

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Karen Harragon
Director
Social and Infrastructure Assessments

Sydney

28 April 2020

SCHEDULE 1

Development consent:	SSD-9575 granted by the Minister for Planning and Public Spaces on 11 June 2019
For the following:	Concept development application for the New Tweed Valley Hospital including: <ul style="list-style-type: none">• A Concept Proposal comprising:<ul style="list-style-type: none">○ 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 65,000 square metres for the hospital and the 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:<ul style="list-style-type: none">○ 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 at the 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; and○ piling works associated with the future hospital.
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning and Public Spaces
The Land:	771 Cudgen Road, Cudgen (Lot 11 DP 1246853)

Modification:**SSD-9575-Mod-2:**

- Amend the Concept Proposal to:
 - add a building envelope for a multi-deck carpark replacing the at grade carpark on the western side of the main hospital.
 - add a building envelope for a temporary “Tweed Valley Skills Centre”.
 - modify the approved envelopes for the main hospital and the health hub (to allow for three separate buildings within the envelope).
 - relocate and increase the size of the approved electrical switch station envelope to include backup generators.
 - increase the approved gross floor area to approximately 65,050 square metres.
 - reconfigure the approved car parking layout on the eastern side of the main hospital.
 - refine the design of the internal road layout, vehicle movements and circulation pattern within the site.
 - increase the proposed number of beds to a maximum of 499 beds (day-only and in-patient unit) and 46 emergency treatment spaces.
 - amend the approved landscape zones within the site to align with the future detailed design of the main hospital.

- Amend the Stage 1 works to:
 - increase the volume of approved cut and fill on the site.
 - reduce the overall length of the approved retaining walls on the site with minor adjustments to the height of the retaining walls.
 - allow for transport of excess soil off-site and increase the approved truck movements temporarily for a period of six-weeks.

SCHEDULE 2

The consent (SSD-9575) is modified as follows:

- a) Schedule 2 Part A – ‘Administrative Conditions’: Condition A2 and A4 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Terms of consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, the Response to Submissions, Supplementary Response to Submissions and environmental management mitigation measures provided in **Appendix 2**; ~~and~~
 - (d) **generally, in accordance with SSD-9575-Mod-2; and**
 - (e) in accordance with the approved plans in the table below:

Architectural Drawings prepared by STH and Bates Smart			
Dwg No.	Rev	Name of Plan	Date
AR-SKE-02-003	2 <u>3</u>	Topography	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-002	4 <u>2</u>	Building Siting and Aviation	22/01/2019 <u>19/09/2019</u>
AR-SKE-10-003	3 <u>4</u>	Building Footprint and Area of Influence	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-004	3 <u>4</u>	Boundary Setbacks	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-005	3 <u>4</u>	Asset Protection Zones	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-006	7 <u>8</u>	Concept Plan	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-007	3 <u>4</u>	Vehicular Access	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-008	3 <u>4</u>	Vehicular Egress	23/04/2019 <u>11/09/2019</u>
AR-SKE-10-009	2 <u>4</u>	Proposed Site Levels	23/04/2019 <u>11/09/2019</u>
AR-SKE-50-101	8 <u>9</u>	South-East Elevation Hospital	23/04/2019 <u>11/09/2019</u>
<u>AR-SKE-50-110</u>	<u>1</u>	<u>South Elevations Multi-deck carpark</u>	<u>11/09/2019</u>
AR-SKE-50-201	8 <u>9</u>	North-West Elevation Hospital	02/05/2019 <u>11/09/2019</u>
<u>AR-SKE-50-210</u>	<u>1</u>	<u>North Elevations Multi-deck carpark</u>	<u>11/09/2019</u>
AR-SKE-50-301	8 <u>9</u>	South-West Elevation Hospital	02/05/2019 <u>11/09/2019</u>
AR-SKE-50-401	8 <u>9</u>	North-East Elevation Hospital	02/05/2019 <u>11/09/2019</u>
AR-SKE-51-001	3 <u>4</u>	Site Section B – East Carpark	02/05/2019 <u>11/09/2019</u>

