

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-328 – DA2024/0303
PROPOSAL	Refurbishment of part of the old Grafton Correctional Centre into office and administration facilities to be used for the Grafton Hospital Administration section
ADDRESS	169 and 184 Arthur Street, Grafton NSW 2460 (Lot 2 DP1276261 and Lot 22 DP1024231)
APPLICANT	Simon Waterworth C/- The Trustee for GEOLINK UNIT TRUST
OWNER	Property NSW
DA LODGEMENT DATE	17 July 2024
APPLICATION TYPE	Crown Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Crown development over \$5 million
CIV	\$13,500,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>Draft Remediation of Land SEPP;</i> • <i>Clarence Valley Council Local Environmental Plan 2011</i> • <i>Environmental Protection, Recreation and Special Use Zones Development Control plan 2011</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR	<ul style="list-style-type: none"> • Statement of Environmental Effects – GeoLINK Consulting Pty Ltd –

CONSIDERATION	<p>3 June 2024</p> <ul style="list-style-type: none"> • Appendix A – Architectural Plans • Appendix B – ICT Link Plans • Appendix C – Statement of Heritage Impact and Section 60 Approval • Appendix D – Aboriginal Cultural Heritage Assessment • Appendix E – Stormwater Management Plans • Appendix F – Traffic Impact Assessment • Appendix G – Civil Design Package • Appendix H – Estimated Development Cost • Appendix I – Contamination Assessment Reports • Appendix J – Aboricultural Impact Assessment • Appendix K – Land Title Searches • Appendix L – Geotechnical Report • Appendix M – Hazardous Materials Report • Appendix N – Noise and Vibration Report • Appendix O – Services Report • Appendix P – BCA & DDA Assessment Report • Appendix Q – Waste Management Plan <ul style="list-style-type: none"> • Section 37 Request to Amend Application – GeoLINK Consulting Pty Ltd - 1 October 2024 • Amended Architectural Plans - Revision F – STH Architects 8 October 2024 • Amended BCA/DDA Assessment Report – Revision 3 – BM+G Pty Ltd 12 September 2024 • Embodied Emissions Materials Form - Version 1.20 24 October 2023
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	9 December 2024
PLAN VERSION	8 October 2024 - Revision F
PREPARED BY	Carmen Landers, Development Planner (Systems)
DATE OF REPORT	20 November 2024

EXECUTIVE SUMMARY

The Development Application (DA2024/0303) seeks consent for the refurbishment of part of the old Grafton Corrections Centre site located at 169 Arthur Street, Grafton into office and administration facilities to be used as part of the Grafton Hospital Administration section. The proposal will enable the relocation of the existing administration staff that are currently accommodated on the Grafton Base Hospital (GBH) site at 184 Arthur Street to the old Gaol site to allow for construction of the Grafton Hospital Redevelopment (Main Works) which will be subject to a State Significant Development Application.

The subject site is known as Lot 2 DP1276261, being 169 Arthur Street, Grafton ('the site') and comprises a corner lot with two (2) road frontages including Queen Street to the east and Arthur Street to the north. The site is a regular shaped lot with an area of 9,558m². Lot 2 DP1276261 retains a single access point through the entry gates off Arthur Street.

The former Grafton Corrections Centre, was decommissioned in 2020 with the site being created through a consolidation of six lots into four lots, approved by Clarence Valley Council on 23 February 2023.

The existing buildings located on the site being were used for the minimum security portion of the Gaol and contain cell blocks (A-D) and a gymnasium. Blocks A and B provided services to staff and inmates and Block C and D provided accommodation. Only Blocks A and B are the subject of this application. The site is enclosed by a high brick wall. Entry to the site is via a gated entry off Arthur Street.

The locality surrounding the existing Grafton Corrections Centre and GBH is generally made up of residential dwellings and units within an R1 General Residential Zone. On the corner of Arthur and Queen Streets, the heritage listed former Albion Hotel is situated. This site has approval for a Private Hospital and Medical Centre as determined by the former Joint Regional Planning Panel under DA2017/0173 (Panel Reference 2017NTH006).

The site is located within the SP2 Infrastructure Zone pursuant to Clause 2.3 of the *Clarence Valley Local Environmental Plan 2011* (the LEP). The Land Zoning Map identifies the purpose of the site as a Correctional Centre. The proposed use is not consistent with the purpose of a Correctional Centre, however, health services facilities are permitted with consent within the SP2 zone under Division 10 Section 2.60 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP). The planning approval pathway is therefore development with consent under Part 4 of the *Environmental Planning and Assessment Act 1979* pursuant to section 2.60 of the T&ISEPP.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the *Clarence Valley Local Environmental Plan 2011* and the *Clarence Valley Development Control Plan - Development in Environmental Protection, Recreation and Special Use Zones*. The proposal is consistent with various provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Essential Energy pursuant to Clause 2.48 of the Transport and Infrastructure SEPP and no objections were raised.

The development was not applied for as integrated development under the *Heritage Act 1977* as a Section 60 application had already been applied for and granted approval by Heritage NSW, Department of Climate Change, Energy, the Environment and Water prior to the DA being submitted.

The application was placed on public exhibition from 19 July to 19 August 2024, and no submissions were received within the exhibition period.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (4) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for Crown development with a capital investment value of over \$5 million.

A briefing was held with the Panel on 19 December 2024 where key issues were discussed, including loss of onstreet carparking spaces, safe pedestrian access and calculation of car parking spaces for future development. Matters pertaining to Crown certification for works, preservation of murals within the existing buildings and staffing numbers were also raised.

The key issues associated with the proposal included:

1. *Loss of on-street carparking spaces* - To accommodate the proposed pedestrian crossing to improve safety and pedestrian access along Arthur Street, the Traffic Impact Assessment identifies 10 onstreet car parking spaces that would require removal, reducing the total available car parking spaces along Arthur Street to approximately 73.
2. *Safety and pedestrian access* - Arthur Street within the immediate vicinity of the site and the GBH typically receives higher parking and pedestrian traffic than surrounding local streets due to the nature of the use. Concerns regarding existing safety and pedestrian access have been addressed through the provision of a pedestrian crossing in Arthur Street as part of the development. Appropriate conditions of consent have been included and this is no longer key issue for this application.
3. *Traffic Impact assessment and Car Parking numbers* - The Traffic Impact Assessment report submitted with the application recognises a total of 299 parking spaces available within the vicinity of and internal to the GBH (Table 2.1). However, assessment by Council's Development Engineer questions the inclusion of 99 of those spaces in Areas 1, 2, 4, 5, 6, 8 and 17. For the purposes of this development application, Council staff accept that no additional parking is required as the development reduces the existing floor area from 1,693m² to 1,258m² and there is no anticipated increase in staff numbers. The car parking numbers is not a key issue for this application, however staff wanted to flag this as an issue for any future applications.

