



Tweed Valley Hospital Stage 2 Modification 3

Amendments to Multi-deck Carpark
State Significant Development Modification Assessment
(SSD-10353-Mod-3)

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Glossary

| Abbreviation | Definition |
|----------------------------|---|
| BCA | Building Code of Australia |
| Council | Tweed Shire Council |
| Department | Department of Planning Environment |
| EIS | Environmental Impact Statement |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2021 |
| EPI | Environmental Planning Instrument |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning |
| SEPP | State Environmental Planning Policy |
| SDRP | State Design Review Panel |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |

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1 Introduction

This report provides the NSW Department of Planning 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 (SSD10353). 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 amendments to the approved multi-deck carpark located on the south-west of the hospital campus. The details of the modification are outlined in **Section 2** of this report

The application has been lodged on 16 March 2022 by Health Infrastructure (HI), 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), approximately 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).

1.2 Approval history

On 11 June 2019, the Minister for Planning and Public Spaces granted consent for a 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:

- 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, Infrastructure Assessment, 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.

The development consent has been modified on two occasions (see **Table 1**).

Table 1 | Summary of Modifications

| Mod No. | Summary of Modifications | Approval Authority | Type | Approval Date |
|---------|------------------------------|--------------------|----------|-----------------|
| Mod-1 | Minor Design Changes | Department | 4.55(1A) | 21 July 2021 |
| Mod-2 | Design and Hydrology Changes | Department | 4.55(1A) | 12 January 2022 |

The development is currently under construction (**Figure 1**).