AR-SKE-51-002	2	Site Section C – West Carpark	23/04/2019
AR-SKE-51-003	3 4	Building Section, A	02/05/2019 11/09/2019
Retaining Wall Locations prepared by Bonacci			
Dwg No.	Rev	Name of Plan	Date
C300	P1	Drawing Register and construction notes	30/10/2018
C330	P3	General Arrangement and Key Plan	17/12/2018
C331	P3	Concept Intersection works plan – Sheet 1 of 2	17/12/2018
C332	P4	Concept Intersection works plan – Sheet 2 of 2	07/02/2019
Landscape Drawings prepared by Turf Design Studio			
Dwg No.	Rev	Name of Plan	Date
L-EIS-2	E	Landscape Zonal Plan	03/05/2019
L-EIS-3	G F	Pathway Network	18/04/2019 09/09/2019
LS-DWG-10-003	11	Landscape Zonal Plan	16/03/2020

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition (c) ~~or A2(d)~~ **or A2(e)** of Schedule 2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition (c) and ~~A2(d)~~ **A2(e)** of Schedule 2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

b) Schedule 2 Part B – ‘Conditions to be satisfied in future development applications’: Conditions B4, B5, B7, B11 and B22 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

Built form, Urban Design and Landscaping

B4. The health hub fronting Cudgen Road is restricted to:

- a) a maximum height of RL 39.4; and
- b) an entrance level floor height of ~~RL 27.75~~ **RL 26.6** from Cudgen Road.

B5. The maximum gross floor area of the two buildings within the Site (hospital and health hub), are to be **approximately** ~~65,000~~ **65,050** square metres (m²) excluding the helipad on the roof top of the future hospital building.

B7. The site plan and the landscape masterplan for the Stage 2 application must include the following as identified in the approved *Landscape Zonal Plan* prepared by Turf Design Studio dated ~~03/05/2019~~ **16/03/2020**:

- (a) details of the tree trunk line along the southern edge of the retained vegetation to the north of the Site;
- (b) details of Asset Protection Zones (APZ);
- (c) a minimum 10m wide vegetative buffer on the western side;
- (d) a minimum 30m wide vegetative buffer fronting Cudgen Road on the southern side;
- (e) vegetative buffer on the eastern side along Turnock Street;
- (f) a planting schedule of trees replacing the proposed loss of canopy on the Site;
- (g) details of species that would be suitable to screen agricultural spray drift from the southern and western side of the Site;
- (h) the identified landscape zones ~~including farm landscape~~ with details of edible produce;
- (i) details of ‘Koala food trees’ to be planted in proximity to the identified potential koala habitat locations in ~~vegetation Zone 6 of~~ **accordance with** the Biodiversity Development Assessment Report prepared by Greencap dated January 2019;
- (j) details of the low maintenance native species to be planted in the APZ areas;

- (k) details of suitable species to be planted within the bio-retention basins proposed for treatment of nutrients within the “proximity area for coastal wetlands”;
- (l) details of the replanting of the exotic grass of Zone 9 as detailed in the Biodiversity Development Assessment Report prepared by Greencap dated January 2019 including rainforest species suitable for habitat of Mitchell’s Rainforest Snail; and
- (m) evidence of consultation with NSW Rural Fire Service (RFS) in identifying the suitable species to be planted within the bio-retention basins and the mapped proximity area to coastal wetlands of the State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) to avoid any inconsistencies with the Planning for Bushfire Protection (PBP) 2006 and PBP 2018 (pre-release version) in relation to APZ guidelines.

B8. The urban design and built form of the buildings, public spaces and open areas, proposed as part of the Stage 2 application must be consistent with the “*Tweed Valley Hospital Built Form and Urban Design Report*” prepared by Bates Smart dated 19 October 2018 and, the addendum dated 24 January 2019 **and the “Architectural and Urban Design Report EIS Concept Modification Submission” prepared by Bates Smart dated 23 September 2019 and the addendum dated 26 February 2020.**

Visual Impact Assessment

- B11. The Stage 2 application must be supported by a Visual Impact Assessment Report to identify and assess all impacts of the proposed hospital, associated retaining walls, **multi-deck carpark** and proposed health hub building(s) on the visual catchment of the Site. The Visual Impact Assessment must be:
- (a) be based on the identified view locations in the *Visual Impact Assessment Report* prepared by Geolink dated 20 October 2018 and by the approved drawings *AR-SKE-53-200 Rev 01* prepared by Bates Smart dated 22 January 2019; and
 - (b) consider the impact of the future design of the hospital, health hub building(s), **multi-deck carpark** and the retaining walls on the settings, view lines and significant landmarks identified in the draft Kingscliff Locality Plan and include appropriate management and mitigation measures to minimise adverse visual impacts (where relevant), specifically in relation to distant views to Mt Warning and the associated forested hills.