Following consideration of the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ("the Act"), the provision of the relevant State Environmental Planning Policies, the proposal is considered worthy of support.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the EP&A Act, DA2024/0303 is recommended for approval subject to the conditions of consent provided in **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

- The development site is known as Lot 2 DP1276261 being No. 169 Arthur Street, Grafton is located approximately 1.5 km north-east of the Grafton town centre. A location plan and Aerial Photograph of the site is provided in **Figure 1 and 2**.
- The site forms part of the decommissioned Grafton Corrections Centre. The site was created by the consolidation of six lots into four lots, approved by Clarence Valley Council on 23 February 2023 under Development Application No. SUB2021/0027. The site has an area of 9,558m². An extract of the approved subdivision plan is provided at **Figure 3**.
- The site is located on the southern side of Arthur Street and opposite to the GBH.
- The Grafton Correctional Centre, including the subject site (i.e. Lot 2 DP1276261) is listed on the NSW State Heritage Register (SHR809) and as an item of Local heritage significance in Schedule 5 the CVLEP 2011 (I109). The site is also identified on the Section 170 Heritage and Conservation Register under the *Heritage Act 1977*.
- The site retains a single access point through the entry gates off Arthur Street. The remainder of the old Gaol site retains its primary frontage and main entry along Hoof Street to the south, as well as an internal service laneway through to Arthur Street, on-street parking, and onsite parking.
- The existing buildings located on the site being were used for the minimum security portion of the Gaol and contain cell blocks (A-D) and a gymnasium. Blocks A and B provided services to staff and inmates and Block C and D provided accommodation. Only Blocks A and B are the subject of this application. The site is enclosed by a high brick wall. Entry to the site is via a gated entry off Arthur Street.

