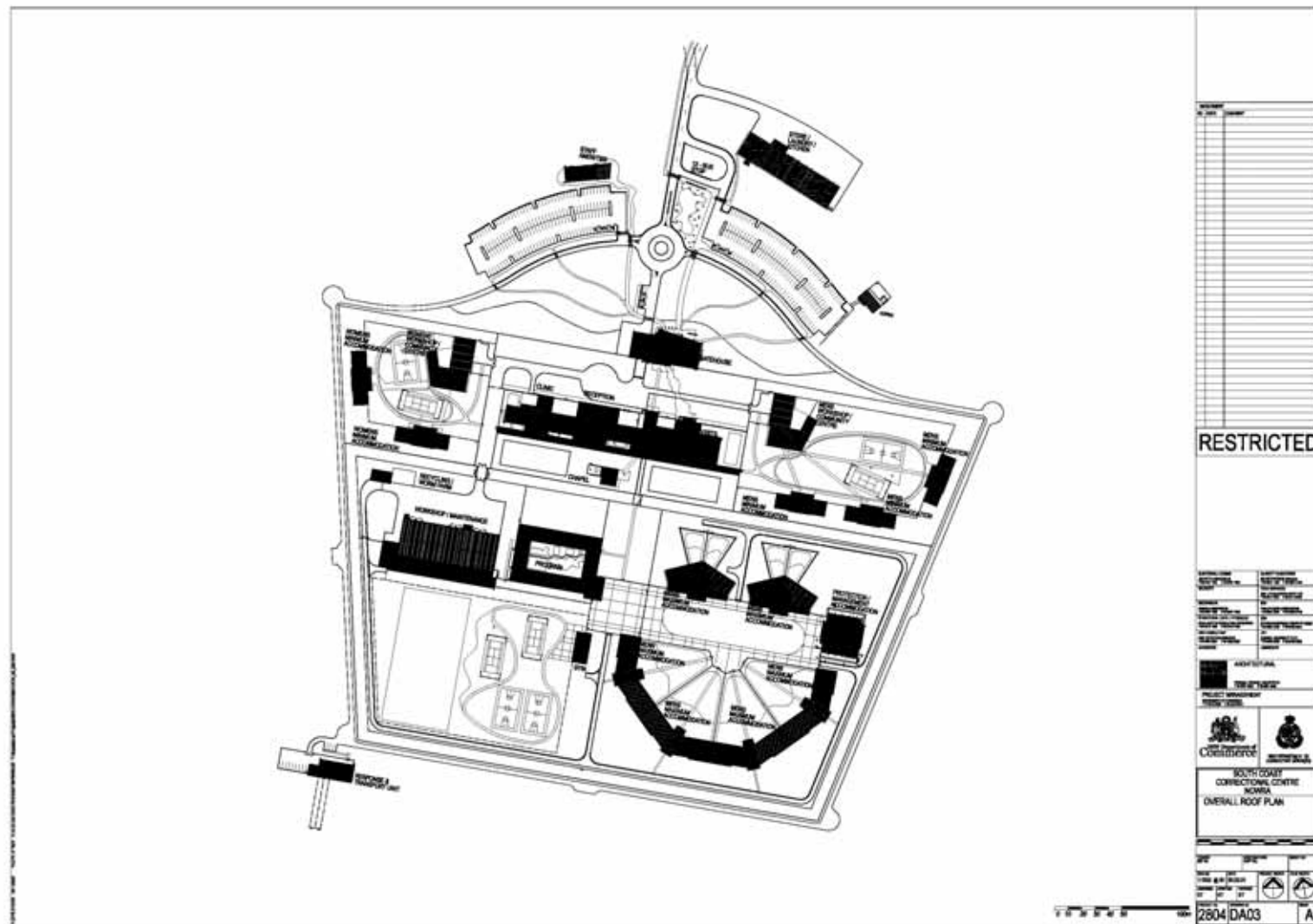
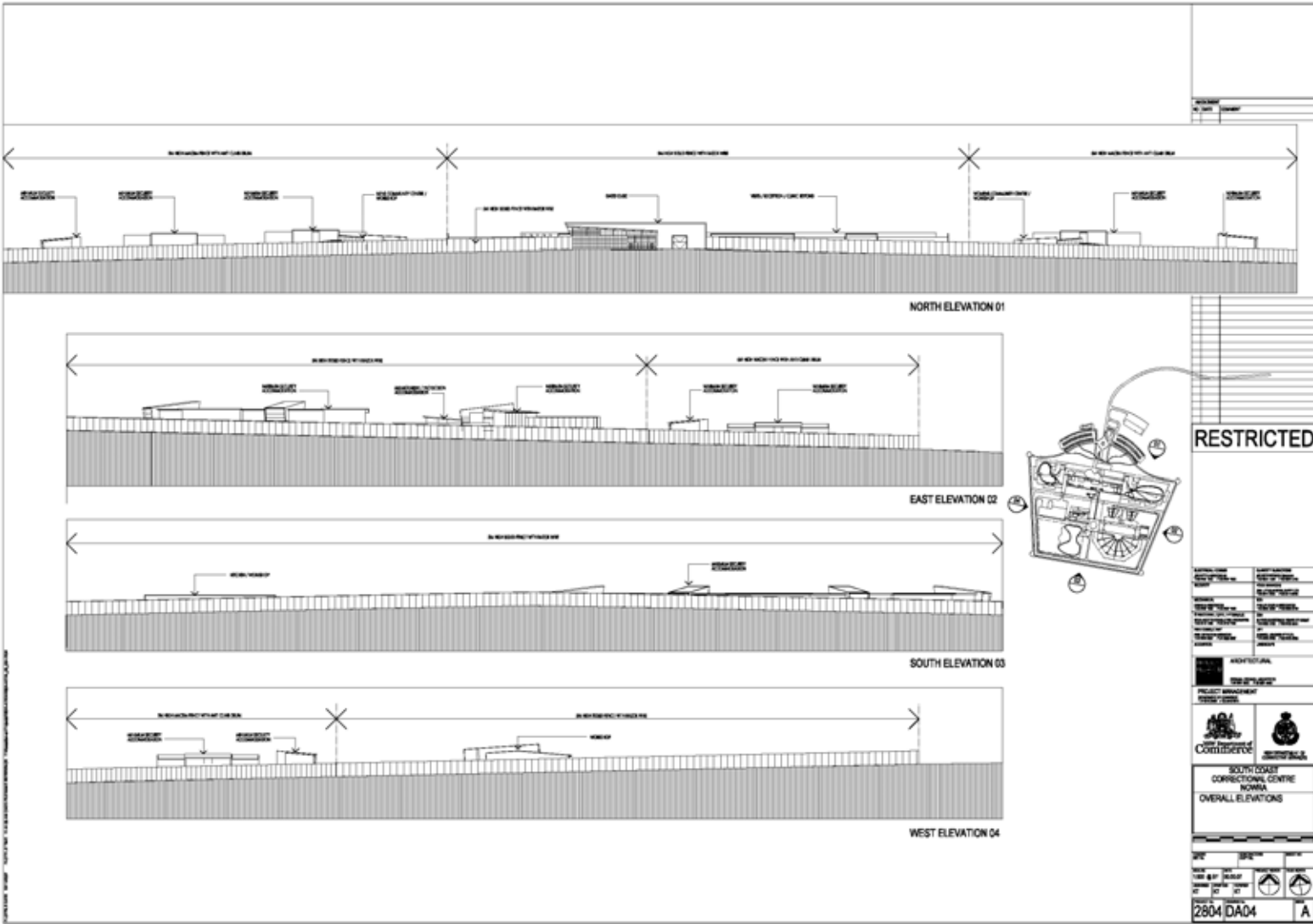