Traffic and Transport

- B22. The Stage 2 application must be accompanied by a detailed assessment of the traffic and transport impacts of the development having regard to Roads and Maritime Services (RMS’s) Guide to Traffic Generating Development, prepared in consultation with Transport for NSW (TfNSW), **TfNSW (RMS)** and Council and include (but not be limited to) the following:
- (a) a Traffic and Transport Impact Assessment Report having regard to:
 - (i) cumulative traffic impacts of the development on local roads and the State roads including Cudgen Road, Tweed Coast Road, Turnock Street and the Pacific Highway;
 - (ii) details, scope and timing of intersection upgrade works for Tweed Coast Road and Cudgen Road intersection and the signalised intersection on Cudgen Road (at the main entry to the site as identified in the approved plans in condition A2 in Schedule 2);
 - (iii) a pedestrian access plan from the nearest bus stops and the proposed new bus stops on Cudgen Road and the Kingscliff village to the east;
 - (iv) detailed analysis of the car parking demand within the Site based on the proposed number of beds, staff members and all other relevant users as identified in the Stage 2 application;
 - (v) detailed analysis of impact of any parking fee structure system within the Site, through parking analysis of similar hospital sites;
 - (vi) analysis of impacts of any proposed paid parking system within the Site on available parking within the surrounding streets or public / private parking facilities (including but not limited to Kingscliff TAFE, Kingscliff Pool and Kingscliff Library);

- (vii) potential traffic impacts of the slow-moving agricultural vehicles utilising Cudgen Road on the hospital traffic and the proposed mitigation measures;
 - (viii) impacts of the staff using proposed western service access (access A in approved plans in condition A2 of Schedule 2) on the pedestrian and cyclist safety, and proposed mitigation measures to minimise all adverse safety impacts associated with this access;
 - (ix) impacts of the proposed design of the slip lane (marked as access C in the approved plans in condition A2 of Schedule 2) on the safety of pedestrians and cyclists accessing the Site or other users of the shared path along the Cudgen Road frontage of the Site and any alternative design / additional safety measures proposed for this vehicular access to address the identified impacts (if any);
 - (x) impact of the proposed hospital on the un-restricted parking spaces on Oxford Street and Cambridge Court, Kingscliff and all local roads within 500m of the Site.
- (b) provision of approximately ~~700~~ **1538** car spaces (**as required by demand**) for the users and the staff members (**provided in construction stages of Stage 2**) within the public and staff car parking areas and a minimum of 43 bicycle spaces with adequate spaces (bicycle and cars) provided to meet the demand for all staff, users and visitors accessing the site in accordance with the parking demand study required by condition B22(a)(iv) of Schedule 2;
- (c) plans / sections and all associated details of Tweed Coast Road / Cudgen Road intersection upgrade works, prepared in consultation with Council including (but not limited to) the following elements:
- ~~works identified in plans approved in conditions A2 in Schedule 2 (Intersection upgrade works prepared by Bonacci); and~~
 - (i) **works that are generally consistent with the following plans:**

Intersection upgrade works prepared by <i>Bonacci</i>			
Dwg No.	Rev	Name of Plan	Date
<u>C300</u>	<u>P1</u>	<u>Drawing Register and construction notes</u>	<u>30/10/2018</u>
<u>C330</u>	<u>P3</u>	<u>General Arrangement and Key Plan</u>	<u>17/12/2018</u>
<u>C331</u>	<u>P3</u>	<u>Concept Intersection works plan – Sheet 1 of 2</u>	<u>17/12/2018</u>
<u>C332</u>	<u>P4</u>	<u>Concept Intersection works plan – Sheet 2 of 2</u>	<u>07/02/2019</u>

