

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	11 December 2024
DATE OF PANEL DECISION	11 December 2024
DATE OF PANEL BRIEFING	9 December 2024
PANEL MEMBERS	Stephen Gow (Acting Chair), Michael Wright, Penny Holloway and Greg Clancy
APOLOGIES	None
DECLARATIONS OF INTEREST	Dianne Leeson declared a conflict of interest as she is a board member of NSW Health Infrastructure, which is the applicant for the proposed development. She did not participate in the meeting.

Papers circulated electronically on 2 December 2024.

MATTER DETERMINED

PPSNTH-328 – Clarence Valley – DA2024/0303 – 169 Arthur Street, Grafton (Lot 2 DP 1276261) – Refurbishment of part of the old Grafton Correctional Centre into office and administration facilities to be used for the Grafton Hospital Administration section (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, in particular:

The proposed development is consistent with a key principle of the North Coast Regional Plan 2041, to maximise opportunities associated with regional health infrastructure in Grafton. Specifically, by relocating administrative accommodation for the Grafton Base Hospital to the subject site immediately opposite the Hospital campus, the development will facilitate Stage 2 of the proposed Hospital redevelopment.

The proposed health services facility use, in buildings to be repurposed in part of the former Grafton Correctional Centre, is permissible with consent pursuant to Division 10 of Part 2.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The proposed use is also consistent with the objectives of the SP2 Infrastructure zone under Clarence Valley LEP 2011.

The development also proposes a new pedestrian crossing in Arthur Street to facilitate safe access between the existing Base Hospital site and the new administrative accommodation.

The heritage significance of the former Correctional Centre has been considered and prior approval issued pursuant to s.60 of the NSW *Heritage Act 1977* for the proposed works. In addition, archival recording of certain art works within the subject buildings is required as a condition of consent.

No public submissions were received in response to public notification of the application under Council's Community Participation Plan. One late submission was received and considered by the Panel (see Consideration of Community Views, below).

Having considered the relevant matters pursuant to s.4.15(1) of the NSW *Environmental Planning and Assessment Act 1979*, and subject to the agreed conditions, the Panel considers that the development will be in the public interest.

The required concurrence to the proposed conditions of consent from the NSW Health Infrastructure was received, in accordance with s.4.33 of the NSW *Environmental Planning and Assessment Act 1979*, prior to the Panel's determination.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 1 to correct the typographical error in the Plan Title by replacing the second reference under Plan No. GBHR-AR-DG-ACQ-22-L1-0001 from 'Floor Plan – Level 01' to 'Floor Plan - Level 02'

- Amend Condition 11 to read as follows:

11. Archival Report

An archival report of the three (3) painted murals by Leonard Lawson and Indigenous column paintings are to be carried out in accordance with the NSW Heritage – Photographic Recording of Heritage Items Using film or Digital Capture, and prints made to be retained with other murals in the main gaol. A digital copy of the archival recording is to be provided to NSW Correctional Services, NSW Correctional Services Gaol Museum at Cooma, NSW, Clarence River Historical Society and the Clarence Valley Council prior to works commencing.

Condition reason: To ensure that the history and significance of buildings are documented before their removal or re-use due to the age of the structures and nature of previous occupants of this land.

- Insert new Condition 42, which reads as follows:

42. Replacement Plantings

To compensate for the loss of two (2) trees for the development, three (3) rainforest trees, grown from seeds collected on Susan Island, with the approval of the Susan and Elizabeth Islands Land Manager or the National Parks and Wildlife Service, whichever is appropriate, be planted at suitable locations on or adjacent to the development site, acknowledging that it may take some time to acquire or grow suitable trees.

Condition reason: To ensure that tree removal is adequately offset and replaced with suitable species.

- Insert new Advisory Note, which reads as follows:

Condition of consent: advisory notes

In addition to the conditions of the development consent, the following advisory notes may be relevant for a person involved in carrying out the development approved under the consent and should be read in conjunction with the Notice of Determination

The advisory notes do not form part of the development consent. However, they provide information on how the obligation to lawfully carry out the approved development can be met.

General Advice – Consent Parking Considerations





The Traffic Impact Assessment report submitted with the development 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 questions the inclusion of 99 of those spaces in Areas 1, 2, 4, 5, 6, 8 and 17.

The availability of carparking spaces identified within the TIA within the vicinity of the Grafton Base Hospital will need to be revisited for any future applications, including any State Significant Development applications.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition. However, a late submission from the Clarence River Historical Society Inc. was received after the completion of Council's assessment report, seeking the retention of the existing murals on brickwork within Level 1 of Block A.

In considering this matter, the Panel gave determinative weight to the prior approval for the relevant work by Heritage NSW, noting that archival recording of the murals had been provided for in the 2021 Conservation Management Plan for the former Grafton Correctional Centre. This action was also recommended in the Heritage Impact Statements provided for the Applicant to Heritage NSW and to Council, and has formed the basis for Condition 11.

PANEL MEMBERS	
 Stephen Gow (Chair)	 Penny Holloway
 Michael Wright	 Greg Clancy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-328 – Clarence Valley – DA2024/0303
2	PROPOSED DEVELOPMENT	Refurbishment of part of the old Grafton Correctional Centre into office and administration facilities to be used for the Grafton Hospital Administration section
3	STREET ADDRESS	169 Arthur Street, Grafton (Lot 2 DP 1276261)
4	APPLICANT OWNER	Simon Waterworth c/- The Trustee for GEOLINK UNIT TRUST Property NSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 (Sustainable Buildings) 2022 State Environmental Planning Policy Transport and Infrastructure) 2021 Clarence Valley Local Environmental Plan 2011 Draft environmental planning instruments: Draft Remediation of Land State Environmental Planning Policy Development control plans: <ul style="list-style-type: none"> Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 20 November 2024 Written submissions during public exhibition: 0 (1 late submission) Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Gow (Acting Chair), Michael Wright, Penny Holloway <u>Council assessment staff</u>: Carmen Landers, Murray Lane, James Hamilton Adam Cameron and Ben Bancroft <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Applicant Briefing: 9 December 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Gow (Acting Chair), Michael Wright, Penny Holloway and Greg Clancy <u>Applicant representatives</u>: Simon Waterworth, Jack Swingler, Milica Bircakovic, Antony Butcher, Benjamin Ferry, Claire Muir <u>Council assessment staff</u>: Carmen Landers, Murray Lane, James Hamilton, Adam Cameron, Greg McCarthy, Ben Bancroft <u>Department staff</u>: Carolyn Hunt and Lisa Ellis

		<ul style="list-style-type: none">• Final briefing to discuss Council’s recommendation: 9 December 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Stephen Gow (Acting Chair), Michael Wright, Penny Holloway and Greg Clancy○ <u>Council assessment staff</u>: Adam Cameron○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report