Figure 7 - Elevations of Proposed Development



## 4 STATUTORY CONTEXT

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### 4.1 The Environmental Planning and Assessment Act 1979

Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all Major Projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the Act.

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette.

### 4.2 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP) outlines the types of development declared a project for the purposes of Part 3A of the Act. For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 19 March 2007, the Director General as delegate of the Minister formed the opinion that the project as described is development of a kind that is described in Group 7, Clause 21 (Correctional facilities) of Schedule 1 of the Major Projects SEPP and is a project to which Part 3A applies. The proposed correctional facility has a capital investment value of more than \$157 million. The proposal therefore satisfies the criteria in the Major Project SEPP under Schedule 1, Clause 21 – Correctional facilities (a).

### 4.3 Permissibility / Concept Plan

The subject site is zoned as '1(b) Rural B (Arterial and Main Road Protection)', '1(d) Rural D (General Rural)', '1(f) Rural F (Forest)', and '6(a) Open Space (Recreation "A" Existing)', under the *Shoalhaven Local Environmental Plan 1985* (see **Figure 8**). Under the LEP 1985, correctional centres are permissible within the 1(b) and 1(d) zones, however are prohibited in the 1(f) and 6(a) zones.

Section 75O(3) of the Environmental Planning and Assessment Act 1979, states that the Minister may approve a Concept Plan for development that is otherwise prohibited under any environmental planning instrument. The site is not environmentally sensitive area of State significance or a sensitive coastal location and therefore the provision of Clause 8N of the Environmental Planning and Assessment Regulations 2000 are not applicable.

The Minister authorised the submission of a Concept Plan on 4 October 2007 and the Environmental Assessment for the Concept Plan application on was lodged on 12 November 2007. The Minister has the power to determine the application.



Appendix G sets out the relevant consideration of legislation (including other Acts) and environmental planning instruments as required under Part 3A of the Act.

## 5 CONSULTATION AND ISSUES RAISED

### 5.1 Public Exhibition

Section 75H(3) of the Act requires that once the Environmental Assessment ("EA") has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the EA publicly available for at least 30 days.

A "test of adequacy" was undertaken by the Department and determined that the matters contained in the Environmental Assessment Requirements (EARs) were adequately addressed in the EA prior to public exhibition.

The public exhibition and consultation process is summarised as follows:

- Public exhibition was conducted from **21 November 2007** until **21 December 2007**.
- Copies of the EA were available for inspection at Shoalhaven Council offices in Nowra and the Department of Planning's offices in Sydney and Wollongong during the exhibition period.
- Details of the application were published in the Sydney Morning Herald, and were made available on the Department of Planning's website.
- Copies of the EA were forwarded to relevant Government agencies (Roads and Traffic Authority, Shoalhaven Council, DECC and DEW), and adjoining resident/businesses.
- **126 landowners** in the vicinity of the site were notified and invited to make submissions.

In response, the Department received 34 written submissions – **thirty-one (31)** from **local residents** and **three (3)** from **government agencies** (Shoalhaven Council, RTA and DECC). Copies of submissions received for the concept plan application are provided at **Appendix E**. The Department forwarded these responses to the proponent as they were received.

### 5.2 Issues Raised in Submissions

The issues raised in the submissions are summarised below in **Table 2**. On 2 May 2008 the proponent lodged a response to the issues raised (see **Appendix D**).

