



Planning

***SOUTH COAST CORRECTIONAL
CENTRE, NOWRA HILL***

***Proposed by NSW CORRECTIVE
SERVICES***

MP 07_0053 (MOD 1)

Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

March 2010



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1. INTRODUCTION

This is a report on an application seeking to modify the Concept Plan Approval (MP 07_0053) for the South Coast Security Correctional Centre.

The site is located approximately four kilometres south of the Nowra Town Centre and is bound by Links Road to the north, Princess Highway to the east, State Forest to the south and private land to the west (see Figure 1).

On the 10 June 2008, the Minister for Planning approved a Concept Plan Application MP 07_0053, for a 500-bed male and female multi-classification security correctional centre and associated site works and car parking. Pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment 1979* (EP&A Act), the Minister determined that construction and operation of the correctional centre required no further environmental assessment for the project, or any particular stage of the project. A copy of the Concept Plan Application approval is at **TAG B** and a copy of the assessment report is at **TAG C**.

On 27 July 2009, the Department of Commerce, acting on behalf of the NSW Corrective Services (the proponent), submitted a modification application under section 75W of the EP&A Act to modify the approval to increase accommodation by an additional 100 beds and to construct a Community Offenders Support Program Centre (COSPC).

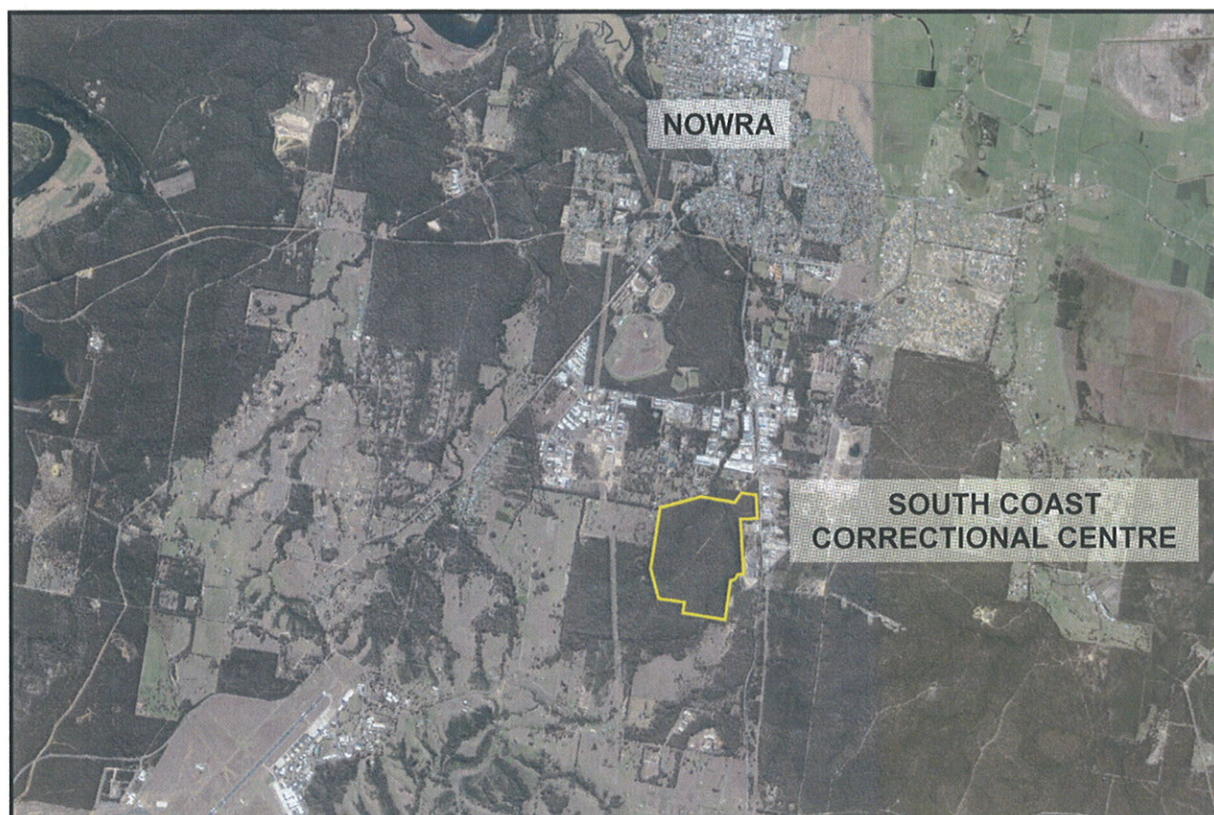


Figure 1 - Location Plan of the South Coast Correctional Centre site

2. PROPOSED MODIFICATIONS

The modifications sought include a new accommodation building, extensions to the approved workshop/community centre, and extensions to the men's minimum security accommodation buildings (see Figure 2). The modifications would allow the centre to support an additional 100 minimum security male beds. The extensions would be located inside the fence line of the complex.

The proposed COSPC is located approximately 225 metres from the northern entrance of the site and approximately 280 metres north of the main complex (see Figure 2). The COSPC would provide accommodation for up to 40 offenders for a period of 3-6 months, which includes crisis accommodation for up to 14 days.

The construction of the additional accommodation is to support the increasing demand for beds in the State, and to reduce pressure on existing correctional centres to accommodate increasing numbers of inmates. The construction of the COPSC would support re-settlement and re-integration programs for offenders on parole and those serving sentences that do not require incarceration. The support programmes of the COSPC aim to reduce the risk of re-offending. The modification would provide 11 additional operational jobs and 50 construction jobs for the modification works and has a capital investment value of \$5.2 million.

