



Tweed Valley Hospital Stage 2 Modification 5

Minor Changes to Multi-Deck Carpark
State Significant Development Modification Assessment
(SSD-10353-Mod-5)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
Council	Tweed Shire Council
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
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 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 was lodged on 29 September 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

Concept Proposal and Stage 1 (SSD-9575)

On 11 June 2019, the then 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 then 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 then 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.

Stage 2 Detailed Design and Construction (SSD-10353)

On 20 June 2020, the Executive Director, Infrastructure Assessment, as a delegate of the then 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 carpark.
- 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 upgrading to the intersection of Tweed Coast Road and Cudgen Road and a new signalised intersection on Cudgen Road.

The development has been modified on three occasions:

- SSD-10353-Mod-1 approved on 21 July 2021 by the Team Leader, Social Infrastructure, as delegate for the then Minister for Planning and Public Spaces – 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.
- SSD-10353-Mod-2 approved on 12 January 2022 by the Team Leader, Social Infrastructure, as delegate for the Minister for Planning – minor design changes, including modifications to the Level 3 floor plan, Level 6 and Level 7 plant enclosures, alterations to the façade fenestration and ground level awnings and courtyard, and minor external landscaped areas. The modification also included the deletion of conditions relating to stormwater harvesting and administrative changes to bush fire protection and sewerage conditions.
- SSD-10353-Mod-3 approved on 5 May 2022 by the Team Leader, Social Infrastructure, as delegate for the Minister for Planning – amendments to the approved multi-deck carpark including façade material changes, addition of solar photovoltaic structures on the roof level, lowering of carpark building, minor internal refinements and rearrangements to the carpark floor plan, adjustment to Green Spine pathway, an extension to Basement 2 and floor plate reductions.

The Applicant subsequently lodged a fourth modification application (SSD-10353-Mod-4) however this was withdrawn prior to determination.

