



Tweed Valley Hospital Stage 2 Modification 1

Minor design changes
State Significant Development Modification Assessment
(SSD-10353-Mod-1)

July 2021

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Tweed Shire Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TLEP	Tweed Local Environmental Plan 2014

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Stage 2 of the new Tweed Valley Hospital (TVH) at 771 Cudgen Road, Cudgen (SSD-10353). The approved development comprises detailed design, construction and operation of the Tweed Valley Hospital, in five construction sub-stages. The new hospital includes the main building, support buildings, internal roads, car parking, a temporary building, road infrastructure upgrades at site access, biodiversity rehabilitation, landscaping, signage and utilities.

The modification application seeks approval for minor design changes, including modifications to the ground level, ICU terrace and the façade of the main building and reconfiguration of the ambulance parking bays/central plant area, generator compound and sewer pump station.

The application has been lodged by Health Infrastructure, on behalf of Health Administration Corporation (the Applicant), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

1.1 Background

The site comprises one allotment known as 771 Cudgen Road, Cudgen, legally described as Lot 11 DP 1269398. The site is located within the Tweed Shire Local Government Area (LGA), approx. 9.8km south of Tweed Heads town centre and 40km south-east of Surfers Paradise in Gold Coast.

The site is irregular in shape, with a total area of approximately 19.38ha, a 730m long frontage to Cudgen Road and 185m frontage to Turnock Street (north-eastern boundary). The existing features of the site and constructed sediment basins are identified in **Figure 1**.

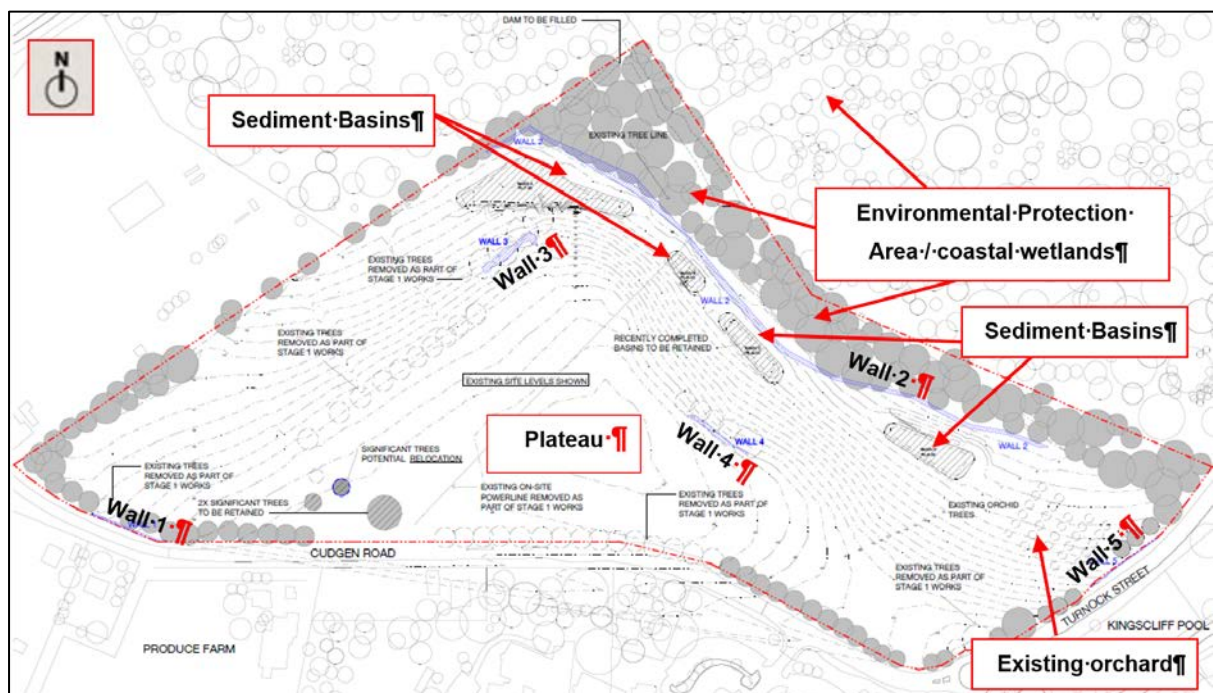


Figure 1 | Main features of the site (Source: SSD-10353 EIS)

Five dry-stone walls previously existed on the site prior to the undertaking of early works approved under the SSD consent for the concept proposal and Stage 1 of the works (SSD-9575), which were potentially built by South Sea Islander farm workers in early 1900s. Three walls are located on the perimeter of the site, and two located within the cleared section of the site marked in **Figure 1**. Wall 2 and 5 are being retained and Walls 1, 3 and 4 have been removed.