**Table 2: Summary of Issues**

Submitter	Issues Raised
Local Residents	<ul style="list-style-type: none"><li>▪ Access issues and general lack of infrastructure: More attention and improvement to provision of medical services, police, public transport.</li><li>▪ Social issues: Residents concerned with negative impact of jail, including increased undesirable people in the area, potential increase in criminal activity, possible deterrent for skilled people to move to the area. Potential stigma of 'jail town'. NSW Government needs to address mental health, rehabilitation and associated anti-social issues. Gaols do not work, as offenders generally re-offend. Increased education programmes required.</li><li>▪ Economic issues: Jobs generated from construction would be for large construction companies out of town. The jail will be bad for the tourism industry in the area and will do little to enhance the growth of business. Potential to have adverse impact on future development in the area and property values.</li><li>▪ Request for more time to lodge submissions as one month is deemed not enough</li></ul>
Department of Environment and Climate Change	<ul style="list-style-type: none"><li>▪ A biodiversity offset is not required as the proposal does not impact on the foraging habitat for the Eastern Bent-wing Bat, the large eared Bat and Glossy Black Cockatoos and possibly the square tailed kite)</li><li>▪ Potential stormwater run-off impacts on the Swamp Sclerophyll Forest can be adequately managed by recycling stormwater on site.</li></ul>

Roads and Traffic Authority	<ul style="list-style-type: none"> <li>Vehicle access to the site from Central Avenue is supported.</li> <li>A full length median is proposed by the RTA along Princes Highway between Central Avenue and Warra Warra Road. Additional roundabouts and sea-gull treatments on Princes Highway are not supported other than at the intersection of Warra Warra Road.</li> </ul>
Shoalhaven Council	<ul style="list-style-type: none"> <li>Should the Minister rezone the site under Section 75R of the EP&amp;A Act, the zoning should be consistent with Council's Structure Plan in relation to riparian zones and environmental protection corridors.</li> <li>The Spotted Gum Forest area on the site should be zoned for Environmental Protection.</li> <li>Vehicle access to the site should be left in/left out from Princes Highway with a median constructed from Central Avenue to Warra Warra Road.</li> <li>305 car parking spaces should be provided on site for visitors and staff.</li> <li>Section 94 contributions should be levied for the provision of a new roundabout on Princes Highway at intersection of Warra Warra Road and fire/emergency services.</li> <li>Flood levels should be determined using the peak flow values from Patterson Britten or provide sufficient justification for the use of different flow values. The road levels should be based on the revised flood levels.</li> <li>500mm freeboard shall be provided in accordance with Council's Floodplain Development Manual.</li> <li>Impact of boundary fencing on any threatened flora and fauna</li> <li>Bushland area to be maintained should be fenced off during construction.</li> <li>Compliance with requirements of the <i>Planning for Bushfire Protection 2006</i></li> <li>Potential noise impacts from the adjoining quarry should be considered</li> <li>Bus service should be provided between the gaol and Bombaderry Station;</li> <li>Community Consultation Committee should be established to monitor and manage potential socio –economic impacts from the facility (eg increased demand for affordable accommodation, local indigenous services, pre and post release services, community and medical services)</li> <li>Water main, sewer and pumping station to be constructed from Links Road to the site and applicable Section 64 contributions levied. Trade waste agreements to be obtained.</li> <li>Compliance Council policies and codes in relation to food premises, drainage, stormwater management, sediment and erosion control, waste management</li> </ul>

All the issues raised in the submissions have been considered in the assessment of this application (refer to **Section 6** of this report) with regard to the relevant legislation



## 6 ASSESSMENT

### 6.1 Director General's Environmental Assessment Report

The purpose of this submission is for the Director General to provide a report to the Minister for the purposes of deciding whether or not to grant concept plan application approval pursuant to Section 75J of the Act. Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed as outlined in Table 3:

**Table 3: Compliance with Section 75I(2) of the Environmental Planning and Assessment Act, 1979**

Section 75I(2) criteria	Response
(a) a copy of the proponent's environmental assessment and any preferred project report;	The proponent's EA is included at Appendix F. A preferred project report has not been submitted, although the response to issues is set out at Appendix D.
(b) any advice provided by public authorities on the project;	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix E.
(c) a copy of any report of a panel constituted under Section 75G in respect of the project;	No independent hearing and assessment panel was undertaken in respect of this project.
(d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project;	A brief assessment of each relevant State Environmental Planning Policies that substantially governs the carrying out of the project is set in Appendix G.
(e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and	An assessment of the development relative to the prevailing EPI's is provided in Appendix G.
(f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety. All environmental impacts associated with this proposal have been assessed within this report.
(g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The EA and subsequent submissions by the proponent forms the basis for consideration of the environmental impacts associated with the development. The Department is satisfied that the project complies with the environmental assessment requirements issued on 11 May 2007.

### 6.2 Summary of Significant Issues / Clause 8B of Regulations

In addition to the above matters, Clause 8B of the Regulation sets out the matters for environmental assessment and Ministerial consideration. It states that the Director General's report is to include an assessment of the environmental impact of the project, any aspect of the public interest that the Director General considers relevant to the project, the suitability of the site for the project and a summary of the public submissions received by the Director General.

The following section assesses each of the key issues associated with the proposal. Each relevant issue has been identified, followed by an explanation of how the proponent has sought to address the issue. Each subsection concludes with an explanation of how the issue has been resolved through the Departments recommended modifications of approval or through the proponent's Statement of Commitments.

