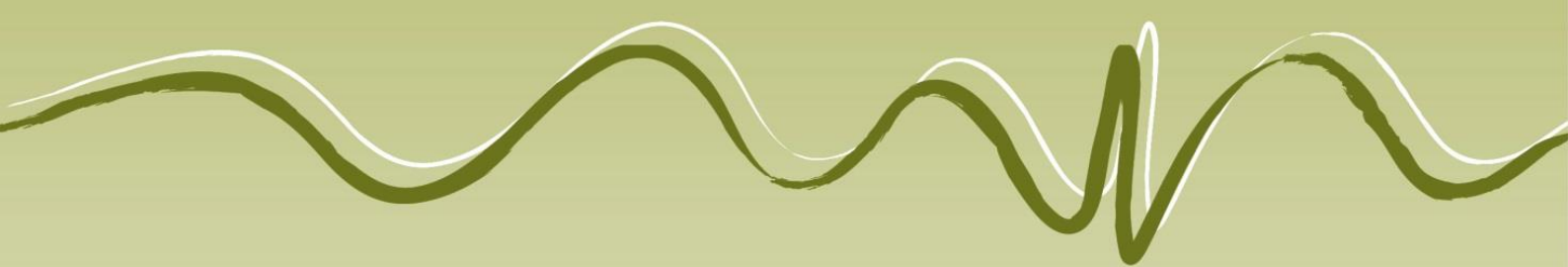


Modification Report

Tweed Valley Hospital – SSD-10353 (Mod 1)



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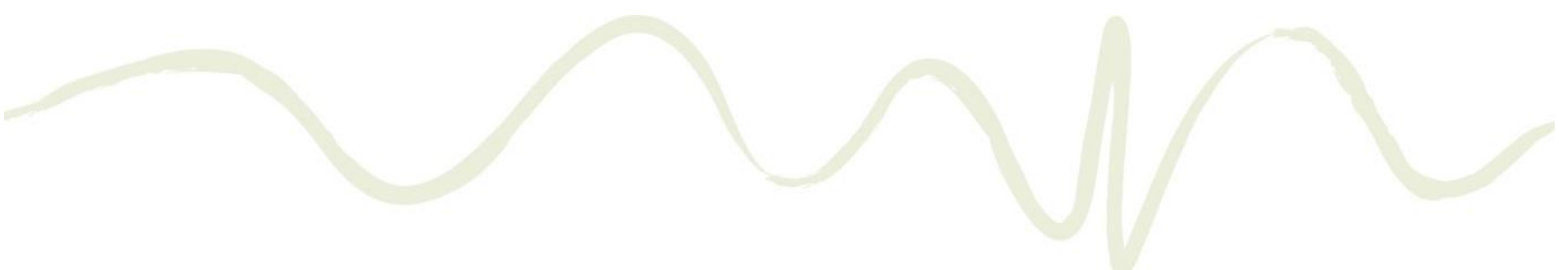


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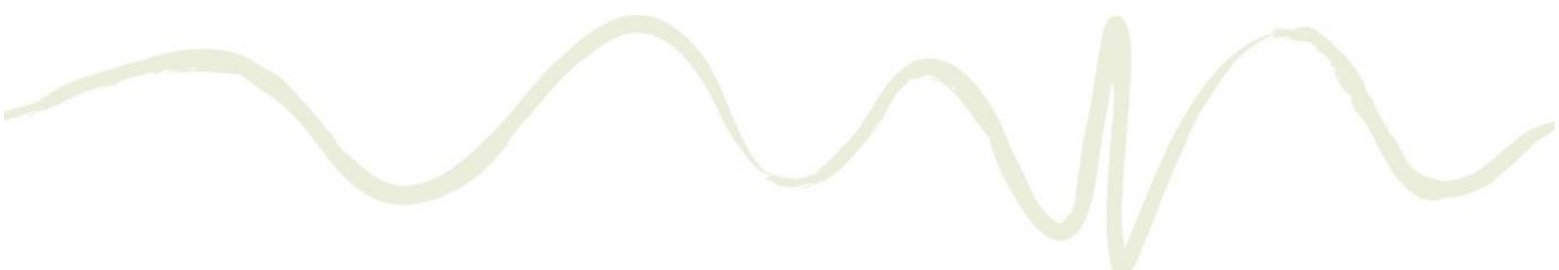
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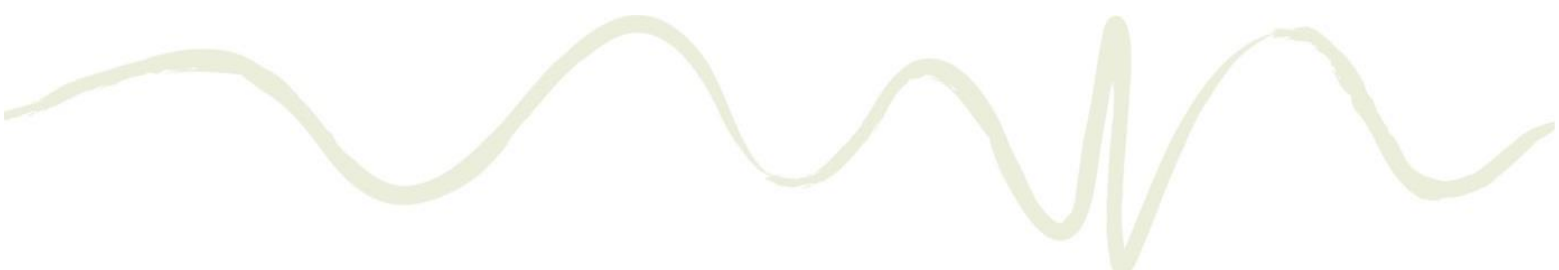
Appendix A SSD-10353 Mod 1 Drawing and Plan Package

Glossary of terms and acronyms

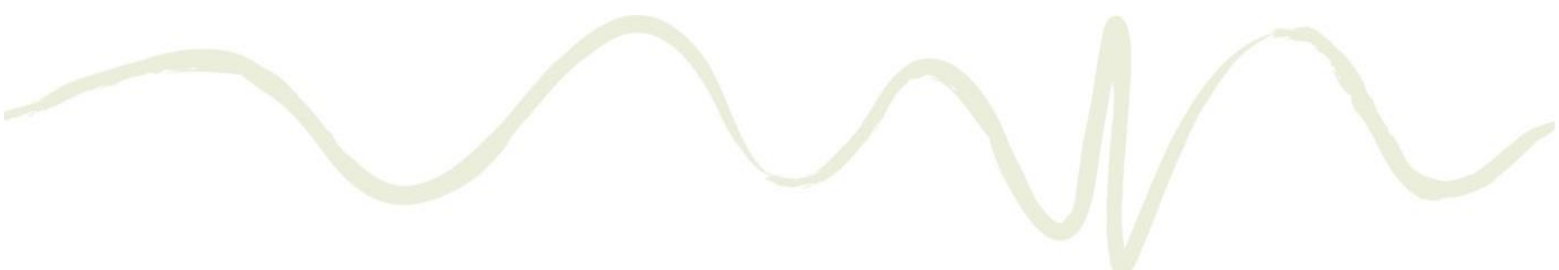
Term	Description/Definition
Aboriginal Heritage Information Management System (AHIMS)	This holds information about Aboriginal objects, Aboriginal places with special significance with respect to Aboriginal culture, and archaeological reports.
Acid Sulphate soils (ASS)	Naturally acid clays, mud and other sediments usually found in swamps and estuaries. They may become extremely acidic when drained and exposed to oxygen and may produce acidic leachate and runoff that can pollute receiving waters and liberate toxins. ASS are classified as materials which are above the groundwater, are undergoing oxidation and have a pH of less than 4.0.
Amenity	The degree of pleasantness of an area or place.
Annual average daily traffic (AADT)	The total traffic in both directions at a specified location calculated from mechanically obtained axle counts.
Annual Exceedance Probability (AEP)	The chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage. For example, if a peak flood discharge of 500 m ³ /s has an AEP of 5%, it means that there is a 5% chance (i.e. a 1 in 20 chance) of a peak discharge of 500 m ³ /s (or larger) occurring in any one year (see also Average Recurrence Interval).
Archaeological site	A site with any material evidence of past Aboriginal activity that remains within a context or place that can be reliably related to that activity.
Australian height datum (AHD)	The standard reference level used to express the relative height of various features. A height given in metres AHD is essentially the height above sea level.
Average Recurrence Interval (ARI)	The long-term average number of years between the occurrence of a flood as big as (or larger than) the selected event. For example, floods with a discharge as great as (or greater than) the 20yr ARI design flood will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event (see also Annual Exceedance Probability).
BC Act	NSW <i>Biodiversity Conservation Act 2016</i>
Borehole	A hole produced in the ground by drilling for the investigation and assessment of soil and rock profiles.
Catchment	The area drained by a stream or body of water, or the area of land from which water is collected.
CIV	Capital investment value
Concept Proposal	Initial functional layout of a concept, such as a building, to provide a level of understanding to later establish detailed design parameters.
Concept Development Application	A development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications
CPTED	Crime Prevention Through Environmental Design Principles
Culvert	An enclosed channel for conveying a stream below a road.
dBA	Decibels using the A-weighted scale. Decibels are used to measure sound levels. dBA measures loudness according to the human perception of sound.
Decibel	Decibels are used to measure sound levels.