1.2 Approval history

On 11 June 2019, the Minister for Planning and Public Spaces granted consent for the concept development application for the TVH (SSD-9575) comprising:

- a concept proposal with maximum building envelopes for a nine-storey hospital building and a building for support services resulting in a total maximum gross floor area (GFA) of 65,000sqm. The concept proposal also establishes the site layout, internal roads, site access arrangements, car parking provisions, road upgrades and landscaping masterplan.
- concurrent Stage 1 early and enabling works, including site preparation, bulk earthworks, construction compound, temporary car parking areas, internal construction access arrangements, utility works, new vehicular access points from Cudgen Road, Turnock Street and Cudgen Road intersection upgrade, retaining walls, stormwater management works, remediation works and piling for future building.

The Stage 1 works have been completed.

The concept development consent has been modified on two occasions as follows:

- SSD-9575-Mod-1 approved on 11 October 2019 by the Director, Social and Infrastructure Assessments, as a delegate of the Minister for Planning and Public Spaces – correction and minor modifications to vegetation removal drawings and biodiversity management condition.
- SSD-9575-Mod-2 approved on 28 April 2020 by the Director, Social and Infrastructure Assessments, as a delegate of the Minister for Planning and Public Spaces – additional building envelopes for the multi-deck carpark and a temporary building in the concept proposal and modifications to bulk earthworks and retaining walls in the Stage 1 works. The modification also marginally increased the GFA to 65,050sqm and included minor amendments to electrical switch station, parking areas, internal roads, increased beds and landscape zones.

On 12 June 2020, the Executive Director, as a delegate of the Minister for Planning and Public Spaces granted consent for the development application for the detailed design, construction and operation of TVH (Stage 2) (SSD-10353) 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 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 and external roadworks, including upgrade to the intersection of Tweed Coast Road and Cudgen Road and a new signalised intersection on Cudgen Road.

2 Proposed modification

On 18 March 2021, the Applicant lodged a modification application (SSD-10353-Mod-1) seeking approval for internal and external amendments to the design of the approved hospital building and infrastructure facilities. On 19 July 2021, the Applicant submitted a revised modification report to incorporate additional changes to the plant level. The modifications are as follows and above ground modifications are identified on **Figure 2** and basement level modifications are shown on **Figure 3**:

Main building

- extensions and façade changes on the ground level along the western edge of the building to increase the plant area and accommodate the positron emission tomography (PET) suite in the approved shell space. The western wall is proposed to be extended by 8.4m.
- reduction and façade changes on the ground level along the eastern wall reducing the size of the renal department by bringing in the eastern wall by 4.2m.
- minor extension and façade changes centrally on the ground level near the radiotherapy bunkers resulting in shifting the corridor and eastern wall further east by approximately 0.6m.
- reconfigured and additional screening for the cantilevered terrace for the intensive care unit on Level 3.
- addition to east on the basement level to accommodate additional plant rooms and risers.

External areas

- reconfiguration of the site generator and high voltage (HV) switch station enclosure located in the south and associated changes to landscaping, hardstand areas and roadway.
- relocation of the sewer pump station (SPS) further north and an additional emergency overflow tank.
- removal of the medical air plantroom at the central energy plant (CEP) area and realignment of the eastern wall of the CEP area and subsequent relocation of three ambulance/vehicle response parking bays.

The modification is sought as a result of design development and further planning of services to be delivered in the new hospital and infrastructure requirements. The revised modification report also noted that the total approved GFA should be 64,662sqm, as 384sqm of the plant area within the basement was incorrectly included in the approved total GFA of 65,046sqm (shown on **Figure 3**). These areas do not meet the definition of GFA in the Tweed Local Environmental Plan 2014 (TLEP).