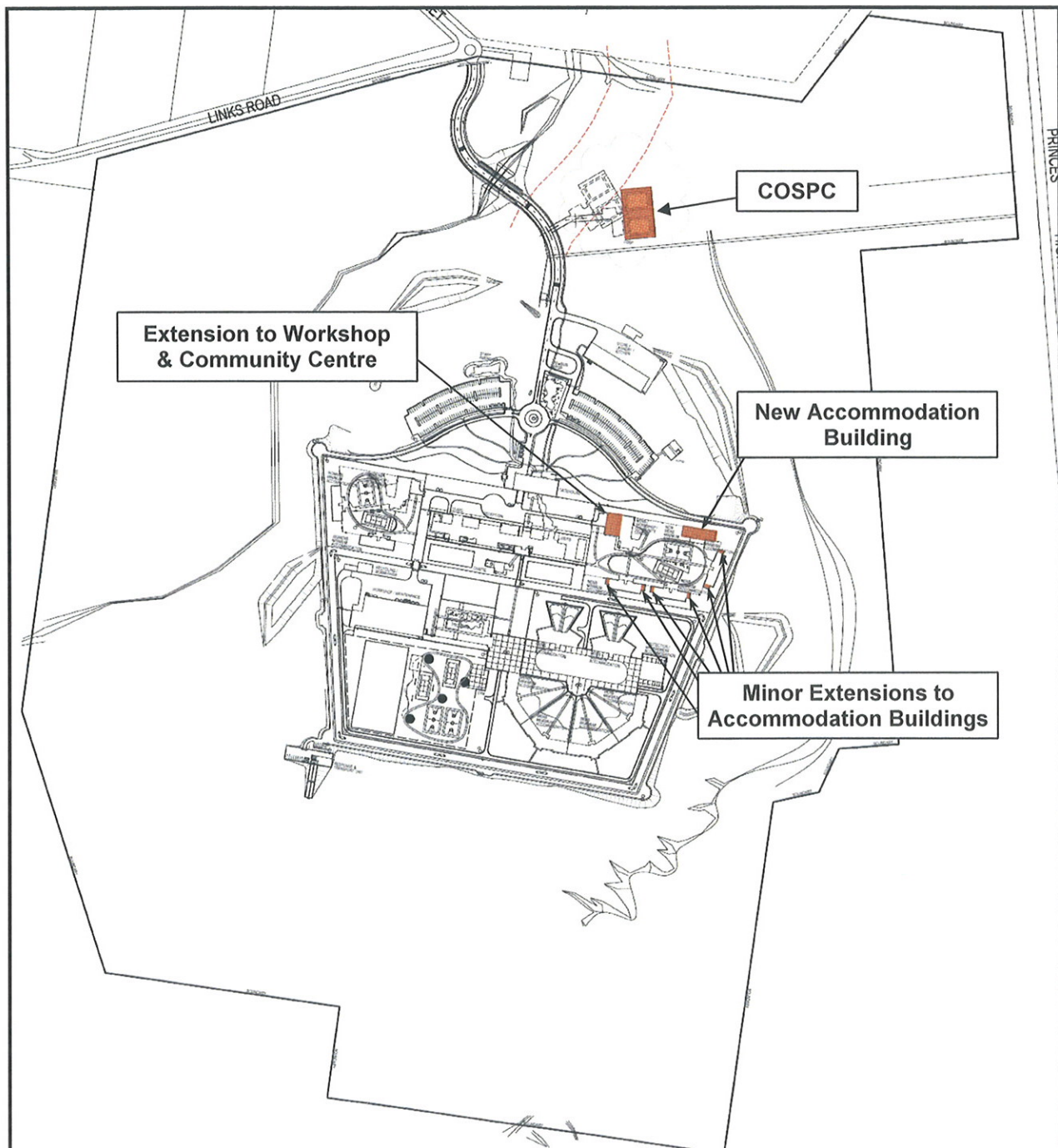


Figure 2 – Site Plan

3. STATUTORY CONTEXT

3.1 MODIFICATION OF A MINISTER'S APPROVAL

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to change the terms of the Minister's determination through amending the conditions of approval, the modification requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. As the issues relating to the modification are consistent with the DGRs issued on 11 May 2007, the Department considered it unnecessary to re-issue the DGRs.

3.3 CONSULTATION AND EXHIBITION

Under section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However, given the COSPC is an additional service that is located outside the footprint of the main correctional centre buildings, the Department considered it appropriate to publicly exhibit the modification application. The application was publicly exhibited from 23 September 2009 until 23 October 2009.

The application was also placed on the Department's website in accordance with section 75X(2)(f) of the EP&A Act and clause 8G of the Environmental Planning and Assessment Regulation 2000. The application was referred to Shoalhaven Council and several government agencies. The Department received one submission from Shoalhaven Council and four from public agencies, including Shoalhaven Water, Department of Environment, Climate Change and Water (DECCW), Roads and Traffic Authority (RTA), and NSW Rural Fire Service (RFS). The RTA raised no issues with the modification. Key issues raised by the other government agencies included social and economic impacts, provision of Asset Protection Zones (APZs) to address bushfire risk, flora and fauna impacts and water infrastructure. These issues are discussed further in Section 3 of this report.

The Department received 19 public submissions, of which 18 were objections. The key issues raised were social and economic impacts, safety and security, construction impacts, and traffic impacts. These issues are addressed in Section 3 of this report.