Term	Description/Definition
Earthworks	The process of extracting, moving and depositing earth during construction.
Ecologically sustainable development (ESD)	Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased. ESD incorporates four key principles: ■ the precautionary principle ■ inter-generational equity ■ conservation of biological diversity and ecological integrity ■ improved valuation and pricing of environmental resources.
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EPI	Environmental Planning Instrument
EPL	Environmental Protection Licence issued under the POEO Act
Flood immunity	Relates to the level at which a particular structure would be clear of a certain flood event.
FSR	Floor Space Ratio
Geological unit	A volume of rock of identifiable origin and age range that is readily mapped, such as a series of inter-bedded sandstone and claystone beds or a body of granite.
Geotechnical	Application of the methods of engineering and science to construction that involves natural soil and rock materials.
Grade/gradient	Slope or steepness
Habitat	The place where an organism lives. Habitats are measurable and can be described by their flora and physical components.
Health and Education Campus	A site that allows health and education providers to collaborate, share resources and grow to their mutual benefit and benefit the community.
HI	New South Wales Health Infrastructure
HV	Heavy vehicle
IPU	In Patient Unit
KLP	Kingscliff Locality Plan (exhibition draft)
LALC	Local Aboriginal Land Council
LEP	Local environmental plan
LGA	Local government area
Longitudinal section or 'long section'	The section drawn along the length of the route showing vertical elevation.
NCRP 2036	North Coast Regional Plan 2036
OEH	Office of Environment and Heritage
POEO Act	Protection of the Environment Operations Act 1997
Project	Development of a new hospital on a greenfield site in the Tweed, referred to as the Tweed Valley Hospital.
Project Site	The location of the Project, on land at 771 Cudgen Road, Cudgen, legally described as Lot 11 DP 1269398.
SEPP	State Environmental Planning Policy



Term	Description/Definition
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Threatened ecological community (TEC)	An ecological community identified by relevant legislation as having endangered status under the NSW <i>Biodiversity Conservation Act 2016</i> or the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Threatened species	Animals or plants listed as endangered or vulnerable under the NSW <i>Biodiversity Conservation Act 2016</i> or the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
TTH	The (existing) Tweed Hospital at 14-34 Powell Street (Lot 628 DP755740), Tweed Heads on the far north coast of NSW.



Statement of Validity

Submission of Environmental Assessment (Modification Report)

Prepared under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)

Modification Report prepared by:

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Qualifications BUrbEnvPlan (Hons), MPIA
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Reviewed by:

Simon Waterworth
BURP, MBA, Registered Planner
Director/Principal Town Planner

In respect of

Applicant and Land Details

Proponent Health Infrastructure
Subject Site 771 Cudgen Road, Cudgen NSW
Lot and DP Lot 11 DP 1269398
Project Summary Tweed Valley Hospital – Modification to Stage 2 Consent and Approved Plans

Environmental Assessment

Modification Report pursuant to Section 4.55 Part 4 of the EP&A Act.

Declaration

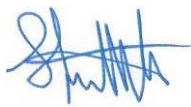
I certify that I have prepared the contents of the Modification Report in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulation, the Modification Report contains all available information that is relevant to the environmental assessment of the Proposal, and that, to the best of my knowledge, the information contained in this report is not false or misleading.

Signature

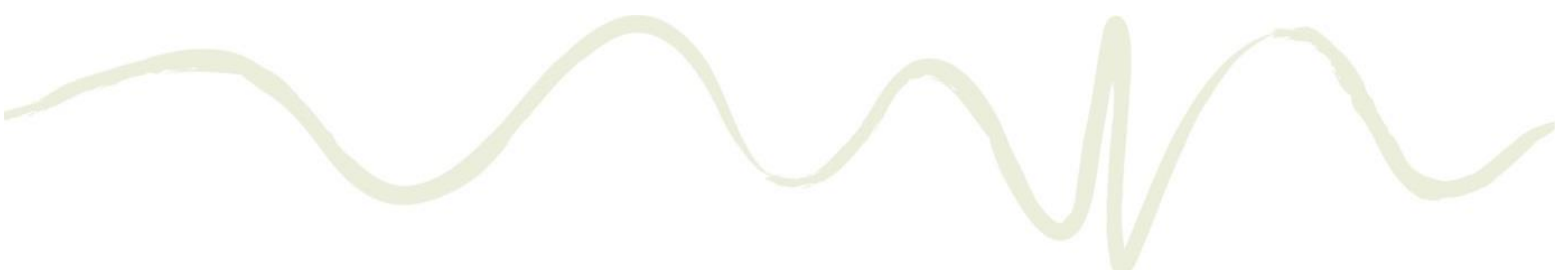
Name

Date


.....
JACOB SICKINGER


.....
SIMON WATERWORTH

17 March 2021



Executive Summary

Purpose of Report

This report supports a request for modification, pursuant to Section 4.55 of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), of State Significant Development (SSD) consent SSD-10353 for the Tweed Valley Hospital (the Project). This report has been prepared for Health Infrastructure (HI) in support of the modification request to the Department of Planning, Industry and Environment (DPIE). It identifies the proposed modifications to SSD-10353 (Stage 2 of the Project) and assesses any associated impacts from those modifications pursuant to section 4.15(1) and Section 4.55(1A) of the EP&A Act.

The Project Site

The Project Site is a 19.38 ha single lot described as Lot 11 DP 1269398 (formerly Lot 11 DP 1246853) and located at 771 Cudgen Road, Cudgen NSW. The land is owned by Health Administration Corporation (HAC). It fronts Cudgen Road immediately west of the Kingscliff urban area and has proximal access to Tweed Coast Road, which connects to the Pacific Motorway (M1) in the north. The Site is approximately 13.5 km south of Tweed Heads. The Project Site is primarily zoned SP2 Infrastructure (Health Services Facility). Environmental areas, including mapped Coastal Wetlands, occur along its northern boundary. The surrounding land use context comprises a mix of urban, rural and environmental areas.

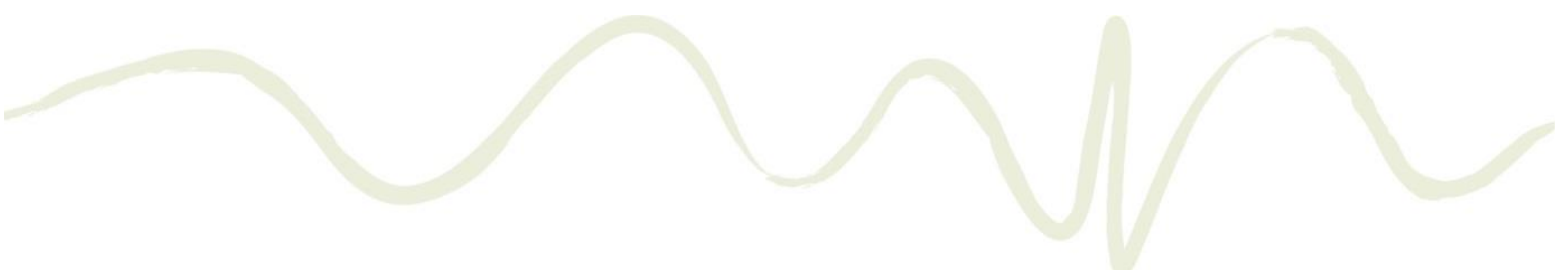
The Approved Development

Stage 2 of the Project (comprising detailed design, construction and operation of the Tweed Valley Hospital) was approved (SSD-10353) under delegation of the Minister for Planning and Public Spaces on 12 June 2020. All documents relating to the approval can be found on the project website at <https://www.planningportal.nsw.gov.au/major-projects/project/14746>

Proposed Modification 1 to SSD-10353

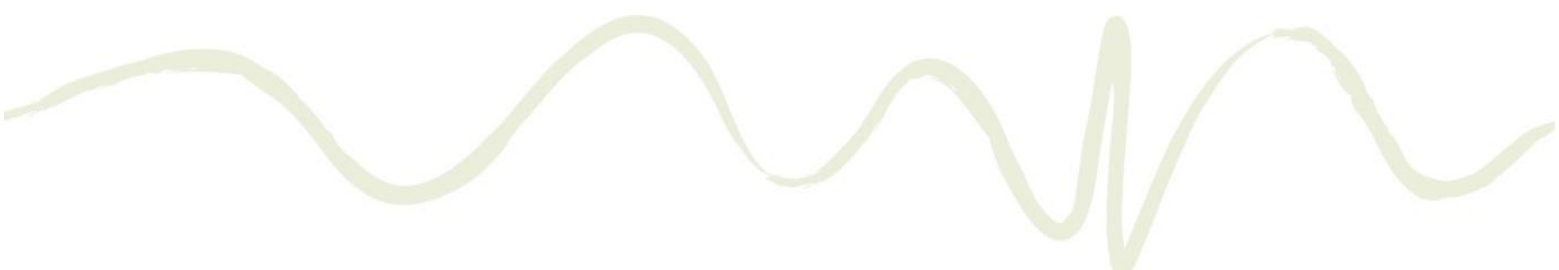
In summary, the application to modify SSD-10353 proposes the following amendments and inclusions to the Stage 2 approval:

- PET (positron emission tomography) Suite (Ground Level) building extension and façade changes including northwest corner plantroom extended. Increased western corner by one grid width.
- Renal Department (Ground Level) building reduced, including redesign of the façade.
- CEP (Central Energy Plant) removal of roof medical air plantroom and changes to roof enclosure extent. Reconfiguration of the 3 ambulance/vehicle response parking bays at lower ground level.
- HV Compound (Site Generator and High Voltage switch station enclosure) changes to configuration and size of the enclosure, adjoining landscape, hardstand areas, roadway and reduced side setback.
- Site Sewer Pump Station (SPS) relocated further north and provision for an additional emergency overflow tank has been added.
- Radiotherapy bunkers minor size increase with associated changes to façade, south corridor position and landscaping.
- ICU (Intensive Care unit) Level 3 cantilevered terrace repositioned, and screening added.