- (ii) any additional works to Cudgen Road (south - east) and Tweed Coast Road (south of the intersection); and
- (iii) **all additional works required at this intersection to cater for hospital traffic corresponding to the following scenarios:**
 - **391 overnight and day-only beds and 1120 average number of staff per weekday day shift by 2023 (year of opening).**
 - **443 overnight and day-only beds and 1300 average number of staff per weekday day shift by 2033.**
 - **499 overnight and day-only beds post 2033, including the additional 56 in patient unit beds.**
- (d) details to demonstrate that the Tweed Coast Road / Cudgen Road upgrade works are consistent with Council's plans for the four-lane upgrade of Tweed Coast Road;
- (e) details of design of the proposed new bus stops on Cudgen Road prepared in accordance with the relevant guidelines;
- (f) details of pedestrian access between the hospital and the proposed bus stop within the indented bay on Cudgen Road in accordance with the relevant disability access standards and guidelines;
- (g) details of the shared access ways, the existing shared pathway, pedestrian crossings over the vehicular access points, pedestrian access on the southern side of Cudgen Road near Kingscliff TAFE and all other pedestrian connections outside the site boundary to demonstrate pedestrian and cyclist safety in the local road network surrounding the site;

- (h) details of consideration of distance and grade requirements complying with disability access standards / guidelines (prepared in consultation with TfNSW) and allocation of car parking spaces within the Site near the hospital building for the elderly and vulnerable community;
- (i) a Green Travel Plan (GTP) including recommendations of the Transport Access and Parking Working Group, target mode shares for both staff and visitors to reduce the reliance on private vehicles aligning with the targets in TfNSW's 'Regional NSW Services and Infrastructure Plan';
- (j) details of consideration of community transport such as shuttle buses between the Tweed Heads town centre and the Site, to supplement the public transport system;
- (k) detailed design of the signalised traffic signal on Cudgen Road (at the main entry to the site) and pedestrian crossings demonstrating compliance with the requirements of RMS (formerly RTA) Traffic Signal Design Manual, and considering provisions for pedestrian on all legs of a signalised intersection; and
- (l) a 'Way Finding Signage' strategy to direct traffic from the Pacific Highway to the Tweed Valley Hospital prepared in consultation with RMS and in accordance with the requirements of the Service Signposting guidelines.

c) Schedule 3 Part A – 'Administrative Conditions': Conditions A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, the Response to Submissions, Supplementary Response to Submissions and environmental management mitigation measures provided in **Appendix 2**; and
- (d) **generally in accordance with SSD-9575-Mod-1 and SSD-9575-Mod-2; and**
- (e) in accordance with the approved plans in the table below:

Architectural Drawings prepared by STH and Bates Smart			
Dwg No.	Rev	Name of Plan	Date
00AR-DWG-10-110 <u>AR-SKE-10-110</u>	4 <u>7</u>	Construction general arrangement	03/05/2019 <u>11/09/2019</u>
Landscape Drawings prepared by Turf Design Studio			
Dwg No.	Rev	Name of Plan	Date
LS-DWG -02-001	8	Tree Removal and Preservation Plan	10/10/2019
Stormwater, Roadwork and Civil Drawings prepared by Bonacci			
Dwg No.	Rev	Name of Plan	Date
C001	P5	Drawing Register and Construction Notes	03/09/2018
C006	P2	Soil and Water Management Details	03/09/2018
C007	P3	Soil and Water Management Calculations – Sheet 1	03/09/2018
C008	P2	Soil and Water Management Calculations – Sheet 2	11/01/2019
C055	P2	Retaining Wall Details – Sheet 1	16/10/2018
C056	P2	Retaining Wall Details – Sheet 2	16/10/2018
C060	P2	Stormwater Drainage Details	16/10/2018
C500	P2	Drawing Register and Construction Notes	05/11/2018
C505	P2	Sediment and Erosion Control Plan	05/11/2018
C507	P1	Soil and Water Management Details	05/11/2018

