

New Tweed Valley Hospital (Concept and Stage 1) Modification 2

State Significant Development Modification Assessment

(SSD-9575-MOD-2)

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Cover image: Artists Impression of Tweed Valley Hospital (Source: Applicant's Response to Submissions)

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Glossary

Abbreviation	Definition
AA	Airservices Australia
AHD	Australian Height Datum
Applicant	Health Administration Corporation
ASDS	Average staff per weekday shift
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Assessment Report
CIV	Capital Investment Value
Council	Tweed Shire Council
CTPMP	Construction Traffic and Pedestrian Management Plan
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
GFA	Gross Floor Area
KLP	Kingscliff Locality Plan
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
RFS	NSW Rural Fire Service
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)
TIA	Traffic Impact Assessment Report
VIA	Visual Impact Assessment Report

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1 Introduction

This report is an assessment of an application seeking to modify the State significant development (SSD) approval (SSD-9575) for the New Tweed Valley Hospital (Concept Proposal and Stage 1) (TVH), located at 771 Cudgen Road, Cudgen within the Tweed Shire Local Government Area. The application has been lodged by Health Infrastructure, on behalf of Health Administration Corporation (the Applicant), pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The approved concept development application for the TVH comprised a Concept Proposal for the maximum building envelopes of a hospital and a building for support services (health hub). It also included Stage 1 early and works comprising bulk earthworks, piling and site remediation works.

The modification application seeks approval to amend the Concept Proposal by introducing two new building envelopes for a future multi-deck carpark and a temporary building, the Tweed Valley Skills Centre. The application also proposes design alterations to the approved building envelopes, site layout and increase in the number of proposed hospital beds.

1.1 Site description

The site comprises one allotment known as 771 Cudgen Road, Cudgen, legally described as Lot 11 DP 1246853. The allotment is located approximately 9.8 kilometres (km) south of Tweed Heads town centre and 40km south-east of Surfers Paradise in Gold Coast (refer to **Figure 1**).

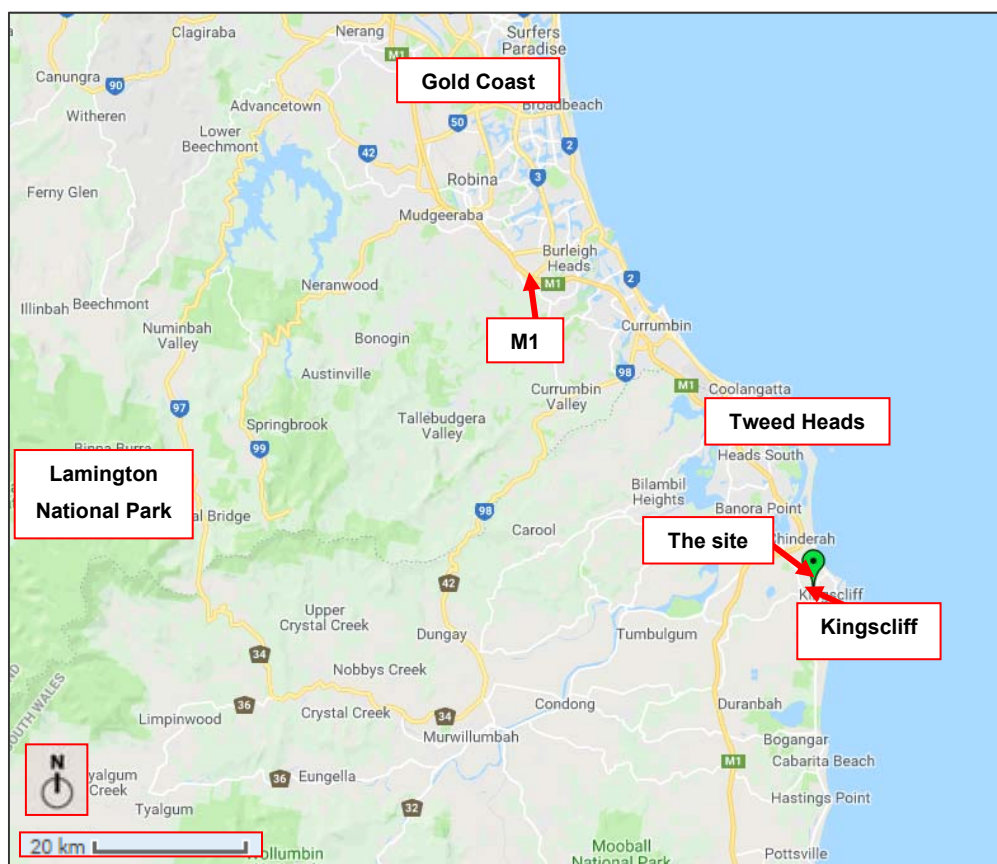


Figure 1 | Regional Context Map (Base Source: Nearmap 2020)

The site is irregular in shape, with a total area of approximately 19.38 hectares (ha), a 730 metre (m) long frontage to Cudgen Road and 185m frontage to Turnock Street (north-eastern boundary).

The southern and south-western sections of the site, fronting Cudgen Road, comprise a slightly elevated, gentle sloping plateau, with levels ranging between +25m to +27m Australian Height Datum (AHD). The site slopes gently down to the north, east and west of this plateau, surface levels reducing to approximately +5m AHD near the northern boundary, where a flood plain area exists.

The site previously comprised agricultural land generally cleared of native vegetation, except the area to the north, which supports a dense covering of native bush vegetation. However, it is currently a construction site due to ongoing Stage 1 construction works pursuant to SSD-9575.

The northern and north-western boundary of the site adjoins mapped coastal wetlands. This forested wetland with associated rainforest components blends eastward into a coastal floodplain extending up to 200m of the coast. A constructed, east-flowing floodplain drain runs across the wetlands, near the northern boundary of the site. This area is marked as an environmental area in **Figure 2**.

The Kingscliff TAFE is located immediately opposite the site, to the south of Cudgen Road. To the south-west and west are agricultural lands that form part of the mapped Cudgen Plateau State Significant Farmland.

The Kingscliff urban area, to the east of the site, stretches between Cudgen Road / Turnock Street to the west and the Kingscliff beach to the east (1.5km from the site). It is a coastal town with residential developments, schools, library, TAFE, pool, low scale commercial developments, tourist activities and a population just under 7500 people.

The Cudgen village, located on the western side of Tweed Coast Road, has a population of 1000 people. The site forms part of a large rural area at the western edge of the Kingscliff area. It is well connected to the regional and interstate road network via Tweed Coast Road and M1.

Figure 2 identifies the site and the surrounding developments.



Figure 2 | The site and surrounding developments (Source: Nearmap 2020)

1.2 Approval History

On 11 June 2019, the Minister for Planning and Public Spaces (the Minister) granted consent for a concept development application for the TVH comprising:

- A Concept Proposal comprising:
 - the maximum envelope for a nine-storey hospital with helipad and rooftop plant rooms.
 - the maximum building envelope for a building for support services (health hub).
 - the maximum gross floor area of 65,000m² for the site.
 - the site layout, internal roads, site access arrangements and car parking provisions.
 - a landscape masterplan, concept public domain treatments and stormwater strategy.
 - 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 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.
 - soil / water management measures.
 - site remediation works.
 - piling works associated with the future hospital.

The development consent has been modified on one occasion as identified in **Table 1** below.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Consent Authority	Type	Approval Date
MOD-1	Correction and minor modifications to vegetation removal drawings and biodiversity management condition	Department	4.55 (1A)	11 October 2019

On 29 September 2019, SSD-10353 for Stage 2 of the New Tweed Valley Hospital (Stage 2 application), comprising the detailed design, construction and operation of the hospital was lodged with the Department. The Stage 2 application is reliant on the modifications proposed as part of this application (SSD-9575-MOD-2).

The Stage 2 application is currently under assessment by the Department.

2 Proposed Modification

Concept Proposal

The modification application (SSD-9575-Mod-2), seeks to amend the scope of the Concept Proposal by introducing two additional building envelopes for a multi-deck carpark and a temporary building referred to as the 'Tweed Valley Skills Centre'. The application also seeks approval for: design alterations to the approved building envelopes; modifications to the approved site layout and landscape masterplan; increase in the approved hospital beds and staff numbers; and increase the gross floor area of the approved building envelope for the hospital and health hub.

The key components of the proposed modification and a comparison with the approved development, are provided below and shown in **Figures 3 to 10**.

Stage 1 works

The proposed modification seeks approval for amendments to the cut and fill volumes and length of retaining walls on the site, approved as part of the Stage 1 works. The details are discussed in **Section 1.7** and identified in **Figure 11**.

2.1 Modifications to the approved building envelopes

Main Hospital Envelope

Minor modifications are proposed to the main hospital envelope to include a central energy plant. The footprint of the modified planning envelope is approximately 143m x 199m compared to the approved envelope with dimensions of 136m x 187m. The setback of the hospital envelope from Cudgen Road is proposed to be 61.4m (in lieu of approved 63.5m) (**Figures 4 and 6 – 9**).

The extended building envelope accommodating the central energy plant would be located between the main hospital envelope and the proposed multi-deck carpark. The plant has a setback of 32.4m from the western boundary with the uppermost level at RL 27.75.

Health Hub Envelope

The application seeks approval to modify the development consent so that the health hub building can accommodate multiple buildings within the approved envelope in the future. The proposed setback of the health hub from Cudgen Road is modified to be approximately 8.1m - 12.6m compared to the approved setback of 9.3m - 13.3m (**Figure 4**). The entrance to this building is proposed at RL 26.6 instead of the approved RL 27.75.

Electrical Switching Station and Backup Generator Co-location

The modification seeks to relocate the approved electrical switching station kiosk envelope further east of its approved location (adjoining the western boundary) and increase its size to accommodate a backup generator (**Figure 4**). The Applicant states that the backup diesel high voltage generator would be needed in case of a power outage. The envelope would also include a fuel / storage source for the generators.

Increased Gross Floor Area

The modification seeks to increase the Gross Floor Area (GFA) to approximately 65,050m² from the approved 65,000m² under the Concept Proposal. This is proposed due to the Stage 2 detailed design, expansion of the health hub and additional inpatient units.

2.2 Additional building envelopes

Multi-deck carpark

The Applicant seeks to remove the approved at-grade car parking on the western side of the hospital envelope and replace it with a multi-deck carpark, identified in **Figures 4 – 7**. The uppermost level of the carpark envelope would be at RL 47.45 (up to 10-storeys in height), and the lowest level at RL 16.00. The carpark is proposed to be setback 30.4m from the western boundary with a maximum footprint of 69.1m x 74m.

The proposed carpark envelope would likely accommodate up to 1388 car spaces. The site would accommodate up to 1538 car parking spaces including the previously approved at-grade carpark on the eastern side (instead of the previously approved 700 car spaces).

Tweed Valley Skills Centre

The modified site plan includes a new temporary building envelope for the 'Tweed Valley Skills Centre' (Skills Centre). The Applicant states that this would be a temporary building proposed in conjunction with NSW TAFE (subject to funding). The modular building would be capable of being relocated to a suitable location on the Kingscliff TAFE site (through a separate planning process) following completion of the Stage 2 works. The area would then be reinstated as a landscaped zone.