Conclusion

The proposed modifications are a result of detailed design, refinement, further analysis and some minor service variation/improvement. The modifications do not constitute a transformation of the development and the Project remains substantially the same development. The modifications are relatively minor and inconsequential in the context of the overall Project and approved built form. The modifications would benefit the Project, and in turn staff, stakeholders, and the wider community. The modifications would effectively integrate into the overall Project and will continue to provide for an acceptable and quality development outcome. Potential impacts of the modifications are assessed as being minor at worst. The proposed modifications warrant approval by the Minister for Planning and Public Spaces or delegate.



1. Introduction

1.1 Purpose of this Report

On behalf of NSW Health Infrastructure (HI), GeoLINK has been engaged to prepare a Modification Report under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a modification to the State Significant Development (SSD) consent for Stage 2 of the Tweed Valley Hospital (SSD-13353).

The purpose of this Modification Report is to describe the proposed modifications and provide an assessment of the relevant matters contained within Sections 4.55(1A) and 4.15(1) of the EP&A Act. The assessment of the proposed modifications includes assessment against the existing planning provisions applying to the site including permissibility and assessment of any potential environmental impacts and key issues.

1.2 Existing Consent and Proposed Modification Context

The Tweed Valley Hospital Project broadly consists of:

- Delivery of the Tweed Valley Hospital; a new major regional referral hospital to provide the health services required to meet the needs of the growing population of the Tweed-Byron region (in conjunction with the other hospitals and community health facilities across the region);
- Delivery of the supporting infrastructure required for the Tweed Valley Hospital, including green space and other amenities, roads and car parking, external road upgrades and connections, utilities connections, and other supporting infrastructure.

The Project consists of two main stages (both approved) as follows:

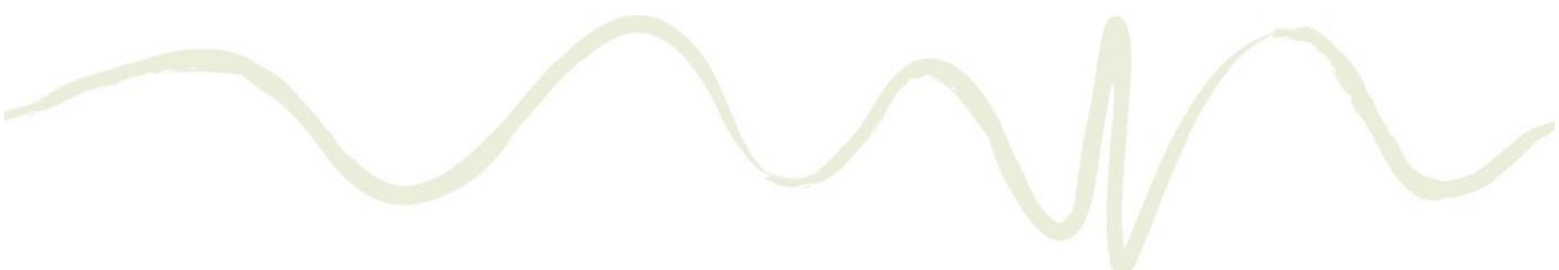
- A Concept Proposal and Stage 1 Early and Enabling Works package approved under SSD-9575 on 11 June 2019. This development consent is for:

A Concept Proposal comprising:

- *the maximum building envelope for a nine-storey hospital with helipad and plant rooms on the rooftop*
- *the maximum building envelope for a building for support services (health hub)*
- *the maximum gross floor area of 65,000 square metres for the hospital and health hub building on the site*
- *the site layout, internal roads, site access arrangements and car parking provisions*
- *a landscape masterplan, concept public domain treatments and stormwater strategy*
- *Tweed Coast Road and Cudgen Road intersection upgrade works.*

Concurrent Stage 1 Early and Enabling Works comprising:

- *site preparation and bulk earthworks to establish site levels*
- *identification of the construction compound with temporary car parking areas, laydowns and internal roads*
- *new vehicular access points from Cudgen Road*
- *improvements to the roundabout intersection of Turnock Street and Cudgen Road*
- *utility augmentation and connection of permanent services for the future hospital*

- 
- construction of retaining walls
 - stormwater drainage works and soil and water management measures
 - site remediation works
 - piling works associated with the future hospital.

- Stage 2 of the Tweed Valley Hospital was approved under SSD-10353 on 12 June 2020. This development consent is for:

Detailed design, construction and operation of the Tweed Valley Hospital, in five construction sub-stages, comprising:

- a new hospital building with rooftop helipad.
- three buildings for support services (Health Hub) and a substation.
- a temporary building (Tweed Skills Centre) accommodating a skills centre during the construction phase.
- car parking areas including the detailed design and construction of a multi-deck car park.
- internal road layouts, landscaping, wetland rehabilitation, services and signage.
- operation and use of the hospital and the ancillary buildings.
- public domain works, external roadworks including upgrade to the intersection of Tweed Coast Road and Cudgen Road and a new signalised intersection on Cudgen Road.

Stage 1 Early and Enabling Works are complete and Stage 2 construction works have commenced.

Since approval of Stage 2 (SSD-10353), ongoing detailed design development and analysis has identified a number of changes and refinements to the approved design of the hospital building and supporting infrastructure. The modified Stage 2 proposal remains consistent with the relevant aspects of the Concept Proposal (as discussed in **Section 3.2.1**). The proposed modifications to Stage 2 (SSD-10353) are detailed in **Section 3**.

2. The Project Site and Locality

2.1 Cadastral Description

The Project Site is a single lot located at 771 Cudgen Road, Cudgen NSW. It is legally described as Lot 11 DP 1269398 (formerly Lot 11 DP 1246853) and has an area of 19.38 ha.

2.2 Land Ownership

The Project Site is owned by the Health Administration Corporation (HAC) and this Modification Application is made by HAC's Health Infrastructure (HI) division.

2.3 Site Context

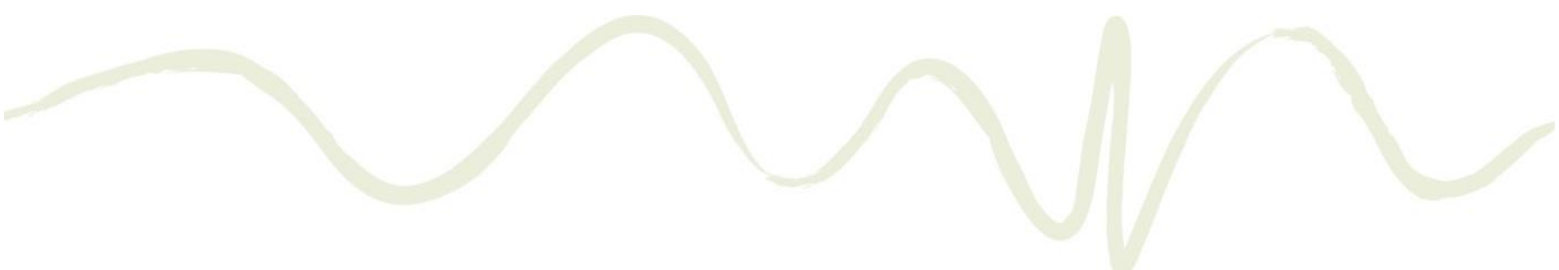
The Project Site context remains consistent with the description and figures provided previously in the Stage 2 EIS.

2.4 Site Analysis

Although construction works are progressing on site and this has resulted in landform changes and infrastructure construction, the overall general site characteristics, biophysical features, constraints and surrounding environmental context have otherwise not notably changed since approval of Stage 2 (SSD-10353). **Plate 2.1** below is an aerial image of the Site at November 2020.



Plate 2.1 Tweed Valley Hospital Site, November 2020



3. Proposed Modifications

Pursuant to Section 4.55(1A) of the EP&A Act, HI proposes the following modifications and inclusions to Stage 2 under consent SSD-10353:

PET (positron emission tomography) Suite – Ground Level

Due to updated briefing requirements the shell area previously noted on the ground floor plan near medical imaging has been allocated as a PET-CT suite and this has also required expansion to accommodate this service. The building façade envelope has been reconfigured to accommodate both the PET Suite and the rearrangement of the mechanical plantroom. Facility planning and circulation patterns have needed to be resolved leading to updates in the fenestration. In addition, the re-coordination of the serviced shell has required an expansion and rearrangement of the mechanical plantroom in the NW corner of the building at ground level.

Renal Department – Ground Level

There has been an overall reduction in the number of treatment spaces. This has led to the downsizing of various space allocations to correspond to the number of treatment spaces, which include reductions to workspaces, storage areas, mobile equipment bays, and the like. Consequently, the footprint of the building at ground level has been reduced to align with the upper levels above and the façade design has been adjusted accordingly.

CEP (Central Energy Plant) – External

The Central Energy Plant has been modified to remove the medical air plantroom from the roof which has been relocated internally within the Main Hospital Building. Consequently, the extent of the roof screening enclosure has been modified and the 3 ambulance response parking bays sitting on the roof have been reconfigured. In addition, the CEP screen enclosure shape has been simplified and straightened along the eastern side.

HV Compound – External

The HV Compound (High Voltage switch station and site generator enclosure) has been revised in configuration due to the functional and size requirements for the enclosure. This has required minor adjustment to the adjoining landscape, hardstand areas, and roads. Access for maintenance and replacement of the generator units have led to specific layout requirements relating to swept paths, gate widths, lighting, and security. Part of the minimum side setback from the west boundary has been reduced from 30 m to 19.9 m.

The proposed enclosure comprises a black chain wire fence around the generator compound of minimum 2.4 m high with 3 rows of barb wire above. Large hinged gates are to open out to the northern zone to accommodate service vehicles to facilitate access to the generator units when required.