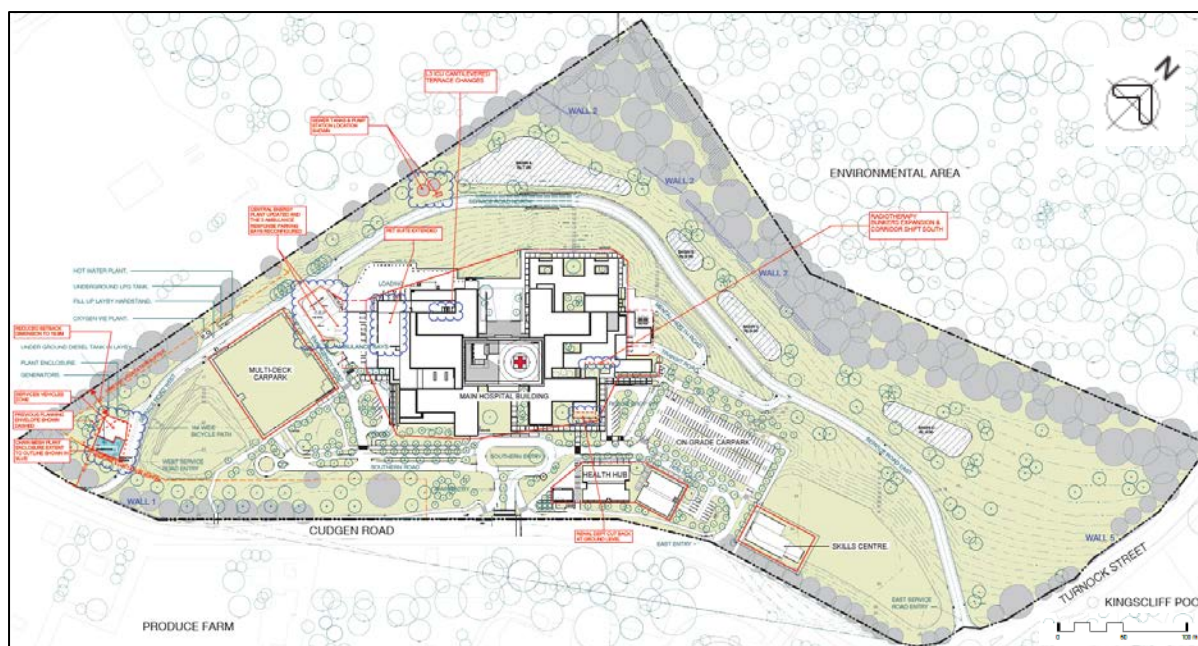


Figure 2 | Amended site plan (Source: SSD-10353-Mod-1 Modification Report, dated 17 March 2021)

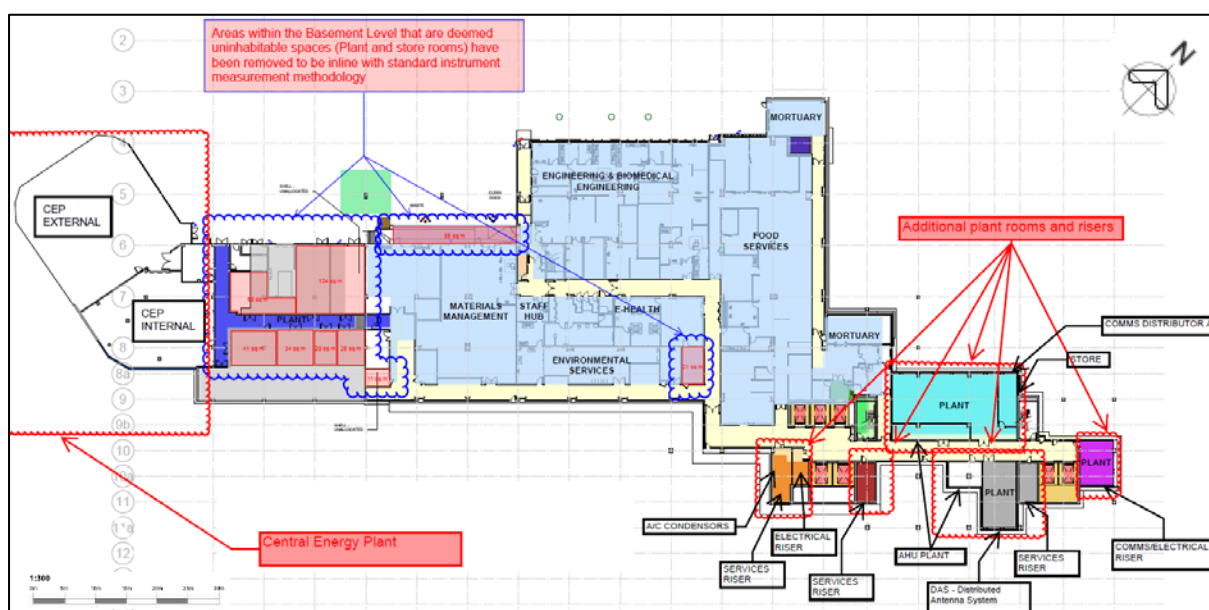


Figure 3 | Proposed basement plan (Source: SSD-10353-Mod-1 Modification Report, dated 16 July 2021)

3 Strategic context

The development, as modified, continues to be consistent with the assessment of the strategic context in the original application and does not alter the key components or outcomes of the proposal. The modified development continues to be consistent with the land objectives of the health services facility zone and with the TVH concept proposal. The Department considers the development, as modified, remains consistent with the original findings in relation to the:

- NSW State Priorities.
- North Coast Regional Plan 2036 (NCRP).
- State Infrastructure Strategy 2018 – 2038 Building the Momentum.