The Applicant states that the Skills Centre is anticipated to include:

- a prototype and simulation suite to demonstrate the detailed design of key clinical spaces within the hospital.
- a low-fidelity simulation space for NSW TAFE health education programs.
- a skills and employment hub that would be drop-in facility for both the community and local industry. The hub would be used to provide information about jobs / training / careers in relation to the project and act a support for developing business capability such as tendering for sub-contractors.

The building envelope of the Skills Centre is proposed to have a maximum height at RL 30.40 and be setback 10.9m from the Cudgen Road frontage (**Figures 4 and 5**). Given the temporary nature of the building, only pedestrian access is proposed to the Skills Centre. The car parking area for the Stage 2 works within the site may be used by the visitors to this building.

2.3 Increase in number of beds

The Concept Proposal did not seek approval for the number of hospital beds. However, for the purpose of the traffic analysis the application considered that the hospital would accommodate up to 430 beds. The conditions of development consent for the Concept Proposal required that additional traffic mitigation measures should be provided in the Stage 2 application, should any further increase in the hospital beds be proposed. However, cap on the number of beds was not included in the instrument of approval for the Concept Proposal.

Notwithstanding, the modification application seeks approval for the future hospital beds to be a maximum of 545 (comprising 48 day-only beds, 451 in patient units (IPU) and 46 emergency treatment spaces). The hospital capacity is proposed to increase in stages as follows:

- 391 overnight and day-only beds and 1120 staff (on-site during the day shift) by 2023 (year of opening).
- 443 overnight and day-only beds and 1300 staff (on-site during the day shift) by 2033.

- 499 overnight and day-only beds post 2033, including the additional 56 IPU beds (subject to funding).

The proposed number of beds in the modification application would align with the detailed design and operational parameters proposed in the Stage 2 application. Supporting traffic analysis and future traffic management and mitigation measures, considering an increased hospital capacity (above the anticipated 430 beds) has been provided in the modification application.

2.4 Amendments to landscaping and internal road layout

Amendments to the landscape zones

The approved landscaped areas within the site are proposed to be modified as follows:

- amended layout of the landscaped areas, consistent with the modified site plan.
- reduction in the area of the proposed farm landscape zone located on the eastern side.
- the approved farm landscape zone divided into two further zones comprising 'Existing Orchard', and 'Therapy Garden Opportunity'.
- low maintenance native landscape zone divided into two further zones comprising 'Hydro mulched / drill seeded lawn' and 'Lawn with clusters of native planting'.
- extension of the 30m wide vegetation buffer zone on the western side, to the south-western corner.
- removal of the pedestrian pathways to the north of the loop road including the links to this road.

Amendments to the internal road layout and at-grade car parking areas

The internal road layout on the western side of the site is proposed to be modified including the provision of a roundabout to allow for vehicles to return without entering the multi-deck carpark.

Consolidation of the two separate at-grade carparks on the eastern side of the main hospital into a single open at-grade carpark, as identified in the **Figure 3**.

The direction of the vehicular movements within the site are proposed to be amended to align with the amended design of the carparks to the east and west.

2.5 Bulk earthworks and retaining walls

The modification seeks approval for the following amendments to the bulk earthworks and retaining walls approved as part of the Stage 1 works:

- total cut volume: 71,730 cubic metres (m³).
- excess spoil: 59,600m³ (in lieu of the previously approved 45,000m³).
- spoil to be removed from the site: 12,130m³.

The proposed removal of spoil from the site would result in an increase of truck movements from 70 to 120 (two-way movements) per day for a temporary period of six-weeks.

The total combined length of retaining walls on the site is proposed to 642m (instead of the previously approved 654m length).

The modified bulk earthworks in Stage 1 is identified in **Figure 11**.

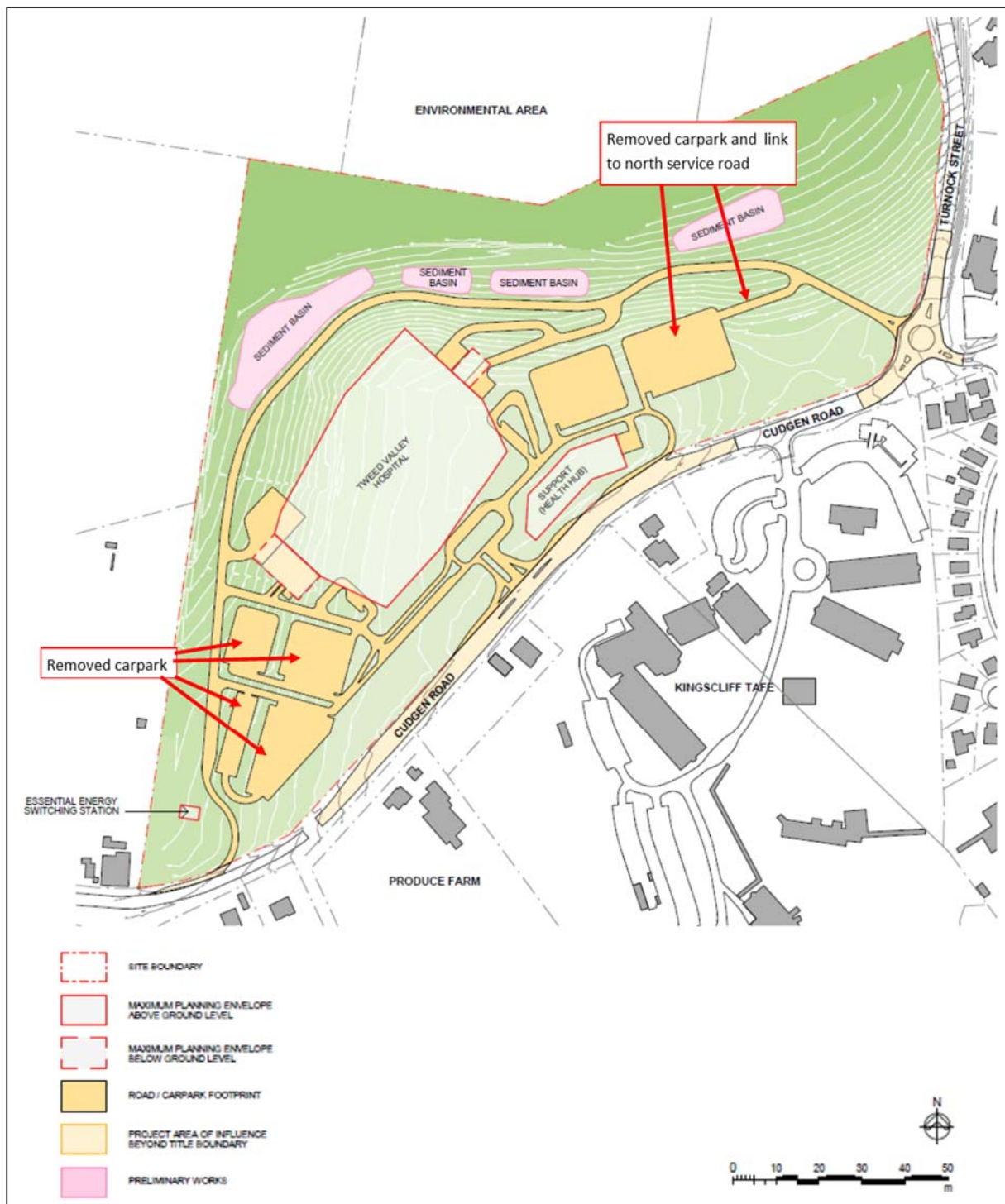


Figure 3 | Proposed amendments to the approved concept site masterplan (Source: Applicant's Modification Report)

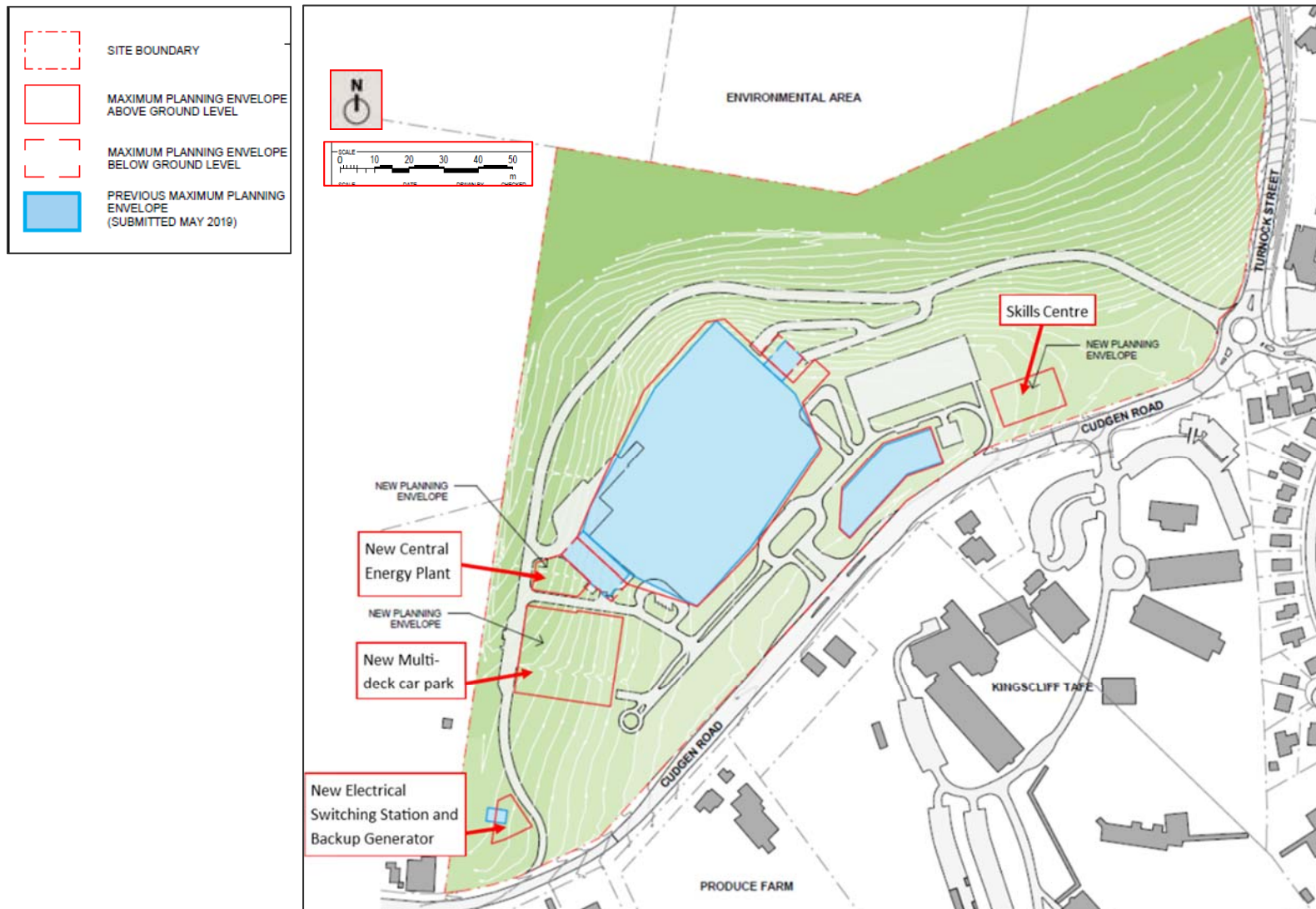


Figure 4 | Comparison of the approved (blue) and modified maximum building envelopes (red outline) (Source: Applicant's RtS)