Site Sewer Pump station – External

The site sewer pump station (SPS) has been relocated further north and provision for an additional emergency overflow tank has been added (refer to amended Proposed Site Plan at **Appendix A** showing the minor extent of relocation). The tanks will be buried and only the surface where the slope falls away will be exposed. The control box is to be completely exposed to facilitate access.

Radiotherapy Bunkers – Ground Level

The Radiotherapy Bunkers have moderately increased in size due to the revised briefing requirement for larger capacity linear accelerators. This has required increased ceiling void clearances for services, affecting the concrete roof profile and increasing the external roof height. Further to the increase in footprint and associated changes to the façade, the position of the south corridor and external landscaping also require minor changes.

ICU (Intensive Care Unit) Cantilevered Terrace – Level 3

The ICU (Intensive Care Unit) cantilevered terrace has been repositioned due to internal layout planning changes. In addition, visual and sun shading elements have been added.

3.1 Schedule of Drawing/Plan Revisions

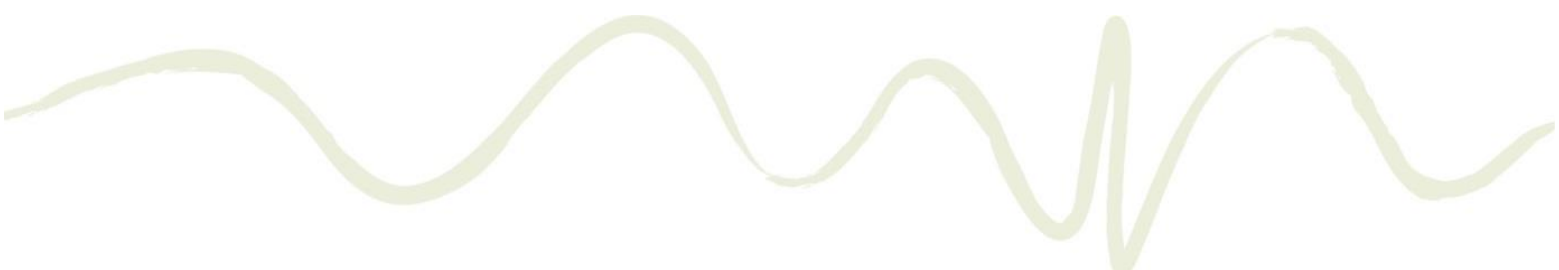
A set of the relevant amended architectural, civil and landscape plans showing the above described proposed modifications is included with this Modification Report at **Appendix A**.

The following table provides a list of the revised drawings/plans and their changes.

Table 3.1 Drawing/Plan Register

Drawing Ref.	Rev	Drawing Title	Scope of Modification
Modified Architectural Drawings			
STB-AR-SKE-PRW-1000015	[04]	Proposed Site Plan	• Main Hospital Building, Modifications shown clouded to PET, Renal, CEP, HV Compound, Site Sewer Pump Station, Radiotherapy Bunkers, and ICU L3 Cantilevered Balcony.
STB-AR-SKE-MHB-20000001	[02]	General Arrangement Plan Ground	• Planning modifications shown to the PET Suite, Renal and Radiotherapy Bunkers.
STB-AR-SKE-MHB-20001001	[02]	General Arrangement Plan Level 01	• Roofing changes shown over the PET Suite, Renal and Radiotherapy Bunkers.
STB-AR-SKE-MHB-20003001	[02]	General Arrangement Plan Level 03	• ICU cantilevered terrace position and extent shown.
STB-AR-SKE-PRW-8100001	[03]	East On-Grade Carpark	• Main Hospital Building, Modifications shown clouded to PET, Renal, CEP, HV Compound, Site Sewer Pump Station, Radiotherapy Bunkers, and ICU L3 Cantilevered Balcony.
STB-AR-SKE-MHB-2500001	[02]	Hospital Helipad and Roof Plan	• Main Hospital Building roof plan showing modifications clouded to PET, Renal, Radiotherapy

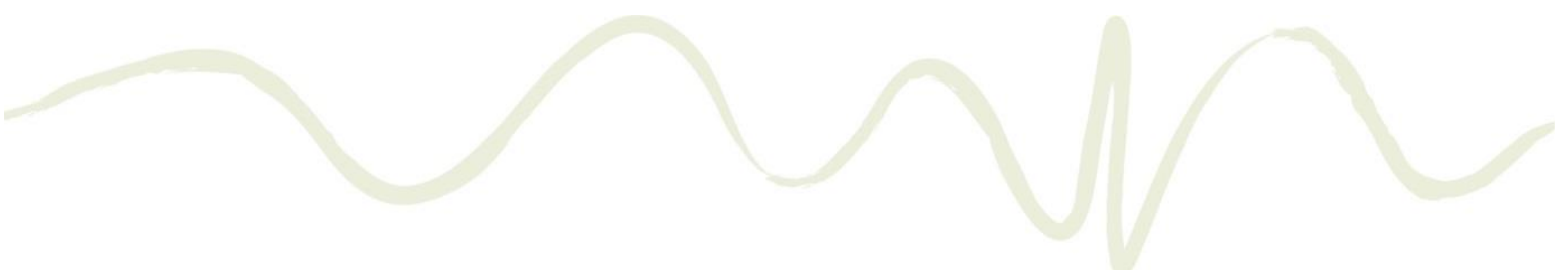
			Bunkers, and ICU L3 Cantilevered Balcony.
STB-AR-SKE-MHB-4000000	[02]	Key Plan Elevations & Sections	Key plan showing modifications clouded to PET, Renal, CEP, HV Compound, Site Sewer Pump Station, Radiotherapy Bunkers, and ICU L3 Cantilevered Balcony.
STB-AR-SKE-MHB-4000001	[03]	Key Elevations 1 & 2	Elevations showing Renal cut back and extended façade and roof over the Radiotherapy Bunkers
STB-AR-SKE-MHB-4000005	[03]	Key Elevations 3 & 4	Elevations showing PET suite extension and NW corner plantroom extension. Also L3 ICU cantilevered terrace.
STB-AR-SKE-MHB-2100001	[02]	Façade Type Plans MHB – Ground Level	Façade types plan showing Renal cut back and extended Radiotherapy Bunkers
STB-AR-SKE-MHB-2103001	[02]	Façade Type Plans MHB – Level 03	Façade types plan showing L3 ICU cantilevered terrace.
STB-AR-SKE-PRW-5000002	[02]	Overall Building sections C & D	Building sections showing PET suite extension and NW corner plantroom extension.
STB-AR-SKE-PRW-5000003	[03]	Overall Building sections E & F	Building sections showing L3 ICU cantilevered terrace.
STB-AR-SKE-PRW-5000004	[03]	Overall Building sections G & H	Building sections showing Renal cut back
Landscape drawings			
LS-DWG 10-001	[09]	Sitewide Landscape Plan	Plan showing modifications clouded to Renal, CEP, HV Compound, Site Sewer Pump Station, and Radiotherapy Bunkers
LS-DWG 10-003	[12]	Zonal Plan	Plan showing modifications clouded to Renal, CEP, HV Compound, Site Sewer Pump Station, and Radiotherapy Bunkers
LS-DWG 20-004	[09]	Landscape Plan & Sections – East Entry & Green Spine	Plan showing modifications clouded to Renal, and Radiotherapy Bunkers



LS-DWG 20-007	[06]	Landscape Plan & Sections – East & West Buffer	Plan showing modifications clouded to HV Compound
LS-DWG 20-008	[09]	Central Energy Plant	Plan showing modifications clouded to CEP.
-	-	Landscape Masterplan Koala Food Trees Mark-up	Plan showing modifications clouded to Renal, CEP, HV Compound, Site Sewer Pump Station, and Radiotherapy Bunkers

Civil drawings

RBG-CV-DWG-RIE-80-301	[G.1]	Central Energy Plant	Plan showing modifications clouded to HV Compound
RBG-CV-DWG-RIE-80-303	[2A]	Central Energy Plant	Plan showing modifications clouded to Site Sewer Pump Station.
RBG-CV-DWG-RIE-80-310	[1A]	Central Energy Plant	Plan showing modifications clouded to Renal.



3.2 Consistency with Existing Approvals

3.2.1 Consistency with Approved Concept Proposal (SSD-9575)

Section 4.24(2) of the EP&A Act requires that further development applications cannot be inconsistent with an approved/in force Concept Proposal. The Tweed Valley Hospital Project is subject to an approved Concept Proposal (SSD-9575) as mentioned in **Section 1.2**.

Overall, the proposed modifications are consistent with the relevant aspects of the approved Concept Proposal and do not conflict with the conditions of consent (i.e. Schedule 2 of the SSD-9575 consent).

Specifically, the proposed modifications to the main hospital building are consistent as they occur within the approved hospital building envelope and do not conflict with the minimum setback, maximum height, or maximum Gross Floor Area (GFA) requirements of the consent. The Project as modified has a GFA of approximately 62,340 m² (including the main hospital building and health hub). This remains under the maximum GFA of *approximately 65,050 m²* required by condition B5 of SDS-9575.

The approved Concept Proposal (SSD-9575) also includes an approximate planning envelope for a HV switching station/generator compound. Minor changes to the design of this infrastructure and its configuration, associated with Stage 2 (SSD-10353), are proposed as a result of further analysis and detailed design. As can be seen in the plan excerpt shown at **Figure 3.1**, the HV switching station and generator infrastructure remain within the approved approximate Concept envelope, however the hardstand and service vehicle zone has been adjusted and now extends moderately outside of the originally identified approximate envelope. This however is not considered to be inconsistent with the approved Concept Proposal (SSD-9575) as the modified component that falls outside of the approximate Concept envelope is a services vehicle zone only (mainly an extension of the hardstand) and not actually voluminous built form or plant infrastructure.