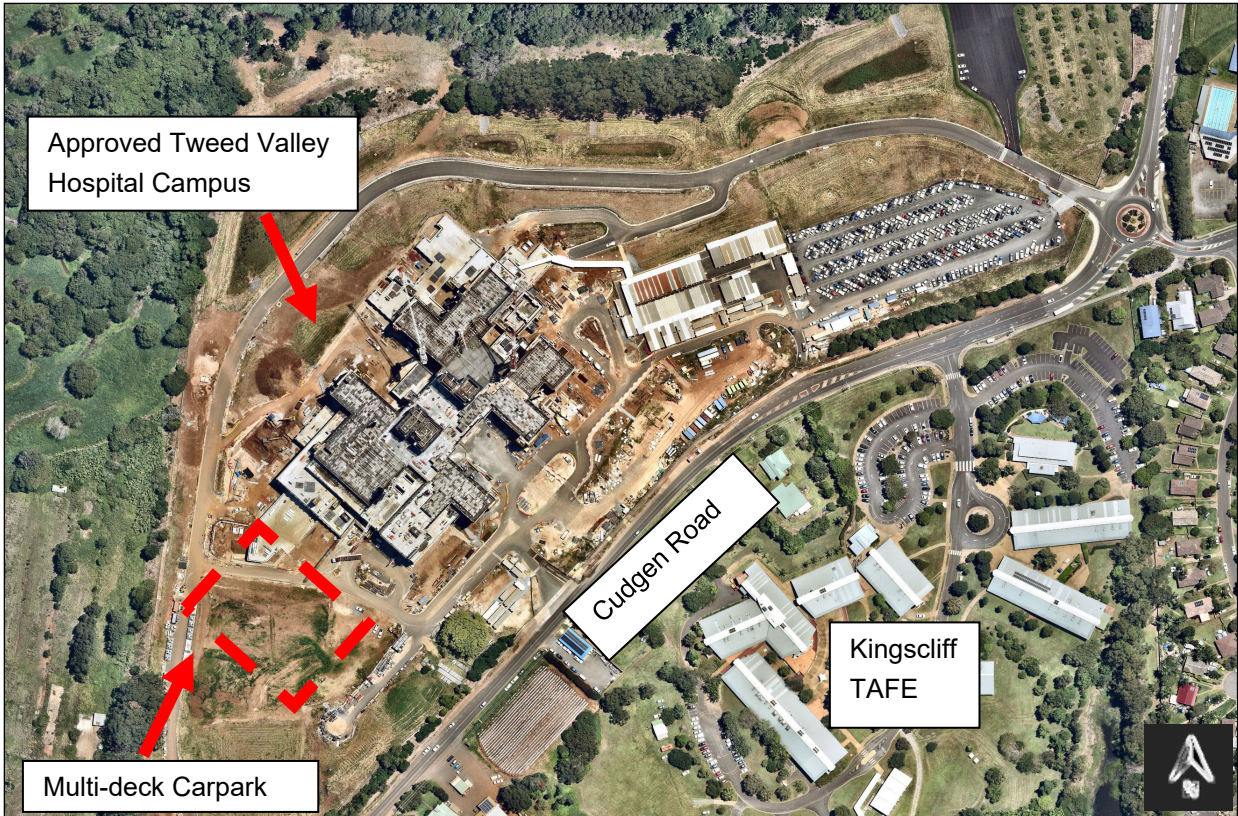


Figure 1 | Locality context map (Base source: Nearmap)

2 Proposed modification

On 16 March 2022, the Applicant lodged a modification application (SSD-1053-Mod-3) seeking approval for amendments to the multi-deck carpark. The amendments proposed to the multi-deck carpark are as follows:

- façade material changes involving substitution of the pre-cast concrete panels with a lightweight perforated aluminium sheet/panel, in comparable colour.
- addition of solar photovoltaic (PV) structures on the roof level of the multi-deck carpark, which will also provide shade/weather protection.
- minor lowering of the carpark building further into the ground by 100mm, including minor additional earthworks, and adjustments to lower finished basement floor levels (B1 and B2).
- minor internal refinements, alterations and rearrangements to the carpark floor plan.
- adjustment to Green Spine pathway to reflect the approved landscape plans.
- a 1.74m wide and 37m long extension (including minor additional earthworks) to Basement 2 to include mechanical ventilation and provide reticulation for the mechanical exhaust duct work.
- floor plate reductions for the carpark.

The minor internal refinements, alterations and rearrangements to the carpark floor plan involve the following changes:

- minor adjustments to: lift and stair cores; entry and exit land widths; ramps and grades; fire services infrastructure; columns and grid, and levels.
- addition/rearrangement of ancillary infrastructure and associated rooms/cupboards (e.g. switch room, comms room, electrical) and fit-out of comms room.
- relocation of two parking spaces from Basement 2 to accommodate mechanical exhaust (one of the spaces has been relocated to Level 1 and the other to Level 2, meaning the overall total number of approved parking spaces is maintained).
- wall between carpark ramps replaced with crash barrier and balustrade.
- a section of Basement 1 slab to be suspended in lieu of slab on ground to allow for fresh air supply for mechanical exhaust.
- rearrangement of bicycle parking (with same number of racks/spaces) and end-of-trip facilities.