It is worth noting that the Statement of Commitments has been modified since the documentation was on public exhibition and that a number of issues raised during the exhibition period have been addressed by way of the

revised Statement of Commitments.

The **suitability of the site** can be readily justified, as outlined below:

- the site can accommodate the development without causing any adverse environmental impacts;
- views of the correctional centre will be limited due to the dense surrounding vegetation;
- the proposal will utilise existing services and infrastructure, such as health services, police and legal facilities and transport facilities.

Similarly the **public interest** can be satisfied on the basis that:

- the correctional centre is consistent with the State Government's policies on improving correctional centres in NSW;
- the correctional centre provides a boost to the regional and local economies through the construction and operational phases;
- by locating the facility in this part of the region it allows inmates who come from the Illawarra Region to serve their sentences closer to home;
- it will create social and economic benefits for the local community.

The **public submissions** received are summarised in Appendix E and full copies are on the file. The relevant issues raised in the public submissions are addressed in the following sections of this report.

### 6.3 Permissibility

Issue:

Permissibility within the 1(f) and 6(a) zones where correctional centres are prohibited under LEP 1985.

Consideration:

Section 75O(3) of the Environmental Planning and Assessment Act 1979, states that the Minister may approve a Concept Plan for development that is otherwise prohibited under any environmental planning instrument. The site is not environmentally sensitive area of State significance or a sensitive coastal location and therefore the provision of Clause 8N of the Environmental Planning and Assessment Regulations 2000 are not applicable.

The Minister authorised the submission of a Concept Plan on 4 October 2007 and the Environmental Assessment for the Concept Plan application on was lodged on 12 November 2007. Therefore, the Minister has the power to determine the application.

It also proposed that the Minister pursuant to Section 75R(3A) of the Act amend the provisions of Shoalhaven LEP 1985 by an Order to remove the prohibition of correctional centres within the 1(f) and 6(a) zoned parts of the site. This will enable the proponent to make applications in the future for any development not anticipated or covered by the Concept Plan.

### 6.4 Vehicle access

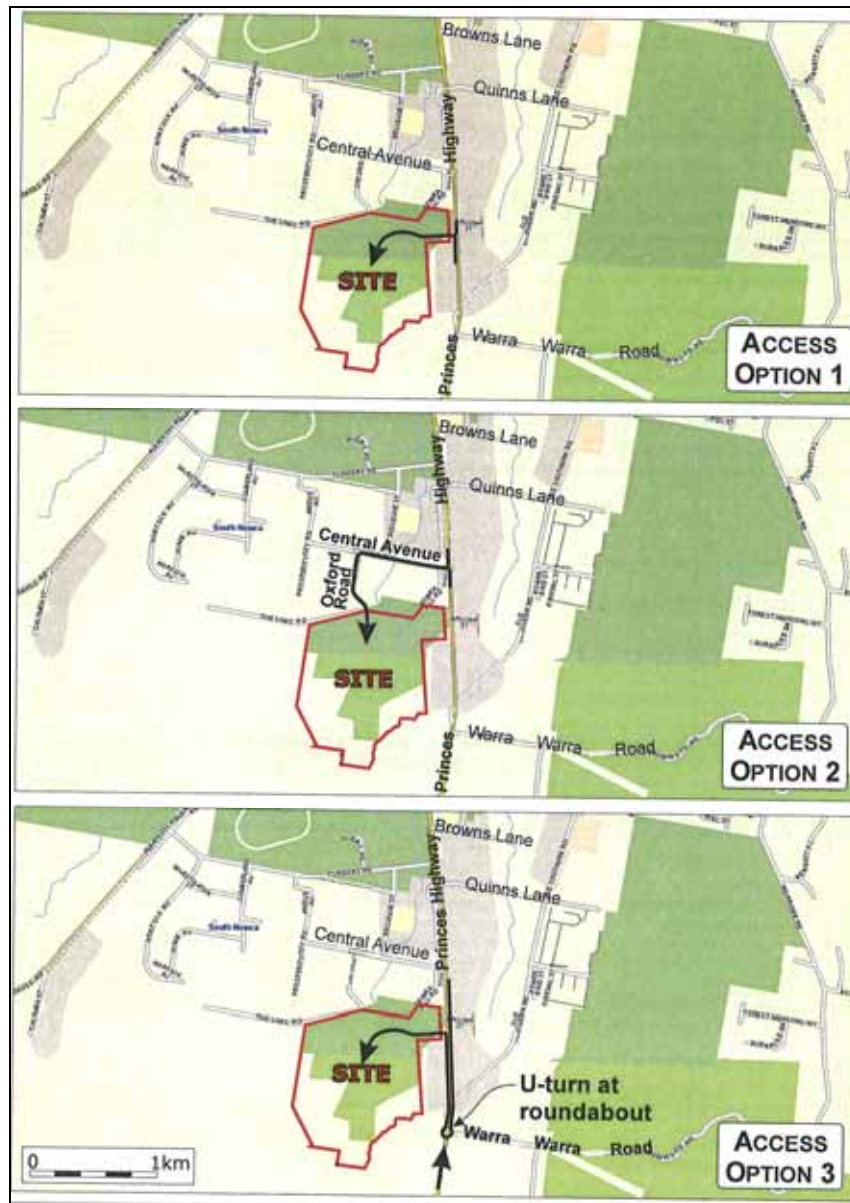
Issue:

Vehicle access to the site.

Consideration:

Three options were tabled by the proponent in their EA:

- Option 1: Direct access to the Princes Highway;
- Option 2: Access via the existing roundabout at Central Avenue then via Oxford Street; and
- Option 3: Access via a direct left-in/left-out access to the Princes Highway with a new roundabout at Warra Warra Road to facilitate 'U turn' movements.