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

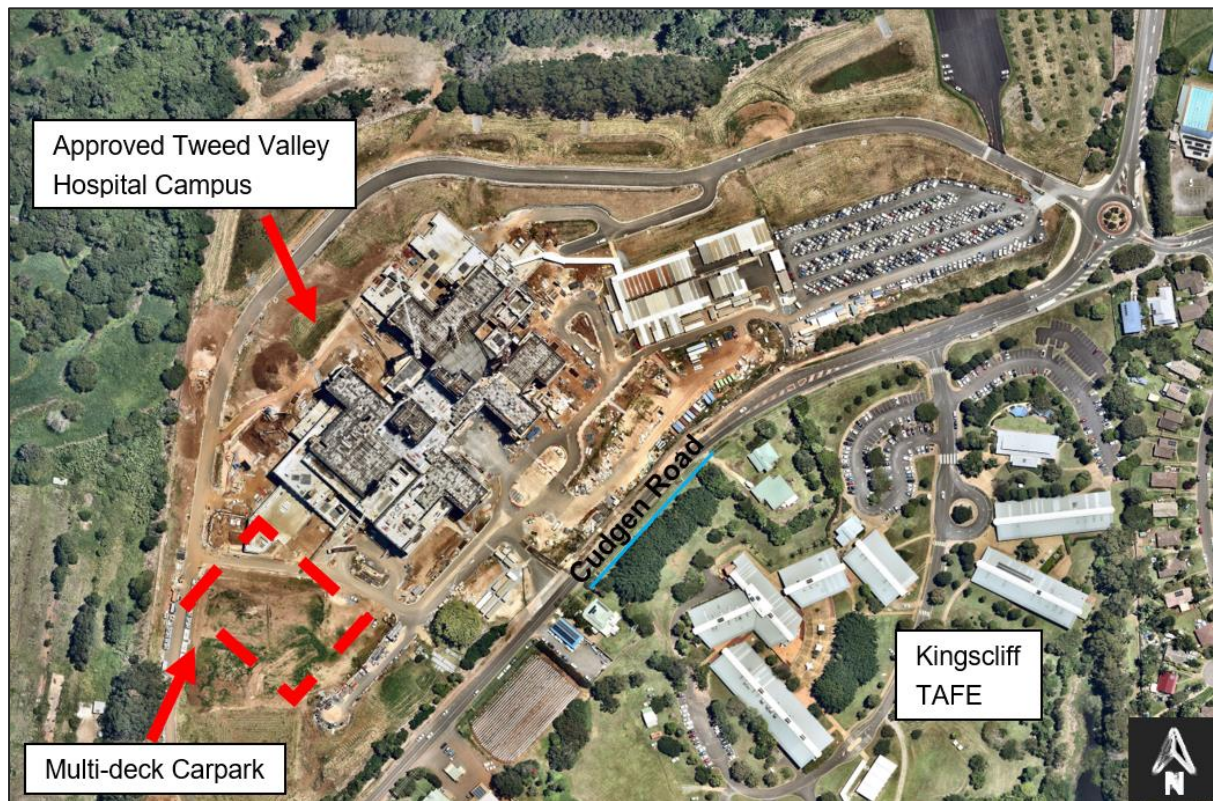


Figure 1 | Locality context map (Base source: Nearmap)

2 Proposed modification

On 30 September 2022, the Applicant lodged a modification application (SSD-1053-Mod-5) seeking approval for amendments to the multi-deck carpark, as follows:

- changes to perforation of external panelling material to facilitate an increase in the percentage of open air in the building façade to 75 per cent at Ground Floor and Level 1 and 55 per cent at Levels 2 and 3.
- provision of a café tenancy space at ground floor level, requiring removal of three parking spaces.
- minor refinement to carpark layout, including:
 - reconfiguration of vehicle entry arrangement to comply with Australian Standards to meet turning path requirements.
 - adjustments to the layout of carpark management system equipment (boom gates, card readers etc.) including relocation of the staff overflow boom gate from Level 2 to Level 3 resulting in the reinstatement of two parking space on Level 4 and the loss of four parking spaces on Level 3 (net loss of two parking spaces).
 - provision of wash bay and drain to one staff parking space (G-67).
 - adjustments to the Green Spine and extension of covered walkway, including the provision of two bike racks, seating, bins, re-arrangement of outdoor exercise equipment and refinements to the pet visitation area.
 - provision of e-bike chargers within the bike store.
 - re-arrangement of female amenities lobby to accommodate the mechanical exhaust fans, while retaining the same number of showers and toilet pans.
- increase in height of lift overrun from RL 46150 to RL 46350.
- adjustments to the general arrangement and orientation of the rooftop solar array structures, including an increase in maximum height from RL 46.265 to RL 46.622.

The proposed modifications are shown in **Figures 2 to 7**.

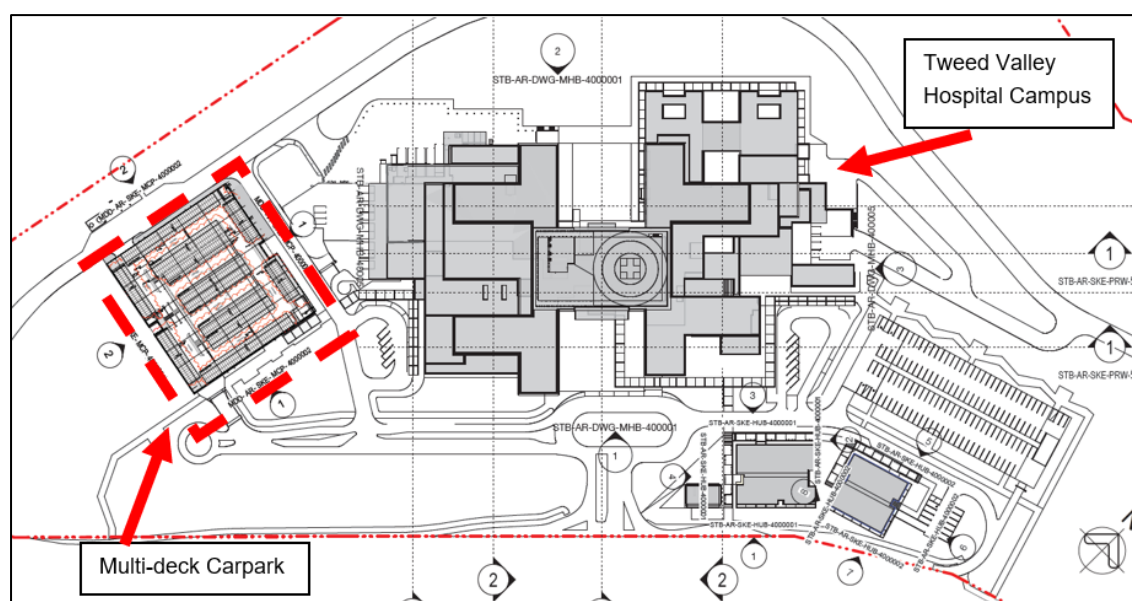


Figure 2 | Site Plan (Base source: SSD-10353-Mod-3 Architectural Plans)