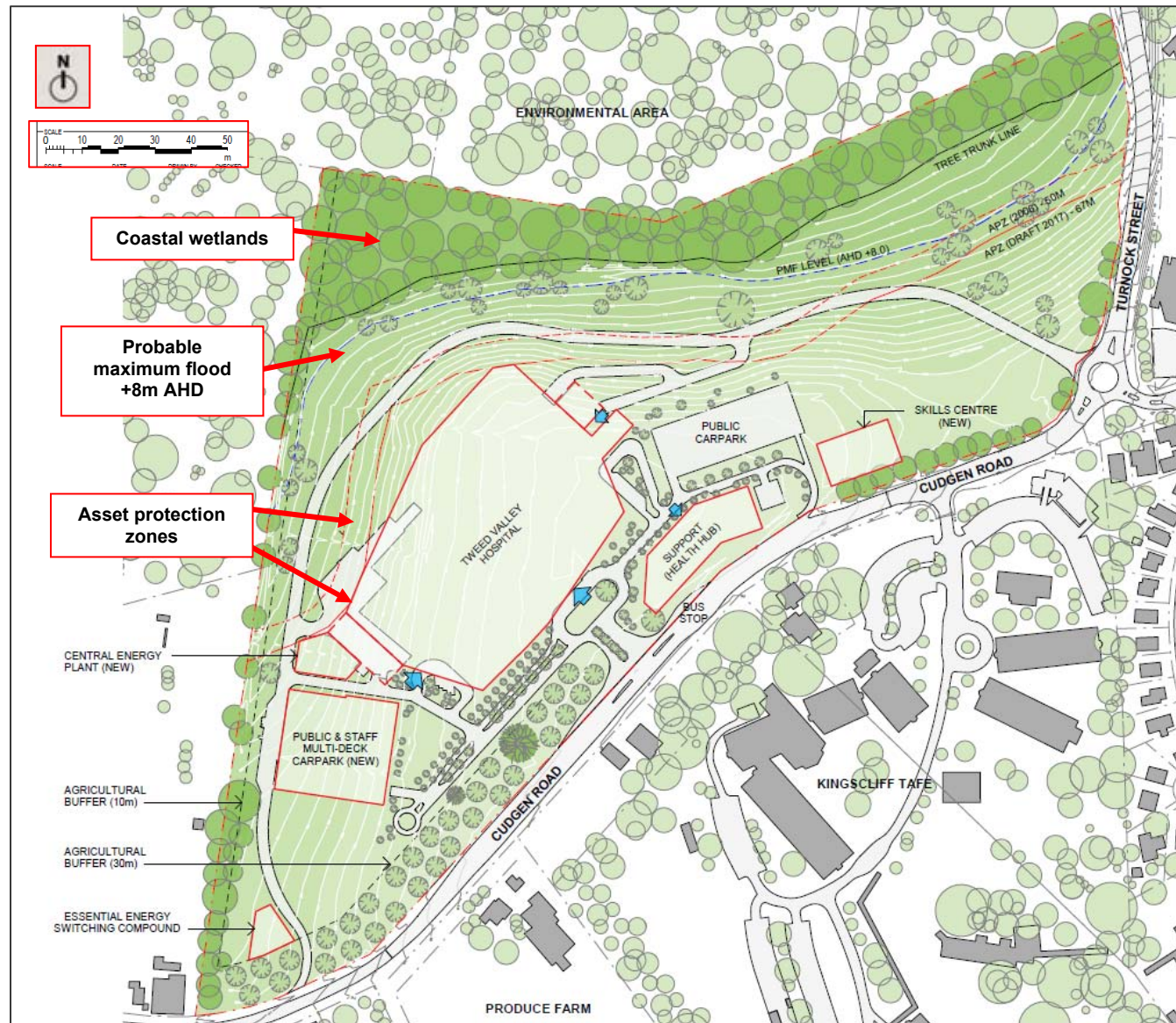


Figure 5 | Modified concept masterplan (Source: Applicant's Rts)

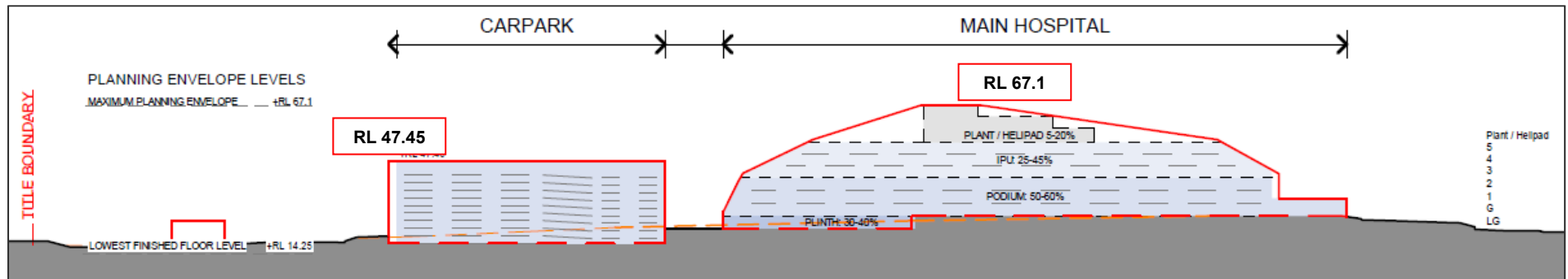


Figure 6 | Cross section through the site showing modified south-east elevation (viewed from Cudgen Road) (Source: Applicant's RtS)

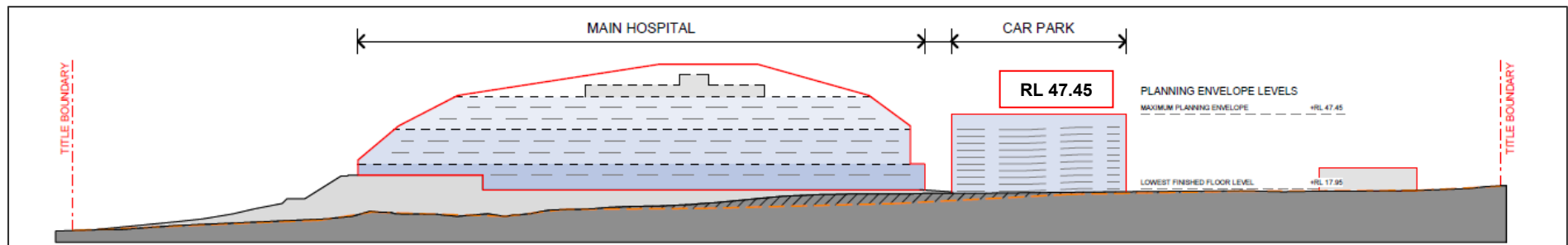


Figure 7 | Cross section through the site showing modified north-west elevation (Source: Applicant's RtS)

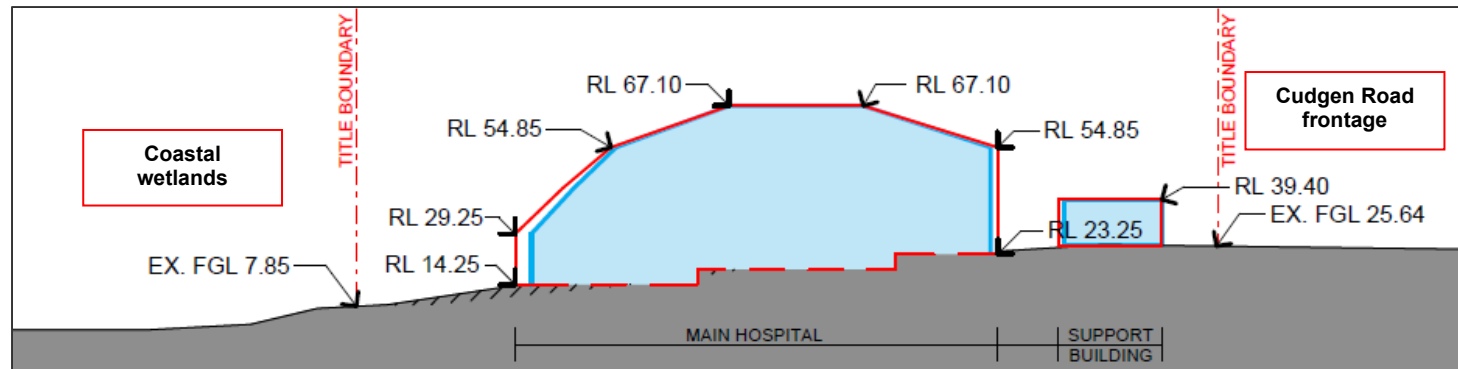


Figure 8 | Comparison between the approved (blue) and modified (red outline) south-western cross-section through the site (Source: Applicant's RtS)

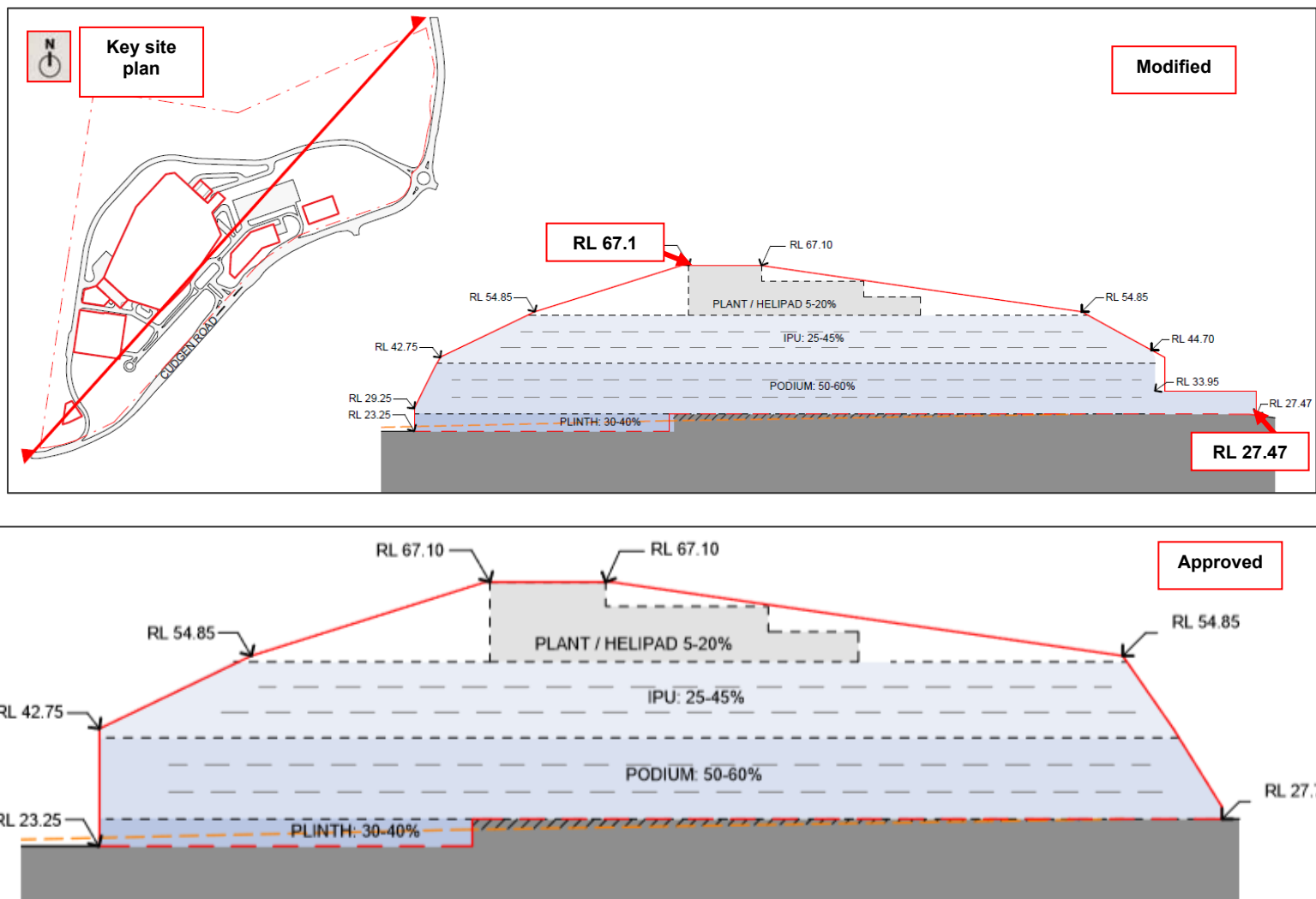


Figure 9 | Comparison of approved (below) and modified (above) south-east elevation of the hospital building envelope (Source: Applicant's RtS)