Furthermore, this change is relatively minor and the actual HV switching station and generator infrastructure remains within the approved Concept envelope as originally envisaged. The modification of the service vehicle zone / hardstand and lay-by is inconsequential, ancillary, and not inconsistent (given that the SSD-9575 Consent preamble only refers to the maximum building envelopes for the hospital and health hub; and other roads and hardstands are not prescribed/are outside approved concept building envelopes as they form ancillary infrastructure). As outlined in **Section 5.2**, the modification does not affect the 10 m or 30 m vegetated buffers which are required along the western or southern boundaries, respectively. Therefore, it is reasonable to conclude that the modification is not inconsistent with the Concept Proposal (SSD-9575) and can be considered via a modification to the Stage 2 (SSD-10353) consent only.

The amendments made to the Stage 2 landscape plans are also minor and have occurred to ensure consistency with the architectural plans. There is no material change to the approved landscape zonal strategy under the Concept Proposal (SSD-9575).

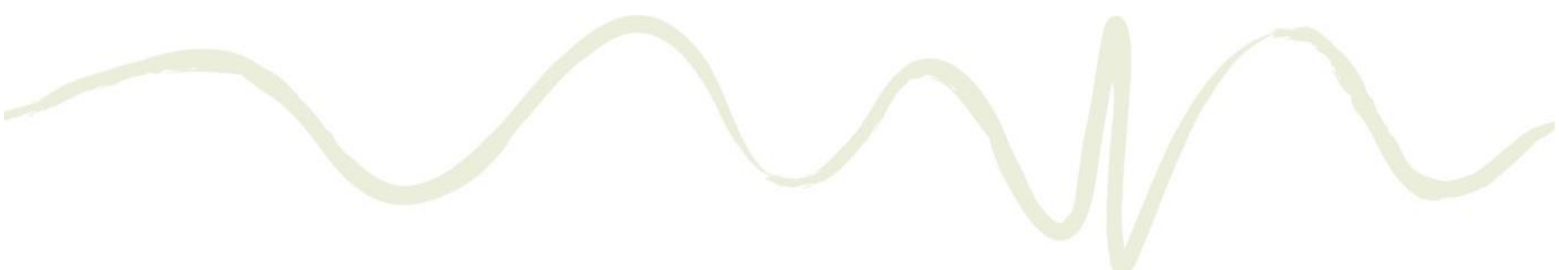
All other modifications described within this report relate to supporting infrastructure outside of the main building envelopes and are not inconsistent with the approved Concept Proposal (SSD-9575).



Condition A7 of Schedule 2 of the SSD-10353 consent requires that:

- As outlined in **Section 3.1.1** in relation to the Concept Proposal approved under SSD-9575, the total GFA of the hospital and health hub (at approximately 62,340 m²) does not exceed the total approved maximum GFA requirement of *approximately 65,050 m²*.

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4. Statutory Planning Framework

4.1 Zoning and Permissibility

The proposed modifications occur within the SP2 Infrastructure (health services facility) zone under the Tweed Local Environmental Plan (TLEP) 2014.

The proposed modifications to the hospital and associated infrastructure are permissible with consent within the SP2 Infrastructure (health services facility) zone under the TLEP 2014.

The proposed modifications are consistent with the objectives of the SP2 Infrastructure zone and will contribute to the provision of a high-quality health facility and associated infrastructure.

4.2 Environmental Planning & Assessment Act 1979 & Regulation 2000

The EP&A Act and the *Environmental Planning & Assessment Regulation 2000* constitute the principle planning legislation in NSW and provides the statutory framework for the assessment of this proposed modification.

The approved Stage 2 development (SSD-10353) is declared as SSD. Part 4, Division 4.9, Section 4.55(1A) of the EP&A Act applies to the proposed modifications and is addressed below.

4.3 Section 4.55 - Modification of Consents - Generally

The proposal seeks to modify development consent SSD-10353 pursuant to Section 4.55(1A) of the EP&A Act. The proposed modifications are relatively minor and inconsequential in the context of the existing approval and potential environmental impacts.

This modification would not result in a transformation of the development. The development remains substantially the same and continues to be for the purpose of a health services facility. The floor area remains acceptable and the overall design response continues to be consistent with the approved design. The modification is considered to be of minimal environmental impact. As such, the proposal would fall within the provisions of Section 4.55(1A) of the EP&A Act, with an assessment against the provisions of Section 4.55(1A) provided below.

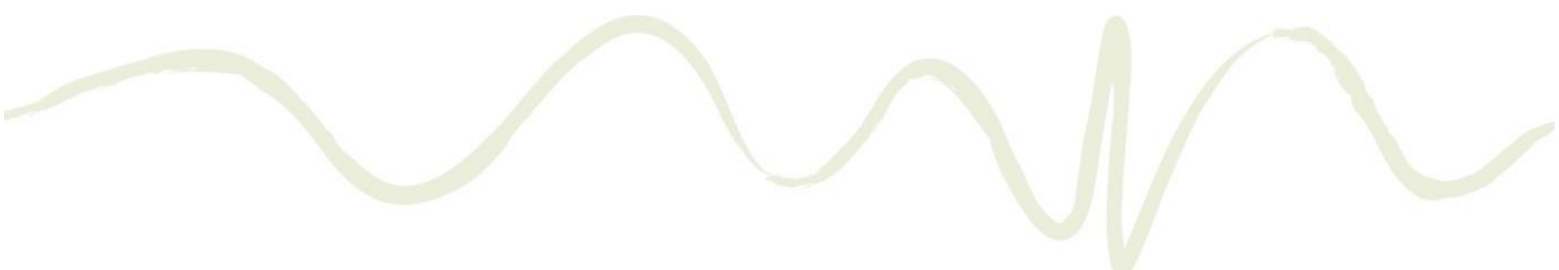
Subsection 1A

“(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Subsection 1A(a)

(a) It is satisfied that the proposed modification is of minimal environmental impact, and,”



Comment: Refer to the environmental assessment in **Section 5**. All modifications are generally minor refinements to or alterations of the approved development and occur within already disturbed/ approved footprints. The environmental impacts of the proposed modifications are minimal. The proposed modifications will not result in any significant change to the scale of the development, the appearance of the building, visual or environmental amenity, the traffic generation or parking demand associated with the development, nor any other environmental impacts.

Subsection 1A(b)

(b) “It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and,

Comment: The proposed development remains substantially the same development that was approved. This is evidenced in that:

- It retains the same use as the approved development, providing for a hospital and supporting infrastructure on a site zoned SP2 Infrastructure (Health Services Facility).
- The form and function of the development remains substantially the same, with the modification involving relatively minor changes and alterations to floor area, façade and supporting infrastructure.
- The public health benefits delivered by the development, as modified, remain strongly positive.
- The overall environmental impacts are similar, if not the same, as the approved development. There would be no significant additional or altered environmental impacts because of the modifications.

Subsection 1A(c)

(c) “It has notified the application in accordance with:

- (i) The regulations, if the regulations so require, or*
- (ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and,”*

Comment: The proposed modifications are considered to be relatively minor and of minimal environmental impact, hence notification of this modification is not considered necessary. However, this would be subject to DPIE’s interpretation and discretion.

Subsection 1A(d)

(d) It has considered any submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Given the proposed changes would not increase or notably alter impacts associated with the development, it is anticipated that no submissions would be received. Nonetheless, if submissions were received, they would be considered by DPIE as required. No significant public concern is expected given the minor changes.

Subsection 3

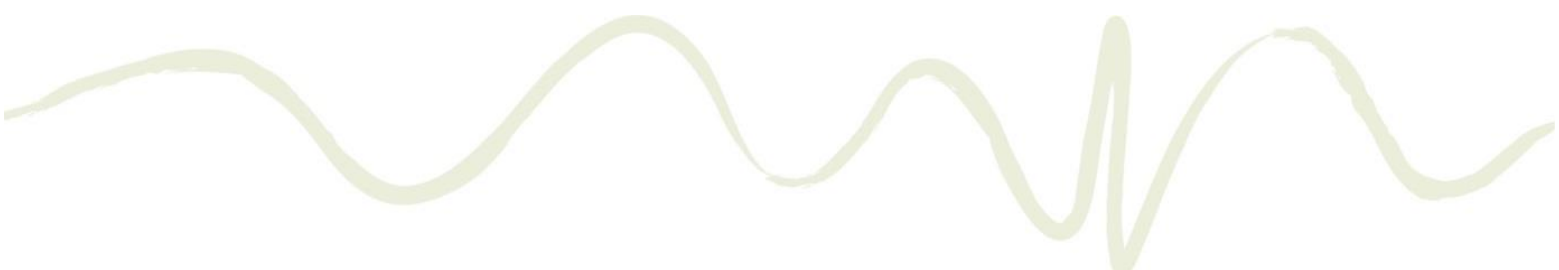
“(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development of the subject application. The consent authority must also take into

consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified:

Comment: According to Section 4.55(3), the consent authority must take into consideration the relevant matters under Section 4.15(1) of the EP&A Act. The matters for consideration under Section 4.15(1) of the EP&A Act are addressed in **Table 4.1** below and considered in this Modification Report.

