

Modification Report No.5

Tweed Valley Hospital SSD-10353: Changes to Multi-deck Carpark



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Prepared for: NSW Health Infrastructure
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Statement of Validity

Submission of Environmental Assessment (Modification Report)

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

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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 Part 4, Section 4.55(1A) of the EP&A Act.

Declaration

I certify that the content of this Modification Report has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the Regulation 2021, including having due regard for the *State Significant Development Guidelines – Preparing a Modification Report* (DPIE 2021).

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 JACOB SICKINGER



Executive Summary

Purpose of Report

This report supports a request for modification, pursuant to Section 4.55(1A) 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) (the applicant) in support of the modification request to the Department of Planning and Environment (DPE). It identifies the proposed modifications to SSD-10353 (Stage 2 of the Project) and assesses the potential associated impacts from the 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 Site). 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 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. This context is unchanged since approval of the Project.

The Approved Development

Stage 2 of the Project (comprising detailed design, construction, and operation of the Tweed Valley Hospital) was approved (development consent 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>

The Project has been subsequently modified since approval. These can also be viewed at the above link.

Proposed Modification 5 to SSD-10353

In summary, this application to modify SSD-10353 proposes further relatively minor changes to the multi-deck carpark, and immediate surrounds, that forms part of the Stage 2 approval, including:

- Façade material/types further amended to address ventilation and fire safety requirements.
- Various minor refinements, alterations, and rearrangements to multi-deck carpark (including removal of two parking spaces due to boom gate/car reader rearrangement), and adjacent green spine/landscaped area.
- Café tenancy space added to ground floor of multi-deck carpark and three parking spaces removed to accommodate this.
- Amend/correct Condition B30(a) in relation to car parking.
- General arrangement and orientation of solar array structures further developed/adjusted as part of detailed design and supplier advice, now with a maximum height of RL 46.622 (was RL46.265).

Refer to **Appendix A** for the set of modified plans and **Appendix B** for a detailed breakdown of the proposed changes by plan sheet.



Assessment Summary and Conclusion

The proposed modifications are a result of design progression/refinement, naturally ventilated and fire safety requirements, and inclusions sought by the Local Health District to complement the Project and meet Project needs.

The modifications do not constitute a transformation of the development and the Project remains substantially the same. The modifications are minor and inconsequential in the context of the overall Project and approved development. The further multi-deck carpark façade changes are necessary to achieve fire safety compliance, whilst still providing a quality and visually interesting treatment that would be generally consistent with the current approval and remains appropriate for the site context. The solar array structure changes are necessary to achieve an optional arrangement. Other minor adjustments and inclusions are generally inconsequential, and the resultant minor loss of parking spaces is not significant. The on-site parking provision remains adequate and consistent with the Stage 2 Environmental Impact Statement and supporting Traffic Impact Assessment, and hence amendment/correction of Condition B30(a) has also been identified as acceptable.

The modifications effectively integrate into the overall Project and will continue to provide an acceptable and quality development outcome. Potential impacts of the modifications are assessed as being negligible to minor. The proposed modifications warrant approval by the Minister for Planning or delegate.



1. Introduction

1.1 Purpose of this Report

On behalf of NSW Health Infrastructure (HI) as the applicant, 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-10353).

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 relevant planning provisions applying to the site and any potential environmental impacts and key issues. This report has had regard for the *State Significant Development Guidelines – Preparing a Modification Report* (DPIE 2021).

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, and modified) as follows:

- A Concept Proposal and Stage 1 Early and Enabling Works package approved under SSD-9575 on 11 June 2019 and last modified on 28 April 2020. 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 approx. 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; and*
- *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 are well progressed on-site.

The proposed modification to Stage 2 remains consistent with the relevant aspects of the Concept Proposal (as discussed in **Section 4.1**). The proposed modifications to Stage 2 (SSD-10353) are described in **Section 3**.

Given the nature and scope of the proposed modifications described in this Modification Report, there is no change to the overall Project Description (including no change required to the development description in Schedule 1 of Development Consent SSD-10353), and as such there is no need to provide a modified Project Description in this case.

1.3 Cadastral Description

The 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).

1.4 Land Ownership

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

1.5 Site Context

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

1.6 Site Analysis

Although works are progressing on site and this has resulted in landform changes and construction works, 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 1.1 below is an aerial image of the Site under construction in February 2022.



Plate 1.1 Photo showing the Tweed Valley Hospital under construction in February 2022 (source HI).



2. Strategic Context

The Project's strategic context, including the delivery of improved and vital health services for the Tweed-Byron region, consistent with State and strategic plans/policies, has not materially changed since preparation of the Stage 2 Environmental Impact Statement (EIS) and previous Modification Report.

The modified Project remains consistent with relevant Premier and NSW Government plans and policies, including priorities, regional and local plans/policies. It will deliver significant investment in and the construction of critical infrastructure, add to the creation of construction related and long-term operational jobs, and will greatly improve health facilities and services for the community of the Tweed-Byron region. The modified development, including minor design and material changes to the multi-deck carpark, continues to be consistent with the objectives of the SP2 Infrastructure zone (health services facility) and with the approved Concept Proposal. The design response and development outcomes would continue to be acceptable and aligned with the aims and objectives of key relevant strategic policies as outlined in the Stage 2 EIS.