The proposal would continue to provide direct investment in the region supporting 771 construction jobs per year over 3.5 years, and up to 208 new operational jobs with a total of 2,055 operational jobs.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister will be the consent authority under section 4.5(a) of the EP&A Act unless the Independent Planning Commission is the consent authority under clause 8A(2) of the SRD SEPP.

Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021, the Team Leader, Social Infrastructure may determine the application as:

- the application has not previously been referred to the Independent Planning Commission for determination.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.
- Council has not made a submission by way of objection.

4.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-10353. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment. The relevant provisions of section 4.15(1) of the EP&A Act are considered in this section and the assessment section of this report. The modification would not alter the development's existing compliance with the relevant planning instruments.

The Department has considered the findings and recommendations in the Department's Assessment Report for SSD-10353, including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

5 Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 22 March 2021, and was referred to Tweed Shire Council (Council) for comment.

Council raised no objection to the proposed modifications and advised that:

- the proposed modifications to the hospital building are generally consistent with the original approval and externally visible elements are acceptable in terms of visual amenity and built form character.
- the changes to the SPS are generally consistent with a recent sewer station approval issued by Council to install a SPS.
- the changes to the HV compound would reduce the potential for a greater vegetative buffer but given the use it would not result in any potential land use conflict with the adjoining agricultural use to the west.
- the landscaping changes are acceptable.

6 Assessment

The key consideration is the amenity impacts of the proposed changes and potential impacts on the vegetative buffer to the west. The proposed changes to the building are illustrated in **Figures 4 to 9**.

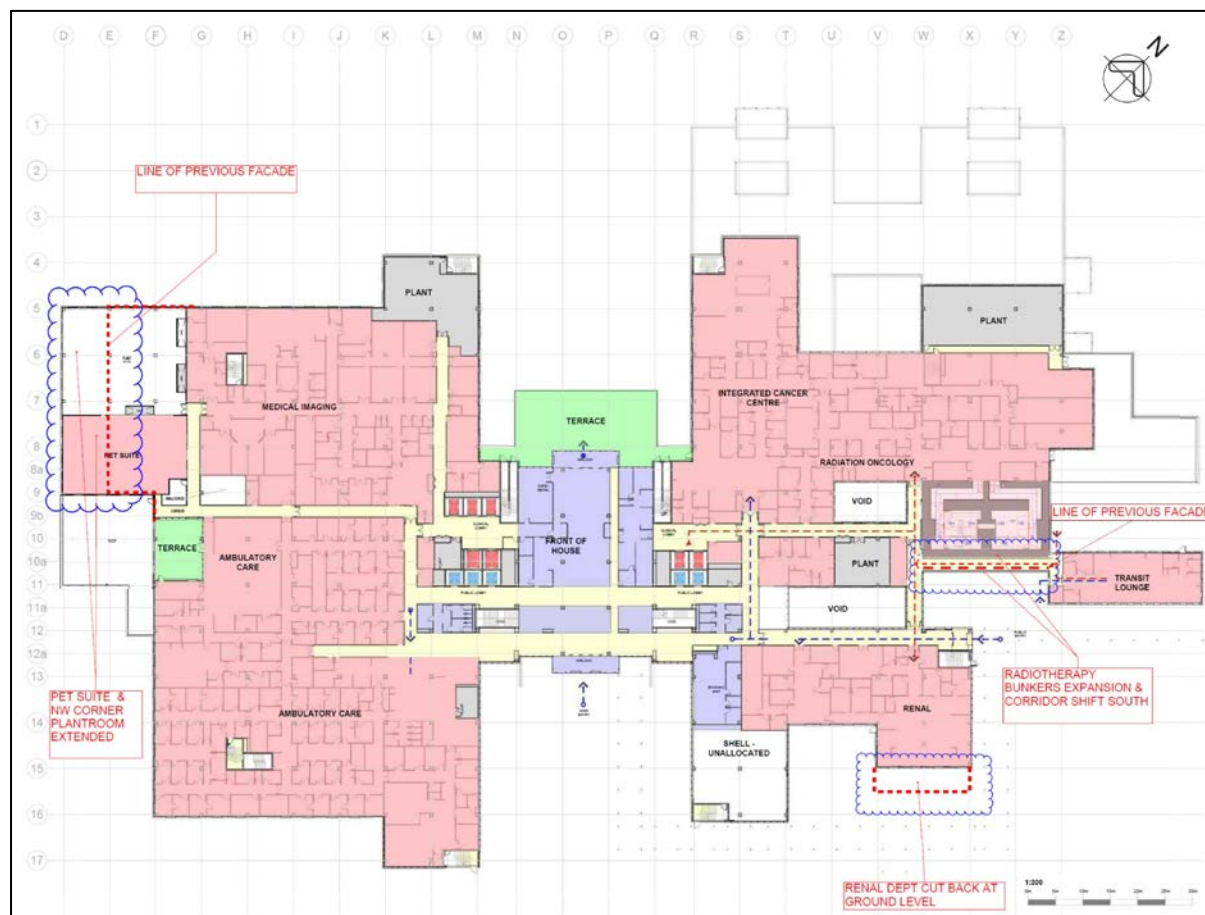


Figure 4 | Proposed ground level with marked up changes (Base source: SSD-10353-Mod-1 Modification Report)

