

18 June 2014

The Acting Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

*Attn: Daniel Keary*

Dear Mr Keary

**Request for Director General's Environmental Assessment Requirements for a new Byron Shire Central Hospital**

The Government has recently announced funding for the development of the Byron Shire Central Hospital located at Ewingsdale Road Ewingsdale. The proposal is considered to be a Health Services Facility in accordance with Clause 56 of the State Environmental Planning Policy (Infrastructure) (ISEPP) and has an estimated Capital Investment Value (CIV) of \$60 million. On that basis the proposal classifies as State Significant Development and therefore Health Infrastructure (HI) requests Director General's Environmental Assessment Requirements (DGRs) for the project.

**Background**

The new Byron Shire Central Hospital is part of the Northern NSW Local Health District (NNSWLHD) and services the Byron Shire catchment. The Byron/Ballina Coastal Health Strategy which involves the development of two complimentary hospitals as a network to serve Ballina and Byron Shires, achieved through the location of one hospital in each of the Ballina and Byron Shires. It will see the existing Mullumbimby and Byron Bay Hospitals closed and replaced by the new Byron Shire Central Hospital. An extensive site search has been undertaken with the site at Ewingsdale being deemed the most appropriate for the purpose.

The site for the hospital at Ewingsdale was rezoned to allow a Health Services Facility in 2011 by Byron Shire Council and therefore the proposal is permissible with consent.

**The locality**

The site is located approximately 5km north-west of the centre of Byron Bay and approximately 0.5 km east of the northern interchange with the Pacific Highway. The site adjoins the rural residential area of Ewingsdale, a Country Energy installation and a concrete batching plant.

Land uses that immediately surround the site are a combination of urban residential, industrial, urban infrastructure and agriculture. An existing residential estate is situated immediately adjacent to the southern boundary of the site, industrial (Readymix Concrete and Country Energy) land is situated adjacent to the north-western corner, Ewingsdale Hall is

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located directly adjacent to the western boundary and agricultural land (grazing) is situated to the north of Ewingsdale Road.

The rural residential area of Ewingsdale is located immediately to the south of the subject site, containing approximately 160 dwellings located in lots ranging in size from 2,000m<sup>2</sup> to 5,000m<sup>2</sup>. A school is located to the south-east of this rural-residential area.