3. Description of Modifications

3.1 Proposed Changes

Pursuant to Section 4.55(1A) of the EP&A Act, HI proposes modifications to Stage 2 of the Tweed Valley Hospital associated with development consent SSD-10353. In summary, this application to modify SSD-10353 proposes further changes to the multi-deck carpark and immediate surrounds that forms part of the Stage 2 approval, including:

- Façade material/types further amended to address ventilation and fire safety requirements.
- Various minor refinements, alterations, and rearrangements to multi-deck carpark (including removal of two parking spaces due to boom gate/card reader rearrangement), and adjacent green spine/landscaped area.
- Café tenancy space added to ground floor of multi-deck carpark and three parking spaces removed to accommodate this.
- Amend/correct Condition B30(a) in relation to car parking.
- General arrangement and orientation of solar array structures further developed/adjusted as part of detailed design and supplier advice, now with a maximum height of RL 46.622 (was RL 46.265).

These proposed modifications are discussed in more detail in the following sections, with a compressive breakdown of the drawing changes outlined by MODE Architects attached at **Appendix B**.

3.1.1 Further Modification of Façade Material/Types

Subsequent to approval of Mod 3 comprising a revised façade material treatment, during consultation, Fire and Rescue NSW (FRNSW) noted that “the performance solution is heavily reliant on the natural ventilation provided by the open-deck nature of the aboveground levels of the carpark. Given that this natural ventilation is to be relied upon, the assessment is to quantitatively demonstrate that this will provide/maintain tenable conditions such that safe occupant egress provisions are provided at all times given a worst-case credible fire scenario.”

In order to support the extended travel distances, and satisfy the concern raised by FRNSW, the project has been required to increase the percentage open air above the minimum requirement noted in the Building Code of Australia (BCA) to 60% unobstructed airflow plus an additional safety factor. This safety factor exists to mitigate any likelihood that the façade would fall below the threshold of the BCA should the open area of the façade become obstructed in the future and in turn non-compliant

To achieve the required unobstructed percentage as per the Fire Engineering Brief Consultation Questionnaire (FEBQ) the façade panels need to have perforations of 73% Open on the Ground Floor and Level 1, and 55% for Levels 2 to 5 respectively. The perforation hole types have also been revised to achieve this perforation level and maintain structural integrity.

The updated materials schedule at **Appendix A** depicts samples of the revised panelling and perforations. A copy of the Fire Engineering Analysis prepared by Innova, confirms that the Performance Solutions will satisfy BCA Performance Requirements (Refer to **Appendix C**).

Figure 3.1 and **Figure 3.2** provide a sample comparison of the approved and modified southern elevations of the multi-deck carpark, demonstrating a strong similarity.

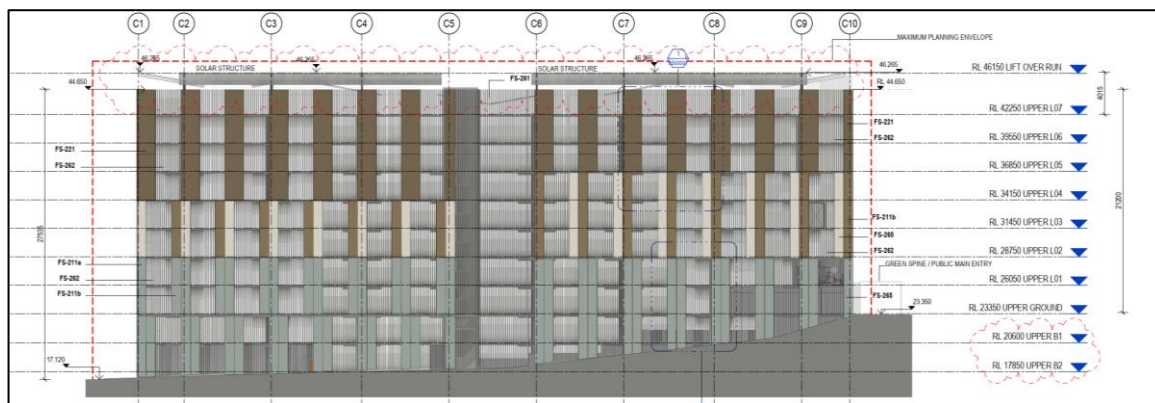


Figure 3.1 Approved south elevation of the multi-deck carpark.