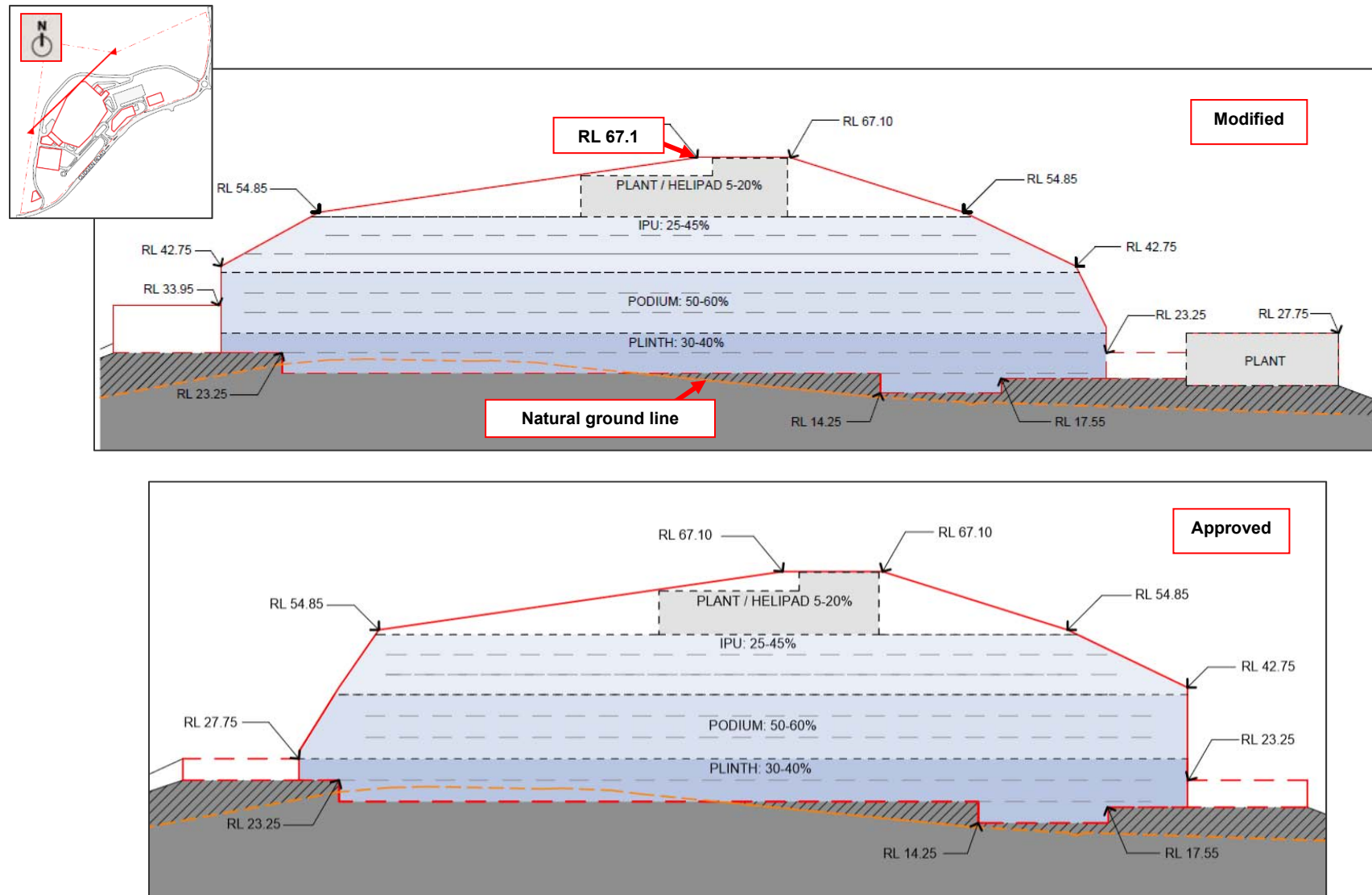


Figure 10 | Comparison of approved (below) and modified (above) north-west elevation of the hospital building envelope (Source: Applicant's RtS)

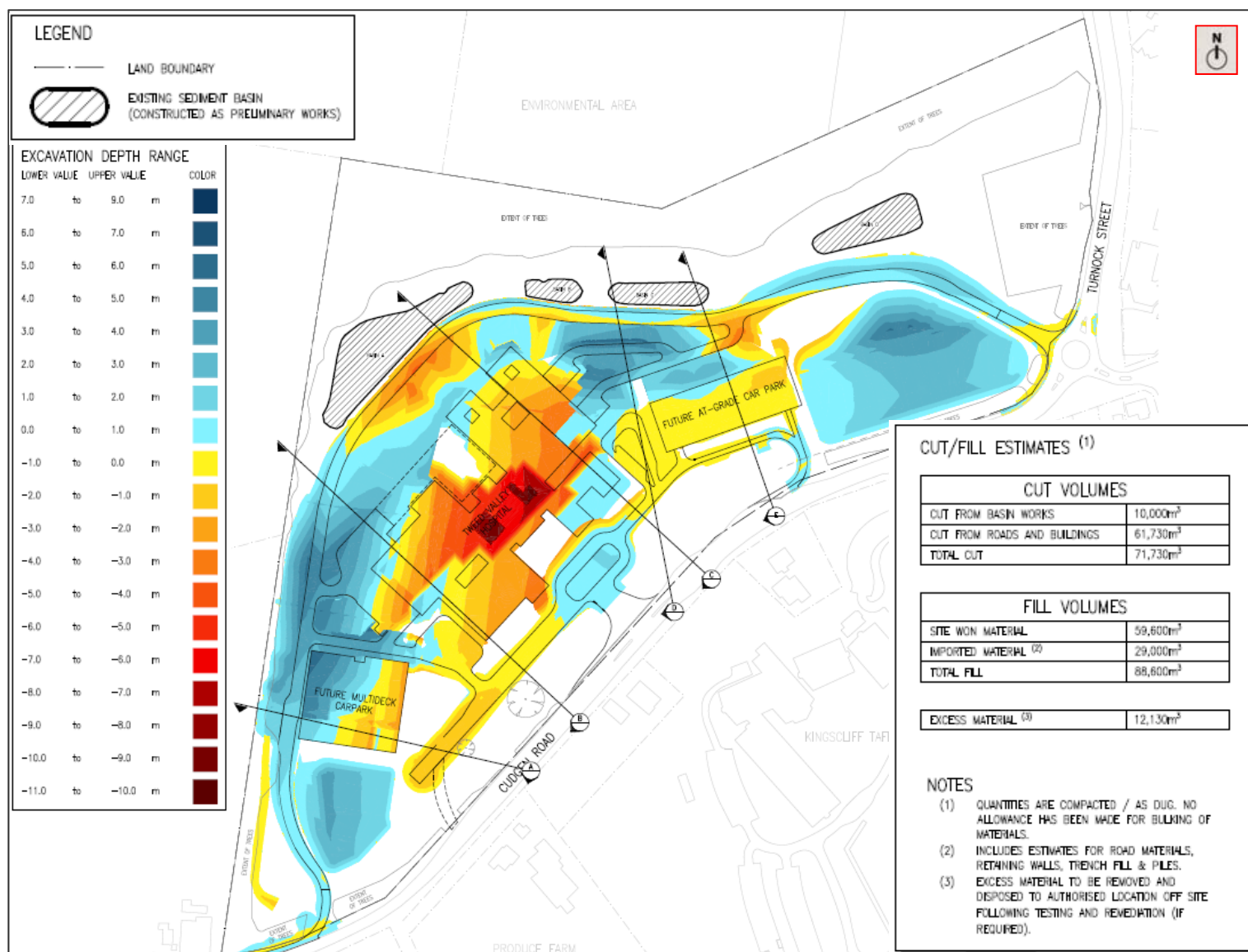


Figure 11 | Modified bulk earthworks and extent of cut and fill in Stage 1 including the multi-deck carpark (Source: Applicant's RtS)

3. Strategic Context

The development, as modified, continues to be consistent with the assessment of the strategic context in the original application and does not alter the key components or outcomes of the proposal. The Department of Planning, Industry and Environment (the Department) considers that the proposal is consistent with the majority of strategic planning objectives and policies, including the relevant provisions of the following:

- NSW State Priorities.
- North Coast Regional Plan 2036.
- Infrastructure NSW's Building the Momentum State Infrastructure Strategy 2018 – 2038.
- Transport for NSW's Future Transport Strategy 2056.

The development, as modified, also continues to provide direct investment in the region of approximately \$471 million, which would support 2700 jobs across Stage 1 early enabling works and the Stage 2 construction, and a minimum of 208 new operational jobs which is projected to increase in accordance with the service line following commencement of operation of the hospital.

4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as ‘Other Modification’ as:

- the proposed modification is substantially the same development as originally approved.
- the Department has consulted with the relevant public authorities and notified the application in accordance with the Environmental Planning and Assessment Regulations 2000 (EP&A Regulation).
- the Department has considered all relevant matters in section 4.15(1) of the EP&A Act.
- the proposal 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(2) 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(2) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Environmental Assessment Requirements

Section 4.55 of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals (**Table 2**):

Table 2: Matters to be considered under section 4.55 of the EP&A Act

Matter	Consideration
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification involves the addition of a multi-deck carpark and a temporary ‘Skills Centre’ envelope. It also proposes alterations to the overall site masterplan and minor amendments to the design of the approved envelopes. The proposed modifications are within the scope of the approved development and would not significantly amend the Concept Proposal for a hospital on the site. The modified development is substantially the same as approved.
Whether consultation with the relevant public authorities have occurred	The application was referred to relevant public authorities including Tweed Shire Council. No public authority objected to the modification. The public authority submissions have been considered in Sections 5 and 6 .