#### Option 1 - Direct access to the Princes Highway

This option involves one through traffic lane in each direction along the highway, with direct access into and out from the site would serve the needs of the correctional centre and minimise the number of vehicle kilometres travelled (VKT, which is a State Government objective) for vehicles carrying prisoners.

Both Council and the RTA oppose this solution based on it being inconsistent with the RTA's strategy for this part of the Princes Highway to minimise the number of access points and thereby improve vehicle flows. The Department is of the opinion that this option would cause an adverse impact to the flow of traffic on the Princes Highway and therefore does not support it.

#### Option 2 – Access via the existing roundabout at Central Avenue then via Oxford Street

This route would require an upgrade of Links Road to an industrial standard. A shuttle bus service would need to be provided as existing bus routes use Princes Highway. The projected increase in the level of traffic using this route were it chosen as the access option are described as moderate.

This route would traverse an existing rural residential area in Oxford Street. The traffic generated would not have

an adverse impact subject to the road being upgraded to a suitable standard.

The RTA's strategy for the south Nowra precinct of Princes Highway is not affected by option 2.

Option 3 – Access via a direct left-in/left-out access to the Princes Highway with a new roundabout at Warra Warra Road to facilitate 'U' turn' movements.

Council's preferred option involves the construction of a new roundabout at Warra Warra Road. This is in line with the RTA's strategy for this precinct of Princes Highway in South Nowra which features a central median the entire length of the precinct and two through lanes in each direction. Under this option, vehicles travelling to the site would have to drive 1.2km past the site before doing a U-turn at the roundabout and travel 1.2km back up Princes Highway to the site. The proposed Warra Warra roundabout is too far from the site which in turn makes it impractical for transporting prisoners.

#### Preferred Project Report

The proponent has selected Option 2 in its preferred project report. The Department is satisfied that this option is acceptable and it is compatible with the RTA's strategy to improve traffic flow on the Princes Highway by constructing a median between Central Avenue and Warra Warra Road and limiting direct access to the Highway to left in/left out manoeuvres.

Further, the Department is also satisfied that Option 2 will not result in adverse traffic impacts on the surrounding area (see discussion below in **Section 6.5**) subject to the upgrading of Oxford Street and Links Road proposed in the proponent's Statement of Commitments. These include providing a new intersection at the intersection of Oxford Street, Links Road and the access to the facility and upgrading Oxford Street and a section of Links Road to provide a 8 metre sealed carriageway.

## **6.5 Traffic generation**

### Issue:

Impact of traffic generation on local road network.

### Consideration:

The current daily traffic volume on Princes Highway is 29,675 vehicles per day. The proposed correctional facility is estimated to generate 260 additional vehicle trips per day, with 80% of vehicle trips (208) heading north to Nowra and 20% southbound trips (52). This represents a 0.7% increase in traffic volumes on the Highway. The vehicle trips generated by the proposal will also be distributed across the three staffing shifts. The main AM peak occurring between 7.30am and 8.30am (60 in, 12 out) and 3.30pm to 4.30pm (12 in, 60 out).

The traffic study submitted with the proposal indicates that the correctional centre will have a negligible impact on traffic volumes on Princes Highway. There will be a moderate increase in traffic using Oxford Street as a result of Option 2 being selected to access the site (see discussion above in **Section 6.4**). However, the Department is satisfied that the additional traffic generated by the development will not have an adverse impact subject to the intersection improvements and upgrades to Central Avenue and Oxford Street.

It should be noted that the preferred project report proposes slightly narrower road widths than are recommended in the Traffix report (ie 7m wide instead of 8m). The attached conditions of approval recommend that the intersection improvements and road upgrades as per the recommendations of the Traffix report.

## 6.6 Biodiversity and threatened species

### Issues:

- Stormwater run-off from car park may impact on Swamp Sclerophyll Forest; and
- Impact of tree removal on the habitat of Eastern Bent-wing Bat, Large-eared Pied Bat and Glossy Black Cockatoos.

### Consideration:

#### Stormwater run-off from car park may impact on swamp Sclerophyll Forest

Swamp Sclerophyll Forest is listed in Part 3 of Schedule 1 of the Threatened Species Conservation Act, 1995 however, it is not declared as critical habitat. It occurs on the lower slopes along the drainage features but is an area excluded from the proposed development. However, it could be indirectly impacted upon by the changes to the hydrological regimes, for example, increased stormwater run-off from hard surfaces.

The proponent has submitted an amended Statement of Commitments and proposes to prepare a stormwater management and recycling plan to capture and recycle stormwater run-off from all buildings.

The surface water run-off from the car park areas will be collected and discharged to the detention basin. Swales are proposed to direct stormwater to the detention basin. The detention basin will function as a sediment trap for the developed site. Gross pollutant traps will also be provided upstream of the basin to capture litter.

The Department is satisfied that the stormwater management plan is satisfactory.

#### Impact of tree removal on foraging habitat of Eastern Bent-wing Bat, Large-eared Pied Bat and Glossy Black Cockatoos

DECC initially expressed concern that the removal of trees may result in a loss of habitat for the Eastern Bent-wing Bat, the Large-eared pied Bat and Glossy Black Cockatoos. It should be noted that no critical habitat has been declared on the site. DECC is also of the view that the proposal will only impact upon the foraging habitat of these species and not the roosting areas and therefore does not result in an unacceptable environmental impact.