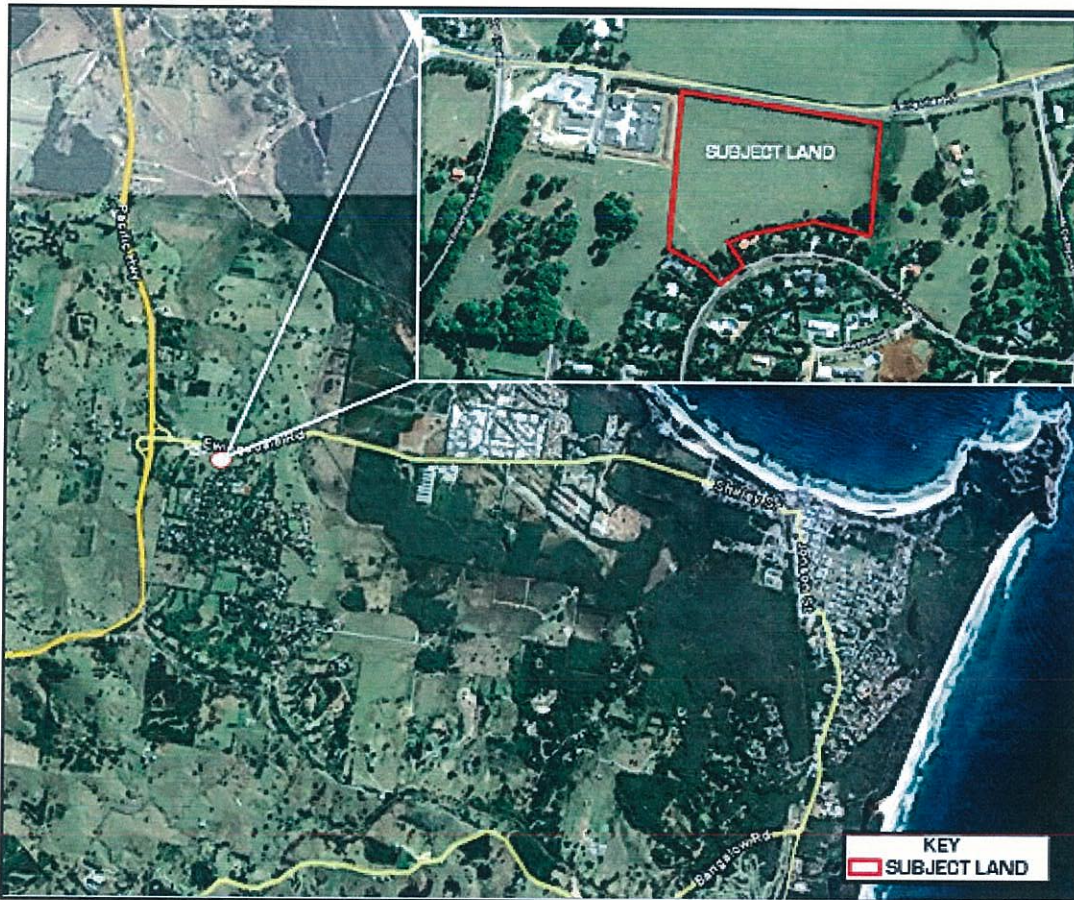


Figure 1 Aerial Photo of locality (source: Google Maps and NDC)

### The site

The site is located on Ewingsdale Road, Ewingsdale and is legally describes as Lot 100 in DP 1140936<sup>1</sup>. It is zoned SP2 under Byron Local Environmental Plan 2014 and an Ambulance Station is currently located on the land.

The site is on gently undulating terrain. The highest point on the site is approximately RL 30 metres AHD while the lowest point of the site, at approximately RL 13.5 metres AHD, is located at the most eastern point. A small unnamed creek, traverses along the eastern portion of the site in a northerly direction. The creek is a tributary of Simpsons Creek which drains the Tyagarah catchment.

<sup>1</sup> The site was subdivided in 2009 to allow for the purchase of the land required for the hospital. Prior titles include lot 172 in DP 1121005 and Part Lot 17 in DP 816451. Some earlier reports refer to previous lot and DP descriptions.

The site predominately drains to the east and into the unnamed creek. Given the flat topography, it is unlikely that the site is subject to landslip or instability.

### **The proposal**

The key development objectives of the project are to:

- Provide new 'state of the art' Hospital facility with high quality care standards.
- Facilitate the delivery of improved health, education, research and community facilities to the Byron Shire.
- Provide improved access to and between different health and community services.
- Provide a building design to meet anticipated growth in demand for services and changes in clinical practice.
- Ensure development provides harmony and balance with the surrounding areas.
- Provide a high quality environment through careful design of buildings and well designed public spaces.
- Improved pedestrian and vehicular access to the Hospital campus.
- Provide adequate car parking on site to meet the peak parking demands of the Byron Central Hospital.
- Provide improved accessibility for ambulance services.

In response, planning for the construction of a new 65 bed hospital on a "greenfield" site at Ewingsdale has been undertaken and is reaching the final stages of completion. The new Byron Shire Central Hospital (BSCH) will consolidate the provision of all current hospital services and provide increased capacity for Inpatient Care, Emergency Care, Mental Health, Allied Health, Imaging and Oral Health care and will be approximately 9700sqm.

### **Investigations carried out to date.**

#### **Traffic and Parking**

Estimates for parking requirements have been based on characteristics of the Byron Shire Central Hospital with comparison to similar regional hospitals such as Bega, Belmont, Lismore and Wallsend hospitals. Travel mode surveys of staff, outpatients and visitors for Byron and Mullumbimby Hospitals (TEF Report 2006) indicated that most staff (over 90%) use car as their mode of transport with exception of support services (about 14 FTE in total) that showed 64% car use and 18% motorcycle use. This indicates a high dependence on car use to access the site.

It is estimated that the facility could generate around 120 vehicles per hour (during peak periods) based upon anticipated hospital activities and consideration that not all staff arrive or depart at the same time. This is based on the assumption that 80% of the estimated parking provision (visitor and staff) will be arriving or departing the site during a peak hour plus 12 vehicle trips associated with fleet and service vehicles.