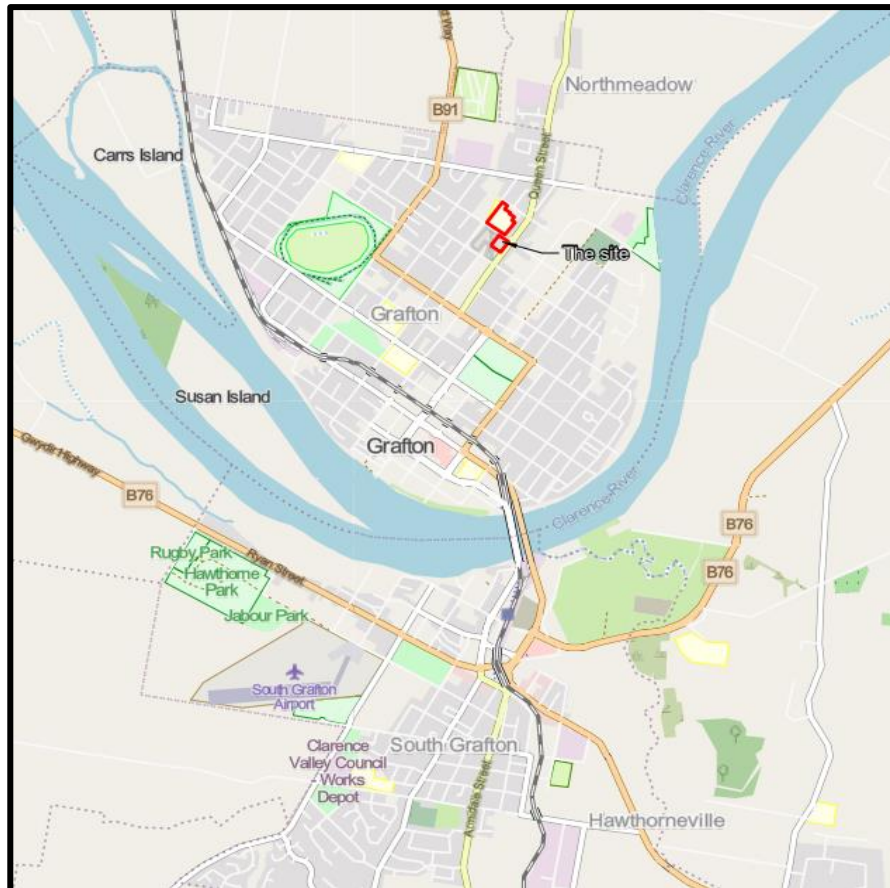


Figure 1 – Location Map

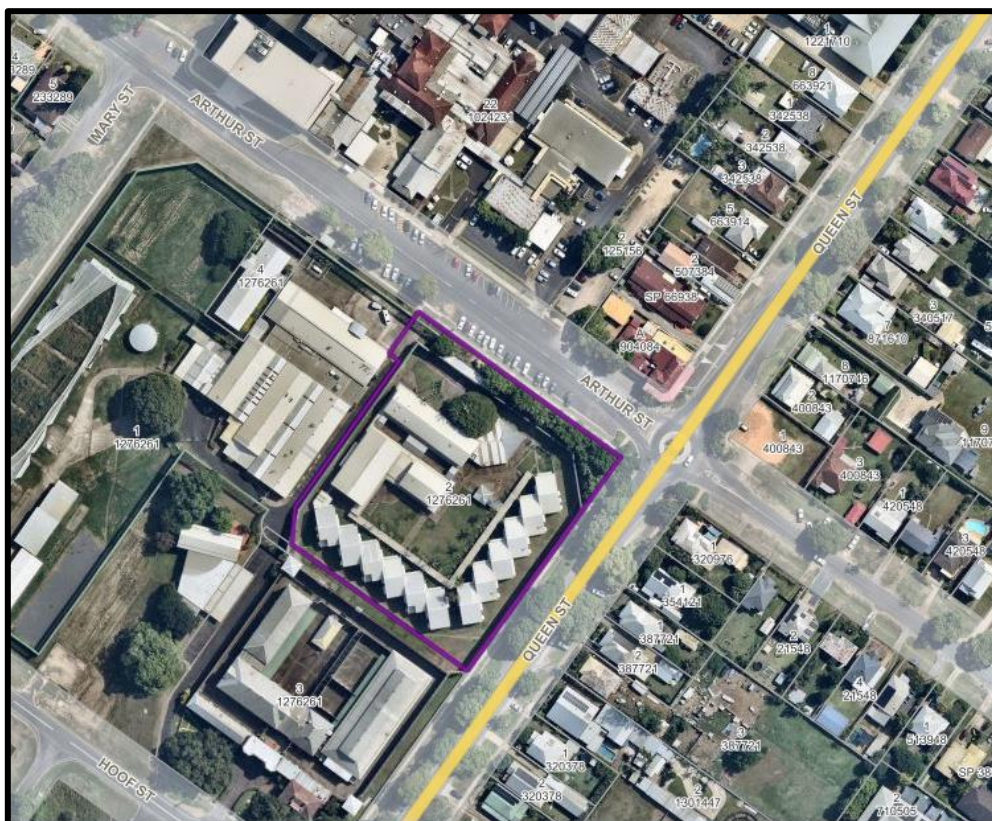


Figure 2 – Aerial Photograph

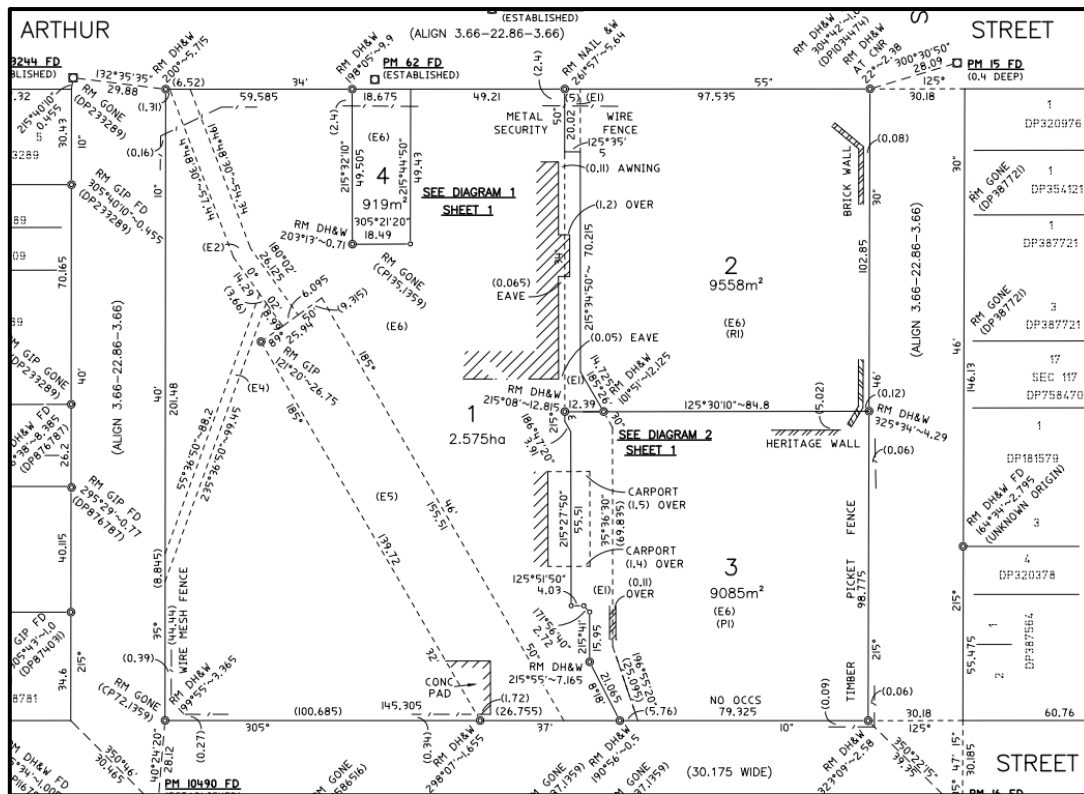


Figure 3 – Approved Subdivision Plan SUB2021/0027

1.2 The Locality

- The locality surrounding the existing Grafton Corrections Centre complex and GBH is generally made up of residential dwellings and units within an R1 General Residential Zone.
- On the corner of Arthur and Queen Streets, the heritage listed former Albion Hotel is situated. This site has approval for a Private Hospital and Medical Centre as determined by the former Joint Regional Planning Panel under DA2017/0173 (Panel Reference 2017NTH006).

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the refurbishment of part of the decommissioned Grafton Corrections Centre located at 169 Arthur Street, Grafton into office and administration facilities to be used as part of the Grafton Hospital Administration section (no clinical services will be relocated to this site). A site plan is provided in **Figure 4 and 5**.

The proposal will enable the relocation of some of the existing staff that are currently accommodated on the GBH site at 184 Arthur Street to the old Gaol site to allow for construction of the Grafton Hospital Redevelopment (Main Works) which will be subject to a State Significant Development Application.

Specifically, the proposal involves:

- *Refurbishment of the former Grafton Correctional Centre site into office accommodation to be used as part of the Grafton Hospital Administration section (no clinical services will be relocated to this site).*
- *Installation of a private ICT pathway (Information and Communication Technology) beneath Arthur Street linking with new private ICT pathways across the GBH site and the former Correctional Centre site.*
- *Electrical infrastructure including a new substation (within the street).*

The works are required as enabling works to provide administrative, office and training support for the GBH during major redevelopment works which will be undertaken as a separate stage as State Significant Development. A 3D Isometric View of the development is provided in **Figure 6** with a full copy of the plans provided in **Attachment C**.

During assessment of the application, it should be noted that the applicant requested an amendment under Section 37 of *Environmental Planning and Assessment Regulation 2021*, to remove the link. The changes included:

- Removal of the proposed 'new enclosed link bridge' connecting the existing Block A and B on Level 2.
- Reduction in demolition on Level 2 and Gatehouse.
- Minor changes to the proposed internal architectural layouts to Level 1, 2 and Gatehouse.
- Improved disabled egress and ingress throughout the site.
- Improved grading of external walkways

The amendment was accepted by staff and an updated package including architectural plans, revised Building Code of Australia and Disability Access Report and NABERS Embodied Emissions Materials Form was submitted. This report and assessment is based on the amended application.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	Lot 2 DP1276261 – 9,558m ²
GFA	1,258m ² (approx.)
FSR (retail/residential)	N/A
Clause 4.6 Requests	No
No of apartments	0
Max Height	N/A
Car Parking spaces	Loss of 10 onstreet car parking spaces
Setbacks	Existing