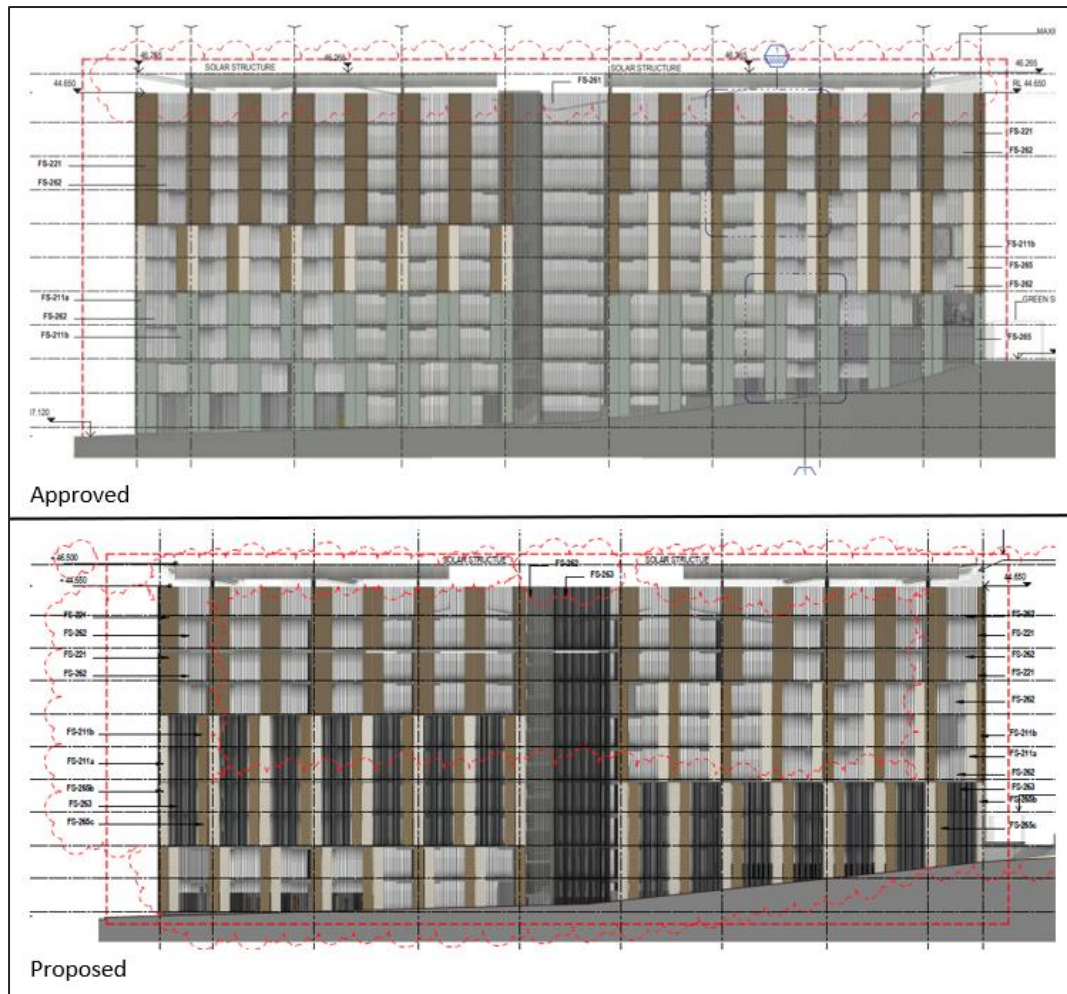


Figure 3 | Approved and proposed south elevations (Source: Modification Report)