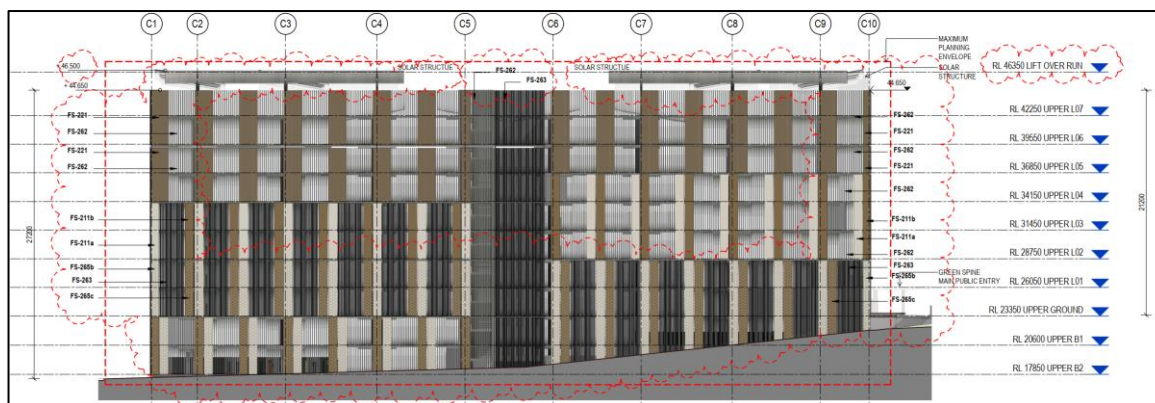


Figure 3.2 Modified south elevation of the multi-deck carpark.

3.1.2 Minor refinements, alterations, and rearrangements

Detailed design progression has resulted in further refinements, alterations and rearrangements to the multi-deck carpark, and adjacent green spine/landscaping, including:

- adjustments to carpark related infrastructure, including vehicle entry arrangement amended to comply with Australian Standards to meet turning path requirements and reconfiguration of staff/fleet vehicle entry lanes
- layout of the car park management system equipment (boom gates, card readers etc) adjusted, including:
 - staff overflow boom gate moved from level 4 to 3 and two parking spaces reinstated on level 4 as a result
 - relocated staff overflow boom gate/card reader and larger island on level 3 results in loss of a further two (2) car parking spaces, compared to the original approved arrangement on level 3.
- wash bay and drain added to a single staff parking space (G-67), with no change to the general function, operation and car parking space availability
- minor services adjustments/additions
- green spine adjustments and extension of covered walkway, including general update of associated landscape plan (green spine and village green shown on Western Entry and Green Spine Entry Detail Plan) to make consistent with proposed changes and detailed design refinements. This includes:
 - 2 x bike racks added
 - seating added
 - footpath reconfigured with additional pavement to provide access to new café
 - covered walkway extended to provide shelter to pedestrians accessing new café
 - bins added adjacent footpath

- seating added in pet visitation area
 - cement stabilised deco granite gravel path added
 - pet water fountain and waste bags added
 - double gate added to increase containment
 - outdoor exercise equipment rearranged/adjusted.
- roof awning shown to lift lobby (level 5)
 - The nominated lift manufacturer requires a higher clear internal lift overrun dimension. The lift overrun has been amended from RL 46150 to RL 46350 to suit the Vertical Transport Manufacturer Requirements. This still falls within the permissible building envelope approved with the Concept Proposal.
 - Within the bike store provision for charging of e-bikes has been included as an enhancement to the original design. The quantity of 52 bike parking spaces has been maintained
 - As part of design development, a space has been provided in the female amenities lobby to accommodate the mechanical exhaust fans. The quantity of showers, toilet pans and the like has been maintained.

A detailed breakdown of the changes by level/plan is provided by MODE Architects in the drawing amendment register at **Appendix B**. A schedule of plan revisions is provided in **Section 3.2**.

3.1.3 Café tenancy space added to ground floor and associated removal of three parking spaces

A café tenancy has been proposed on the ground floor of the multi-deck car park, adjacent to the Operator's Office. The inclusion of this space results in removal/deletion of three (3) parking bays and extension of the covered walkway. This addition is intended to provide a basic food and drinks service to staff and visitors in proximity to the carpark as people arrive at or leave the hospital campus.

3.1.4 Overall effect of modifications on parking supply and amendment of Condition B30(a)

The modified plans (resulting in a total loss of five parking spaces – three due to introduction of café and two due to boom gate adjustments described previously) provide for 1198 available parking spaces between the multi-deck carpark and main eastern at-grade carpark. There are also other public parking spaces to be provided elsewhere on the site. This includes an additional 10 at-grade spaces provided/approved near the Health Hub, bringing the campus wide total provision to at least 1208 based on the modified proposal (this number excludes drop off and pickup bays). Therefore, despite the loss of some spaces from the multi-deck carpark, more than the required minimum of 1201 parking spaces would continue to be provided on-site.

To avoid doubt, it is not proposed to relocate the lost/deleted parking spaces or provide additional parking spaces elsewhere to compensate. Rather, a review of the site wide campus parking provision has confirmed that adequate (more than 1201) on-site parking would be provided despite the deletion of these spaces from the multi-deck carpark. This is consistent with the original Stage 2 EIS and Traffic Impact Assessment.