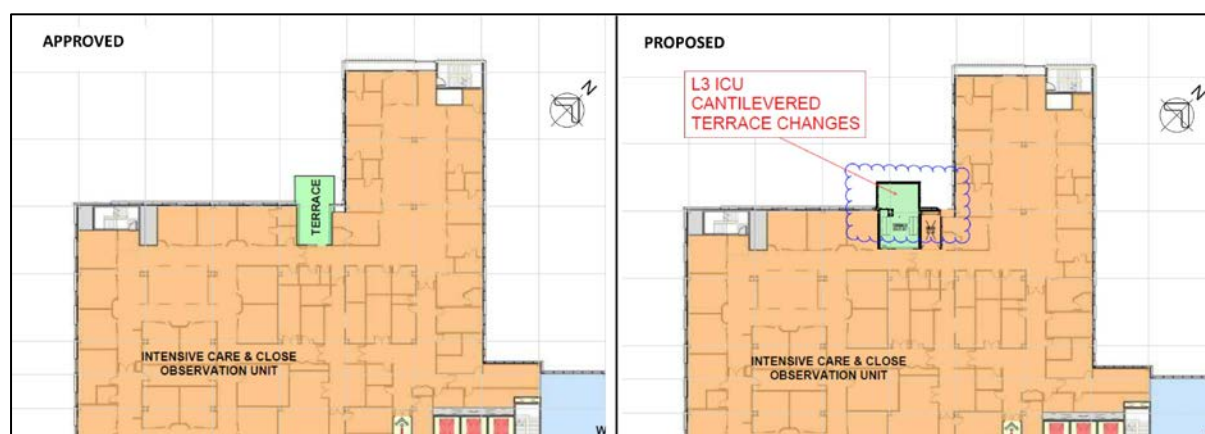


Figure 5 | Approved and proposed design of Level 3 ICU terrace (Base source: SSD-10353 Approved Plans and SSD-10353-Mod-1 Modification Report)