3.4 PERMISSIBILITY

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 2). Under the LEP, 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 EP&A Act, allows the Minister to approve a Concept Plan for development that is otherwise prohibited under any environmental planning instrument. Clause 8N of the Environmental Planning and Assessment Regulation 2000 limits the Minister's power to approve a concept plan in an environmentally sensitive area of State significance or a sensitive coastal location. The site is not located in a sensitive area.

4. CONSIDERATION OF PROPOSED MODIFICATION

4.1 SOCIAL AND ECONOMIC IMPACTS

The Department notes that social and economic impacts were considered in the assessment of the Concept Plan application and were deemed to be acceptable and broadly beneficial to the area. Nevertheless, social and economic impacts were raised by Council and the public as a key issue in submissions in respect of the subject application. The proponent has reiterated that the correctional centre would have an overall positive effect on the community by providing additional employment opportunities and attracting additional investment in the area, and that there is minimal evidence to support the view that a correctional centre results in higher anti-social behaviour and crime.

The COSPC would provide accommodation and support to recently released inmates so that they would be less likely to re-offend upon release. The COSPC would establish relationships with service providers and employers that would facilitate the re-integration of offenders into the community. Without the support of the COSPC, the likelihood of re-offending would be higher as the inmates would be required to re-integrate into the community with fewer independent, longer term accommodation options, employment opportunities and access to services.