Matter	Consideration
Whether notification has occurred, and any submissions have been considered	The modification application was publicly advertised for 28 days and affected landowners were notified in accordance with the EP&A Act and the EP&A Regulation.
Any submission made concerning the proposed modification has been considered.	The Department notified relevant public authorities in relation to the modification and received comments from Tweed Shire Council. Four public submissions were received including two objections. The submissions are considered in Sections 5 and 6 .
Any relevant provisions of section 4.15(1) of the EP&A Act	The relevant provisions of section 4.15(1) of the EP&A Act are considered in this section and the assessment section of this report. The modification would not alter the development's existing compliance with the relevant planning instruments.
Consideration of the reasons for the granting of the consent that is sought to be modified	The Department has considered the findings and recommendations in the Department's Assessment Report for SSD-9575, including the key reasons for granting consent outlined by the Minister in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.
Consideration that modification of the development consent is not taken to be granting of development under this part, but the development consent includes a reference to a development consent as modified.	The modification application does not grant separate consent to the components proposed to be modified under this modification application. The development consent is recommended to be modified to include a reference to the modification (Refer to Appendix C).

4.3 Consent Authority

The Minister 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 2020, the Director, Social and Infrastructure Assessments, may determine the application.

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are less than 10 public submissions by way of objection.

4.4 Biodiversity Conservation Act 2016

The Applicant's Environmental Impact Statement (EIS) for SSD-9575 included a Biodiversity Development Assessment Report (BDAR) in accordance with the requirements of the *Biodiversity Conservation Act 2016* (BC Act). The former Office of Environment and Heritage (OEH) reviewed the

proposed Concept Proposal in this regard and raised no concerns subject to recommended conditions.

The proposed modifications to the Concept Proposal would not increase impacts on the biodiversity values assessed in the BDAR. The Department's Environment, Energy and Sustainability Group (EESG) (the former OEH) reviewed the modification application in this regard and raised no concerns or required the submission of a modified BDAR. The matter is discussed in detail in **Sections 5** and **6**.

5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation, the Department exhibited the modification application from 10 October 2019 to 8 November 2019 (30 days). The application was also exhibited on the Department's website, at the NSW Service Centre, at the offices of Tweed Shire Council (Council) and Kingscliff Library.

The Department placed a public exhibition notice in the Tweed Daily News and Byron Shire Echo on 9 October 2019, and in Tweed Valley Weekly on 10 October 2019. The Department notified adjoining landholders and relevant public authorities in writing. Previous submitters were also notified of the modification application and invited to make a submission. The Department again placed a public exhibition notice in the Tweed Daily News, Byron Shire Echo and Tweed Valley Weekly on 16 October 2019 and 17 October 2019 notifying an amendment to the development description. The Department notified the adjoining landowners and previous submitters regarding the amendment to the development description in writing.

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions. The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of approval of modification at **Appendix C**.

5.2 Summary of Submissions

The Department received a total of 14 submissions during the exhibition of the modification.

- comments from ten public authorities, including Council.
- four public submissions including two objections, one providing support and one providing comments.

Following the close of exhibition, the Department received one correspondence objecting to the proposal.

Public Authority key issues

A summary of the key issues raised in the public authority submissions is provided at **Table 3** below and copies of the submissions may be viewed at **Appendix A**. The Department notes that the following public authorities did not provide any specific comments with regard to the modification application:

- EESG.
- Environment Protection Authority.
- Civil Aviation Safety Authority.
- Air Services Australia.
- Transport for New South Wales (TfNSW).
- Heritage Division of the Premier and Cabinet (Heritage NSW).

Table 3 | Summary of public authority submissions to the Modification Report exhibition

Council

Council supported the proposed modification to increase the number of car spaces on the site, but raised the following concerns:

- adverse visual impacts due to the overall development and the multi-deck carpark.
- no detailed photomontage from the western side of the carpark.
- lack of detailed visual impact assessment.
- lack of management plans for the on-site car parking or commitments to waiver fees.
- insufficient calculation and documentation of water and wastewater matters.
- adverse impacts of stormwater flow on the downstream properties due to increase in volumetric annual flow by over 50% despite proposed mitigation measures.
- inappropriate location of service plants on the northern side instead of using these areas for natural light and ventilation.
- insufficient details in the submitted Agricultural Offset Plan.
- lack of information regarding sewerage / drainage connection during the construction phase.

Council made a number of recommendations including the following:

- use of green walls and roof for the carpark to minimise visual impact.
- mitigation of the visual impact through use of appropriate materials, native vegetation and landscaped retaining walls.
- quantification of stormwater drainage flows to downstream properties to demonstrate that no adverse impacts are envisaged post development.
- location of drop-off and pick-up zones near medical services with time restrictions.
- rainwater reuse for landscape irrigation and cooling tower.
- requirements regarding easements.
- a holistic site master plan for future stages acknowledging the surrounding land uses and outlining opportunities for street edge and interface land uses.
- provision of a sky-bridge between the carpark and main hospital building.
- payment of contributions in relation to water and sewer connections.

TfNSW (Roads and Maritime Services) (TfNSW (RMS))

TfNSW (RMS) provided the following comments:

- the Traffic Impact Assessment (TIA) provided with the Stage 2 application, is inadequate.
- the proposed intersection upgrades to cater for the increased capacity is not satisfactory.

The Department of Primary Industries (DPI)

The DPI provided the following comments:

- the proposed carpark would potentially reduce the opportunity to increase the width of the 10m agricultural buffer on the western side to a width of 30m in the future, if needed.
- screening should be included in the carpark design to reduce any potential land use conflict with the agricultural activities on the adjoining land parcel in future.

RFS provided the following comments and recommendations:

- the development should comply with the asset protection zones (inner protection area) marked in the masterplan and as recommended in the Concept Proposal.
- the existing tree line identified in the site masterplan should be surveyed and physically delineated on the site using appropriate fencing.

Community submissions key issues

A summary of issues raised in the public submissions objecting to the proposal are provided below:

- the works pursuant to the modification application have commenced on the site.
- the hospital and the carpark would have negative visual impact on the locality.
- the building height and bulk is out of character with the area.
- the proposal is a gross overdevelopment and would result in a 20% increase in the envelope.
- the increase in the number of beds would result in adverse traffic impacts, especially on nearby businesses and residents.
- the traffic impact assessment and the associated road upgrades are inadequate.
- a noise and vibration assessment had not been provided to assess impacts on nearby properties on Tweed Coast Road, including impacts of helicopter movements and emergency sirens all night.
- the access to the hospital and the multi-deck carpark would increase noise in the locality.
- the multi-deck carpark would result in further adverse impacts on views enjoyed by residents.
- no parking fees should apply to the site in the future.
- the artists impression of the buildings on the site are incorrect.

The correspondence received after close of exhibition period included the following additional issues:

- the CIV of the proposal should be amended to reflect the inclusion of the carpark.
- limited community consultation after approval of Concept Proposal.
- part of the building envelope for the hospital would encroach into the APZ.
- the development would impact on the agricultural productivity of the land.
- the Site Audit Statement and Site Audit Report do not include any investigations for arsenic.
- the stormwater assessment does not demonstrate that the development would not impact on the adjoining coastal wetlands.
- inadequate assessment of impacts on Mitchell's Rainforest Snail and koalas have been conducted.
- inadequate assessment of light pollution has been conducted.

5.3 Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 17 March 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included the following amendment:

- amended cut and fill volumes.
- increased truck movements associated with the Stage 1 works.
- reduced length of the retaining walls on the site.

- removal of the 'community garden opportunity' from the landscape zonal plan.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. An additional six submissions were received from public authorities, including Council. TfNSW, RFS, DPI and EESG provided no comments regarding the RtS.

A summary of the issues raised in the other public authority submissions is provided at **Table 6** and copies of the submissions may be viewed at **Appendix A**.

Council

Council provided the following comments with regard to the modification application:

- the Applicant has not provided a satisfactory response to earlier concerns raised regarding site masterplan, visual impact improvements and addition of green walls.
- the built form and the mass are not supported due to its relationship with the agricultural context surrounding the site, and the building mass being a monolith.
- a number of matters regarding built form and urban design which are relevant to the Stage 2 application rather than this modification application.
- the visual impact assessment does not consider the agricultural visual landscape.

Council recommended that:

- a holistic masterplan be developed for the site in consultation with Council and the community.
- a shared path for pedestrians and cyclists should be built along the Cudgen Road and Turnock Street frontages of the site.
- other conditions relevant to the Stage 2 application and discussed in SSSD-10353.

TfNSW (RMS)

- No comments were received from TfNSW (RMS) in response to the RtS.

6. Assessment

The Department has considered the Modification Report, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposed modification are:

- traffic and transport.
- visual impact.
- landscaping and siting of the building envelopes.

Each of these issues is discussed in the following sections. Other matters are discussed in **Section 6.4** of this report.

6.1 Traffic and Transport

The modification application is supported by a Traffic Impact Assessment Report (TIA) detailing the traffic impacts due to the proposed modification. The relevant matters are discussed below.

Traffic generation assessment of the approved Concept Proposal

The Concept Proposal TIA identified a number of intersections surrounding the site, that would likely be impacted by the TVH development including the Tweed Coast Road / Cudgen Road intersection to the south-west and the roundabout at the intersection of Cudgen Road / Turnock Street, to the south-east of the site. Background traffic at the nearby intersections in 2023 and 2033 were provided.

Applying the RMS Guide to Traffic Generating Developments, the Concept Proposal TIA estimated the peak hour trips in the morning (MVT – 8am to 9am), evening (EVT – 5pm to 6pm) and the hour of peak traffic generation (PVT – 3pm to 4pm) due to the future TVH, based on 430 beds and 1050 staff, as identified in **Figure 12**.

Land Use	Yield	Peak	Peak Hour Trip Rate	Peak Hour Trips
Hospital	430 beds and 1,050 staff (ASDS)	MVT	$MVT = -10.21 + 0.47B + 0.06ASDS$	255
		EVT	$EVT = -2.84 + 0.25B + 0.4ASDS$	525
		PVT	$PVT = -14.69 + 0.69B + 0.31ASDS$	608

Figure 12 | TVH Peak hour trips generation estimated in Concept Proposal SSD-9575 (Source: Applicant's EIS)

In order to cater for the additional trips generated by the hospital and to reduce impacts on the surrounding intersections, the Concept Proposal included a number of upgrades to the Tweed Coast Road / Cudgen Road intersection, including:

- addition of a 100m southbound left-turn lane on Tweed Coast Road.
- phase sequence changes to allow the southbound left-turn to overlap with the westbound right-turn (i.e. possible with the provision of a dedicated southbound left-turn lane).
- lane discipline change for the two approach lanes on the south-eastern approach.
- extension of the northbound departure lane from approximately 85m to approximately 200m.
- conversion of the north-western leg departure to a single lane.

The SIDRA analysis of the intersections established that subject to the above upgrades, the overall performance of this intersection would be within the acceptable limit (Level of Service (LoS) C). The Concept Proposal TIA also proposed some improvements to the Cudgen Road / Turnock Street

roundabout and established that all other identified intersections would perform within acceptable LoS. In order to manage and mitigate traffic impacts, the conditions of consent in relation for the Concept Proposal required the Applicant to:

- provide evidence, as part of the Stage 2 application, demonstrating that the traffic impacts of any additional capacity above 430 beds and 1050 staff can be adequately managed and mitigated.
- provide detailed design of the Tweed Coast Road / Cudgen Road intersection upgrade works.
- include additional upgrades in consultation with TfNSW and Council, where needed, to further improve the performance of the Tweed Coast Road / Cudgen Road intersection.