Table 4.1 Assessment Matters under Section 4.15(1) of the EP&A Act

Section 4.15 'Matters for Consideration - general'	Complies	Comment
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	Yes	As detailed throughout Section 4 , the proposed modifications are consistent with the applicable planning framework and do not alter the previous assessment of the development against the applicable environmental planning instruments.
Section 4.15(1)(a)(ii) – Provisions of 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	N/A	There are no proposed instruments applicable to the site.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Yes	Being SSD, DCPs are not directly applicable to the Project, however, can be used as a general guide. Notwithstanding the applicability to SSD, the proposed modifications are not inconsistent with the Tweed DCP 2008 or original Stage 2 assessment and approval. Refer to Section 4.5.2 .
Section 4.15(1)(a)(iiia) – Provisions of 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	N/A	There are no planning agreements relevant to the approved development, or the development as modified.
Section 4.15(1)(a)(iv) – Provisions of the regulations	Yes	The proposed modification is consistent with the EP&A Regulations.
Section 4.15(1)(b) – The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Yes	As per the impact assessment undertaken in Section 5 of this report, the proposed modification is not expected to result in any notable additional or altered environmental impacts.
Section 4.15(1)(c) – Suitability of the site for the development	Yes	The proposed modifications would have no impact/influence on the suitability of the site.
Section 4.15(1)(d) – Any submissions made in accordance with this Act or the regulations,	Yes	Any submissions would be considered by DPIE as required.



Section 4.15 'Matters for Consideration - general'	Complies	Comment
Section 4.15(1)(e) – The public interest	Yes	The proposed modifications will be in the public interest. The development, as modified, enables important refinements and improvements that will facilitate the continued development and delivery of a high-quality hospital and improved health services for the Tweed-Byron region.

4.4 State Environmental Planning Policies

The following table addresses relevant State Environmental Planning Policies (SEPPs) with regard to the Project in light of the proposed modifications.

Table 4.2 Relevant State Environmental Planning Policies

Policy	Comment/Compliance
State Environmental Planning Policy (Koala Habitat Protection) 2020	The proposed modifications occur with the approved/disturbed development footprint and there would be no impact to Koala habitat.
State Environmental Planning Policy No. 55 – Remediation of Land	The modifications occur with the approved/disturbed development footprint. Contamination was previously assessed, and localised remediation approved to be undertaken as part of the Stage 1 Works, in accordance with a Remediation Action Plan (RAP) and conditions of consent. The modifications would not affect contamination or related considerations. No further assessment is required.
Draft Remediation of Land State Environmental Planning Policy	Refer to above response.
State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)	An assessment of the modifications in accordance the relevant provisions of this SEPP is provided below.

The Coastal SEPP applies to part of the Project Site. An assessment of the relevant development controls contained within the SEPP and how they relate to the modifications is provided below.

Division 1 Coastal wetlands and littoral rainforests area

The modifications do not occur on land mapped as Coastal Wetlands or Littoral Rainforest on the “Coastal Wetlands and Littoral Rainforests Area Map” (refer to **Figure 4.1** that depicts the revised location of the sewer pump station (SPS), as well as the amended plans at **Appendix A**). Low-lying areas of the Project Site, north of the development area, are mapped as Coastal Wetlands and the associated proximity buffer extends southward into the Project Site. There is no significant change to the extent or type of development within the proximity buffer. The proposed modifications generally occur with the previously approved and disturbed development footprint and would not adversely impact the Coastal Wetland, directly or indirectly.



Figure 4.1 Revised SPS location (red dots) compared to mapped Coastal Wetland (blue).

Clause 11 of Division 1 - *development on land in proximity to coastal wetlands or littoral rainforest* - provides the following:

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.

The proposed modifications are relatively minor and would not change the findings or conclusions of the assessments previously undertaken in relation to water resources and biodiversity matters (including the nearby coastal wetland). The proposed modifications occur within the approved development footprint. Despite some minor adjustments to infrastructure and alteration to the main hospital floor area, this is modest in scale and there would be no net increase to impervious surface areas and therefore no change to stormwater generation as a result of the modifications. The modifications would not adversely affect the hydrological or ecological processes of the nearby mapped wetland and the measures to manage stormwater discharge outlined in the Stage 2 EIS and conditions of consent remain valid and adequate. The above Coastal Management SEPP policy requirements associated with development in proximity to Coastal Wetlands would be satisfied.

Division 2 Coastal vulnerability area

The Project modifications do not impact on land mapped as a “coastal vulnerability area”.

Division 3 Coastal environment area

Project modifications do not impact on land mapped as a “coastal environment area”.

Policy	Comment/Compliance
Division 4 Coastal Use Area	
Project modifications do not impact on land mapped as a “coastal use area”.	
State Environmental Planning Policy (State & Regional Development) 2011	The Project remains SSD as declared by this SEPP.
Draft State Environmental Planning Policy – Environment	None of the SEPPs identified under the draft SEPP Environment have current application to the Project Site and therefore the draft SEPP Environment is not applicable.

4.5 Local Planning Controls

4.5.1 Tweed Local Environmental Plan 2014

The proposed modifications occur with the SP2 Infrastructure zone (health services facility) under the TLEP 2014 and are permissible with consent. An overview of relevant local provisions (in relation to the modifications), including consideration of their objectives, has been provided in **Table 4.3**.

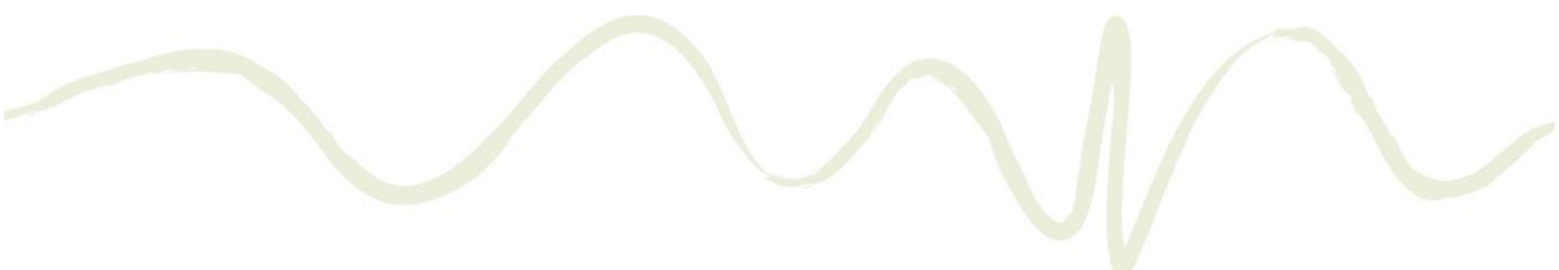
Table 4.3 Consideration of TLEP Clauses

Local Planning Instruments and Controls		
TLEP 2014	Clause 4.3 Height of Buildings	No height control applies to the SP2 zone on the Site. No change to the maximum height of the development is proposed.
	Clause 4.4 Floor Space Ratio (FSR)	No floor space ratio controls apply. The design response continues to be acceptable.
	Clause 5.10 Heritage Conservation	The site does not contain listed heritage items. The modifications would not adversely impact on heritage values.
	Clause 7.1 Acid Sulfate Soils (ASS)	The modifications occur within the existing approved development/disturbance footprint and Class 5 mapping for ASS. The modifications are not expected to disturb ASS and would be managed in accordance with the Stage 2 Construction Environmental Management Plan (CEMP) as required.
	Clause 7.2 Earthworks	The modifications would involve minor earthworks (in relation to the changed sewer tank and pump location and adjustments to the HV compound). These are minor in scope and would be effectively managed under the Stage 2 CEMP.
	Clause 7.3 Flood Planning	The hospital and associated critical infrastructure would remain above the PMF level.
	Clause 7.10 Essential Services	The modifications do not affect the serviceability of the development.

4.5.2 Development Control Plans

The Tweed Development Control Plan (DCP) 2008 supports the provisions of LEP and provides a set of development objectives and provisions for local development within the Tweed LGA. The SRD SEPP excludes the consideration of DCPs for SSD. As outlined in the Department of Planning and Environment’s Fact Sheet on SSD (February 2012):

“DCPs do not apply to SSD. This is because development control plans are generally concerned with local or specific issues and do not provide appropriate planning controls for large, complex



developments of importance to the State or region and are not a relevant matter for consideration in the assessment of SSD".

The Project, including the proposed modifications, is therefore not subject to the requirements of the DCP 2008, however the DCPs general guidelines for development have been considered where appropriate. The proposed modifications would not alter the assessment/conclusions of the Stage 2 EIS with regard to an assessment against the DCP 2008.

4.5.3 Other Legislation

4.5.3.1 National Parks and Wildlife Act 1974

The modifications occur with the approved development/disturbance footprint and based on the original assessment findings they would not impact Aboriginal heritage. No further assessment is therefore required.

4.5.3.2 Fisheries Management Act 1994

The modifications would not impact any relevant matters under the *Fisheries Management Act 1994*.

4.5.3.3 Biodiversity Conservation Act 2016

The proposed modifications occur within the approved development/disturbance footprint and no further clearing is proposed. The assessment and findings of the previous biodiversity assessment remain valid and the proposed modifications do not introduce or alter these or associated potential biodiversity impacts.