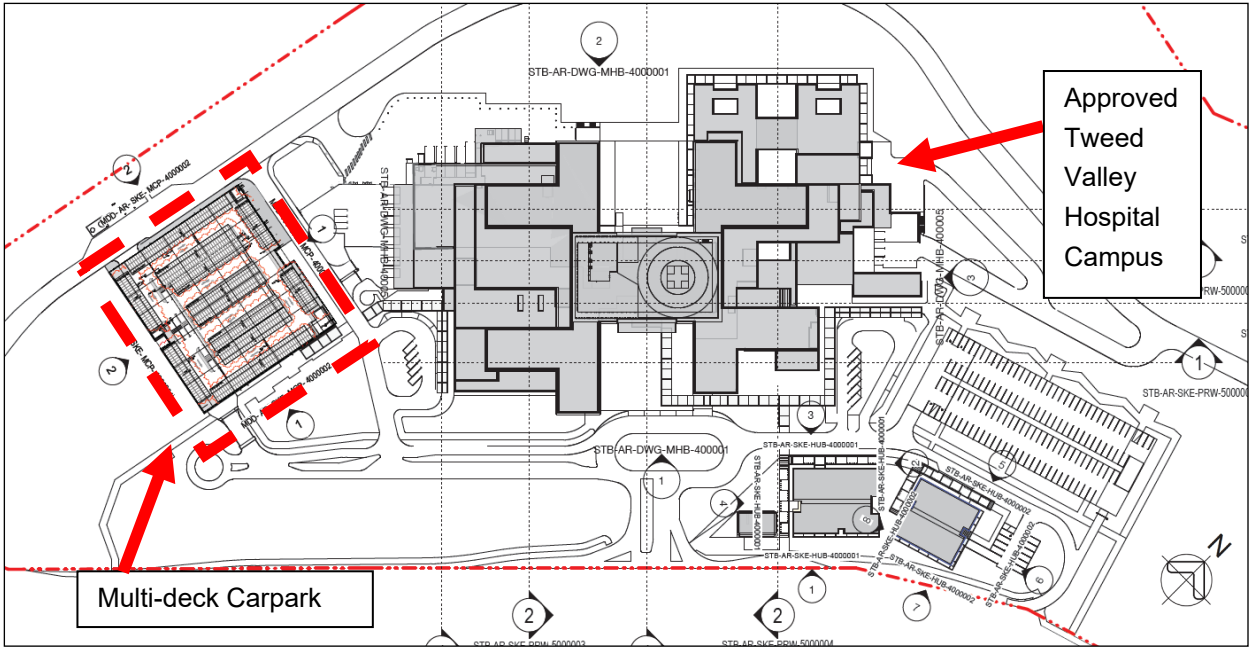


Figure 2 | Site plan (Base source: SSD-10353-Mod-3 Architectural Plans)

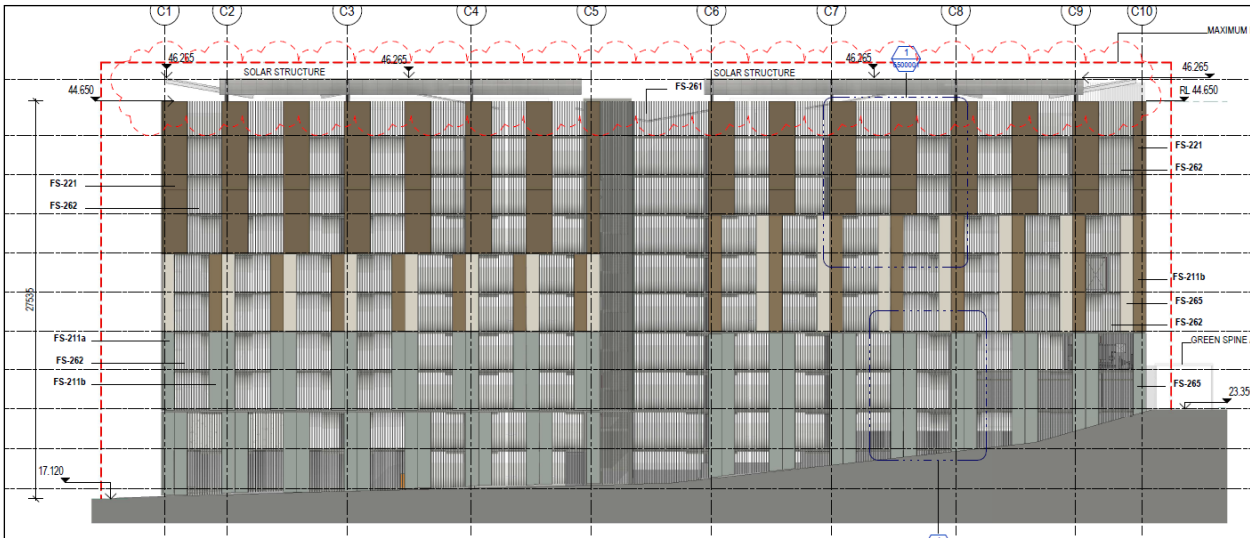


Figure 3 | Original approved façade for the southern elevation of the multi-deck carpark (Source: SSD-10353 approved plans)