The proposed improvements to the Cudgen Road / Turnock Street roundabout have been completed under the Stage 1 early and enabling works.

Traffic generation assessment of the modified Concept Proposal

The development as modified proposes to increase in the hospital capacity (beds and staff) in stages. The Modification TIA provides the following amended traffic generation rates, corresponding to the additional modelled capacities (beds and staff) in 2023 (year of opening of the hospital) and 2033 (**Figure 13**).

Land Use	Year	Yield	Peak	Peak Hour Trip Rate	Peak Hour Trips
Hospital	2023	391 beds and 1,120 staff (ASDS)	MVT	$MVT = -10.21 + 0.47B + 0.06ASDS$	241
			EVT	$EVT = -2.84 + 0.25B + 0.4ASDS$	543
			PVT	$PVT = -14.69 + 0.69B + 0.31ASDS$	602
	2033	443 beds and 1,300 staff (ASDS)	MVT	$MVT = -10.21 + 0.47B + 0.06ASDS$	276
			EVT	$EVT = -2.84 + 0.25B + 0.4ASDS$	628
			PVT	$PVT = -14.69 + 0.69B + 0.31ASDS$	694
	2033	499 beds and 1,330 staff (ASDS) (Sensitivity Test)	MVT	$MVT = -10.21 + 0.47B + 0.06ASDS$	304
			EVT	$EVT = -2.84 + 0.25B + 0.4ASDS$	654
			PVT	$PVT = -14.69 + 0.69B + 0.31ASDS$	742

Figure 13 | Modified TVH Peak hour trips generation rates (Source: Applicant's Modification Report)

A comparison of **Figures 12** and **13** demonstrates that that there would be a minor reduction of anticipated peak hour trips in 2023 (due to number of beds being reduced to 391 in lieu of the previously anticipated 430), for the modified development. However, the forecast number of peak hour trips due to the modified development would increase in 2033 by approximately 20%, primarily during the PVT, when compared to the approved development. The modification application does not include details of additional intersection upgrade or traffic modelling to cater for the anticipated increase in the hospital traffic. It relies on the Stage 2 traffic assessment results and mitigation measures to cater for the increased hospital capacity proposed by the modification application.

In order to address the impacts of the additional traffic on the nearby intersections, the Stage 2 application (SSD-10353) includes detailed traffic modelling for 2023 and 2033, for the intersections identified in the Concept Proposal. Based on traffic modelling results, the Stage 2 application proposes additional intersection upgrade works at the Tweed Coast Road / Cudgen Road, including an extension of the right-turn pocket on the southern approach of Tweed Coast Road by

approximately 50m. The TIA for the Stage 2 application concludes that the identified intersections, especially the Tweed Coast Road / Cudgen Road intersection would perform within acceptable limits (LoS C to D), subject to the implementation of the intersection upgrade works.

Based on the above, the modification TIA concludes that the additional traffic due to the increase in hospital beds can be accommodated in the surrounding traffic network, subject to additional upgrades being undertaken in Stage 2.

During the exhibition of the modification application, TfNSW (RMS) raised a number of concerns regarding inadequacy of the Stage 2 traffic assessment, inconsistent modelling results, delays and queuing lengths between Concept Proposal and Stage 2, lack of plans and sources for the modelling data. TfNSW (RMS) also sought confirmation whether the current signal phasing / cycle times or an optimum cycle time have been used to achieve the future performance limits for the intersections. Council raised no concerns with regard to the traffic generation due to the additional hospital capacity.

Community submissions raised concerns that inadequate surveys has been conducted to assess the traffic impact on Tweed Coast Road due to the proposed increase in the number of beds.

In response, the Applicant's RtS indicated that the intersection modelling data have been sourced from RMS Traffic Control Site Plan (traffic signal details of nearby intersections). The Applicant confirmed that SIDRA optimum cycle times have been utilised to model the intersection for Tweed Coast Road / Cudgen Road, as the current phasing times would not be appropriate to cater for the future demands. The Applicant also clarified that the design traffic volumes calculated for the Concept Proposal and Stage 2 are different (in 2023 and 2033) as additional beds (proposed in the modification application) have been accounted for in Stage 2. Similarly, the modelling results for Tweed Coast Road / Cudgen Road intersection also vary as additional intersection upgrade works have been considered in Stage 2 to cater for the additional capacity. The Applicant confirmed that the intersection upgrade works have been proposed in consultation with Council and TfNSW (RMS). The Tweed Coast Road / Cudgen Road intersection upgrade would be commensurate with Council's ultimate plans to widen Tweed Coast Road a four-lane carriageway in the future.

Council reviewed the RtS and raised no concerns regarding the intersection performances or the proposed additional capacity to be provided in hospital when compared to the Concept Proposal approval. TfNSW (RMS) did not provide any comments following submission of the RtS. However, the Department notes that the Tweed Coast Road / Cudgen Road intersection is managed by Council. Therefore, the Department has relied on Council's comments regarding the traffic generation.

Based on the Applicant's Stage 2 traffic assessment and the comments from Council, the Department concludes that the additional hospital capacity (beds and staff) would not result in significant impacts on the surrounding road network subject to the implementation of the additional intersection upgrade works to Tweed Coast Road / Cudgen Road. The details of the additional upgrade works would be assessed in detail as part of Stage 2 and additional management and mitigation measures would be recommended / proposed, where needed. The proposed increase in the hospital capacity would not be inconsistent with any conditions of the Concept Proposal approval.

Modifications to the car parking provisions for Concept Proposal

The modified development would accommodate up to 1538 car spaces within the site, of which, the multi-deck carpark would likely accommodate 1388 spaces and the remaining spaces would be located in the consolidated at-grade carpark to the east or the drop-off / pick-up areas. The Applicant's Modification Report details that a car parking demand study has been conducted following the

approval of the Concept Proposal which concludes that 1538 car spaces would satisfactorily cater for the demand likely to be generated by the future development. The detailed design of the built form, carpark geometry and configurations would be provided in the Stage 2 application.

While no concerns were raised by any public authorities regarding the proposed increase of on-site car parking provisions, Council and Community raised concerns regarding the proposed management measures and the parking fee structure which may impact on the availability of parking on the streets.

In response to the concerns the Applicant's RtS provided additional information regarding the parking fee structure and advised that the parking demand in the future would reduce subject to the implementation of a Green Travel Plan. While the Applicant anticipates that a proportion of visitors and staff may park off-site, this can be managed in the future via a collaborative approach with Council.

Council has reviewed the RtS and raised no concerns relevant to the modification application.

The Department has reviewed the parking provisions on site and considers that the development as modified would improve the on-street parking situation through the provision of additional under cover parking for staff and visitors. The management of the carparks on the site including impacts of the parking fees or reduction of the parking demand through the implementation of the Green Travel Plan would be assessed in detail under the Stage 2 application.

Amendments to the internal road layout for Concept Proposal

The Concept Proposal approved four vehicular access points to the site, Access A, B, C and D. The proposed modifications would retain the approved access points but involve amendments to the internal vehicular circulation pattern and internal road layout as follows:

- a roundabout for the internal road layout on the western side of the site which would allow for vehicles to return without entering the multi-deck carpark.
- limiting all staff access to via entry A and D and public access limited to B and C only.
- removing public vehicle movements from the internal service ring road.

Corresponding amendments to the pedestrian network within the site have been proposed as part of the modified development to provide at-grade access from the carparks to the main hospital building. The Access points to the site and proposed vehicular movement directions, circulation patterns are identified in **Figure 14**.

The Modification TIA states that the reconfiguration of the internal layout and vehicle would result in:

- increased movements on the western left slip lane (60% staff using multi-deck carpark).
- reduction in movements at the main entry (Access B) as it would be public only vehicles.
- increased right-turn movement at the Cudgen Road/Turncock Street roundabout (Access D) due to greater number of egress movements at this intersection (all staff plus service vehicles).

The Modification TIA noted minor changes to the queue lengths and operations of the site access intersections due to the proposed amendments to the movements. It refers to the detailed assessment in the Stage 2 TIA, which demonstrates that the signalised site access intersection (Access B) would operate at acceptable LoS (LoS A) and contain the additional queue lengths considering the modified access movements. The Stage 2 TIA also states that Access D has significant queuing distance (more than 200m) within the site which would satisfactorily cater for the additional traffic at this intersection. Appropriate internal queuing distances are also available for Access A and C.

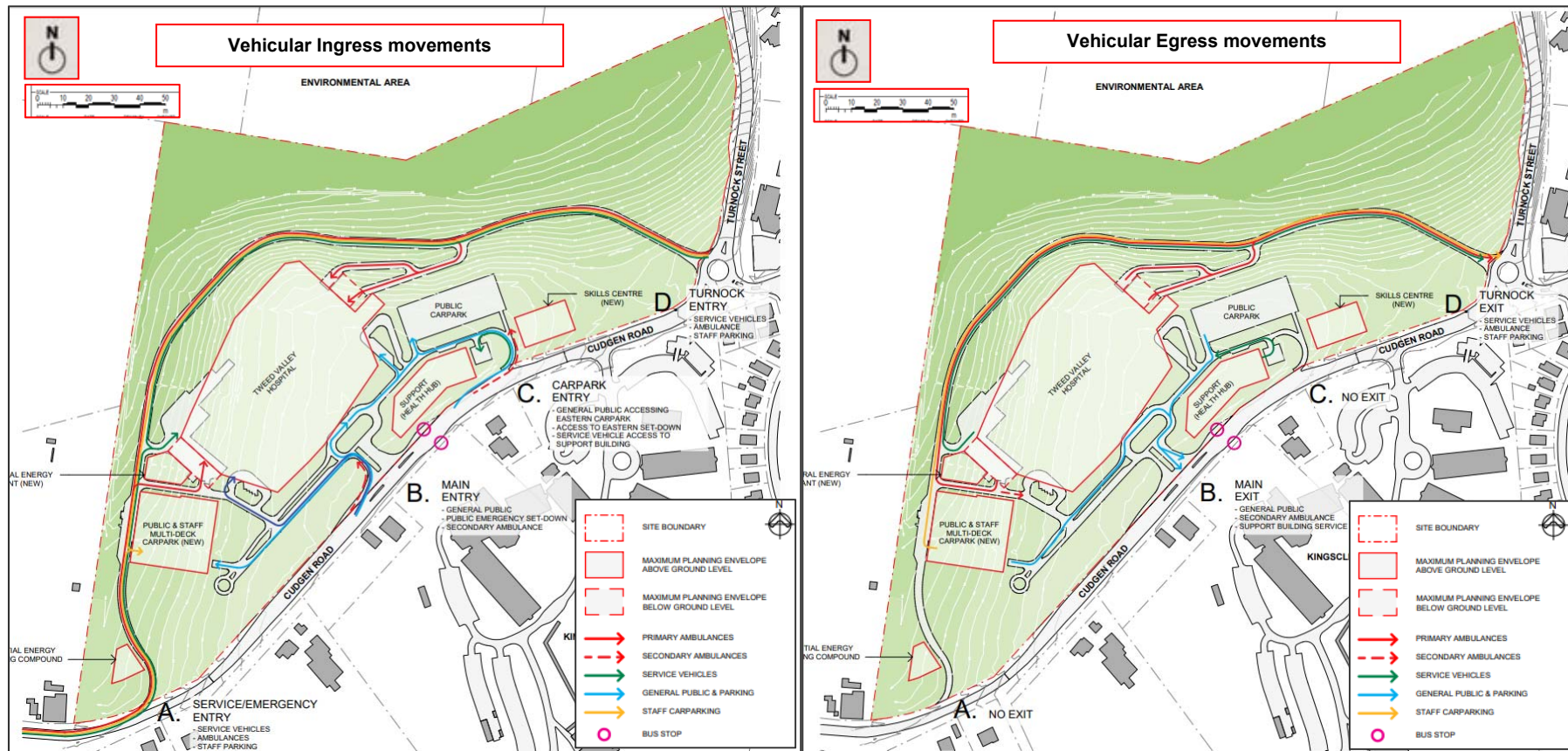


Figure 14 | Modified vehicular circulation routes and access points to the site (Source: Applicant's RtS)

Council reviewed the Modification Report and advised that the service vehicle access, pedestrian access and alternate transport linkages are acceptable and have been designed in consultation with Council. Council recommended that drop-off / pick-up zones should be located near medical services and have appropriate time restrictions to allow for escorting patients. Council also recommended that a skybridge should be provided connecting the multi-deck carpark with the hospital.