Furthermore, and as part of the review undertaken for this modification, it appears that the current wording of Condition B30(a) is not entirely consistent with the original Stage 2 EIS and Traffic Impact Assessment, and would have unintended consequences. Therefore, it is proposed to amend/correct condition B30(a) as follows.

Condition B30(a) currently reads:

B30. The car parking design plans for car parking / bicycle parking areas or facilities must demonstrate that at the commencement of operation of the new hospital building:

(a) a minimum of 1201 on-site car parking spaces (within the multi-deck carpark and the at grade carpark) are provided on the Site.

To be consistent with the Stage 2 EIS and the supporting Traffic Impact Assessment prepared by Bitzios (which stated that the 1201 on-site car parking space calculation was inclusive of the multi-deck, at-grade, and short-term parking spaces), and to maintain compliance despite the subject modifications which affect parking in a minor way, it is proposed to amend/correct the condition to read (changes are shown in italics):

B30. The car parking design plans for car parking / bicycle parking areas or facilities must demonstrate that at the commencement of operation of the new hospital building:

(a) a minimum of 1201 on-site car parking spaces (*inclusive of the multi-deck, at-grade and short-term parking spaces*) are provided on the Site".

Refer to **Section 6.4** for further discussion/assessment.

3.1.5 Adjustment to solar array structures

The general arrangement and orientation of the previously approved solar array structures has been further developed as part of detailed design and supplier advice, including a minor change from a maximum height of RL 46.265 to RL 46.622. The Clean Energy Council recommends that panels should be 10 degrees or higher for "self-cleaning" and providing for this pitch has resulted in a slightly higher maximum height. Parking bays on the respective roof plan have been adjusted where required to maintain compliance.

3.2 Schedule of Plan Revisions

A set of the relevant amended architectural plans (prepared by Mode Design) showing the above-described proposed modifications is included with this Modification Report (**Appendix A**). Additionally, a detailed breakdown of the changes made to each level/drawing sheet is provided in a drawing amendment register at **Appendix B**.

Table 3.1 provides a list of the revised plans (including numbers and title) that would supersede the currently approved plans.

Table 3.1 Updated Drawing/Plan Register

Approved Drawing/Plan Number and Title		Modified Drawing/Plan Number and Title	
MDD-AR-SKE-MCP-20B2001 Rev 4	Multi-Deck Carpark: Floor Plan Basement 2	MDD-AR-SKE-MCP-20B2001 Rev 7	Multi-Deck Carpark: Floor Plan Basement 2
MDD-AR-SKE-MCP-20B1001 Rev 4	Multi-Deck Carpark Floor Plan Basement 1	MDD-AR-SKE-MCP-20B1001 Rev 7	Multi-Deck Carpark Floor Plan Basement 1
MDD-AR-SKE-MCP-2000001 Rev 3	Multi-Deck Carpark: Floor Plan - Ground	MDD-AR-SKE-MCP-2000001 Rev 6	Multi-Deck Carpark: Floor Plan - Ground
MDD-AR-SKE-MCP-2001001 Rev 3	Multi-Deck Carpark: Floor Plan – LVL 01	MDD-AR-SKE-MCP-2001001 Rev 6	Multi-Deck Carpark: Floor Plan – LVL 01
MDD-AR-SKE-MCP-2002001 Rev 3	Multi-Deck Carpark: Floor Plan – LVL 02	MDD-AR-SKE-MCP-2002001 Rev 6	Multi-Deck Carpark: Floor Plan – LVL 02
MDD-AR-SKE-MCP-2003001 Rev 3	Multi-Deck Carpark: Floor Plan – LVL 03	MDD-AR-SKE-MCP-2003001 Rev 4	Multi-Deck Carpark: Floor Plan – LVL 03
MDD-AR-SKE-MCP-2004001 Rev 3	Multi-Deck Carpark: Floor Plan – LVL 04	MDD-AR-SKE-MCP-2004001 Rev 6	Multi-Deck Carpark: Floor Plan – LVL 04