4.5.3.4 Heritage Act 1977

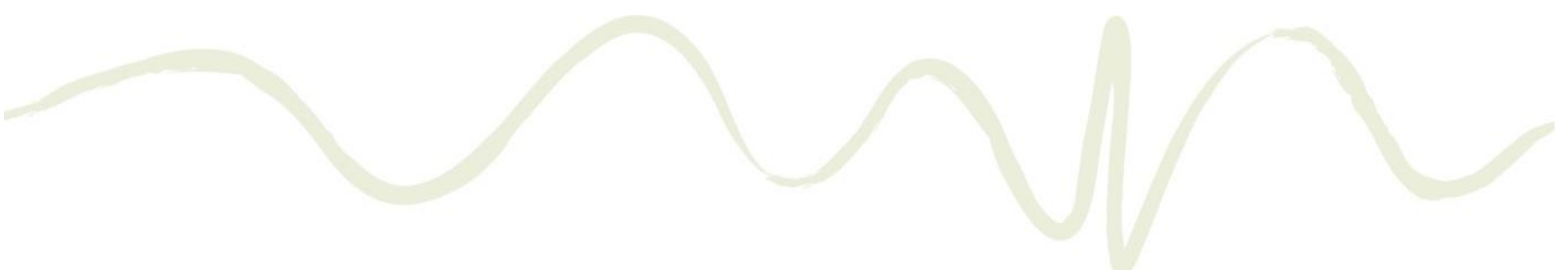
No part of the Project Site is listed as an item of State significance on the NSW State Heritage Register. The modifications would not result in any heritage impacts.

4.5.3.5 Environmental Protection and Biodiversity Conservation Act 1999 (Cwealth)

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action that has, or is likely to have, a significant impact on Matters of National Environmental Significance (MNES) or other aspects of the environment, such as on Commonwealth land, may progress only with approval of the Commonwealth Minister for the Environment under Part 9 of the EPBC Act.

The assessment undertaken for the Concept Proposal and Stage 1 Works as well as the Stage 2 SSD application confirmed that there would be no significant impact to MNES or Commonwealth land as a result of the development. The proposed modifications do not change the considerations relevant to MNES and Commonwealth land and the modifications to the Project would be consistent with the assessment's original findings.

As no significant impact to MNES is expected in relation to approval of the proposed modifications, referral to the Australian Government Department of Agriculture, Water and the Environment is not required.



5. Environmental Assessment of Modifications

This section provides an assessment of the potential key environmental matters associated with the proposed modifications.

5.1 Biodiversity

The proposed modifications occur within the approved development/disturbance footprint and no further clearing or biodiversity related impact is proposed. The assessment and findings of the previous Stage 2 biodiversity assessment remain valid and the proposed modifications do not introduce or alter these findings or associated potential biodiversity impacts. The modifications are inconsequential and acceptable from a biodiversity perspective.

5.2 Agricultural Impact and Rural Land Use Conflict Risk

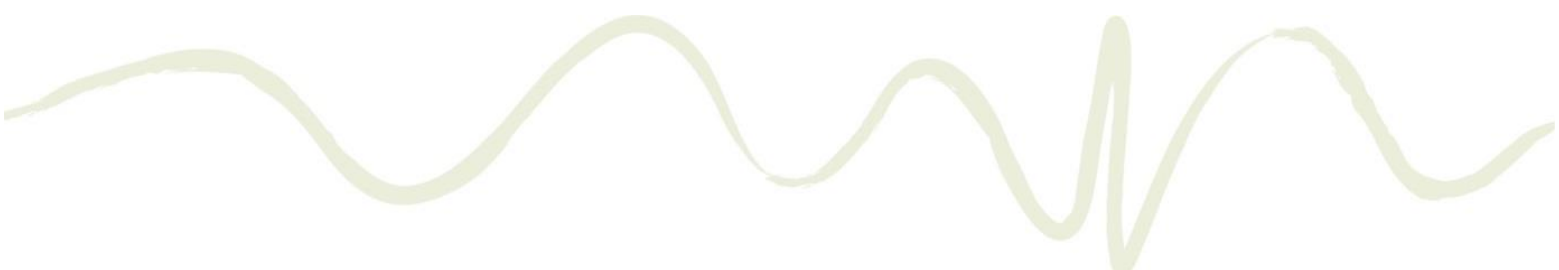
The modifications do not result in any additional or altered impact to State Significant Farmland or agricultural resources.

The modifications that occur near to the western rural boundary/interface include the adjusted HV switching station/generator compound and the sewer pump station. The modifications do not result in any additional or notably altered considerations in relation to potential rural land use conflict as outlined below.

The revised sewer tank and pump station location does not interface with the adjoining rural land and would not affect or influence potential rural land use conflict. Similarly, the HV switching station/generator compound is not a potentially sensitive component of the Project and the modification does not affect the 10 m or 30 m vegetated buffer requirements along the western or southern site boundaries, respectively.

The changes to this compound are minor and limited to a modest rearrangement of the electrical infrastructure and extension of the hardstand/service vehicle zone. The corner of the modified compound/hardstand would extend slightly closer toward the western boundary, however it is still well setback from the boundary and the required 10 m vegetated buffer (with its nearest point being located a minimum of 19.9 m from the boundary line). This remains consistent with the Stage 2 Land Use Conflict Risk Assessment (LUCRA) and the SSD-10353 consent.

The only minor matter that this modification would influence is the potential for the 10 m vegetated buffer to be increased in width in the case of a potential land use change/agricultural intensification on the western adjoining lot in the future that could increase land use conflict. Originally, and despite there being no existing agricultural land use on the adjacent property to the west, the LUCRA adopted the precautionary principle by recommending a 10 m wide vegetated buffer along the western boundary of the Project Site. As outlined, this 10 m buffer (which is also part of the consent requirements) would not be altered or affected by the proposed modification. However, the potential for an increased buffer width at this isolated location has been marginally reduced, should this be required in the future as a result of adjoining agricultural intensification that warrants additional buffering (though this is considered to be unlikely).



Nonetheless, the approved buffer requirement of 10 m is unaffected and there remains adequate potential for future buffer expansion (if the need arose) along the western boundary, consistent with the Stage 2 LUCRA and EIS which determined there was adequate expansion space of between 14 m to 30 m along the western boundary and that this range was acceptable.

The modification is therefore acceptable and inconsequential to managing potential land use conflict.

5.3 Built Form and Urban Design

5.3.1 Main Hospital Building

The proposed hospital building would be subject to minor amendments, including modest reductions, extensions and adjustments at a few discrete locations, as described in **Section 3**. The scope of these changes, whilst important to the Project and the health services it delivers, is minor and inconsequential from a town planning and environmental impact assessment perspective. The changes occur at the lower levels of the building and are consistent with the overall design response and built form character of the Project. The main change, being the Plant and PET Suite, occurs on the ground level at the northwest corner of the building, generally concealed from main public viewpoints. The other changes (reduction to renal unit area and minor expansion of radiotherapy bunker and corridor) would not be highly perceptible amongst the overall scale of the development and result in negligible net change to the building's form. The changes and associated building/design adjustments are minor and remain cohesive. Overall, the changes and minor expansion would seamlessly integrate into the approved built form and urban design response. They would be viewed as coherent and acceptable modifications in the context of the approved building.

5.3.2 High Voltage (HV) Switch Station and Backup Generator Compound

The configuration of this compound has been adjusted due to the functional, size and servicing requirements of the infrastructure and enclosure. The change is minor and inconsequential, given the compound remains situated in the same general location, with the footprint shape adjusted but still of a comparable overall area as the approved envelope. The extension of the hardstand, lay-by area and associated retaining wall at the western corner support the maintenance and servicing needs of this critical support infrastructure. The revised configuration, additional hardstand and modest retaining wall (which is concealed from public viewpoints) do not give rise to any additional or altered built form, noise or visual amenity issues. The change is therefore acceptable.

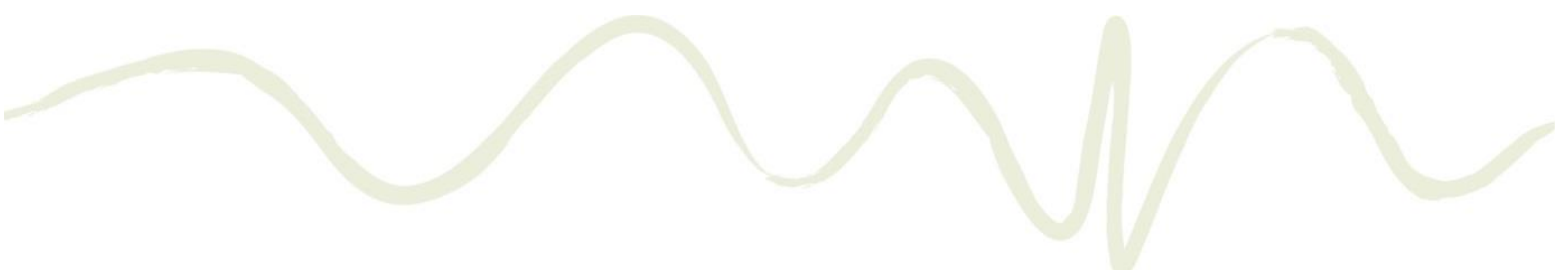
5.3.3 Landscape Strategy

The modifications result in minor and inconsequential revisions to the Stage 2 landscape plans (refer to **Appendix A**). The revisions remain consistent with the overall landscape strategy for the Project and will continue to achieve a cohesive and appropriate outcome.

5.4 Environmental Amenity

The proposed modifications would not result in any significant changes, or impacts, related to overshadowing, solar access, privacy, bulk, light spill or wind effects.

The modest extensions to the floor area and built form (PET Suite and Radiotherapy Bunkers) are confined to the lower levels of the building and would effectively integrate into the approved built form



without any notable or perceived visual change to the massing, scale, or character of the hospital building. The other modifications to supporting infrastructure are also minor and located on the western side of the site/hospital, meaning they are concealed from view and not prominent. Overall, there would be no additional or notable alteration to visual amenity as a result of the proposed modifications. The environmental and visual amenity outcome of the development would remain acceptable.

5.5 Traffic, Access and Parking

The proposed modifications do not alter the overall traffic, access or parking considerations for the Project.

The changes to the HV switching station/generator compound and associated service vehicle area are to ensure that adequate access for maintenance and replacement of the generator units can be achieved and has been informed by applicable vehicle swept paths.