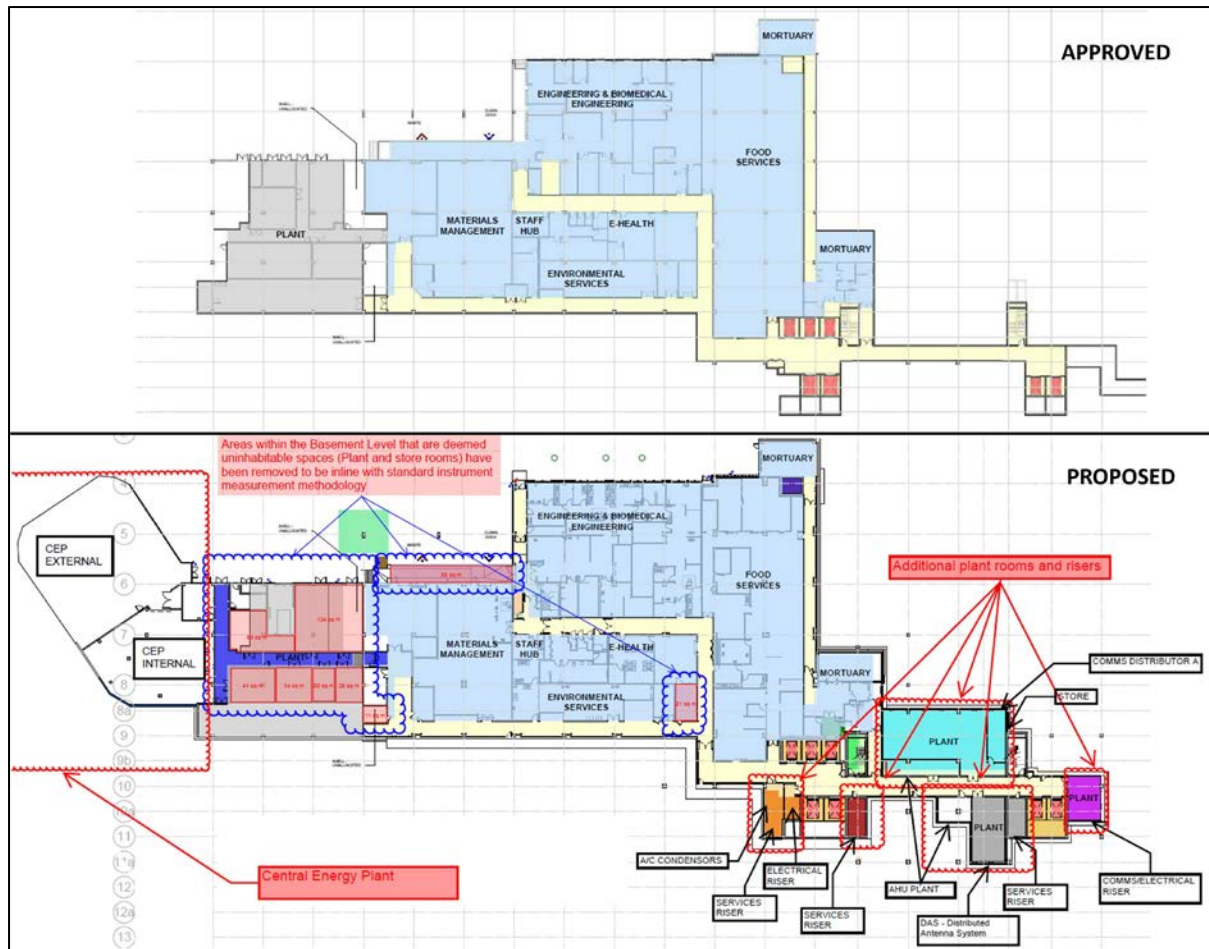




Figure 8 | Approved and proposed elevation for Level 3 ICU terrace (Source: SSD-10353-Mod-1 Modification Report)

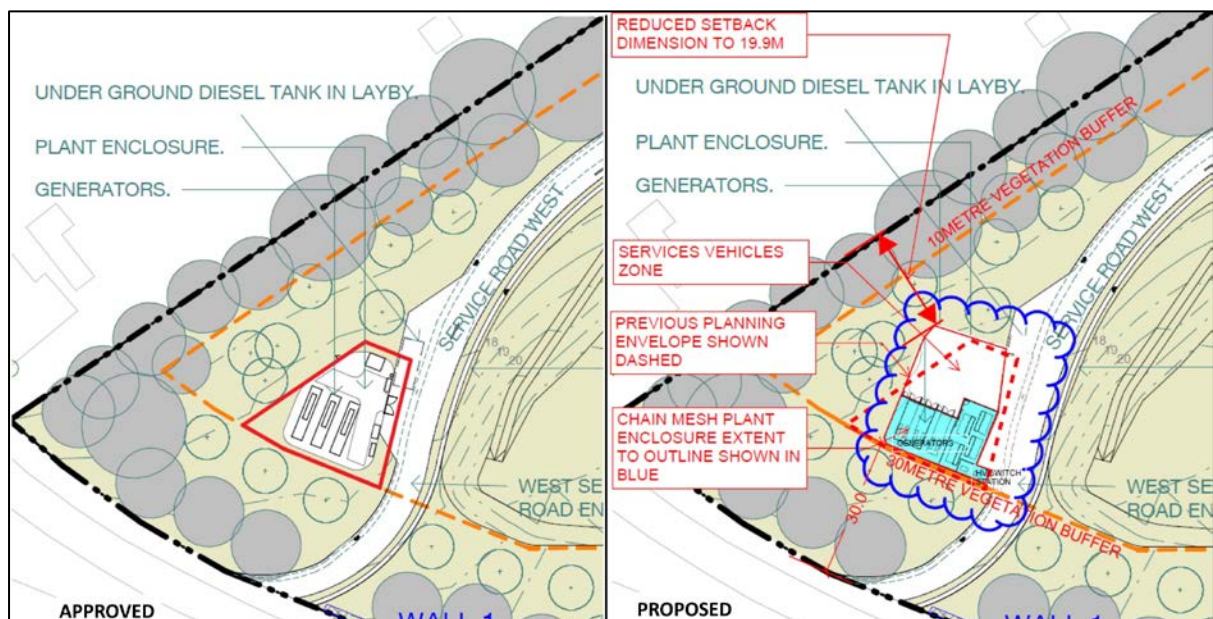


Figure 9 | Approved and proposed HV compound (Base source: SSD-10353 Approved Plans and SSD-10353-Mod-1 Modification Report)

The proposed changes external to the building are illustrated in **Figures 10 to 11**.