TfNSW (RMS) raised concerns that increased movements at future Access D would adversely impact on the merging traffic at the roundabout accessing the Kingscliff TAFE. TfNSW (RMS) also raised concerns regarding vehicular conflict within the internal layout, especially adjacent to the main entrance during peak hours and the resultant internal queuing lengths that were assessed as unsatisfactory. Additional concerns were also raised regarding the close proximity of future Access B and C, performance of future Access B as well as location of the bus bays.

In response, the Applicant's RtS indicated that the internal road layout within the site has been designed for peak traffic and the queue lengths for future Access D have been reduced by introducing double-right turn lanes within the site. This would be sufficient to cater for the additional traffic at this intersection due to modifications to the vehicle circulation pattern. As such, the Applicant's RtS reiterated that the SIDRA modelling for Stage 2 demonstrates that the site access intersection (future Access B and Access D) would have acceptable LoS, therefore no further adjustments are needed.

Council raised no further concerns following review of the RtS.

The Department has reviewed the Modification Report, the Applicant's RtS and concurs with the Applicant's conclusion that the proposed amendments to the internal road layout and vehicle movements would not result in a significant adverse impacts on the approved performance limits for the site access intersections. The details of the road layout and design changes to the roads, to improve the performance and encourage safer movements, requirements for a skybridge and drop-off / pick-up zones would be assessed in detail under the Stage 2 application. Based on the comments from the public authorities and the Department's assessment, the proposed modifications to the vehicular movements and pedestrian circulation is considered satisfactory.

Impacts on construction traffic for Stage 1 works

The modified envelopes and addition of the multi-deck carpark would result in amendments to the approved extent of bulk earthworks in Stage 1 of the development. As discussed in **Section 1.7**, the modifications to the bulk earthworks would in turn result in an excess of 12,130m³ of spoil that would have to be removed from the site. The Department notes that under the original approval 100% of the excess spoil material was proposed to be reused on the site.

The Applicant's RtS advises that the removal of this excess material from the site would generate up to 50 additional two-way truck movements for a temporary period of six weeks (120 movements in lieu of the previously approved 70 movements). The addendum to the Modification TIA lodged with the RtS has assessed the impacts of the additional truck movements on the surrounding road networks. The Modification TIA states that the truck movements would be distributed across the construction hours (7am – 6pm) of a typical weekday. This equates to 100 tips across an 11-hour period or approximately nine additional trips / hour.

The Modification TIA concludes that the additional nine trip / hour on a typical weekday would be accommodated within the surrounding road network with no significant adverse impacts. The Construction Traffic and Pedestrian Management Plan (CTPMP) approved as part of the Stage 1 works includes measures for appropriate signage and traffic control measures to manage construction

traffic. The RtS includes an updated CTPMP with additional measures for managing the increased truck movements through scheduling of activities outside the peak periods.

Council have raised no traffic related concerns regarding the proposed modifications or increased truck movements.

The Department has reviewed the proposed modification and concludes that the additional truck movements would only occur for a period of six weeks and result in nine additional vehicles per hour. This is not considered to be a significant variation to the previous assessment of the Stage 1 works for 70 two-way truck movements. The Department considers that the additional truck movements can be accommodated within the road networks subject to implementation of the final Stage 1 CTPMP.

6.2 Visual Impact

The site's visual catchment comprises a mix of rural lands, forested hills, low density residences and educational establishments. The Concept Proposal (SSD-9575) included a Visual Impact Assessment Report (VIA) with an assessment of impact of the proposed building envelope on the identified key viewpoints.

The Department assessed the visual impacts of the proposed hospital envelope on the surrounding environment based on the planning principles established by the Land and Environment Court in *Tenacity Consulting v Warringah [2004] NSWLEC 140*, as a guide, noting that the planning principles are applicable to private views only. The Department concluded that the proposed development would be highly visible both locally and regionally due to its elevated location and appearance as a multistorey building amidst the rural settings. However, based on the functional parameters and public benefits associated with the development, the Department accepted the building envelope as proposed. The modification application would result in the addition of the building envelope for the multi-deck carpark and therefore intensify the visual impact of the resultant built form.

As required by the conditions of consent of the Concept Proposal, the Stage 2 application (SSD-10353) includes a detailed VIA. A copy of the Stage 2 VIA has been included in the modification application assessing the visual impacts of the multi-deck carpark, Skills Centre as well as the modified hospital and health hub envelopes.

During the EIS exhibition, Council raised concerns regarding inadequacies of the visual assessment methodology in the Stage 2 VIA. Council also raised significant concerns regarding the visual impacts of the proposed built form and the lack of any photomontages that show the impact of the proposed multi-deck carpark from the viewpoints to the west of the site. Additionally, Council made recommendations for architectural elements to reduce the overall visual impacts of the development. Community submissions also raised a number of concerns regarding the loss of views due to the multi-deck carpark and the overall visual impact of the development.

In response to the concerns raised by Council, the Applicant's RtS to the modification application included a copy of the amended Stage 2 VIA. The amended Stage 2 VIA includes an assessment of the visual impact of the development from 21 viewpoints as identified in **Figure 15**. The selected views include those identified in the Concept Proposal VIA as well as priority scenic viewpoints in the draft Tweed Landscape Strategy and views from the west of the site.

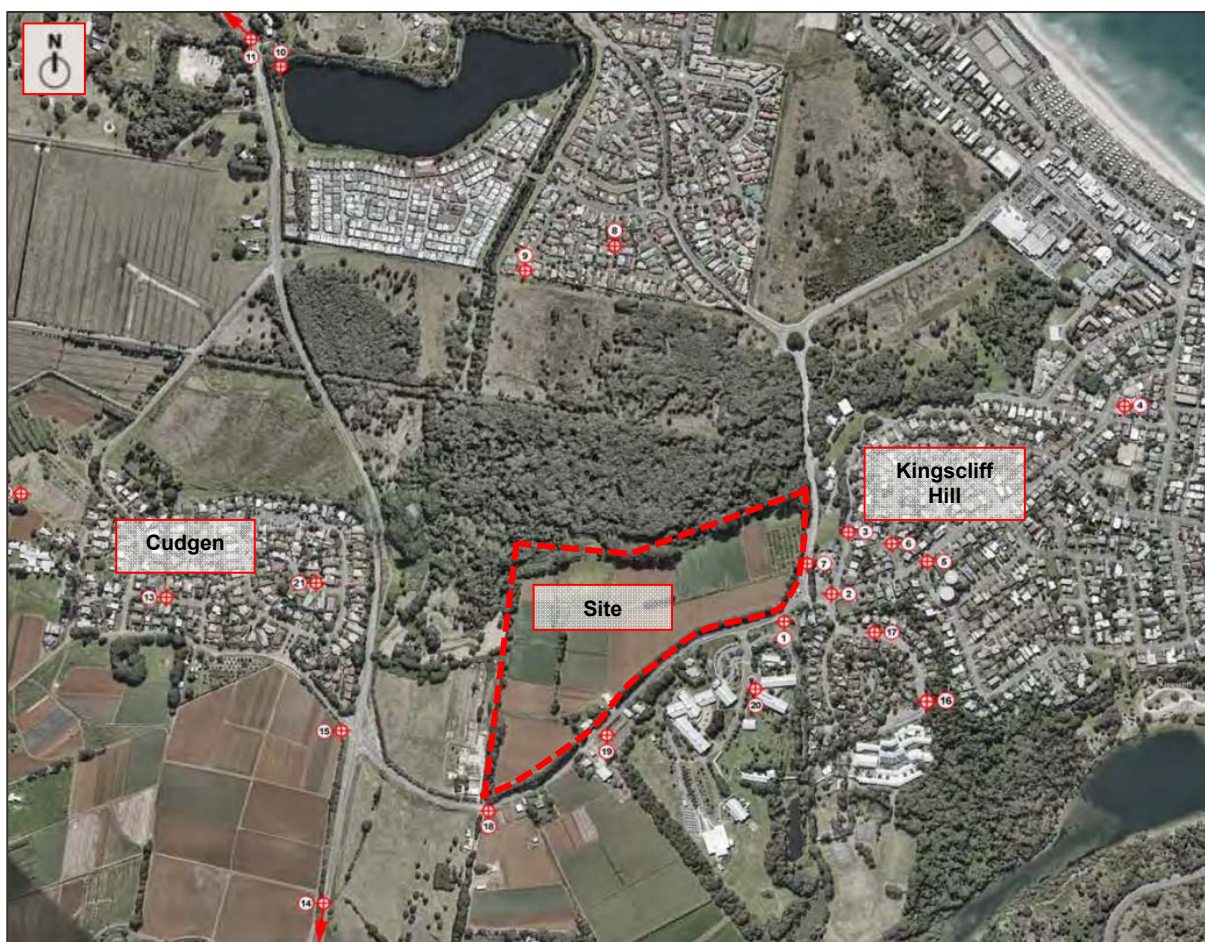


Figure 15 | Viewpoint locations for Stage 2 VIA (Source: Applicant's RtS)

The visual assessment methodology in the Stage 2 VIA does not rely on the guidelines established by the *Tenacity Consulting v Warringah [2004] NSWLEC 140* case. The Applicant advises that the method chosen is more contemporary and currently under review by the Land and Environment Court as a basis for future VIA guidelines to supersede the current guidelines.

The amended Stage 2 VIA includes a detailed comparison of the existing condition of the viewpoint and the post development condition by providing a photomontage of the development (including the modified hospital envelope, the multi-deck carpark, the health hub and the Skills Centre) overlaid on the existing condition. The visual impact analysis also includes a ratio of substance view loss: sky view loss due to the development. It also uses four categories to define the existing visual quality of the viewpoint and the visual impact on the viewpoint including: negligible (no impact), low (minor negative impact on the pre-existing view); medium (medium negative impact on some natural and manmade features); and high (high impact or loss of predominant natural features or iconic architectural features). The four categories are consistent with the draft Tweed Scenic Landscape Strategy.