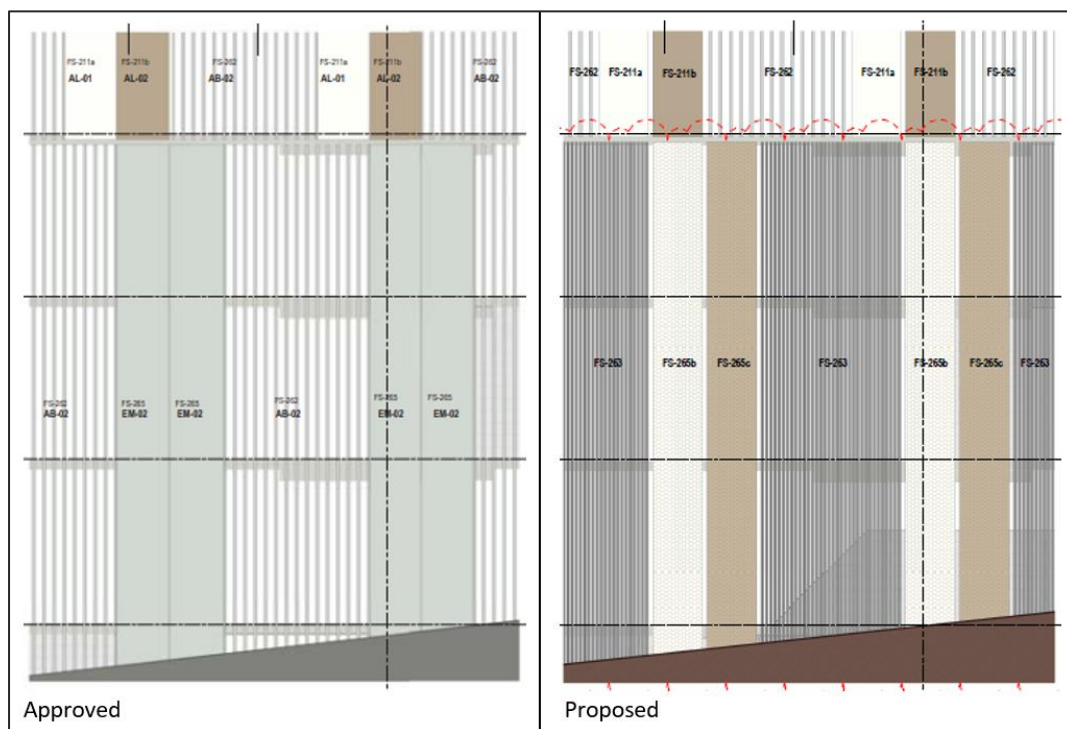


Figure 4 | Approved and proposed south elevation façade details (Source: Modification Report)

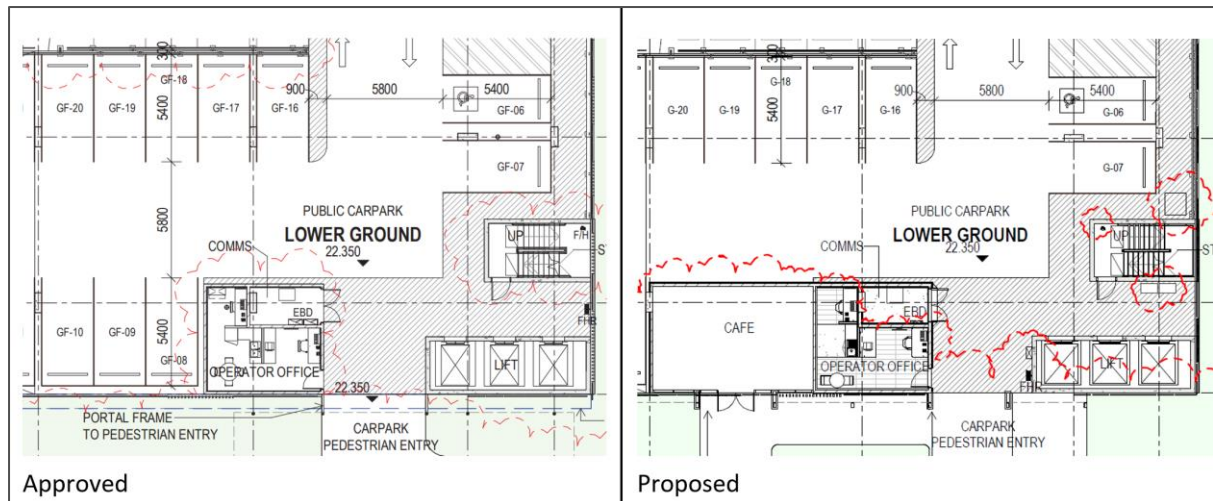


Figure 5 | Approved and proposed lower ground floorplan (café, north-east corner) (Source: Modification Report)