Figure 4 – Site Plan

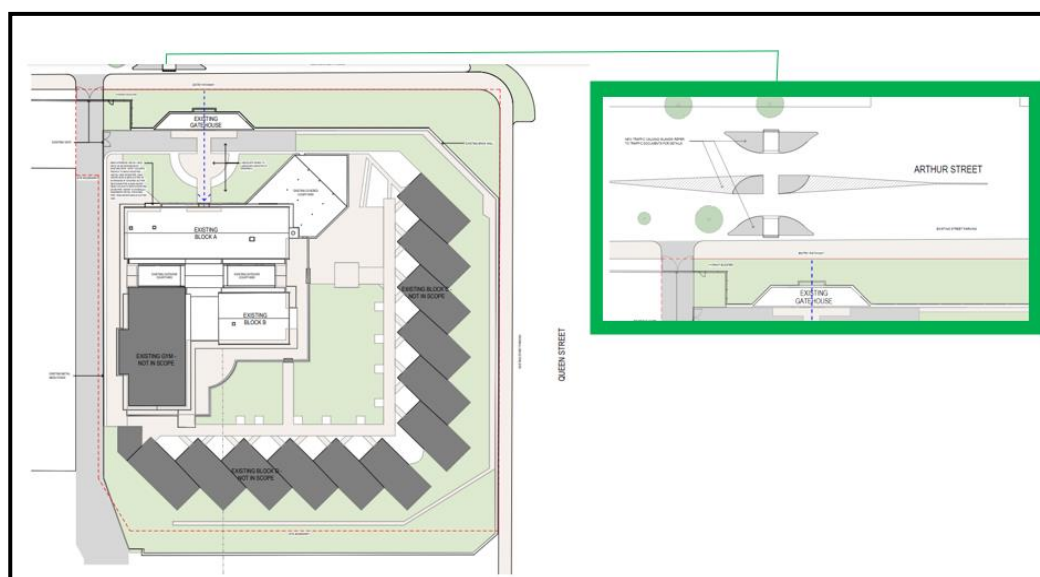


Figure 5 – Proposed Site Plan

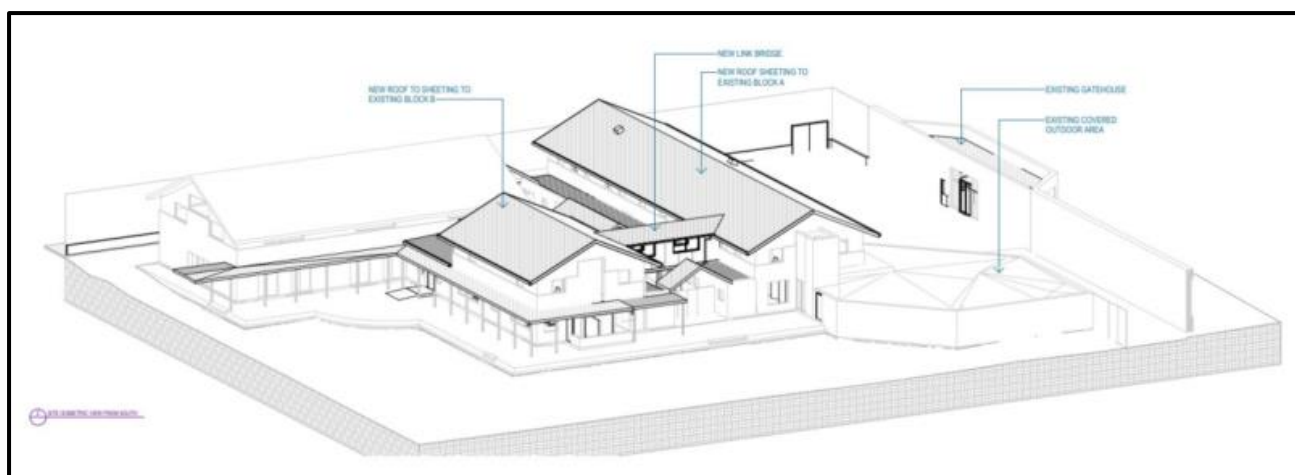


Figure 6 – 3D Isometric View

2.2 Background

The development application was lodged on **17 July 2024**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
19 July 2024 -19 August 2024	Exhibition of the application
19 July 2024	DA referred to external agencies
18 October 2024	Request to amend Application under Section 37 of EP&A Regulation received
8 November 2024	Draft conditions of consent sent to applicant for review
19 November 2024	Panel briefing meeting
9 December 2024	Anticipated Northern Regional Planning Panel Meeting

2.3 Site History

- The existing buildings located on the site being 169 Arthur Street (Lot 2 DP1276261) were used for the minimum security portion of the Gaol and contain cell blocks (A-D). Blocks A and B provided services to staff and inmates and Block C and D provided accommodation.
- The site was subject to a subdivision and boundary adjustment of the former Grafton Gaol under Development Application SUB2021/0027. The subdivision created four (4) lots including the lot subject of this application, Lot 2 DP 1276261 which has an area of 9,558m².

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2021*

- *Clarence Valley Local Environmental Plan 2011*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021 Section 4.9 – Two (2) trees are proposed to be removed and this will not have an impact on koalas of their habitat.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land • Section 4.6 - The site is considered suitable in its current state for the development subject to adoption of the recommendations contained in the Contamination Reports submitted with the application.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. • Division 10 Health Services Facilities Section 2.60 – The development is permissible with consent under this Clause	Y
State Environmental Planning Policy (Sustainable Buildings) 2021	Chapter 3: Standards for non-residential development Section 3.2 (1) and (2) – The development has been designed to improve energy efficiency of the existing building and an Embodied Emissions Materials Form was prepared and submitted with the application.	Y
Proposed Instruments	No compliance issues identified.	Y
Clarence Valley Local Environmental Plan 2011	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives • Clause 5.10 – Heritage Conservation • Clause 5.12 – Infrastructure development and use of existing buildings of the Crown • Clause 5.21 – Flood planning • Clause 7.1 – Acid Sulfate Soils • Clause 7.2 – Earthworks • Clause 7.8 – Essential Services 	Y
Environmental	• Part C – General Development Controls	Y

Protection, Recreation and Special Use Zones DCP	<ul style="list-style-type: none"> • Part D – Floodplain Management Controls • Part E – Heritage Conservation • Part F – Parking and Vehicular Access Controls • Part G – Sustainable Water Controls • Part H – Erosion and Sediment Controls 	
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Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Clause 2.9 within Chapter 2 states that a Development Control Plan may make a declaration in any manner relating to species, size, location and presence of vegetation. The Clarence Valley Development Control Plan 2011 (CVDCP) provides controls on the management of vegetation in non-rural areas and includes the SP2 Infrastructure zone. The development requires the removal of two trees, one juvenile Hill's Weeping Fig (*Ficus macrocarpa* var *hillii*) located near the entrance to the facility and one Umbrella tree (*Schefflera actinophylla*) located within the forecourt area (refer **Figure 7**).

An Arboricultural Impact Assessment (AIA) prepared by Civica dated 26 September 2023, was submitted with the development. The AIA assessed the quality of 25 trees on and within the vicinity of the site, determining whether trees would be directly or indirectly impacted by the development.

The AIA recommended that the Hill's Weeping Fig be removed to allow enhanced visibility to the existing entrance as retention would require a redesign of the entry way. Given the small stature, inappropriate location in close proximity to the concrete footpath and heritage wall and low retention value, the removal of the tree should not be considered a constraint on the development.