MDD-AR-SKE-MCP-2005002 Rev 2	Multi-Deck Carpark: Lift Overrun – LVL 5 / Roof Plan (first construction stage)	MDD-AR-SKE-MCP-2005002 Rev 6	Multi-Deck Carpark: Lift Overrun – LVL 5 / Roof Plan (first construction stage)
MDD-AR-SKE-MCP-2007001 Rev 3	Multi-Deck Carpark: Floor Plan – LVL 07	MDD-AR-SKE-MCP-2007001 Rev 4	Multi-Deck Carpark: Floor Plan – LVL 07
MDD-AR-SKE-MCP-2500001 Rev 4	Multi-Deck Carpark: Lift Overrun - LVL 07 / Roof Plan (second construction stage)	MDD-AR-SKE-MCP-2500001 Rev 8	Multi-Deck Carpark: Lift Overrun - LVL 07 / Roof Plan (second construction stage)
MDD-AR-SKE-MCP-4000001 Rev 4	Multi-Deck Carpark: Elevations	MDD-AR-SKE-MCP-4000001 Rev 8	Multi-Deck Carpark: Elevations
MDD-AR-SKE-MCP-4000002 Rev 4	Multi-Deck Carpark: Elevations	MDD-AR-SKE-MCP-4000002 Rev 8	Multi-Deck Carpark: Elevations
MDD-AR-SKE-MCP-5000001 Rev 4	Multi-Deck Carpark: Sections	MDD-AR-SKE-MCP-5000001 Rev 6	Multi-Deck Carpark: Sections
MDD-AR-SKE-MCP-5000002 Rev 4	Multi-Deck Carpark: Sections	MDD-AR-SKE-MCP-5000002 Rev 8	Multi-Deck Carpark: Sections
MDD-AR-SKE-MCP-6500001 Rev 4	Multi-Deck Carpark: Façade Types	MDD-AR-SKE-MCP-6500001 Rev 6	Multi-Deck Carpark: Façade Types
MDD-AR-SKE-MCP-6500002 Rev 4	Multi-Deck Carpark: Façade Types	MDD-AR-SKE-MCP-6500002 Rev 6	Multi-Deck Carpark: Façade Types
MDD-AR-SKE-MCP-6500003 Rev 4	Multi-Deck Carpark: Façade Types	MDD-AR-SKE-MCP-6500003 Rev 6	Multi-Deck Carpark: Façade Types
MDD-AR-SKE-MCP-6500004 Rev 4	Multi-Deck Carpark: Façade Types	MDD-AR-SKE-MCP-6500004 Rev 6	Multi-Deck Carpark: Façade Types
SCH_001	Multi-deck Carpark: Exterior Finishes Schedule	SSD2 SCH_001 Rev 4	Multi-deck Carpark: Exterior Finishes Schedule
LS-DWG-20-005 Rev 7	Landscape Plans and Sections – Western Entry and Green Spine	LS-DWG-20-005 Rev 11	Landscape Plans and Sections – Western Entry and Green Spine



4. Statutory Planning Context

4.1 Consistency with Existing Approvals

4.1.1 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).

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 multi-deck carpark are consistent with the approved Concept Proposal as they occur within the approved building/planning envelope and do not conflict with the setback or maximum height requirements of the consent.

4.1.2 Consistency with SSD-10353 (Stage 2) Conditions of Consent

In terms of car parking the proposed modification removes five parking spaces from the multi-deck carpark, and results in a total of 1198 spaces provided between the multi-deck (1071) and main at-grade carpark (127), plus ten (10) at-grade spaces at the Health Hub. This equates to at least 1208 spaces campus wide; excluding other short-term and pickup/drop off bays).

Condition B30(a) currently states *“a minimum of 1201 on-site car parking spaces (within the multi-deck carpark and the at grade car park) are provided on the Site”*.

It is submitted that this condition and the associated calculation was meant to encompass all hospital related on-site parking (other than drop off/pick bays), including all at-grade/short-term parking options, in addition to the multideck, as identified in the original EIS and Traffic Impact Assessment. On this basis, with the inclusion of the ten at-grade parking spaces adjacent to the Health Hub (as depicted on the approved site wide plans), the total on-site parking provision would continue to exceed the minimum requirement of 1201. Therefore, as previously outlined in **Section 3.1.4**, it is reasonable to conclude that the current condition wording is not entirely consistent with the original assessment and should be corrected/amended to reflect this. On this basis, the condition would still be satisfied despite the minor removal of parking spaces from within the multi-deck.

Overall, the proposed modifications would be consistent, and retain the ability to comply, with the conditions of the SSD-10353 consent. Refer to **Section 6.4** for assessment of parking provision changes.

4.2 Section 4.55 of EP&A Act - Modification of Consents

Modification of development consent SSD-10353 is sought pursuant to Section 4.55(1A) of the EP&A Act. The proposed modifications are relatively minor and their potential environmental impacts would be negligible (as demonstrated in the assessment at **Section 6**). The following sections address the relevant statutory context and compliance matters applicable to the Modified Project.

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, with supporting car parking infrastructure (including a multi-deck carpark). The overall design response remains



generally consistent with the approved Stage 2 design and within the scope of the Concept Proposal. The modification can reasonably be defined as being of minimal environmental impact, as evidenced by the nature of the proposed changes and the impact assessment undertaken. As such, the proposal would suitably fall within the provisions of Section 4.55(1A) of the EP&A Act. An assessment against the relevant provisions of Section 4.55(1A) is 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: as outlined in **Section 6**, the proposed modification involves minor and low-impact refinements, adjustments, and additions to the approved development (multi-deck carpark), with no new disturbance outside of the approved development footprint. The potential 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 approved multi-deck carpark, visual or environmental amenity, parking function/provision, nor impose 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 approved, 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.
- The public health benefits, and provision of on-site car parking, delivered by the development remain positive and acceptable.
- The overall environmental impacts are similar, if not the same, as the approved development. There would be no significant additional or altered environmental impacts due to 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 relatively minor and of minimal environmental impact, hence notification of this modification is not considered necessary. However, this would be subject to DPE'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 DPE as required. No significant agency, Council, or public concern is expected given the relatively minor changes and justification provided.