Considering this level of vehicular traffic (i.e. about 2 car per minute), the road network of Ewingsdale Road will continue to operate at a similar level of service to the existing situation.

Further analysis will be undertaken as part of the application.

### **Contamination**

The site was the subject of a preliminary contaminated site assessment (Tim Fitzroy & Associates, March 2007) where it was concluded that there would appear to be little environmental or health hazard associated with the site for the development of a hospital.

However given the location of the Grissells Goat Dip, within approximately 150 metres of the proposed hospital, a detailed assessment of the immediate area around the dip site was undertaken to establish the extent of contamination (if present) in accordance with SEPP 55.

Previous site owners and managers were contacted and an oral site history obtained back as far as 1970. The oral site history provided indicates that the site has been used for dairy and beef cattle grazing, and goat grazing. Discussions with past owners and a review of Council records confirmed the presence of a goat dip site onsite.

The Grissells Goat Dip was operated by Ian and Eric Grissell from 1985 to 1988. The Grissells collected goats from the local area and processed the goats through the private dip site, prior to transporting the goats to the Dorrigo abattoir. Mr Ian Grissell confirmed that *Barricade S* was the only chemical used in the goat dip. The use of *Barricade S* as a tickicide in the late 1980's was confirmed by Larry Falls, NSW Department of Primary (Pers. comm., March 2007) as being the most likely chemical to be used during this period. The active constituent in *Barricade S* is Cypermethrin, a synthetic pyrethroid and Chlorfenvinphos, an organophosphate. Apart from the use of *Barricade S*, no other pesticides or herbicides have been used on the subject site. There are no records of any other registered cattle dip located on the site or within 200m of the site and no crops were grown on the site since 1970.

The Grissells goat dip is located approximately 150 metres from the western curtilage of the proposed hospital building envelope. A total of 17 soil samples were taken within the vicinity of the goat dip as part of the detailed contaminated site assessment. Analysis of the samples shows contaminant levels well below the relevant National Environment Protection Council (NEPC) guideline limits and the limit of reporting. A copy of the report will be provided with the application.

### **Noise Assessment**

A number of noise studies have been undertaken in the area. A review of these is summarised below.

#### ***Richard Heggie & Associates (2004)***

Richard Heggie and Associates undertook a noise assessment associated with the impacts surrounding the upgraded Pacific Highway at Ewingsdale in March 2004. The report was based on extensive attended and unattended noise monitoring at a number of locations within the general highway corridor and the associated affected residential areas of Ewingsdale. The closest monitoring node to the proposed hospital site was located at the intersection of Ewingsdale Road and Woodford Lane and adjacent to the proposed hospital site on Parkway Avenue.

Although no logging of noise levels was undertaken on the subject site, the report provides an indication of the general day and night time noise levels in the area and the impact of the highway noise.

***Tim Fitzroy & Associates (2007)***

Tim Fitzroy and Associates undertook a Noise Impact Assessment associated with the proposed rezoning for the Byron Hospital at the subject site in March 2007. The two main noise sources identified as likely to impact on the development of the proposed hospital are vehicular movements along Ewingsdale Road and the operations of the adjacent concrete batching plant. On site observations of audible noise levels suggest that road traffic noise is the primary noise source and the most likely to cause impacts on the amenity of those within the proposed hospital.

***Impact from Ewingsdale Road***

The LAeq(1hr) levels recorded along the northern boundary (adjacent to Ewingsdale Road) have been calculated to range between 66.5 and 69.3 dB(A). Noise levels predicted at the centre of the road range from 92dB(A) to 94.8dB(A). These levels are consistent with published data.

Sound pressure levels reduce by 6dB each doubling of distance from the noise source. Given the centre of the road is a further 10m to the north and is considered to be the point of the noise source and that the nearest proposed location of the nearest affected hospital ward is likely to be around 37 metres from the lot boundary, LAeq(1hr) levels at the external façade of the closest hospital ward can be calculated. Through distance attenuation noise levels at the external façade of the hospital wards are likely to be in the range of 55.0 to 57.8 dB(A).