The proponent has advised that there is no evidence that supports concerns raised by the public that the facility would attract an increased number of offenders in the area. The proponent has further advised that social impact assessments undertaken for other correctional centres have shown that upon release offenders that are not from the area generally do not stay in the area. The Department also notes that the services offered by the COSPC are designed specifically to reduce the risk of re-offending.

The Department considers that the additional 100 inmates would not result in any additional social and economic impacts, and the proposal would continue to provide a net benefit for the area through healthcare and affordable housing, increased expenditure in the local economy for goods and services, increase opportunities for re-settlement and re-integration, and provide economic benefits to the area, including an additional 11 operational, 50 construction jobs and \$5.2 million investment in the area.

4.2 BUSHFIRE RISK

A Bushfire Assessment was undertaken by the proponent in accordance with the *Planning for Bushfire Protection 2006*. The additional accommodation building and extensions to existing accommodation buildings would be located within the approved cleared footprint of the correctional centre buildings. Accordingly, bushfire risk is proposed to be managed by the Asset Protections Zones (APZs) approved under the existing Concept Plan. The approved APZs are identified in Table 1.

Table 1 – Approved APZs main correctional centre buildings

Direction	APZ (metres)	Inner Protection Area (metres)	Outer Protection Area (metres)
North	70	50	20
East	70	50	20
North-West	30	30	-
South-West	70	50	20
South	60	40	20

In its submission on the modification application, the RFS originally identified that a 70 metre APZ (as an inner protection area) would be required for the whole development to ensure bushfire risk is mitigated. Notably, RFS were not required to review or comment on the approved Concept Plan, only the proposed modifications. The RFS subsequently provided revised

comments which accepted a 20 metre outer protection area can be provided where the full APZ has been provided and a 60 metre APZ for the southern APZs given the upslope of the site.

While the RFS stated the APZ should apply to 'proposed' as well as 'approved' buildings', the bushfire risk for the main correctional centre buildings was previously considered in the Concept Plan EA and the Department's assessment of the EA, and deemed to be acceptable, including the 30 metre APZ to the north-west. Furthermore, the APZ provided to the north-west of the 'approved main correctional centre buildings' is not subject to the modification as the additional accommodation building and extensions are located to the north-east, where they are afforded a 70 metre APZ, which the RFS considers satisfactory.

In regard to the COSPC building, the proponent originally proposed an APZ of approximately 40 metres to the north-west. The RFS requested that a 70 metre APZ be provided to the north-west for the building. The proponent subsequently agreed to relocate the COSPC building to the south-east (see Figure 3) and a 70 metre APZ is now proposed. The relocated COSPC was considered acceptable by the RFS and is accordingly supported by the Department. The proposed APZs for the COSPC building are identified in Table 2.

Table 2 – Proposed APZs for COSPC

Direction	APZ (metres)	Inner Protection Area (metres)	Outer Protection Area (metres)
North	70	50	20
East	70	50	20
West	70	50	20
South	60	40	20