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 have been considered and are addressed in **Table 4.1** below. Overall, the modification would not alter the development's existing compliance with relevant planning instruments.

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 in this report, 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, including the LEP and State Environmental Planning Policies (SEPPs) as outlined further below. On the 1 March 2022, 45 SEPPs were consolidated into 11 new thematic SEPPs. This is an administrative change, and the regulatory content/legal effect of the respective SEPPs remains unchanged. Hence the commentary provided in this Modification Report and Table 4.2 about the SEPPs that are relevant to this modification remains valid, and no further/other consideration is required in the context of this SEPP consolidation.
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	Yes	There are no proposed instruments applicable to the site or modification that need consideration.
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 the original Stage 2 assessment and approval.



Section 4.15 'Matters for Consideration - general'	Complies	Comment
Section 4.15(1)(a)(iia) – 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 assessment and evaluation of merits in this report (Section 6), the proposed modifications are not expected to result in any significant additional or altered environmental impacts. The modification is reasonable and acceptable.
Section 4.15(1)(c) – Suitability of the site for the development	Yes	The proposed modifications would have no material 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 DPE as required.
Section 4.15(1)(e) – The public interest	Yes	The proposed modifications are in the public interest and support the delivery of this important health facility. The development, as modified, remains consistent with the objectives of the land use zone. It enables necessary and desirable changes to the development. The modifications are acceptable in terms of amenity and environmental outcomes, consistent with the public interest.

4.3 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.

On the 1 March 2022, 45 SEPPs were consolidated into 11 new thematic SEPPs. This is an administrative change, and the regulatory content/legal effect of the respective SEPPs remains unchanged. Hence the commentary provided in **Table 4.2** about the SEPPs that are relevant to this modification remains valid and no further/other consideration is required in the context of this consolidation of SEPPs.

Table 4.2 Relevant State Environmental Planning Policies

Policy	Comment/Compliance
Koala Habitat Protection 2021 Chapter - contained in State Environmental Planning Policy (Biodiversity & Conservation) 2021	The proposed modifications would not affect Koala habitat.
Remediation of Land Chapter in State Environmental Planning	The modifications occur with the approved/disturbed development footprint. Contamination was previously assessed, and localised remediation undertaken as part of



Policy	Comment/Compliance
Policy (Resilience and Hazards) 2021)	the Stage 1 Works, in accordance with a Remediation Action Plan (RAP) and conditions of consent. A Site Audit Statement was issued confirming the site is suitable for the use. 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.
Coastal Management Chapter in State Environmental Planning Policy (Resilience and Hazards) 2021)	Part of the Site falls within coastal related areas, with a mapped proximity area associated with the northern adjacent Coastal Wetland extending into the Site and part of the approved development footprint. There is no significant change to the extent or type of development within the proximity buffer. The proposed modifications would not affect relevant considerations under the SEPP, nor change the assessment or conclusions provided in the Stage 2 EIS. The modified development would continue to be acceptable and not adversely affect/alter the biophysical, hydrological, or ecological integrity of the northern adjacent Coastal Wetland. No further consideration is required.
State Environmental Planning Policy (Planning Systems) 2021)	The Project remains SSD as declared by this SEPP.

4.4 Local Planning Controls

4.4.1 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 Relevant TLEP 2014 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. The adjustment to the lift overrun and solar array structure would result in a marginal increase of the maximum building height from RL 46.265 to RL 46.622. This is an inconsequential change and remains within the Concept Proposal approved envelope and height conditions. The adjustment to the lift overrun and solar array structure effectively integrates into the scale and design of the multi-deck carpark, and would not result in additional adverse impacts. The change is acceptable (see Section 6.1 and 6.2 for assessment).
	Clause 7.1 Acid Sulfate Soils (ASS)	The modifications do not change the scope of earthworks. The multi-deck carpark footprint occurs within Class 5 ASS. Given the Site elevation, disturbance of ASS is not expected as outlined in the Stage 2 EIS, and no further consideration is required.
	Clause 7.2 Earthworks	The modifications do not change the scope of earthworks.
	Clause 7.10 Essential Services	The modifications do not affect the serviceability of the development and all essential services/utilities would be provisioned/connected.



4.5 Environmental Protection and Biodiversity Conservation Act 1999 (Cth)

The proposed modifications do not change the considerations relevant to Matters of National Environmental Significance (MNES) and Commonwealth land, and the modifications to the Project would be consistent with the assessment's original findings (i.e. no significant impacts are likely).

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



5. Engagement

Consultation with the Local Health District (LHD) and relevant project stakeholders informed this modification. Due to the minor nature of the changes no other/further consultation was considered necessary prior to lodgement.