C540	P3	External Works Intersection Plan	22/11/2018
C545	P2	Demolition Plan	05/11/2018
C560	P2	Civil Works Details	05/11/2018
SK001	01	Piling Details Sheet 1	08/08/2018
SK002	01	Piling Details Sheet 2	08/08/2018
Stormwater, Roadwork and Civil Drawings prepared by Robert Bird Group			
Dwg No.	Rev	Name of Plan	Date
C-2-105	3	Sediment and Erosion Control Plan	06/05/2019
C-10-101	3 <u>7</u>	Retaining Wall Plan	06/05/2019 04/02/2020
C-2-104	3	Cut and Fill Plan	06/05/2019
<u>RBG-CV-DWG-RIE-82-701</u>	<u>1</u>	<u>Cut and Fill Plan</u>	<u>25/02/2020</u>
<u>RBG-CV-DWG-RIE-82-721</u>	<u>1</u>	<u>Longitudinal Section – Sheet 1</u>	<u>25/02/2020</u>
<u>RBG-CV-DWG-RIE-82-722</u>	<u>1</u>	<u>Longitudinal Section – Sheet 2</u>	<u>25/02/2020</u>
C-2-120	4	Longitudinal section – Sheet 1	03/05/2019
C-2-124	4	Longitudinal section – Sheet 2	03/05/2019
C-6-150	3	Stormwater Management Plan	06/05/2019
SK02-00	P1	Piling layout	02/05/2019
SK02-01	P1	Foundation Plan	02/05/2019
SK11-11	P1	Typical Sections – Sheet 1	06/05/2019
Hydraulic Services Drawings prepared by JHA			
Dwg No.	Rev	Name of Plan	Date
130559-JHA-HY-DWG-002	2	Hydraulic Services	06/05/2019
Electrical Drawings by LCI Consultants			
Dwg No.	Rev	Name of Plan	Date
LCI-EL-DWG-SSI-1000001	P8	Electrical and ICT Drawing	06/05/2019

d) Schedule 3 Part A – ‘Administrative Conditions’: Conditions A2 is amended by the insertion of the **bold and underlined** words / numbers as follows:

B27. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with TfNSW, RMS and Council;
- (c) demonstrate that all construction vehicles can enter and leave the Site in a forward direction;
- (d) demonstrate that the swept path of the longest vehicle entering and exiting the Site in association with the construction works, would be in accordance with AUSTRROADS;
- (e) detail the measures to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians, bus services and slow-moving agricultural vehicles using the same road network as the construction vehicles;
- (f) include a procedure for identifying additional impacts and recording the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts;

- (g) include a procedure to manage the movement of slow-moving agricultural vehicles (tractors etc.) on Tweed Coast Road and Cudgen Road along with the construction traffic (specifically heavy vehicles);
- (h) detail heavy vehicle routes (including separate access routes for vehicles entering and leaving the Site), access and parking arrangements and demonstrate that all heavy vehicles routes would be via arterial / regional roads only (such as Tweed Coast Road) prior to entering Cudgen Road, and not via any of the local roads within the Kingscliff urban area (such as Kingscliff Street or Pearl Street);
- (i) includes details that specify that the total number of daily two-way movements for heavy vehicles (as identified in the *Traffic Impact Assessment Report* prepared by Bitzios dated 18 October 2018), to and from the Site during Stage 1 works is restricted to 70 **with the exception of allowing 120 two-way movements for heavy vehicles for a period of six weeks (temporarily) during removal of excess soil from the site due to bulk earthworks;**
- (j) include details to demonstrate that all heavy vehicle access to / from the Site would occur outside of the identified morning peak period (8am – 9am) and afternoon peak period (2:45pm – 4:15pm);
- (k) include a Traffic Control Plan (TCP) to manage road closures and the works within the Cudgen Road reserve and the Cudgen Road / Turnock Street roundabout;
- (l) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes.
- (m) include a program to monitor the effectiveness of these measures; and if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes; ~~and~~
- (n) with the exception of allowing 120 two-way movements for heavy vehicles for a period of six weeks during removal of excess soil from the site due to bulk earthworks; **and**
- (o) **include all additional traffic management measures in the Construction Traffic and Pedestrian Management Sub Plan prepared by Bitzios dated 16 March 2020.**

End of modification

(SSD-9575 – MOD-2)