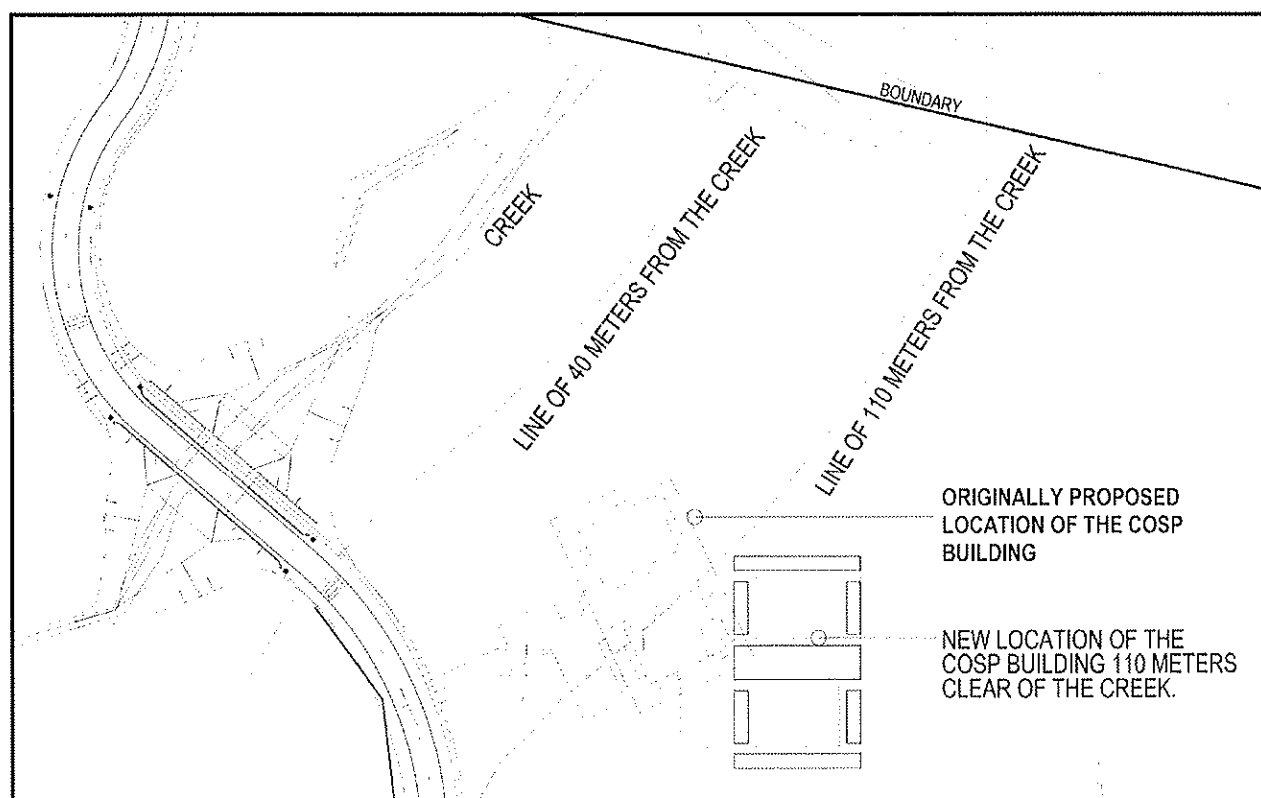


Figure 3 – Relocation of the COSPC building

4.3 ECOLOGICAL IMPACTS

The Concept Plan approval and development of the main correctional centre buildings and associated APZ resulted in the loss of approximately 23 hectares of forest. To address this loss,

the proponent committed to preparing a Vegetation Management Plan (VMP) to restore and manage the remaining forest land which consists of approximately 73 hectares.

The construction of the new accommodation building and extensions to existing accommodation buildings would not have any ecological impacts as they would be located within the approved footprint/cleared land and fence line for the main correctional centre facilities (see Figure 4).

The proposed COSPC is, however, located in an area of previously logged forest (see Figure 5). Council and DECCW raised concerns as to the loss of 3 hectares of forest to accommodate the COSPC building and its associated APZ, particularly as part of the area was within a riparian vegetation zone. Council also queried the accuracy of the proponent's supplementary flora and fauna assessment.