The Department is satisfied that the proposal will not result in an adverse impact on the habitat of threatened species subject to the preparation of a vegetation management plan as proposed in the Statement of Commitments.

## 6.7 Compatibility with the South Coast Regional Strategy

### Issue:

The riparian corridor containing Spotted Gum Paperbark Forest should be rezoned for environmental protection.

### Consideration:

The proposal does not involve any rezoning of the site. Zoning issues can be addressed by Council as part of the preparation of their comprehensive Local Environmental Plan. It should be noted that the proposal does not result in any adverse impact on the riparian corridor.

## 6.8 Flooding

### Issue:

Flood risk and freeboard height above 1 in 100 year ARI.

### Consideration:

#### Flood modelling

Council is concerned that the flood levels in the proponent's flood modelling are inaccurate and that the down stream boundary conditions provided in Nowra and Browns Creek Flood Study have not been used in the modelling.

The proponent has confirmed in the preferred project report that peak stormwater flows used in their flood modelling were taken from the Patterson Britten Report and that the critical flows in Nowra Creek were used in the determination of the flood levels.

The proponent has also confirmed that the downstream flood levels were set at Central Avenue (Station 10 in Woolacotts flood study) which is the furthest location upstream in the Council's model. The Department is satisfied that the correct flood levels have been used and that the proposed correctional centre has been appropriately located so that it will not be adversely impacted by flooding.

#### Freeboard above 1 in 100 year ARI

Council requested that a 500mm minimum freeboard be provided in accordance with the Council's Floodplain Development Manual. In their Preferred Project Report, the Department of Corrective Services acknowledge Council's recommendations and have reflected this by raising the minimum freeboard to 0.5m. The habitable floor levels are at a minimum height of RL 45.1 which is substantially higher than the 1 in 100 ARI. The Department is therefore satisfied that this issue has been resolved.

#### Road levels

Council is concerned that the road levels may need to be adjusted if the flood levels are incorrect. The proponent has confirmed in its preferred project report that the minimum road level is RL 38.65 which is above the 100 year ARI flood level (i.e. RL 37.8 at Nowra Creek culvert). The Department is satisfied with this approach and concurs that the provision of freeboard to roadways is unnecessary.

#### Climate Change

While the EA does not specifically include an assessment of the impacts of climate change on flooding, the habitable floor levels within the correctional centre are substantially higher than the 1 in 100 year ARI and PMF water levels.

At the outer north-western corner of the facility, the 100 year ARI and PMF levels are estimated to be RL 41.0 and RL 42.1, respectively, whereas the immediately adjacent habitable floor levels are a minimum of RL 45.6 in the women's minimum security accommodation. At the outer north-eastern corner of the facility, the 100 year ARI and PMF levels are estimated to be RL 39.2 and RL 46.5, respectively, whereas the immediately adjacent habitable floor levels are a minimum of RL 45.6 in the men's minimum security accommodation. The proposed floor levels allow for any climate change impacts on flooding levels.

The potential future increase in the level of Nowra Creek and its tributary could be expected to approximately equal to the increase in sea-level using a precautionary principle, which under the latest IPCC global CSIRO regional projections could be as high as 0.91m by 2100. Therefore, the cumulative water level rise at the north-western and north-eastern corners of the building would be RL 41.91 and RL 40.11 respectively. In light of these calculations, the Department considers that the proposed development would provide a sufficient factor of safety

to the occupants of the facility.

## 6.9 Bushfire risk

### Issue:

The site is Bushfire Prone Land and the proposal should comply with *Planning for Bushfire Protection 2006*.

### Consideration:

The Rural Fire Service (RFS) was consulted at the Director-General's requirements stage. A Bushfire Assessment was undertaken by the proponent in accordance with the *Planning for Bushfire Protection 2006*. The proponent also contacted the RFS during the preparation of the EA and the PPR.

The Statement of Commitments propose that asset protection zones will be established and maintained, a bushfire evacuation plan and bushfire management plan will be prepared. The Department is satisfied that this issue has been adequately addressed.

## 6.10 Section 94 Developer Contributions

### Issues:

Section 94 Developer Contributions should be levied for the following:

- The new roundabout at the intersection of Princes Highway and Warra Warra Road;
- Fire and emergency services.

### Consideration:

Circular D6 states that Crown development can be levied for drainage works and upgrading of local roads and local traffic management where such works are associated with the site entrance and are required to ensure safe access for the public.

Access to the site will be via the existing roundabout at Central Avenue then via Oxford Street rather than directly from Princes Highway (refer to discussion in **Section 6.4**). Therefore, the roundabout proposed by Council at the intersection of Princes Highway and Warra Warra Road does not relate to works associated with the site entrance and there is no nexus for the proponent to contribute to these works.

Fire and emergency services are outside the scope of the levies that can be applied to Crown development.

Therefore, the Department is satisfied that Section 94 contributions are not required to be paid by the proponent. It should be noted, however, that proponent in their Statement of Commitments has committed to upgrade Central Avenue and Oxford Street to accommodate the additional traffic generated by the development.

## 6.11 Social Impacts

### Issue:

The proposal will have negative social impacts on the local area.

### Consideration:

On 3 March 2006 Shoalhaven Council wrote to the Department of Commerce in order to express their capability and willingness to establish a correctional facility in their LGA. The Department of Commerce published an Expression of Interest (EOI) for land owners within 60km of Kiama to put forward their land holdings. Four sites were short-listed (two from the Department of Lands, one privately owned and one of State Forest). Department of Commerce undertook a community consultation exercise, the result of which was that the local community voted in favour of the chosen site located in an area of State Forest.