6. Assessment of Impacts

6.1 Built Form, Urban Design, and Landscaping

The proposed changes to the multi-deck carpark and adjacent green spine are minor. There would be no notable change to the multi-deck carpark's overall massing, scale, form, or function. The additional changes to the façade perforation pattern, size, and colour break up (to achieve fire engineering and ventilation/safety requirements) would result in an inconsequential and acceptable change to the visual appearance of the facade. The changes continue to provide for visual interest and break up the massing, generally consistent with the original architectural intent and design language used throughout the hospital, including:

- The conceptual framework and relationship to the main building is to be maintained
- The massing and relationship to the main hospital podium is maintained
- Design intent of borrowing from the architectural language of the main hospital building is maintained
- To meet the required natural ventilation requirements the perforated panels would have a greater percentage of openness.
- The colour palette, massing and multi-level expression has been maintained and continues to define the scale and proportions
- Metal louvers and mesh elements are maintained.

The proposed façade treatment, including overall building form, colour palette, and style/pattern of panelisation remains generally consistent with the approved design.

Minor adjustments/refinements to the rooftop solar structure, including modest increase in maximum height to achieve an optimal arrangement and pitch, continue to be effectively integrated into the overall form and remains minimalist when viewed in the context of the scale of the multi-deck carpark. The minor adjustments do not amount to any substantial height, bulk, or massing change, and would not be of detriment to the design response or environmental amenity.

The minor internal refinements, alterations, and rearrangements, including addition of a small café tenancy, are inconsequential. They generally respond to traffic engineering considerations and improve functionality, with no effect on the building's overall presentation or appearance. Although parking would be marginally reduced within the multi-deck to accommodate the café and altered internal parking management infrastructure, this is justified and the minimum required total provision is still provided for on the site (refer to **Section 6.4**). Hence there would be no unreasonable impact to parking supply.

The minor adjustments and refinements to the landscape plan detail for the area adjacent to the multi-deck carpark reflect the proposed changes/refinements. These are minor and ensure suitable integration with the landscape design and represent design progression. The landscape design response continues to be generally consistent with the original intent and provides for a positive public realm experience.

Overall, the built form of the carpark and adjacent green spine/landscaped area, as modified, would be perceived as comparable, and substantially the same, to the approved version. The minor changes tie into the approved built form, public realm treatments, general character/purpose, and associated urban design response. The modifications maintain an acceptable built form, landscape, and urban design response, and align with the design principles and outcomes of the approved version.



6.2 Environmental Amenity

Environmental amenity considerations relevant to the proposed modifications (visual impact) are addressed in the following subsections. No other environmental amenity matters (such as impacts of overshadowing or solar access) would be affected.

6.2.1 Visual Impact

As outlined in **Section 6.1**, the proposed modifications would not be perceived as a substantial change, particularly from a distance or from surrounding properties, including dwellings on Kingscliff Hill that look out toward/over the Site. The changes carry over the original design strategy and principles that underpin the overall massing, appearance, colour palette, style/pattern of panelisation, and vertical expression. All these elements, and the way in which the building would be viewed in the local landscape context, remains coherent and complementary to the approved hospital.

Up close, the substituted perforated lightweight panels provide visual interest through a pattern of solid to void ratios. From a distance, the visual perception of the façade finishes, adjustments to the solar array structure, and materiality, are expected to be substantially comparable to the approved version.

The adjusted arrangement, orientation, and pitch of the solar array structures, including a minor increase to the overall maximum height from RL 46.265 to RL 46.622 is inconsequential in the context of the overall development and scale of the multi-deck carpark. The change ensures a better layout and pitch of 10 degrees for “self-cleaning” as recommended by the Green Energy Council and supplier. The panels are made to absorb light, not reflect it, and the change is not expected to have any adverse reflectivity impact. The changes to the entire structure, including solar array, remains within the approved height/envelope of the Concept Proposal (SSD-9575) and an increase of about 0.357m is unlikely to be perceived from the public realm nor from more distant sensitive visual receivers (dwellings).

Overall, none of the proposed modifications amount to a significant or unreasonable visual change. The modifications would not result in a substantially altered visual appearance nor introduce new/additional potentially detrimental impacts. The modifications are inconsequential and acceptable from a visual amenity perspective.

6.3 Ecologically Sustainable Development (ESD)

The modified Project also remains consistent with the principles of ecologically sustainable development as outlined in Section 193 of the EP&A Regulation 2021 and as assessed in the Stage 2 EIS.

6.4 Bicycle and Car Parking

The introduction of e-bike charging facilities offers a useful charging service to help encourage alternative transport and cycling to/from the site. It does not affect the total number of staff bicycle racks/parking (52) provided.

Condition B30(a) currently states “*a minimum of 1201 on-site car parking spaces (within the multi-deck carpark and the at grade car park) are provided on the Site*”.

The proposed inclusion of a café tenancy on the ground floor of the multi-deck carpark results in removal/deletion of three (3) parking bays. Adjustments to the carpark management systems (boom gates/readers), results in a further loss of two (2) parking bays compared to the approve arrangement. These additional two bays were lost due to:

- The CPMS (car park management system) equipment to the staff overflow was originally comprised of a boom gate and detection loop;
- It was identified that the boom gate could be falsely tripped by cars manoeuvring in the vicinity of the direction loop – this will result in the LED space counter signs at the entry of the driveway entry/exit showing inaccurate numbers;
- The only practical solution available is to add a car reader to the staff overflow boom gate which increased the CPMS equipment island, resulting in a loss of two further car bays.