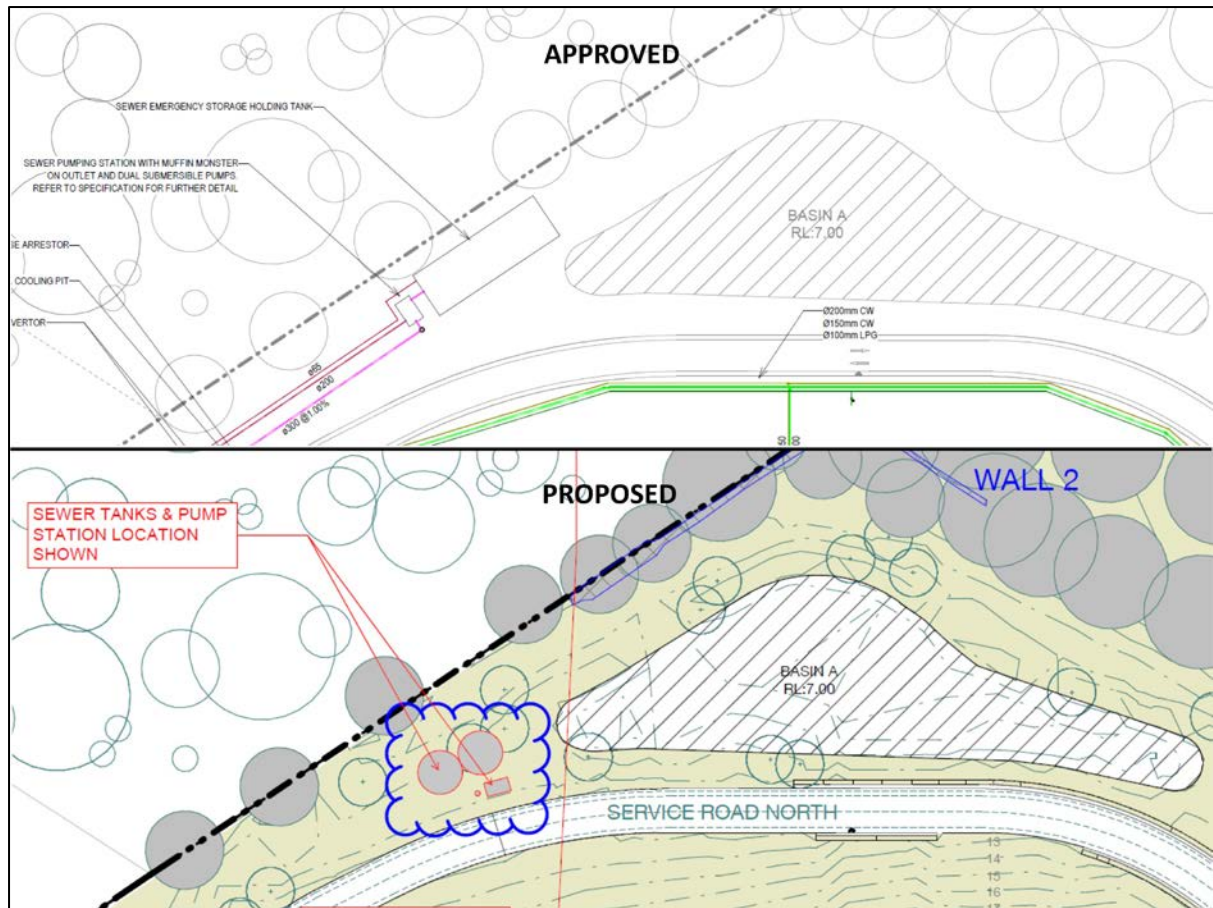


Figure 10 | Approved and proposed SPS with additional tank (Base source: SSD-10353 Approved Plans and SSD-10353-Mod-1 Modification Report)