The second tree recommended for removal is an Umbrella tree which, as stated within the AIA, was an escaped pot plant situated with the forecourt area growing in close proximity to the existing brick wall and suppressed under the southern canopy of the larger *Ficus benjamina*. The tree is recommended for removal as it is an inappropriate species and is likely to negatively affect the stability of the brick wall and/or structure of the Fig tree.

The development is considered to protect and enhance the biodiversity and amenity of the local area and is consistent with the B&C SEPP.



Figure 7 - Site Map showing trees to be removed (Civica dated 26 September 2023)

Chapter 4: Koala Habitat Protection 2021

Chapter 4 of the Biodiversity and Conservation SEPP applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The development has been assessed against the requirements of Chapter 4 of the B&C SEPP (see

Table 4) and it has been determined that the development does not contain any koala feed trees, and the site is not greater in 1.0 hectares, meeting the requirements and objectives of the Biodiversity and Conservation SEPP.

Table 4 - Chapter 4: Koala Habitat Protection 2021 Assessment

Control	Development	Outcome
Clause 4.8 - Does the site have a KPOM?	No	Determination of the development must be consistent with the KPOM. If no, proceed to Clause 4.9.

Control	Development	Outcome
Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does the site form part of a landholding greater than 1.0 Ha in area?	No	Assessment under Biodiversity and Conservation SEPP not required.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 4 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Crown development with a estimated development cost over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

A Stage 1 and Preliminary Stage 2 Contamination Assessment and Stage 2 Detailed Site Contamination Assessment was undertaken by Regional Geotechnical Solutions Pty Ltd (RGS) for the site and submitted with the development application.

The RGS reports assessed the current and former land uses on the site, and whether the site has previously contained any contaminating activities. The site history study indicated that the site has been used as a correctional facility since the 1980's, and prior to this the site was used for agricultural purposes. The site layout appears to have remained unchanged since the mid to late 1980's.

The investigation included soil sampling which revealed concentrations of chemicals of concern either below the level of laboratory reporting or below the Health Investigation Levels and Ecological Investigation Levels for a residential site.

The Stage 1 and Preliminary Stage 2 assessment concluded that the site is likely to be suitable for residential land, however a detailed Stage 2 site contamination assessment be undertaken.

In response to the recommendation of the Stage 1 and Preliminary Stage 2 RGS report, a Stage 2 Site Contamination Assessment was also prepared by RGS dated 12 September 2023. The Stage 2 assessment report identified two areas of environmental concern (AEC)

being the former agricultural land (AEC1) and isolated soil contamination associated with construction and maintenance of existing structures (AEC3). An LPG above ground tank was also identified as AEC2 in section 5.1.1. of the RGS Report.

The Stage 2 report concluded that the site is suitable in its current state for residential land use with regard to presence of soil contamination and a Remedial Action Plan (RAP) is not required provided the recommendations and advice of the report are adopted and Site works (if any) are conducted in accordance with appropriate site management protocols and legislative requirements. Suitable conditions of consent have been included in Attachment A.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

The provisions of Chapter 2 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) generally aims to facilitate the effective delivery of infrastructure across the state by providing greater flexibility in location of infrastructure and service facilities and provides for consultation requirements with public authorities about certain development. The relevant clauses are considered below.

Clause 2.48 Development likely to affect and electricity transmission or distribution network

The proposal was referred to Essential Energy in accordance with Clause 2.48(2) of the T&I SEPP as development likely to affect an electricity transmission or distribution network.

Essential Energy advised it has “has no comments to make as to potential safety risks arising from the proposed development”, however did provide some general comments which have been included as conditions of consent where relevant.

Division 10 Health Services Facilities

The site is located within the SP2 Infrastructure Zone pursuant to Clause 2.3 of the *Clarence Valley Local Environmental Plan 2011*. The Land Zoning Map identifies the purpose of the site as a Correctional Centre (refer **Figure 8**). The proposed use is not consistent with the purpose of a Correctional Centre, however, health services facilities are permitted with consent within the SP2 zone which is a prescribed zone for the purposes of Division 10 Section 2.60 of the Transport and Infrastructure SEPP.

The proposal is considered consistent with Transport and Infrastructure SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2021

Chapter 3 of the *State Environmental Planning Policy (Sustainable Buildings) 2021* (Sustainable Buildings SEPP) Standards for non-residential development applies to the development.

Under Clause 3.2, in deciding whether to grant consent to a non-residential development, the consent authority must consider whether the development is designed to enable the following:

- (1) (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) *the generation and storage of renewable energy,*
- (e) *the metering and monitoring of energy consumption,*
- (f) *the minimisation of the consumption of potable water.*

Health Infrastructure (HI) sets its own targets to improve environmental performance and sustainability of its projects in accordance with the Design Guidance Note No. 058 Environmentally Sustainable Development (ESD): This includes achieving:

- A minimum of forty-five (45) points to be achieved by the design in accordance with the HI's ESD Evaluation Tool; and
- A minimum 10% improvement in energy efficiency compared to a baseline of NCC Section j compliance applicable to the development.

The purpose of Design Guidance note (DGN 058) is to provide instructions on how ESD is to be addressed on all HI Projects. It outlines the process to be followed to verify ESD outcomes in projects and includes a robust assessment of a project to determine its ability to meet HI's ESD criteria. This process ensures practical and cost effective ESD outcomes on all HI projects while delivering results that facilitate good clinical solutions. While based on the approach used by the Green Building Council of Australia's (GBCA) Green Star process, it is not a Green Star rating. Rather it is a set of scores that reflect the merit of various ESD initiatives applicable to health facilities, developed by ESD specialists to meet the needs of HI.

Through implementation of the DGN 058, it is considered that the development will meet the aims of the SEPP and provide the delivery of sustainable buildings to improve energy efficiency of the existing buildings and minimise the consumption of energy, reduce greenhouse gas emissions and improve the thermal performance of the existing buildings.

A detailed waste management plan has been submitted that adequately addresses waste avoidance and minimisation during the construction and ongoing operation phase of the building. Suitable conditions have also been included to ensure compliance with the submitted waste management plan.

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

In line with the Department of Planning and Environment Embodied Emissions Technical Note, the applicant prepared and submitted a NABERS Embodied Emissions Material Form that quantified the embodied emissions attributable to the development.

Clause 3.3 does not apply as the development is not for large scale commercial development.

Clause 3.4 does not apply as the development is not for state significant development.