The establishment of a correctional centre in the area is expected to create a net positive social impact despite fears from members of the public that undesirables will be introduced to the community. The proposal will create additional demand for welfare services, healthcare and affordable housing. A Community Consultative Committee will be established by the Department of Corrective Services to monitor social and economic impacts of the proposal. The development will also result in positive social benefits including increased employment opportunities.

Concern was raised that the presence of a correctional centre would lead to an increase in the number of undesirables coming into the area. The proponent has advised that the Lithgow Correctional Centre experienced a decrease in crime by 5% in the surrounding area. Therefore, there is no evidence to suggest that the presence of a correctional centre in Nowra will result in an increase in crime or anti-social behaviour.

Concern was also raised that the presence of a correctional centre in Nowra by having could lead to a perception that Nowra is a 'jail town'. Council have expressed a desire for the facility to be known as South Coast Correctional Centre in order to avoid the stigma associated with 'gaol towns'. The proponent has offered to work with Council and tourism authorities to maintain a positive image and build on opportunities, as well as promote the economic benefits being delivered to the community.

The Department of Corrective Services states in the Socio-Economic Impact Statement that it will work with Council and Department of Housing to ensure that temporary accommodation is investigated for construction workers and ensure contractual arrangements with holiday letting agencies to minimise disruption to the tourism industry. The Department is satisfied that the proposal will not result in adverse social impacts.

## 6.12 Economic Impacts

### Issue:

The proposal will have negative economic impacts on business in the local area, particularly tourism.

### Consideration:

Department of Corrective Services are willing to engage with Council's Economic Development Team to ensure that positive impacts associated with the new facility are maximised, including employment opportunities during construction and operation of the facility.

The proponent submits that the proposal will have positive economic and employment effects based on data collected on the Kempsey Correctional Centre, where 66% of staff resided in Kempsey and adjacent local government areas, with 37% being residents of Kempsey Shire itself. The proponent estimates that the correctional centre will employ 202 persons, of which, 108 will move into the area and the remaining 94 staff will be recruited locally.

There are also opportunities for local businesses in ongoing and preventative maintenance contracts, for example, the maintenance of diesel generators, freezers and air conditioning. The employment of more than 200 new staff for the facility will also lead to an injection of salary spending into the local economy.

The Department supports the suggestion of the Community Consultative Committee working with members of the local indigenous community to develop and facilitate skills enhancement programs, pre-employment strategies and active recruitment drives in the indigenous community.

The Department is satisfied that the proposal will not result in adverse economic impacts.

## 6.13 Utilities and Services

### Issue:

Water, sewer and utilities should be upgraded.



Consideration:

The water, sewer and gas services infrastructure upgrades are shown in drawing DA07. The proponent states in their response to submission summary that an agreement in principle has been reached with Shoalhaven Water and ActewAGL.

The Department is satisfied that this issue has been resolved subject to the imposition of conditions as

#### 6.14 Sediment and Erosion Control

Issue:

Adequate soil and erosion controls shall be implemented in accordance with Landcom manual, "Soils and Construction, Managing Urban Stormwater, Vol 1 – 4<sup>th</sup> edition, March 2004.

Consideration:

The Department is satisfied that the sediment and erosion control plan is sufficient in detail as it demonstrates the location and design of the catch drain, four sediment basins and temporary construction exits. The Statement of Commitments covers the construction process measures which will be taken to control soil erosion to the satisfaction of the Department. A modification has been attached to the approval, stating that the measures proposed and shown in DA09 are implemented to the satisfaction of a site inspector.

#### 6.15 Signage on Princes Highway

Issue:

Signage should enhance the visual presentation of the site entrance.

Consideration:

No details of the signage have been provided. The Department is satisfied that this issue can be resolved directly between the Council and the proponent. Conditions to this effect are included in **Appendix A**.

#### 6.16 Waste Management

Issue:

A waste minimisation and management plan should be prepared in accordance with DCP – 93.

Consideration:

The proponent is committed to providing a construction waste management plan as part of the construction environmental management plan in accordance with DCP-93. The Department is satisfied that this issue has been addressed in the proponent's Statement of Commitments.

#### 6.17 Ecologically Sustainable Development

Issue:

Measures should be committed to by the proponent in order to demonstrate consideration of ESD principles.

Consideration:

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);

- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The proponent, through their Statement of Commitments has committed to the principles of sustainability as defined in the Environmental Planning and Assessment Act, 1979.

The Premier's Memorandum (High Environmental Performance for Buildings) and Environmental Performance Guide for Buildings (EPGB) are listed by the proponent as standards to which the construction and operation of the correctional centre will adhere to. Energy efficient outcomes for the building will be achieved along with a healthy, thermally comfortable and acoustically acceptable indoor environment.

Water will be conserved and water cycle management will be achieved through design. This will include rainwater reuse, stormwater management and water recycling. The proponent has committed to only using environmentally sound materials with minimal use of non renewable resources.

The Department is satisfied that the proponent has adequately incorporated ESD principles into the design of the facility as described in their Statement of Commitments.