These five lost car parking bays are not proposed to be replaced elsewhere as the total provision of on-site parking remains adequate. The modified plans provide for 1071 spaces (in the multi-deck) + 127 (main at-grade carpark) + 10 (health hub parking) = 1208 (available spaces, excluding other short-term/pickup/drop off bays, across the precinct and continues to exceed the minimum requirement of 1201).

Inclusion of the other approved parking spaces provided for on the site, including the 10 at-grade parking spaces at the Health Hub, in the site wide parking calculation is consistent with the original intention/approach and demonstrates that more than a minimum of 1201 parking spaces (including multi-deck and all at-grade spaces, though excluding drop off/pick up bays) would be provided on-site.

As outlined in **Section 3.1.4**, review of the parking matters associated with this modification application has identified that the current wording of Condition B30(a) is not entirely consistent with the original assessment, and as a result could have unintended consequences.

As outlined in the Stage 2 EIS, supported by the Traffic Impact Assessment prepared by Bitzios, “a minimum total of 1,201 on-site parking spaces (inclusive of the multi-deck, at-grade and short-term parking spaces) will be required/provided at the year of opening (2023), in line with the parking demands identified to 2023/24”. The current condition wording appears to inadvertently only refer to the multi-deck and at grade carpark, and not account for other at-grade/short-term spaces identified in the EIS/Traffic Impact Assessment and shown on the approved site plans.

Therefore, to make the condition consistent with the original assessment, and to maintain satisfactory compliance despite the subject modifications which affect parking in a minor way, it is reasonable to amend/correct the condition to avoid doubt that the parking provision is inclusive of all on-site parking (excluding drop-off/pick up bays).

It is submitted that to satisfy parking demand at the year of opening and the associated Condition B30(a), the inclusion of all parking options, including multi-deck, main at-grade carpark and short-term parking spaces (excluding drop off/pick up bays), as identified in the original EIS and Traffic Impact Assessment is acceptable and consistent. The Department’s consideration of parking in the original Stage 2 assessment report simply states that “a minimum of 1201 spaces would be provided upon commencement of operation (likely 2023)” and that “the Department is satisfied that the proposed amount of car parking would be sufficient to cater for the expected demand generated by the hospital”.

On this basis, with the inclusion of all on-site parking spaces and including the 10 approved at-grade parking spaces to be provided adjacent to the Health Hub building (as depicted on the approved site wide plans), the total on-site parking provision (excluding drop offs and pickup bays), as modified, would be at least 1208. This continues to exceed the minimum requirement of 1201 as identified in the Stage 2 EIS and Traffic Impact Assessment. Therefore, it is reasonable to conclude that the proposed amendment/correction of Condition B30(a) is appropriate, and an adequate level of on-site parking consistent with the Stage 2 assessment would still be provided despite the minor removal of five parking spaces from within the multi-deck carpark as part of this modification.



6.5 Construction Noise

The proposed modifications are minor and would not materially alter the level or duration of construction noise generated by the project. All works would be undertaken in accordance with the approved Construction Environment Management Plan and associated noise and vibration management sub-plan.

6.6 Cumulative Impacts

Given the nature of the modifications (being changes to already approved elements/infrastructure and relatively minor additions) and that they would effectively integrate into the design response and construction delivery of the Project, they are not expected to result in any new, additional, or altered cumulative impacts.



7. Conclusion & Justification of Modified Project

This Section 4.55(1A) Modification Report and supporting documentation demonstrates that the proposed modifications to the approved Tweed Valley Hospital (SSD-10353 – Stage 2) are appropriate and acceptable when tested against the relevant heads of consideration detailed within Sections 4.55(1A) and 4.15(1) of the EP&A Act.

Changes to the multi-deck carpark are necessary to achieve design refinements/adjustments and ventilation/fire safety compliance. Overall, the proposed modifications are relatively minor and do not alter the predicted environmental impacts of the Project. The modifications will enable refinements and improvements to the Project, respond to compliance and safety matters, whilst maintaining the standard of design, adequate on-site parking that is consistent with the original assessment, and an acceptable response to the site context.

This report has established that there are no significant matters affected by, or resulting from, the modified development outcome, with the identified considerations being of minimal consequence.

Given the nature of the modifications and the minimal impacts, the existing Project mitigation measures are adequate, and an updated table of the approved mitigation measures for the Project is not required.

The application is consistent with the Concept Approval and the objects of the EP&A Act. The project continues to be consistent with strategic directions for the State and the statutory planning framework. The modifications are acceptable and in the public interest.



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Appendix A

Proposed Modified Plans (Mod 5 Multi-deck Carpark)



Appendix B

SSD2 Drawing Changes/Amendment Register



Appendix C

Fire Engineering Advice/Requirements