Clarence Valley Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the Clarence Valley Local Environmental Plan 2011 ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage and enable the sustainable use, development and management of natural and man-made resources, including agricultural land resources and productive rural lands,*
- (b) to limit dispersed rural settlement,*

- (c) to provide a mix of housing, including affordable housing, to meet the needs of the community,*
- (d) to protect areas of high ecological, scientific, cultural or aesthetic value,*
- (e) to provide adequate access and services to development carried out in accordance with this Plan,*
- (f) to maintain the character of villages and towns,*
- (g) to conserve items and areas of environmental and cultural heritage,*
- (h) to provide a hierarchy of business/retail centres,*
- (i) to identify land for industrial and business development that provides opportunities for employment,*
- (j) to protect key infrastructure and ensure adequate integration of infrastructure and development,*
- (k) to maintain or improve the natural conservation and scenic amenity values of the land, including significant habitat areas and wildlife corridors.*

The proposal is consistent with these aims as the proposal protects key infrastructure and ensures adequate integration of infrastructure and development whilst maintaining the character and scenic value of adjacent rural land.

Zoning and Permissibility (Part 2)

The site is located within the SP2 Special Infrastructure Zone pursuant to Clause 2.2 of the LEP. The Land Zoning Map identifies the purpose of the site as a Correctional Centre. An extract of the zoning map is provided in **Figure 8** below.



Figure 8 – Zoning Map

According to the definitions contained in the Dictionary, the proposal satisfies the definition of a **health services facilities** which means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The proposed use is not consistent with the purpose of a Correctional Centre, however, health services facilities are permitted with consent within the SP2 zone under Division 10 Section 2.60 of the T&I SEPP. The planning approval pathway is therefore development with consent under Part 4 of the *Environmental Planning and Assessment Act 1979* pursuant to section 2.60 of the T&I SEPP.

The zone objectives of the SP2 zone include the following (pursuant to the Land Use Table in Clause 2.3):

- To provide for infrastructure and related uses.

- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed hospital administration centre will provide essential infrastructure to allow for the redevelopment of the Grafton Hospital
- The relocation of the existing GBH Administration to the site benefits the Clarence Valley community by facilitating Stage 2 of the Grafton Hospital redevelopment

General Controls and Development Standards (Part 2, 4, 5 and 7)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	There are no building height limit restrictions for this land under Clause 4.3(2) of the LEP		N/A
FSR (CI 4.4(2))	This clause was not adopted under the LEP		N/A
Heritage (CI 5.10)	The Grafton Correctional Centre is listed as a State Heritage Item. Consent is required for any demolition or alteration to a heritage item under Clause 5.10 of the LEP. Before granting consent under this clause the consent authority must take into consideration the effect of the development on the heritage significance of the item or area concerned.	<p>The Grafton Correctional Centre, including the subject site (i.e., Lot 2 DP1276261) is listed on the NSW State Heritage Register (SHR809) and as an item of Local heritage significance in Schedule 5 the CVLEP 2011 (I109).</p> <p>The site is also identified on the Section 170 Heritage and Conservation Register under the <i>Heritage Act 1977</i>.</p> <p>A Statement of Heritage Impact prepared by Tim Hill Heritage Management & Planning Pty Ltd dated September 2023 provided a comprehensive report and a sound basis for assessment of the heritage significance of the item and its fabric.</p>	Yes

		<p>As the works do not affect any structures which are identified as having a moderate or high heritage significance, the SOHI did not recommend any specific heritage controls for the demolition and renovation works.</p> <p>A section 60 approval has been granted for the works under the Heritage Act 1977 by Heritage NSW.</p> <p>As part of the Section 60 approval, three (3) wall murals painted by Leonard Lawson a notorious criminal, are to be removed/demolished as part of the interior alteration work. Appropriate conditions of consent requiring an archival report and prints/digital copies of the murals has been included in the Draft conditions of consent which will be provided to the NSW Correctional Services Gaol Museum at Cooma, NSW, Clarence River Historical Society and the Clarence Valley Council prior to works commencing.</p> <p>An Aboriginal Cultural Heritage Assessment was also prepared for the application which concluded the redevelopment of the Grafton Gaol will not likely result in harm to Aboriginal objects.</p>	
Infrastructure development and use of existing buildings by the Crown	This clause does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on	The proposed works are permissible with consent pursuant to Section 2.60 of the T&I SEPP.	N/A

Cl. 5.12	behalf of a public authority, that is permitted to be carried out with or without development consent and does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown		
Flood Planning (Cl. 5.21)	The subject land is mapped as being mostly located within the flood planning area and partly between the flood planning area and Probable Maximum Flood line. Consent must not be granted to development on land subject to this clause unless the consent authority is satisfied	<p>The site is mapped as being located within the Flood Planning area under the 2013 flood model. A Flood Impact Assessment (FIA) was commissioned and prepared by BMT Commercial Australia Pty Ltd for the development using the Lower Clarence Adopted Flood Model (referred to herein as the 2013 Flood Model).</p> <p>The FIA was based on a refined version of the flood model which included consideration of the existing solid walls within the Gaol which is more representative of the site). The FIA identifies that the development remains outside of the flood extent for all modelled events although it is mapped as being within the flood planning area under Clause 5.21 of the LEP.</p> <p>In any case, the development is located within an existing building and a condition of consent requiring all new building construction below 6.4m Australian Height Datum (AHD) to be of flood compatible materials, except where necessary to match existing.</p>	

		Council is satisfied that the development is compatible with the flood behaviour of the land and will not result in any risk to life in the event of a flood.	
Special Flood considerations (Cl. 5.22)	This clause applies to sensitive and hazardous development on land located between the flood planning area and probable maximum flood or development that may cause a risk to life and require the evacuation of people.	The development is not for sensitive or hazardous development and Council is satisfied that the development will not cause risk to life and require the safe evacuation of people.	N/A
Acid sulphate soils (Cl. 7.1)	Class 4 Acid Sulfate Soils – Consent is required under this clause where works more than 2 metres below natural ground surface or whereby works by which the watertable is likely to be lowered more than 2 metres below natural ground surface	<p>The subject land is identified as containing Class 4 Acid Sulfate Soils.</p> <p>No works are being carried out more than 2 metres below natural ground surface or whereby the watertable is likely to be lowered more than 2 metres below natural ground surface</p> <p>Therefore, the works do not trigger the need for an Acid Sulfate Soils Management Plan.</p>	Yes
Earthworks (Cl. 7.2)	Where consent for earthworks are required, Council must consider effects on existing drainage patterns, future use or redevelopment of the land, quality and source of fill or soil to be excavated, amenity of adjoining properties, disturbance of relics etc.	Earthworks proposed for the development are not likely to have a detrimental impact on environmental functions and processes, or features of the land or surrounding land. Suitable conditions have been included to ensure appropriate erosion and sediment controls will be applied for any works required.	Yes
Essential Services (Cl. 7.8)	That the consent authority be satisfied that the development	The development will be connected to reticulated sewer, water and electricity.	Yes

	<p>has access to the following services; water, electricity, disposal and management of sewage, stormwater drainage and suitable road access</p>	<p>Access to the site is via Arthur Street, a Council maintained road.</p> <p>The site is recognised to be serviced via two existing water meters, a 50mm and a 20mm, both of which are recognised as non-residential meters. No additional connections or alterations to existing are proposed by this development.</p> <p>The site has two junctions provided from the Arthur St frontage, which is plumbed to existing internal systems. The submitted Utility Services Report nominates to maintain the existing connections to the Council internal reticulated and internal networks. No additional connections or alterations to existing are proposed by this development.</p> <p>The development does not propose any additional impervious or hardstand areas and does not alter the existing drainage through the site. Despite this, the development proposes replacement of existing on-site stormwater infrastructure and provision of stormwater quality measures such as a gross pollutant trap and litter baskets to improve stormwater quality from the site.</p>	
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The proposal is considered to be generally consistent with the LEP.