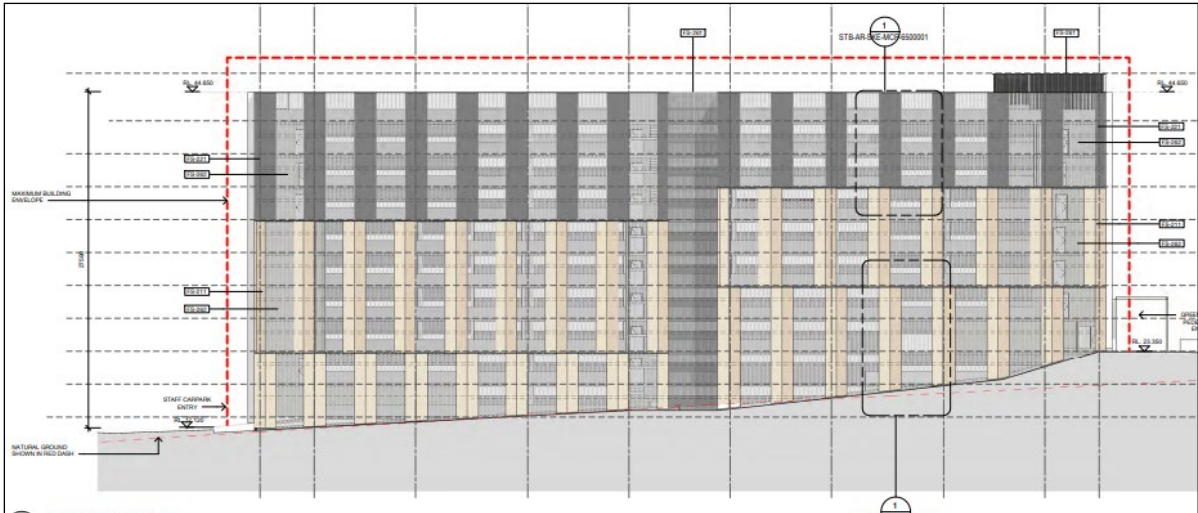


Figure 4 | Proposed material changes to façade for the southern elevation of the multi-deck carpark (Source: SSD-10353-Mod-3 Architectural Plans)

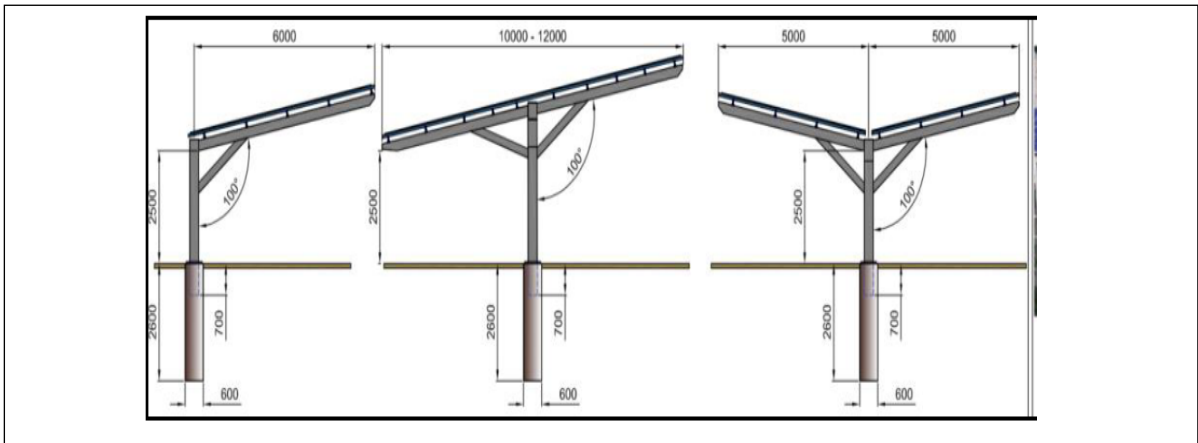


Figure 5 | Elevation of proposed rooftop solar PV structures (Source: SSD-10353-Mod-3 Solar Report)