#### **6.18 Construction management**

The issues below have either been resolved through assessment, revisions to the proponent's Statement of Commitments, or through the Department's recommended modifications and are summarised as follows:

- The proponent has committed to carrying out all building work in accordance with the requirements of the Building Code of Australia.
- Whilst the proponent has committed to preparing a construction management plan the Department recommends that a condition be imposed formalising the requirement for a construction management plan and a construction waste management plan be prepared and implemented. Each will be submitted to and approved by the Department prior to the commencement of works and will address a number of matters including traffic management, construction traffic and vibration management. Similarly, the recommended conditions require a waste management plan be prepared and implemented. The plan will have to be submitted to and approved by the Director of Strategic Assessments.
- No construction work shall take place on public holidays.
- A number of conditions have been recommended to ensure construction impacts are minimal and necessary fire safety certificates and access easements are obtained / registered. These conditions seek to ensure a sympathetic development, minimal disruption to existing surrounding properties and formalising some minor administrative matters.

The Department is satisfied that the above matters can be adequately addressed by appropriate conditions of consent and in the proponent's Statement of Commitments.

#### **6.19 Further Environmental Assessment**

Given the detailed Environmental Assessment and Statement of Commitments provided in the application, the Department is satisfied that with the recommended modifications, no further assessment will be required.

## 7 CONCLUSION

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All relevant environmental issues associated with the proposal have been extensively assessed. The issues raised mainly relate to social impacts, access arrangements and loss of habitat. The proposal also supports key objectives of the Regional Strategy and State Environmental Planning Policies particularly those which seek to promote economic development.

On balance the Department is of the view that the proponent has satisfactorily mitigated the environmental impacts associated with the proposal. The recommended conditions (at **Appendix A**) seek to encourage good urban design, provide sufficient landscaping, encourage public transport use, maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

The development of the South Coast Correctional Centre, in accordance with the recommended conditions of approval, will provide an important opportunity to cater for the expected rise in the number of inmates requiring places at correctional centre. It will also provide an opportunity for inmates from the area to serve sentences closer to home. It will also provide a boost to the regional and local economies through the construction and operational phases. Consequently, the proposal is supported from an environmental planning perspective.

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## APPENDIX A. MODIFICATIONS TO CONCEPT PLAN

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## APPENDIX B. STATEMENT OF COMMITMENTS

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## APPENDIX C. PREFERRED PROJECT REPORT

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## APPENDIX D. COPIES OF SUBMISSIONS FROM PUBLIC AUTHORITIES & SUMMARY OF PUBLIC SUBMISSIONS

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## APPENDIX E. RESPONSE TO SUBMISSIONS

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## APPENDIX F. ENVIRONMENTAL ASSESSMENT

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## **APPENDIX G. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION**

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### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

#### **Part 3A of the Environmental Planning and Assessment Act 1979 (the Act)**

On 1 August 2005, Part 3A was introduced to the Environmental Planning and Assessment Act 1979 (EP&A Act). Part 3A and its accompanying Regulations and Guidelines (the latter yet to be gazetted), contains a new assessment and determination framework for major projects.

The Director General as delegate of the Minister has formed the opinion that the development to which this application relates is a project for the purposes of Part 3A of the Act. The concept plan application to which this Environmental Assessment report relates has therefore been lodged pursuant to Section 75E of the Act, for approval to carry out a project as defined in Part 3A of the Act.

### **STATE ENVIRONMENTAL PLANNING POLICIES**

#### **State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP)**

The Major Projects SEPP outlines the types of development declared a project for the purposes of Part 3A of the Act.

For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 20 August 2007, the Director General formed the opinion that the project is a development which meets the criteria of Clause 21, Group 7 of Schedule 1 of the SEPP which refers to Correctional facilities

The opinion was formed on the basis that the development for the purposes of a correctional facility with a Capital Investment Value (CIV) of \$157 million (as advised at the time), which exceeds the \$30 million threshold identified in the SEPP. Accordingly, the Minister is the approval authority.

#### **State Environmental Planning Policy 11 – Traffic Generating Developments (SEPP 11)**

The main objectives of SEPP 11 are to ensure that the RTA is made aware of and is given an opportunity to make representations in respect of development set out in Schedules 1 and 2.

The development proposal was referred to the RTA on 4 December 2007 for comment. The RTA's key issues related access arrangements into the site from Princes highway and compatibility with the RTA's strategy for South Nowra. These matters have been considered and are discussed in detail in Section 6 of the Director General's report or have been resolved through the recommended conditions of approval where appropriate.

#### **State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44)**

SEPP 44 encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range, and to reverse the current trend of population decline.

The EA was referred to DECC on 7 December 2007. DECC's submission did not raise the issue of koala habitat being affected by the proposed development, an opinion which was supported by the EA which states that, "site investigations confirm that, despite the presence of a small proportion of Koala food trees on the site, the area is not a potential koala habitat and there are no koalas or signs of koalas within the site.

### **State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)**

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the consent authority when determining development applications in general, and where relevant, land has been appropriately remediated.

Cottier and Associates has prepared a geotechnical investigation of the land on behalf of the proponent in accordance with relevant EPA guidelines and NSW statutory requirements (i.e. SEPP 55). The investigation found that no obvious signs of contamination were observed with the exception of several stripped and rusted car bodies and rusted steel drums in the south east corner of the site with a drainage depression.

The proponent has committed to undertaking a limited intrusive investigation and in doing so complying with relevant endorsed EPA guidelines. Whilst the Department is generally satisfied with the proponent's approach to this issue, it recommends the Minister impose conditions formalising the requirement for further contamination / geotechnical studies, and implementation of current and proposed recommendations. To ensure appropriate resolution of this matter, it is also recommended that the Minister require the proponent to prepare and submit a remediation action plan (RAP) to be approved by the Department post demolition and prior to commencement of any construction works should one be required.

### **OTHER ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)**

Section 75R(3) of the Act provides that EPI's (other than State Environmental Planning Policies) do not apply to or in respect of an approved project.