The applicable road noise criteria (NSW EPA 1999) for hospital wards adjacent to existing roads recommends that the sound pressure levels for both the day and night periods, should not exceed 35 dB(A) in the interior of a hospital ward. Given that calculated noise levels at the exterior of the proposed hospital range between 55 and 57.8dB, the external façade of the hospital fronting Ewingsdale road will be required to absorb, reflect or dampen sound pressure levels by more than 20dB. This will be considered in the detailed design.

***Impact of Concrete Batching Plant***

LAeq(15 min) sound pressure levels recorded on the western boundary opposite the concrete batching plant were in the order of 66dB(A). The closest distance to the external façade of a proposed hospital from the monitoring location is estimated to be approximately 150m. Sound pressure levels resulting from the concrete batching plant operations at the external façade are therefore expected to be in the order of 42dB. During onsite investigations, any audible noise emissions from the concrete batching plant at the site of the proposed hospital were absorbed by that of road traffic noise. The hospital will be designed to comply with the criteria set out in the NSW EPA Environmental Criteria for Road Traffic Noise (1999), and therefore the noise impacts associated with the concrete batching plant will be sufficiently ameliorated.

***Impact of Proposed Development on Surrounding Properties***

A review of a draft hospital layout was undertaken to establish the location of any noise generating areas associated with the hospital. The location of facilities such as air conditioning plant, gas plant, waste areas, laundries, kitchens and vehicular movements associated with their use, are considered to be the main noise producing areas of a hospital.

Selection of air-conditioning units and other plant and their siting will be further considered when the design is being finalised, along with other noise generating activities such as deliveries and waste removal and their impact on the adjacent residences.

### **Services**

A need for an additional sewer pump station has been identified. All other services are available. A loop road is proposed to be constructed within the site off Ewingsdale Road and is shown on the drawing attached.

### **Ecology, Bushfire and Cultural Heritage**

*The following is a summary of a report prepared by Place Environmental and will be updated as required for the proposal.*

#### *Ecology*

The original subtropical rainforest community of the Site and locality has been almost completely lost, with a resulting significant decline in biodiversity values. The proposed development will be situated in open grassland dominated by exotic pasture grass species and weeds, while external infrastructure will be accommodated in existing disturbed easements. There will be no loss of threatened plants or plant communities, nor a significant impact on threatened fauna known from the locality. The proposed development will not increase the severity of Key Threatening Processes (KTP) already operating in the locality, nor introduce KTP which are not already in existence. From a legislative compliance perspective it is noted that;

- The proposal is unlikely to cause a significant impact on a matter of National Environmental Significance (as defined by the EPBC Act), and will not require referral to the Commonwealth Department of Environment and Heritage to determine Controlled Action status.
- The proposal is unlikely to cause a significant impact on threatened species/communities (as defined by the TSC Act and FM(A) Act), and there is no requirement for a Species Impact Statement to accompany the Development Application.
- With reference to SEPP 44, the Site contains neither potential nor core Koala habitat, and there is no requirement for a Koala Plan of Management to accompany the Development Application.

#### *Bushfire Management*

With reference to procedures for determining APZ's set out in Appendix 2 of Planning for Bushfire Protection, setbacks from the Camphor laurel grove significantly exceed those required. The remaining grassland areas do not constitute a fire threat. Upon establishment, proposed landscape screen / buffer plantings do create a very minor fire threat. However, the significance of this threat needs to be considered in light of the area's low overall bushfire susceptibility. Compliance with Section 4.2.7 of Planning for Bushfire Protection can be achieved.

#### *Cultural Heritage*

One isolated archaeological find was located well outside of the area proposed for development, and can be retained in-situ without any significant effect being expected if the area is protected during the development's construction phase. From a legislative compliance perspective it is noted that a Consent to Destroy is not required for the project and an unexpected finds protocol will be implemented for the project.