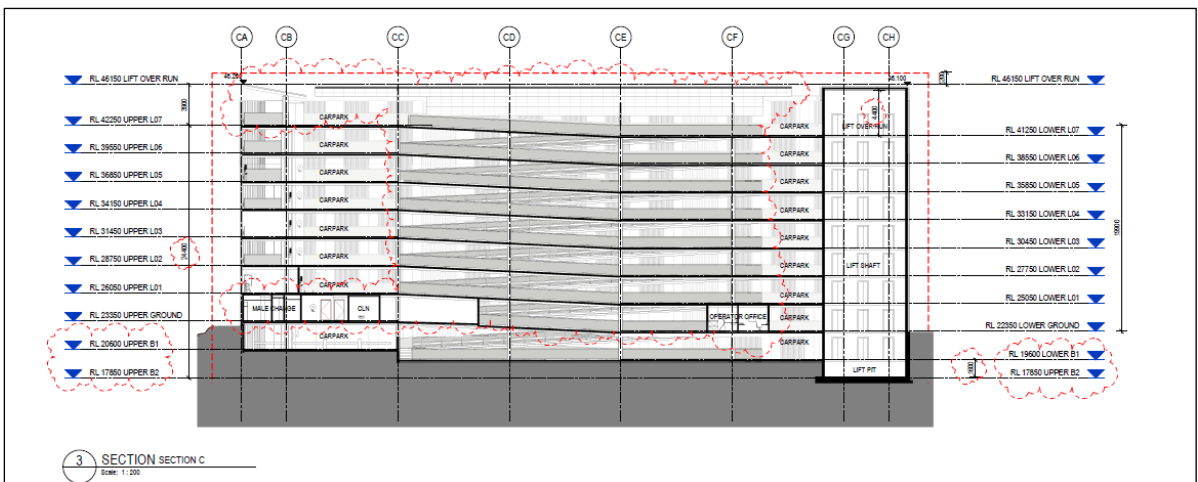


Figure 6 | Proposed section showing level changes for multi-deck carpark (Source: SSD-10353-Mod-3 Architectural Plans)

3 Statutory context

3.1 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 increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- 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.

3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2022, the Team Leader, Social Infrastructure, may determine the application as:

- Tweed Shire Council (Council) has not made an objection.
- a political donation statement has not been made.
- public exhibition of the application was not required and therefore no public submissions objecting to the proposal were received.
- the application has not previously been referred to the Independent Planning Commission for determination.

3.3 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.

Recently, before the lodgment of the modification application, all NSW State Environmental Planning Policies (SEPPs) were consolidated into 11 policies. The operation of the consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP.

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, including the relevant recently consolidated SEPPs as the provisions remain unchanged, and conclusions made as part of the original assessment.

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.

4 Engagement

Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (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. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 16 March 2022 and was referred to Council for comment on 18 March 2022.

Council raised no objections to the proposed modification although identified the following matters that require attention:

- the proposal should be reviewed by the Applicant's acoustic consultant to ensure the development meets the operational use noise objectives and recommendations.
- the original 'green wall' should be reintroduced into the façade design of the multi-deck carpark.
- the material changes should be reviewed by the State Design Review Panel (SDRP) to ensure design quality.

The above matters are addressed in **Section 5** of this report.

5 Assessment

5.1 Design changes to multi-deck carpark

The proposed modification includes a number of minor alterations and additions to the physical appearance, layout and components of the approved multi-deck carpark for the new Tweed Valley Hospital. The Department has undertaken a review of the modification request in accordance with the relevant environmental planning instruments, policies and guidelines and the requirements of the EP&A Act. The assessment of each aspect is as follows.

Façade changes

The façade materials for the multi-deck carpark are proposed to be altered from a pre-cast concrete solid structure to a lightweight perforated aluminium panel system. This change has been proposed so that natural ventilation for the structure can be achieved. The change in materials allows for this to occur whilst also being a more cost-effective material.