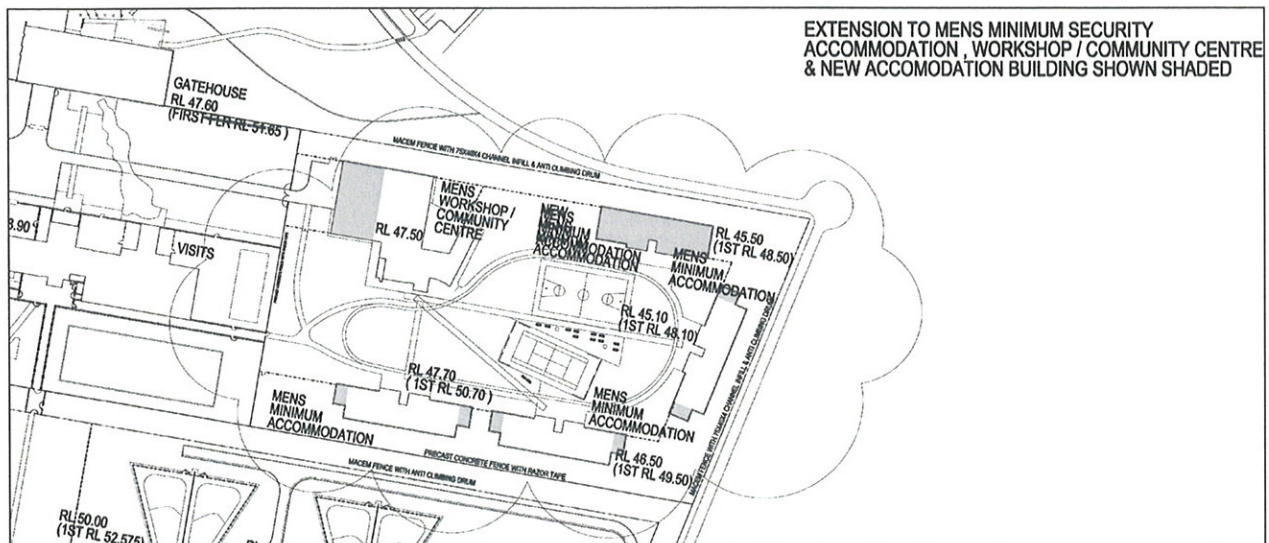


Figure 4 – New accommodation building, extensions to accommodation buildings and workshop & community centre



Figure 5 – Indicative location of COSPC

Council also queried the accuracy of the proponent's supplementary flora and fauna assessment. In response, the proponent stated that additional investigations were undertaken, which aligned with previous findings that the development of the facility would have minimal

impacts as no endangered ecological communities or threatened flora species exist, and only one threatened fauna species was recorded on site.

Notwithstanding the above, the Department requested the proponent review the location of the COSPC given the APZs, as required by the RFS, would be located in a riparian vegetation zone. The proponent subsequently amended the location of the COSPC to ensure the APZ is located outside of the riparian vegetation zone. However, as 3 hectares of forest would still be affected, the proponent has committed to further exploring opportunities to offset the loss of vegetation. This includes the preparation and implementation of a Vegetation Management Plan (VMP) for the residual land and incorporation of existing tree species in the landscaping of the site.

The Department considers that the proponent has satisfactorily resolved potential ecological impacts through the relocation of the COSPC, and commitment to the preparation of a VMP to offset the loss of vegetation. The Department also considers that the impacts are acceptable as a minimum of 74 hectares of forest land would be protected and managed, and the feeding locations of the threatened species would not be affected. A condition of approval also requires the proponent to submit a VMP to the Department for approval prior to the commencement of use.

4.4 TRANSPORT AND TRAFFIC

Council identified traffic movement of COSPC users as an issue given the isolation of the site and limited access to public transport options. In response, the proponent has committed to implementing a suitable solution for the transportation of residents of the COSPC. To ensure this matter is addressed, the Department has modified the Concept Plan approval to require the proponent to prepare a Travel Management Plan for the COSPC residents prior to occupation of the facility.

4.5 CONSTRUCTION TRAFFIC

In the public submissions, construction traffic was identified as an issue. The issue of construction impacts was considered in the assessment of the Concept Plan application and the Department considers that the proposed management measures adopted for the construction stages are adequate to address any additional construction traffic, which are considered minimal given the scale of the approved facility.

4.6 UTILITIES AND SERVICES

The proponent has identified that adequate utilities and services would be available to the new facilities. Shoalhaven Water has identified that further approval is required for the additional facilities. The Department considers that the utilities and services are adequate and commitments made by the proponent and modifications imposed as part of the concept plan approval ensure that adequate utilities and services would be provided as part of the development.

5. CONCLUSION

The Department considers that the environmental impact of the extensions and the additional building are relatively minor and acceptable, and can be managed and mitigated in accordance with the Statement of Commitments and conditions of approval. The Department recommends the modification be approved given the project would provide additional accommodation for offenders, would support re-integration of offenders who have served their sentences, and would provide economic benefits to the area, including an additional 11 operational, 50 construction jobs and \$5.2 million investment in the area.

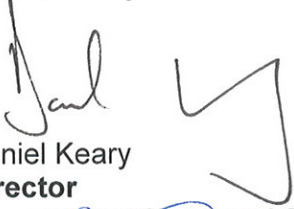
6. RECOMMENDATION

It is recommended that the Minister for Planning:


- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

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