## Strategic Planning

### NSW State Plan

The NSW State Plan, 'NSW 2021' identifies a need to "Keep people healthy and out of hospital" and to "Provide world class clinical services with timely access and effective infrastructure" as a way of achieving its goals for the State. The State Plan states:

*"The NSW Government will build the infrastructure that makes a difference to both our economy and people's lives. Infrastructure also underpins improvements in many services, such as roads, rail, hospitals, schools or utilities.*

*Infrastructure NSW has been established to provide independent expert advice, and ensure projects are strategically planned, coordinated and properly managed to restore community confidence.*

*A 20 year State Infrastructure Strategy with funded five year plans, will make sure infrastructure is planned and delivered according to strategic economic and community needs.*

*A clear long-term infrastructure strategy will improve NSW's productivity and competitiveness, deliver sustainable growth and support employment, by matching infrastructure with development to attract people, jobs and investment."*

The project is consistent with the direction of the State Plan

### **The State Infrastructure Strategy – "First Things First"**

The State Infrastructure Strategy "First Things First" is an assessment of priority infrastructure problems and solutions for the next two decades for the NSW Government, the community, business and all who have an interest in the success of NSW.

The Strategy builds on the NSW Government's existing public commitments and outlines a forward program of more than 70 urban and regional projects and reforms across a range of portfolios including health.

The report indicates that NSW's health system faces growing demand from an ageing population, lifestyle diseases and new care technologies. This will require new models of care, including more beds in smaller, specialist medical facilities and community health centres. The new Byron Shire Central Hospital project is considered to be consistent with the Strategy.

### **Far North Coast Regional Strategy (FNCRS)**

The FNCRS was adopted in December 2006 applies to the period 2006–31. This strategy consolidates and builds on previous planning work, including the Northern Rivers Regional Strategy and local council settlement strategies.

The strategy does not include the land as a future urban release area or employment lands and maps it as Rural Land. This has clearly been superseded by the rezoning of the land in 2011.

With specific reference to health, the FNCRS identifies the Region's population as changing with an increase in the median age from 39 to 51 years over the following 25 years. It also shows a more than doubling of the population aged 65+ years and a declining proportion of young people (aged between 0 and 14 years). As a consequence from the changing population profile, the FNCRS identifies an increase in the demand for seniors living housing as well as for local services and amenities such as public transport, health care and recreational facilities.

Appendix 3 of the FNCRS identifies the Major Infrastructure Projects nominated for the nominated six local government areas. Within the Byron Shire LGA, the development of the Ambulance Station is the sole project identified.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

This has been dealt with earlier.

### **SEPP (Major Projects)**

This SEPP sets out a framework for regional development to be assessed and determined by Regional Planning Panels. As the proposed hospital is not listed as a State Significant Site under this SEPP and has a CIV over \$30 million the Major Projects SEPP will not apply.

### **SEPP (Infrastructure)**

State Environmental Planning Proposal (Infrastructure) 2007 assists the NSW Government, local councils and the communities they support, by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, emergency services, water supply and electricity delivery.

Clause 57(1) identifies development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone. The site is zoned SP2 zone and the provisions of the ISEPP apply.

### **SEPP Rural Lands 2008**

This SEPP provides for the protection of agricultural land that is of State or Regional significance. The site is not listed in Schedule 2 of the SEPP Rural Lands and therefore not considered to be significant agricultural land.

### **SEPP State and Regional Development 2011**

This SEPP provides for certain types of development to be considered to be State Significant Development or State Significant Infrastructure where criteria and CIV values meet the thresholds. Health Service Facilities with a CIV over \$30 million are considered to be SSD and therefore this proposal is to be determined by the Minister for Planning and Environment.

### **Permissibility**

The site is zoned 'SP2 – Health Service Facility under Byron Local Environmental Plan (LEP) 2014. The development of a hospital on the site is permissible.

There are currently no height or floor space ratio (FSR) restrictions on the site and the site is not identified as containing a local or State heritage item.



**Request for Director Generals Requirements**

On the basis that the proposal falls within the criteria identified in Schedule 1 of the State and Regional Development SEPP, Health Infrastructure formally request that the Department of Planning issue the Director General requirements (DGRs) to facilitate the preparation of the Environmental Impact Statement to accompany the development application for the Byron Shire Hospital proposal.

If you require any additional information please contact Leoné McEntee on 9978 5420 or 0410 432 505. We would be happy to meet with your Department to discuss the proposal at any time.

Yours sincerely  
Health Infrastructure

Sam Sangster  
Chief Executive