The Applicant has also provided a BCA Report and a Fire Assessment Report demonstrating that the material changes to a lightweight perforated aluminium panel are required to achieve compliance with the BCA. This information also outlined that the originally proposed 'green wall' would result in a BCA non-compliance (in terms of natural ventilation requirements and fire safety) and as a result has been removed from the development. Council requested that the 'green wall', which was depicted in earlier photomontages in the original SSD application, be retained to enhance the visual appearance of the carpark.

Given the information provided and the existing conditions of consent requiring ground level planting to soften the visual appearance of the structure, the Department supports the removal of the green wall as its inclusion would result in a BCA non-compliance. The Department further notes that the approved landscape plans do not show any form of green wall on the carpark.

The architectural plans depict minimal change in visual appearance from the previously approved design and will not result in visual impacts as depicted in **Figures 7** and **8** below. The material changes are required to achieve BCA compliance and are of similar style to the original design. Therefore, the Department does not consider that the modification requires further consultation with the SDRP. The changes are appropriate and can be supported by the Department.



Figure 7 | Original photomontage of carpark façade (Source: SSD-10353 EIS)



Figure 8 | Proposed photomontage of carpark façade (Source: SSD-10353-Mod-3 Architectural Plans)

Addition of solar PV panels

The application proposes the addition of solar PV panels on the roof of the multi-deck carpark to improve the environmental sustainability of the site whilst simultaneously providing shade for the car parking spaces.

The Environmental Impact Statement (EIS) for Stage 2 outlined that the multi-deck carpark would be constructed in stages, with the first stage comprising eight levels (up to Level 05 on the plans) and the final (second) stage being the remaining two levels resulting in a total of ten levels (roof being Level

07 on the plans). The rooftop solar and associated structures would be installed to the upper/roof level of each stage at those relevant points in time.

The panels will result in a minor increase in the overall building height of 115mm (from RL46.150 to RL46.265). The height increase will not result in enough of a change that will be visually discernible and the site is not subject to a maximum building height. The minor height increase is also within the approved building envelope under the concept proposal.

The Department concludes that the proposed solar PV panels do not result in any adverse impact to the site or surrounding environment. Despite the panels contributing to a minimal increase in building height, the changes will result in improved amenity as more shade cover will be provided for users of the roof of the multi-deck carpark and will make the development more ecologically sustainable. The solar PV panels can be supported given the negligible environmental impacts and improved sustainability outcomes.

Carpark layout alterations

As construction has progressed, the design of the carpark has been further refined contributing to several minor changes to the design and layout of the carpark. The changes are broadly outlined as follows:

- floor plate reductions.
- minor lowering of the carpark building further into the ground by 100mm, including minor additional earthworks, and adjustments to lower finished basement floor levels (B1 and B2).
- minor internal refinements, alterations and rearrangements.
- a 1.74m wide and 37m long extension (including minor additional earthworks) to Basement 2 to include mechanical ventilation and provide reticulation for the mechanical exhaust duct work.
- rearrangement of bicycle parking (with same number of racks/spaces) and end-of-trip facilities.

The changes to the floor plan consist of minor alterations to improve functionality, the inclusion of services or the rearranging of the approved layout. The changes result in the reduction of the building footprint meaning the appearance of the buildings visual bulk will be slightly reduced by the modification. The alterations to the floor plan do not result in adverse visual change from the exterior. The changes are a result of refining the design to ensure a more efficient and logical design, which contribute to a more functional carpark.

The modification also proposes minor earthworks to lower the carpark a further 100mm into the ground across the two basement levels. The degree of additional earthworks is minimal and will not have an adverse impact on the natural landscape, but will assist in providing a more functional carpark. The Department's assessment concludes that the alterations to the carpark would not adversely impact on neighbouring sites and would provide a more efficient and functional development. Therefore, the Department considers the design changes acceptable.

5.2 Other issues

The Department's consideration of other issues is detailed in **Table 2**.