Figure 6 | Approved and proposed eastern elevation (lower ground floor café details) (Source: Modification Report)

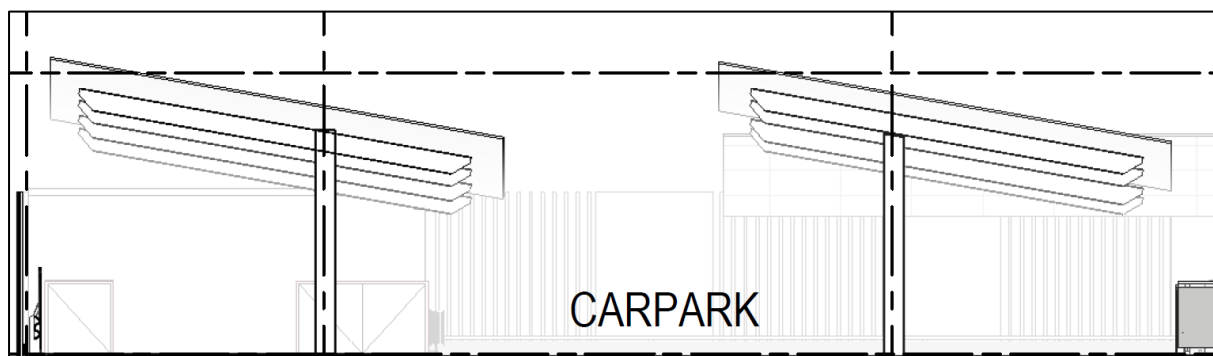


Figure 7 | Proposed rooftop solar arrays (Source: Modification Report)

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 lodgement 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 Significant 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 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 29 September 2022 and was referred to Council for comment on 30 September 2022.

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

- recommended that condition B30 be amended to require a minimum of 1203 spaces (an uplift of two spaces), to ensure that café staff parking is provided.
- recommended the inclusion of a condition requiring notification to Council prior to commencement of retail food premises operations.

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

5 Assessment

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

5.1 Vehicle access and parking amendments

The modification application proposes a number of refinements to the layout of the multi-deck carpark, including vehicle entry re-arrangements to meet turning path requirements, the installation of a wash bay, and the relocation of the staff overflow boom gates from Level 4 to Level 3. The Department is satisfied that these alterations would improve overall vehicular accessibility.

Condition of consent B30(a) requires the provision of 1,201 on-site car parking spaces across the multi-deck carpark and at-grade carpark. When taking into consideration 10 previously approved at-grade car parking spaces adjacent to the Health Hub, the hospital campus would provide a minimum of 1,208 parking spaces. This exceeds the total minimum of 1,201 required by condition B30(a).

To accommodate the proposed provision of the ground floor café unit, three car parking spaces would be lost. Four parking spaces at Level 3 would also be lost following the relocation of the staff overflow boom gates, with two parking spaces reinstated at Level 4. Overall, there would be a net loss of five parking spaces, resulting in a total provision of 1,203 parking spaces across the hospital campus.

Council raised no concerns regarding the loss of the five parking spaces. However, it noted that a café of this size would employ two staff, and therefore would require two additional parking spaces based on Council's DCPA2 (Site Access & Parking Code). Accordingly, Council requested that condition B30(a) be revised to require a minimum of 1,203 on-site car parking spaces. The Applicant also requested that condition B30(a) be revised to take into consideration the provision of short-term parking spaces within the campus.

The Department is satisfied that, following the proposed amendments, appropriate car parking provision would be retained across the hospital campus. Council's request for the provision of two additional minimum parking spaces to accommodate café staff is also agreed. Overall, the on-site parking provision of 1,203 spaces would meet the minimum requirement resulting from the proposed modification. It is therefore recommended that condition B30(a) be revised to state:

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~~ 1203 on-site car parking spaces (~~within~~ inclusive of the multi-deck carpark, ~~and the~~ at grade car park and short-term parking spaces) are provided on the Site.