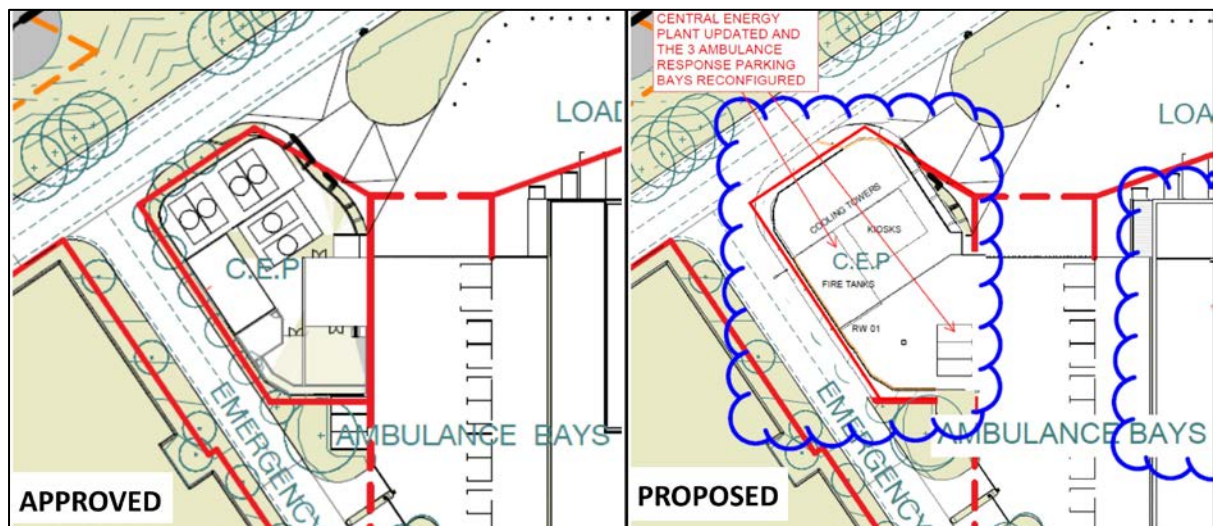


Figure 11 | Approved and proposed CEP area (Base source: SSD-10353 Approved Plans and SSD-10353-Mod-1 Modification Report)

The Department's consideration of the design changes is discussed below.

Main building

The proposal seeks approval to make multiple minor amendments to the ground level and to the ICU terrace on Level 3 and associated external façade changes. The change to the PET and plant areas would be the most significant changes with the greatest additional floor area as shown in **Figures 4, 6 and 8**. The other changes are relatively minor or reduce the size of the development.

The Department considers the proposed modifications are acceptable as:

- there is no significant change to the overall bulk of the building given that the relatively minor above ground expansions are generally offset by the reductions, and that the minor changes are not visually discernible from the public domain.
- the most notable increase in floor area for plant would have negligible amenity impacts due to its basement location and the increase is required to support the servicing of the hospital.
- the ground floor amendments increase the GFA by 238sqm, resulting in a total GFA of 64,900sqm after removing basement plant area from GFA calculations, which complies with the 65,050sqm prescribed in the concept proposal.
- the minor increase in GFA would have negligible impacts given the relatively small increase of less than one per cent of the overall GFA and the proposal is still located within the approved building envelope.
- the façade changes are in keeping with the style and character of the building and utilise colours and materials that are approved for the hospital.

The Department therefore considers the design changes are acceptable and would not result in any adverse visual, aesthetic or amenity impacts. The proposed development as modified is acceptable as patient and staff numbers would stay the same and there would be no reduction in medical services.

External areas

The modifications to external areas are generally located centrally or setback from the site frontage, except the reconfiguration of the site generator and HV switch station enclosure, which are located in the south of the site, adjoining the southern and western boundary and potentially visible from Cudgen Road. The modifications involve an increase to the hardstand area for servicing the compound, which is partially located outside of the approved area identified in the concept proposal and located closer to the western site boundary.

Council noted that this would reduce the potential vegetative buffer zone but the proposed use would not result in any impacts on the adjoining agricultural use.

The Department considers that the modifications are acceptable as the reconfigured compound remains located outside of the 30m and 10m vegetative buffer zones to the respective southern and western boundaries required by the approved concept proposal. The setback of plant and equipment to the boundaries remains the same and the associated changes to landscaping and roadway are generally consistent with the existing approved scheme.

The modification request seeks approval for relocation of the SPS station further north of the current location and an additional overflow tank as shown in **Figure 10**. These changes are consistent with the approval for the SPS issued by Council. The SPS is located outside of any vegetative buffers and

would generally have minor impacts but results in the loss one tree in the proposed landscaping. This would not affect the significant vegetation being retained on the site. The Department has considers the loss of one tree is acceptable.

The proposal seeks approval to reconfigure the layout of the CEP area (see **Figure 11**) which is centrally located. The Department considers the changes would have negligible impacts.

The Department also considers the proposed changes are acceptable as they would improve the functionality of the hospital.

Accordingly, the Department concludes that the amendments would have minor impacts and recommends that the proposed modifications be approved.

7 Evaluation

The Department has reviewed the proposed modification and assessed the merits of the modified proposal, and all environmental issues associated with the proposal have been thoroughly addressed.

The development will not significantly change as the changes are all minor design changes that do not alter the overall bulk and scale of the development or significantly alter the development footprint, and the Department's conditions of consent as amended would ensure that the conditions of consent reflect the revised design. The proposed modifications would not impact the environmental amenity of the surrounding area.

The Department considers that the application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved.

8 Recommendation

It is recommended that the Team Leader, Social Infrastructure, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-10353-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted in relation to this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-10353.
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Megan Fu

Principal Planner

Social Infrastructure

9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'David Gibson', with a long horizontal stroke extending to the right.

21 July 2021

David Gibson

Team Leader

Social Infrastructure

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of documents

<https://www.planningportal.nsw.gov.au/major-projects/project/41501>

Appendix B – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/41501>

Appendix C – Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41501>