Table 2 | Other issues

| Issue | Findings | Recommendation |
|----------------------------------|--|--|
| Parking / bicycle parking | <p>The proposed changes alter the parking layout and design of the carpark but do not result in a loss of any parking space (bicycle or car).</p> <p>No operational changes to the carpark are proposed.</p> | <p>No additional conditions are recommended.</p> <p>Existing conditions of consent would ensure sufficient spaces would be provided at the relevant stages.</p> |
| Aviation | <p>The modification application includes an Aviation Report which concludes that the shine, glare or reflection from the proposed rooftop solar PV panels will not be a hazard to aviation activities within the Tweed Valley Hospital campus and will not represent a risk to aviation safety as:</p> <ul style="list-style-type: none"> • anti-reflective glass is used in the PV panels and risk will be minimised so far as is reasonably practicable. • the panels and associated infrastructure would not create electromagnetic interference. <p>The Department is satisfied that the application does result in any substantial impacts.</p> | <p>No additional conditions are recommended.</p> |
| Reflectivity | <p>The selected solar PV panels are made of a matte powder coat finish to reduce reflectivity.</p> <p>The submitted solar PV panels tech report demonstrates the proposed solar PV panel materials comply with conditions of consent requiring all facades to reduce glare to minimise discomfort or impacts on safety for pedestrian or drivers.</p> <p>The lightweight aluminium façade system with a powder coat finish (either a matte or satin finish) also satisfy the above requirement and minimise potential sunlight reflectance.</p> <p>The Department considers that the Applicant has demonstrated that the selected materials for the carpark</p> | <p>No additional conditions are recommended. The existing condition of consent ensures that compliance must be demonstrated prior to commencement of the relevant works.</p> |

| Issue | Findings | Recommendation |
|---|--|---|
| | <p>façade and solar PV panels will not adversely impact, amenity, comfort or safety in terms of reflectivity.</p> | |
| <p>Operational noise</p> | <p>Council requested that the operational noise from the carpark comply with the original Noise and Vibration Impact Assessment for SSDA Tweed Valley Hospital Stage 2 provided with the SSD.</p> <p>The Applicant notes that the changes may result in a minor change to the operational plant noise given the additional plant materials being included in the project. The Applicant contends that the changes would not be notable, and that the development would still comply with the noise criteria outlined in the Stage 2 EIS.</p> <p>The existing conditions of consent will continue to apply and require compliance with the established noise criteria and verification post commencement of operations. The application does not propose to alter them. The Department considers this as adequate to ensure that the development as modified will not result in adverse noise impacts on adjacent properties or neighbours.</p> | <p>No additional conditions are recommended. The original conditions of consent require the Applicant to demonstrate compliance with the noise criteria prior to occupation and post occupation monitoring and further mitigation (if required) to verify compliance.</p> |
| <p>Adjustment of the green spine</p> | <p>The modification plan includes updates to the architectural plans to reflect the approved landscape plans in relation to the Green Spine, which runs through the hospital campus.</p> <p>The Department accepts that this is an administrative change required to ensure consistency between the approved architectural and landscape plans and can be supported accordingly.</p> | <p>The Department recommends the revised plans be incorporated in the conditions referencing the approved plans.</p> |

6 Evaluation

The Department has reviewed the proposed modification, assessed the merits of the modified proposal, and all issues associated with the proposal have been thoroughly addressed. The development will not significantly change as the modification primarily involves minor internal alterations to the carpark floor plan, minor material changes to the facades and the addition of solar PV panels to the roof of the carpark structure.

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 development as modified would be substantially the same as that originally approved and would deliver a significant public benefit through the provision of improved health care facilities with efficient and sustainable ancillary infrastructure. 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.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10353-Mod-3 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **modify** the consent SSD-10353.
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Tom Stanton
Senior Environmental Assessment Officer
Social Infrastructure



Megan Fu
Principal Planner
Social Infrastructure

8 Determination

The recommendation is **adopted** by:

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

5 May 2022

David Gibson

Team leader

Social Infrastructure

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-3-amendments-multi-deck-carpark>

Appendix B – Instrument of Modification

<https://pp.planningportal.nsw.gov.au/major-projects/projects/modification-3-amendments-multi-deck-carpark>

Appendix C – Consolidated Consent

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