5.2 Design and landscaping amendments

Subsequent to the previous approval for multi-deck carpark façade amendments under Modification 3 (SSD-10353-Mod-3), Fire and Rescue NSW (FRNSW) noted that the fire performance solution for the carpark is heavily reliant on the natural ventilation provided by the open-deck nature of the structure. FRNSW requested that the Applicant quantitatively demonstrate that the building will provide/maintain safe occupant egress provisions at all times given a worst-case credible fire scenario.

In order to address the concerns raised by FRNSW, the modification proposes to increase the perforation of the multi-storey carpark façade to provide for open air above the minimum BCA requirement. Therefore, the proposed façade will be 73 per cent open on the Ground Floor and Level 1, and 55 per cent at Levels 2 to 5. In response to this, the proposal also includes minor amendments to the size and colour composition of the façade.

The Applicant has provided a Fire Engineering Report which takes into consideration fire safety and BCA requirements. The report concludes that the proposed design would achieve compliance with the BCA.

The Department raises no concerns with the proposed amendments to the façade, noting that it would not detract from the overall visual amenity of the structure, and that the appearance of the structure would appear largely unaltered in sightlines from outside the hospital site.

The proposed amendments to the height of the lift overrun (+0.2m) and to the orientation and pitch/height of the rooftop solar arrays (+0.35m) are minor in nature. The Department is satisfied that these alterations would not detract from the overall design and appearance of the multi-deck carpark structure. The proposed café entrance at ground floor (see **Figure 6**) would also have a minimal visual impact. The Department welcomes the inclusion of the café, noting that it would increase street activation at this location.

The modification also proposes landscaping amendments to the Green Spine including an extension of covered walkway, the addition of two bicycle racks and seating, footpath reconfiguration to provide access to the new café, the addition of bins, rearrangement of outdoor exercise equipment, and amendments to the pet visitation area (addition of pet fountain, a double gate and seating). These changes are a result of project refinement to ensure a more efficient and logical design, and would contribute to a more functional carpark, including the provision of sheltered access to the café. The Department is satisfied that these public domain alterations are minor and can be supported accordingly.

Overall, the Department is satisfied that the architectural and landscaping plans depict minimal change from the previously approved design and will not result in harmful visual or user impacts (see **Figures 3 to 7**). The material changes are of a similar style to the original design. Further, the changes to the structure, including solar arrays, remains within the approved height/envelope of the Concept Proposal (SSD-9575). Therefore, the Department does not consider that the modification requires further consultation with the State Design Review Panel. The changes are appropriate and can be supported by the Department.

5.3 Other issues

The Department's consideration of other issues is detailed in **Table 1**.

Table 1 | Other issues

Issue	Findings	Recommendations
Reflectivity	Given that the solar PV panels are manufactured to absorb light rather than to reflect it, the change in pitch and arrangement is not expected to result in an adverse reflectivity impact.	No additional conditions are recommended.
Bicycle parking	The proposal includes the provision of e-bike charging facilities. The number of bicycle parking spaces within the multi-deck carpark (52) would remain unchanged. The Department welcomes the provision of e-bike charging facilities and supports the amendment.	No additional conditions are recommended.
Amenity	The Department is satisfied that the increase in height of the lift overrun and solar PV panels would be minor, and would not cause harm to the environmental amenity experienced at neighbouring receivers. The proposed amendments would not materially alter the level or duration of construction noise generated by the development.	No additional conditions are recommended.
Café use	Council requested the inclusion of a condition requiring notification of commencement of retail food operations. Proprietors of food businesses are required to notify operations under Part 8, Division 1 of the <i>Food Act 2003</i>. The Department therefore considers the inclusion of such a condition to be redundant and unnecessary. The Department also notes that the design and operation of the hospital campus food premises is already governed by four existing conditions of consent (B44, B45, D17 and D24). These conditions are to be retained.	No additional conditions are recommended.

6 Evaluation

The Department has reviewed the proposed modification, assessed the merits of the modified proposal, and 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, a minor reduction in car parking spaces and the minor amendments to the 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 the 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-5 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:



Nathan Stringer
Senior Planning Officer
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.

24 October 2022

David Gibson

Team Leader

Social Infrastructure

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-5-minor-changes-multi-deck-car-park>

Appendix B – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-5-minor-changes-multi-deck-car-park>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-5-minor-changes-multi-deck-car-park>