(g) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There is one proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- Draft Remediation of Land State Environmental Planning Policy

This proposed instrument is considered below: Draft Remediation of Land SEPP The draft Remediation of Land SEPP is intended to provide a State-wide planning framework for the remediation of land. It is also intended to require planning authorities to consider the potential for land to be contamination when determining development applications and rezoning land. A Preliminary Site Investigation ('PSI') has been prepared for the site and was submitted as part of the application. The PSI consisted of a search of historical records, a site walkover, soil sampling and analysis. The report concluded that a detailed investigation or site remediation was not required.

The proposal is generally consistent with this proposed instrument.

(h) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Environmental Protection, Recreation and Special Use Zones Development Control Plan
2011

The proposal is generally consistent with the DCP. A detailed DCP Compliance Table is provided in **Attachment D**.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Clarence Valley Contributions Plan 2011*

In consideration of the applicable contributions that may be levied for the proposed development, the NSW Department of Planning Circular *D6 – Crown Development Applications and Conditions of Consent* dated 21 September 1995 has been considered. The Circular sets out suggested procedures in determining applications for Crown development applications and provides advice on appropriate conditions of consent.

The Circular notes that Crown activities providing a public service or facility leading to significant public benefits in terms of essential community services and employment opportunities and that these activities are not likely to require the provision of public services and amenities the same way as development undertaken with a commercial objective.

The matrix located on page 7 of the Circular, sets out justifiable categories of section 94 contributions towards off site works for Crown developments that provide an essential community service. The proposed development is considered to be an essential community service and the purposes of this application has been categorised as being within the health Services category of the matrix.

The circular recommends that, where the applicant is a Crown authority and the development is for Health Services, no contributions should be collected for open space, community facilities, parking, and general local and main road upgrades. The development should only be levied for drainage and upgrading of Local Traffic Management. However, the levying of these contributions needs to be justified within the Section 7.11 (previously section

94) contributions plan. No drainage or local traffic management contribution levies apply to this type of development within the adopted relevant contributions plans.

As the proposal provides for a health services facility as infrastructure on behalf of the Crown, it should not be subject to development contributions. The nature of the development means that the infrastructure provides a material public benefit through the provision of health services to email services to the Clarence Valley community.

For the reasons outlined above, the exemption from the payment of development contributions is considered appropriate in this case.

(i) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(j) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- Clause 61(1) Applications for demolition is not proposed as part of the application.
- Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.
- Clause 66A – Conflict of Interest – No potential Conflicts of Interest were identified during assessment of the application.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site and is a suitable reuse of the former Correctional Services Facility. The heritage significance of the site is maintained with the development resulting in an improved interface between the site and GBH through the provision of improved pedestrian links.
- Access and traffic – The proposed development does not increase the demand for parking than what currently exists as it will reduce the existing floor area currently

occupied by GBH staff. Improved pedestrian safety will be provided through the provision of a new pedestrian crossing in Arthur Street. A public bus service is available via Arthur Street and existing bus stop facilities are available. The development does however result in the loss of 10 on-street carparking spaces and this is discussed in detail in the Key Issues under Section 5 of this report.

- Public Domain – The development will improve the public domain through provision of improved pedestrian linkages in Artur Street between the site and GBH.
- Utilities – The site is serviced by all utilities and services including reticulated sewer, water and electricity and is serviced by a Council maintained road.
- Heritage – The Grafton Correctional Centre, including the subject site (i.e., Lot 2 DP1276261) is listed on the NSW State Heritage Register (SHR809) and as an item of Local heritage significance in Schedule 5 the CVLEP 2011 (I109). The site is also identified on the Section 170 register. The works were considered in the Statement of Heritage Impact prepared by Tim Hill Heritage Management & Planning Pty Ltd dated September 2023 and a section 60 approval has been granted for the works under the Heritage Act 1977 by Heritage NSW.
- Contamination – Two contaminated land assessment reports prepared by Regional Geotechnical Solutions were submitted with the application. The assessments deemed the land to be suitable for residential use and recommendations contained therein have been included as conditions of consent where relevant.
- Flora and fauna impacts – Two (2) trees are to be removed as part of the development as discussed in detail under the B&C SEPP considerations. Appropriate conditions of consent have been included in Attachment A to restrict clearing to that proposed within the Arboricultural Impact Assessment, identification of trees to be removed prior to works commencing and inspection of trees by a suitably qualified person prior to removal to reduce the potential for any fauna injury or mortality.
- Natural environment – There will be no impact to the natural environment as a result of the development as it is a reuse of the existing buildings.
- Noise and vibration – A Noise and Vibration statement was prepared for the application which concluded that due to the nature of the refurbishment works and works largely undertaken on the interior of existing buildings, there will be minimal noise and vibration impacts to nearby receivers.
- Natural hazards – The site is identified as being flood prone however, the FIA report prepared for the application was based on a refined version of the 2013 flood model which included consideration of the existing solid walls within the Gaol which is more representative of the site). The FIA identified that the development remains outside of the flood extent for all modelled events although it is mapped as being within the flood planning area under Clause 5.21 of the LEP.

In any case, the development is located within an existing building and a condition of consent requiring all new building construction below 6.4m Australian Height Datum (AHD) to be of flood compatible materials, except where necessary to match existing.

Council is satisfied that the development is compatible with the flood behaviour of the land and will not result in any risk to life in the event of a flood.