The three ambulance response/vehicle parking bays adjacent to the Central Energy Plant (CEP) have been reconfigured due to the alteration of the CEP. This is inconsequential and the design of these parking bays would continue to ensure adequate manoeuvrability from a traffic engineering perspective.

There are no traffic, parking, or access impediments to the proposed modifications.

5.6 Ecologically Sustainable Development

The Project as modified would continue to be in accordance with principles of Ecologically Sustainable Development.

5.7 Aboriginal Heritage

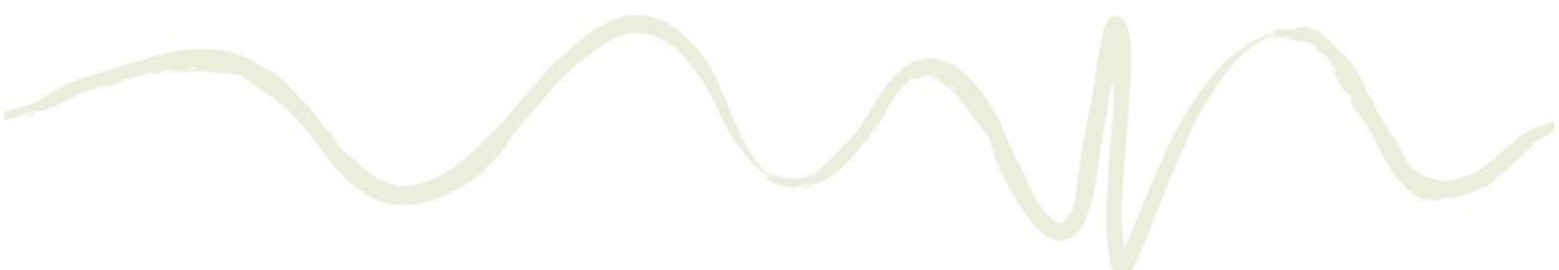
The previous assessments undertaken for the Project concluded that there are no Aboriginal cultural heritage objects, places or features situated within the Project Site. The proposed modifications will not impact on any Aboriginal cultural heritage values.

5.8 Historic Heritage

The proposed modifications would not affect historical heritage or related values.

5.9 Noise and Vibration

The modifications would not significantly affect noise or vibration considerations, with the modifications being relatively minor refinements or amendments to approved elements, that were subject to detailed noise and vibration assessment (for main works and operation) as part of the Stage 2 SSD application/EIS. All mechanical plant and equipment would continue to be designed in line with the relevant recommendations in the *Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2* by JHA dated 19 September 2019 and associated conditions of consent. Hence, no further assessment is required.



All construction works would continue to be managed under the Stage 2 CEMP, relevant sub-plan, and conditions of consent.

5.10 Services and Utilities

The proposed modifications, including minor relocation of the sewer pump station, would not influence or impact the serviceability of the Project.

5.11 Hazards

Where relevant, the modifications would remain compliant with the bush fire requirements and Asset Protection Zone (APZ) assessed by the Stage 2 EIS and required by the SSD-10353 conditions of consent.

The modifications do not alter flooding considerations. The Project, including all buildings and critical infrastructure remain above the PMF level.

5.12 Drainage and Stormwater

The proposed modifications do not change the proposed stormwater management strategy for the Project Site or operation of the development. Whilst there would be minor changes to roof areas (including reductions, expansions, and expansions over existing impervious surfaces), there would be no net increase to impervious surface areas on the site. Stormwater runoff would continue to be captured and discharged via the approved network of stormwater infrastructure. The modifications would not change the assessment and findings of operational stormwater management, including the supporting hydrology and ecological assessments, that accompanied the Stage 2 SSD application/EIS. The modifications would not affect or alter the development's stormwater discharge volumes or flow regimes to the nearby wetlands and receiving environment. All stormwater would continue to be managed as per the Stage 2 SSD-10353 approval and conditions of consent.

5.13 Socio-economic

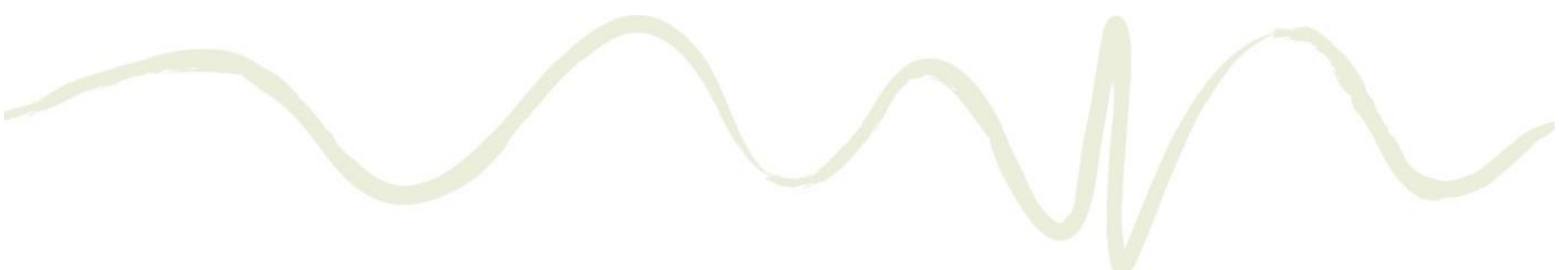
The proposed modifications do not alter the land use (health services facility) approved for the Project Site. The modifications would not significantly alter the Project's social or economic outcomes. The refinements and amendments are a result of detailed design and service analysis and ensure that the Project provides the necessary services and the expected net social and economic benefits throughout the life the Project.

5.14 Aviation

The proposed modifications do not interfere with any aviation considerations.

5.15 Cumulative Impacts

The modifications would not result in any additional cumulative impacts.



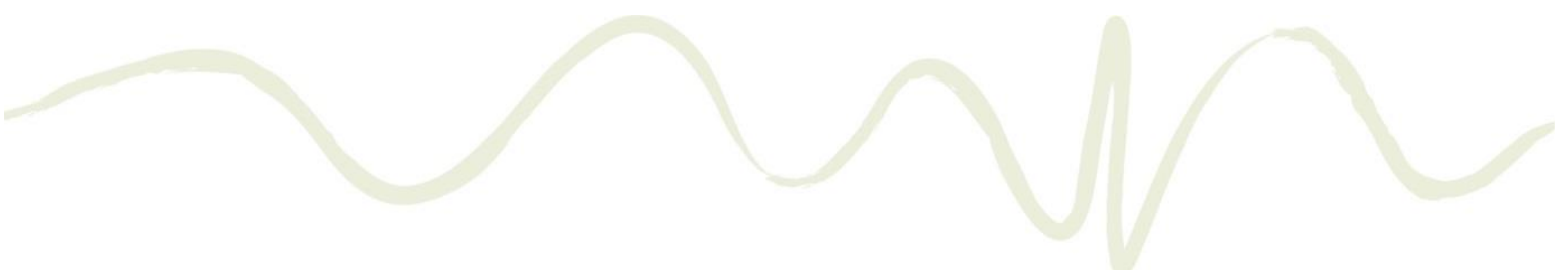
6. Conclusion

This Section 4.55(1A) Modification Report and supporting documentation demonstrates that the proposed modifications to the approved New Tweed Valley Hospital (SSD-10353 – Stage 2) are appropriate and suitable for the subject site when tested against the relevant heads of consideration detailed within Sections 4.55(1A) and 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

The proposed modifications are permissible within the SP2 Infrastructure (health services facility) zone under the Tweed Local Environmental Plan 2014, and are consistent with the objectives of the zones, and with local, regional and State government policies.

The Modification Report has established that there are no significant site constraints impacting on the modified development outcome, with all identified matters being of minimal consequence and able to be appropriately managed or mitigated, as required.

Overall, the proposed modifications are generally minor and do not alter the predicted environmental impacts of the Project. The modifications will enable refinements and improvements to the Project, which in turn will ensure delivery of a well-designed and vital health service for the Tweed-Byron region. The modifications are acceptable and in the public interest.



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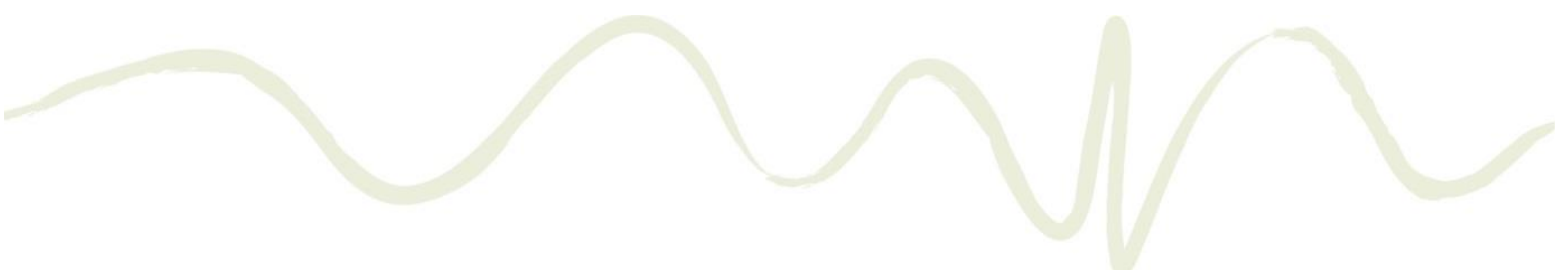
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Topographic information presented on the drawings is suitable only for the purpose of the document as stated above. No reliance should be placed upon topographic information contained in this report for any purpose other than that stated above.



Appendix A

SSD-10353 Mod 1 Drawing and Plan Package