- Safety, security and crime prevention – The proposal is consistent with the principles of Crime Prevention through Environmental Design and the removal of Hill's Weeping Fig at the entrance to the site will improve visibility and safety.
- Social impact – The proposed development will have positive social impacts through improved GBH staff facilities and improved pedestrian access around the vicinity of the existing hospital. Long term the development will provide for improved health services facilities to the Clarence Valley by enabling relocation of existing GBH staff to allow for the delivery of the Stage 2 GBH redevelopment which is likely to be a State Significant Development.
- Economic impact – The proposed development will provide positive economic outcomes through an increase in employment opportunities during the construction phase and purchase of materials if sourced locally.
- Site design and internal design – The proposed design of the new GBH administration facility is compatible and sympathetic to the heritage significance of the site.
- Construction – The anticipated impacts of construction have been considered and conditions restricting working construction hours has been imposed to minimise any impacts to adjoining and surrounding development.
- Cumulative impacts – the proposal will not result in any adverse cumulative impacts and is consistent with the planning controls.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

- The proposed reuse of the existing Correction Services facility for GBH administration staff, is considered to fit within the locality and GBH medical precinct.
- Services, access and infrastructure are considered adequate to support the proposal.
- The works are considered appropriate with regard to the heritage significance of the site and have been granted Section 60 approval by Heritage NSW.
- The site attributes such as zoning, location adjacent to existing and approved medical facilities such as a private hospital and medical centre and adjoining land uses are conducive to the development, subject to the inclusion of draft conditions to provide a pedestrian access crossing between the site and GBH.
- The development is consistent with the key principles of the North Coast Regional Plan 2041 to provide for smart, connected and accessible infrastructure for the Clarence Valley which specifically mentions the site and ability to maximise opportunities associated with regional health and justice infrastructure.

3.4 Section 4.15(1)(d) - Public Submissions

No public submissions were received during the exhibition period of the application.

3.5 Section 4.15(1)(e) - Public interest

The proposed development is considered to be in the public interest as it will facilitate the redevelopment of the GBH Site which will provide improved health services facilities to the

Clarence Valley and assist in developing Grafton's importance in the region while maximising regional health opportunities in line with the key priorities for the Clarence Valley contained in the North Coast Regional Plan 2041, without significant adverse environmental impacts.

The development is considered consistent with the relevant State and local legislation and generally consistent with the Clarence Valley DCP and relevant contribution plans.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 6.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Essential Energy	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	No concerns raised by Essential Energy	Y
Heritage NSW	S58 of the Heritage Act 1977 for demolition or works etc to an item listed on State Heritage Register or with an interim heritage order.	The development was not applied for as integrated development under the Heritage Act 1977 as a Section 60 application had already been applied for and granted approval by Heritage NSW, Department of Climate Change, Energy, the Environment and Water prior to the DA being submitted.	Y
Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	No objections subject to recommended conditions	Yes (conditions)
Building	No objections subject to recommended conditions	Yes (conditions)
Environmental Health	No objections subject to recommended conditions	Yes (conditions)
Heritage	No objections subject to recommended conditions	Yes (conditions)

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 19 July 2024 until 19 August 2024. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (39 letters);
- Notification on the Council's website.

The Council received no submissions for the development during the exhibition period.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

- Loss of Onstreet Carparking Spaces

5.1 Loss of On-street Carparking Spaces

As part of the application, the applicant submitted a Traffic Impact Assessment (TIA) prepared by Bitzios Consulting dated 11 September 2023. The TIA considered both the subject development and the traffic/transport impacts and requirements related to the incorporation of the site into the existing administration and training operations of the GBH.

The TIA identified pedestrian pathways on both sides of Arthur Street with multiple driveways, angled rear to kerb parking which restricts pedestrian movements across Arthur Street. No formal pedestrian crossing facilities currently exist on the section of road between the site and the GBH.

To improve pedestrian movements between the site and existing GBH, the TIA recommended the provision of a new pedestrian crossing. To accommodate the proposed

pedestrian crossing along Arthur Street, the TIA identifies 10 on-street car parking spaces that would require removal, reducing the total available parking spaces along Arthur Street to approximately 73.

Given the proximity to the main access points to GBH, this parking area is the most likely for use by patients and visitors and would displace longer term parking typically used by staff to surrounding areas (such as around the Mary Street/Arthur Street intersection).

The application did not anticipate any increase in staff from the proposed development and further clarification provided by the applicant has determined that relocation of administration staff from the existing GBH to the former Correction Services site results in a reduction in existing office floor area in the GBH from 1,693m² to 1,258m² in the new facility.

While Council staff are satisfied that the development will not increase current staffing numbers, it will locate staff away from the main site and will increase pedestrian traffic across Arthur Street. To accommodate this, Council's Development Engineer supports the findings of the TIA and construction of a new pedestrian crossing between the general access driveway at the front of the site and the ambulance driveway to the hospital.

There are suitable areas within the vicinity of the development that are not formed and are currently being used to facilitate carparking overflow for the hospital. However, as there is no increase demand from this development on parking numbers, it is considered that the development does not warrant formalisation. Furthermore, the closure of the Correctional Services Facility has overall reduced long term parking demand in the vicinity of the site.

It is concluded that, the reduction of on-street carparking spaces will not impact on current operational uses within the vicinity of the GBH subject to the construction of a new pedestrian crossing in Arthur Street. Appropriate conditions of consent have been included in Attachment A and these have been accepted by NSW Health Infrastructure.

Resolution: The issue has been resolved through recommended conditions of consent requiring construction of a pedestrian crossing.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It has been adequately demonstrated that the loss of on-street carparking spaces to facilitate a safe pedestrian crossing in Arthur Street between the site an existing GBH does not trigger the need to provide additional carparking for the development as it results in a significant reduction in floor area from 1,693m² to 1,258m² for hospital administration staff use. However, any future redevelopment of the GBH will need to adequately consider carparking at the time of assessment of any future applications.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2024/0303 for the refurbishment of the Grafton Gaol Site for Hospital Administration Use at 169 Arthur Street, Grafton be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Acceptance Letter from the Crown (applicant) for imposition of Conditions
- Attachment C: Recommended Approved Plans
- Attachment D: DCP Table of Compliance
- Attachment E: Statement of Environmental Effects
- Attachment F: Appendix A – Architectural Plans
- Attachment G: Appendix B – ICT Link Plans
- Attachment H: Appendix C – Statement of Heritage Impact and Section 60 Approval
- Attachment I: Appendix D – Aboriginal Cultural Heritage Assessment
- Attachment J: Appendix E – Stormwater Management Plans
- Attachment K: Appendix F – Traffic Impact Assessment
- Attachment L: Appendix G – Civil Design Package
- Attachment M1: Appendix I1 – Stage 1 and Preliminary Stage 2 Site Contamination Assessment
- Attachment M2: Appendix I2 – Stage 2 Detailed Site Contamination Assessment
- Attachment N: Appendix J – Arboricultural Impact Assessment
- Attachment O: Appendix N – Noise and Vibration Assessment
- Attachment P: Appendix Q – Waste Management Plan
- Attachment Q: Section 37 Request to Amend Application – GeoLINK Consulting Pty Ltd - 1 October 2024
- Attachment R: Amended Architectural Plans - Revision F – STH Architects 8 October 2024
- Attachment S: Amended BCA/DDA Assessment Report – Revision 3 – BM+G Pty Ltd 12 September 2024