As stated above, the modified Concept Proposal would have additional visual impact mainly due to the introduction of the multi-deck carpark. For the purpose of assessment of this application, the relevant viewpoints are 12, 13, 14, 15, 18, 19 and 21 (located to the south and west of the site). The photomontages submitted within the amended Stage 2 VIA demonstrate that the multi-deck carpark would not be significantly visible from the relevant viewpoints, especially from the west (viewpoint 21), the intersection of Tweed Coast Road / Cudgen Road (viewpoint 15) or the south-western side of the

site (viewpoint 18). The multi-deck carpark envelope would be effectively screened by the existing vegetation, the topography and the distance between the site and these points (**Figure 16**).



Photomontage at Viewpoint 15 – Intersection of Tweed Coast Road / Cudgen Road



Photomontage at Viewpoint 18 – Opposite Cudgen Road at the south-western corner



Photomontage at Viewpoint 21 – Cudgen Village

Figure 16 | Views of the building envelope from identified viewpoints (Source: Applicant's RtS)

The amended Stage 2 VIA also identified viewpoint locations with views of the hospital and the carpark at night.

In response to Council's concerns, the Applicant's RtS indicated that the size of the multi-deck carpark is guided by the car parking demand for the site. It would also cater for any future expansion of the hospital to the east of the site. The multi-deck carpark's location takes advantage of the existing vegetation screen at the south-western corner of the site. The size of the structure has been reduced by embedding the basement levels utilising the topography of the western embankment.

Council reviewed the RtS and retained its concerns regarding the overall visual impact assessment methodology and indicated that the overall impact on the agricultural visual landscape has not been

considered. The Council also reiterated the concerns regarding the built form articulation and architectural details.

The Department has reviewed the submissions and the Applicant's amended Stage 2 VIA having regard to the proposed additional building envelopes and the modifications to the hospital envelope. The Department considers that the majority of the concerns raised by Council regarding built form articulation relates to the detailed design of the Stage 2 application. Consequently, these comments are not relevant to the current application. Similarly, the impacts of the buildings on the surrounding environment at night would be assessed in detail under the Stage 2 application.

With regard to the visual assessment methodology, the Department notes that the Applicant's Stage 2 VIA has regard to Council's documents and the assessment parameters in those. Additionally, the VIA provides a more detailed assessment of the visual impact of the envelopes from 21 viewpoints as opposed to 10 viewpoints in the Concept Proposal assessment. The photomontages and the analysis provide a clear ratio of the view loss and an assessment of the degree of view impact on a scale of 0 – 15 (0 being no impact). Given the level of detail, the Department supports the visual assessment methodology proposed by the Applicant.

The amended Stage 2 VIA demonstrates that the multi-deck carpark would be partially screened by the existing vegetation on the west and the south of the site. Additional vegetative buffer proposed along these boundaries as part of the landscape works would further screen this development from the western and southern sides. The multi-deck carpark would also not result in any significant additional visual impact when viewed from the northern viewpoints, across the environmental area and coastal wetlands. The Department also considers that the multi-deck carpark is an essential element of the development to cater for the car parking demand of the future hospital. On balance, the Department is satisfied that the proposed additional envelope of the multi-deck carpark would not result in significant additional visual impact on the surrounding landscape and sky views.

The Department is also satisfied that the proposed modifications to the hospital envelope, the health hub envelope, the enlarged substation envelope and the additional Skill Centre envelope would have negligible additional visual impact when compared to the overall scale of the development.

6.3 Landscaping and siting of the building envelopes

Landscaping

The landscape masterplan approved as part of the Concept Proposal included nine landscape zones with a site-wide landscape strategy. The modification application proposes to refine the proposed landscape zones to include 12 zones aligning with the Stage 2 detailed design and site masterplan.

The landscape plan (as refined by the RtS) is provided in **Figure 17**. The proposed landscape zones include the 'vegetative buffer' on the west and south, consistent with the commitments in the Concept Proposal. The landscape zones also retain the existing orchard and propose edible plant varieties.

The Department notes that the Modification Report initially included a 'Community Garden'. Subsequently, the Applicant's consultation with the farmers and established agricultural working groups revealed that a community garden is not warranted within the site. This provision was removed from the plan as part of the RtS.

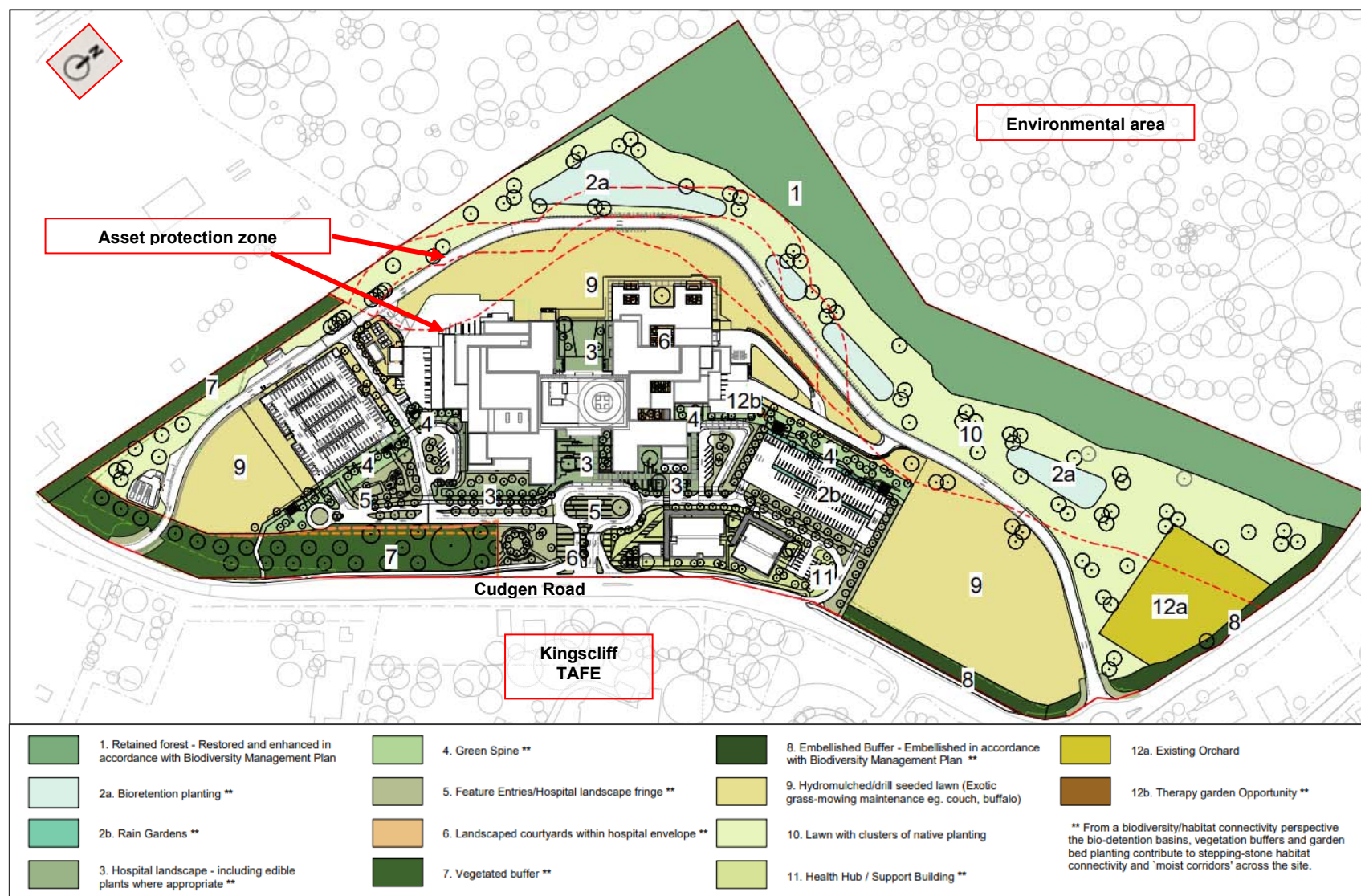


Figure 17 | Modified landscape zonal plan (Source: Applicant's RtS)

The Department has assessed the proposed modifications to the landscape zones and considers that the amendments are consistent with the masterplan approved under the Concept Proposal. The amended landscape zones reflect:

- the consultation undertaken with the farming community post approval of the Concept Proposal.
- the works as part of the agricultural offset plan that have been proposed.
- inclusion of vegetation reflecting requirements of the asset protection zones applying to the site.

The modified development would retain the significant vegetation to the north of the site (within the wetlands), and the vegetative buffers to the west, south and east along with the proposed landscaped boulevard in front of the hospital. Given this, the Department is satisfied that the amended landscape zonal plan is generally consistent with the intent of the Concept Proposal landscape zones and would not result in adverse impacts on the biodiversity of the site or the surrounds. The zones and the associated design would be refined under the Stage 2 application and assessed in detail at that stage.

Siting of the building envelopes

During the EIS exhibition, community submissions objected to the proposed increase in the size of the building envelopes and indicated that the development would encroach within the asset protection zones.

As identified in **Figures 5 and 17**, the proposed multi-deck carpark envelope is sited outside the asset protection zones for the site. The proposed modifications to the main hospital envelope would also have no impact on the bushfire prone or flood prone section of the land.

The Department's assessment concludes that the siting of the multi-deck park is consistent with the previously approved at-grade carparks on the western side of the main hospital building. This is a clear section of the site with no environmental constraints. Thus, the siting of the multi-deck carpark envelope is assessed as satisfactory.

The proposed increase in the GFA for the building envelopes is minor, compared to the overall scale of the development and would not be perceived from the public domain, when compared with the approved scale of the development (**Figure 8**).

The Skills Centre envelope is to facilitate a temporary low scale building. The Department considers that the siting of this envelope along the Cudgen Road frontage is acceptable. The GFA of this building would be in addition to the proposed 65,050m² GFA for the main hospital and the health hub. But given that this building would be removed following completion of the Stage 2 works, the additional GFA of this envelope is acceptable.

On balance, the Department is satisfied that the siting of the new / modified building envelopes would not significantly change the impact on the surrounding environment due to their siting or size, when compared to the Concept Proposal assessment.

6.4 Other Issues

Table 4 | Summary of other issues raised

Issue	Findings	Department's consideration / recommended conditions
Noise	<ul style="list-style-type: none"> The modification application does not involve any changes to the Stage 1 works that would result in increased construction noise on the site. It is likely that Stage 1 works will be extended. During the EIS exhibition, community submissions raised concerns that the application does not include assessment for noise at the Tweed Coast Road / Cudgen Road intersection due to the additional traffic, noise from emergency vehicles and helicopter operations. No public authorities raised any significant concerns regarding noise generation due to the propose modifications. Council recommended that an acoustic consultant undertake an assessment of the additional noise generation due to the potential increase in truck movements for six weeks and provide mitigation measures prior to the truck movements commencing. 	<ul style="list-style-type: none"> The Department notes that the Concept Proposal as modified would facilitate additional building envelopes and consequential changes to the operational parameters. However, the noise generation due to the operation of the hospital would be assessed in detail as part of the Stage 2 application. The Department has considered the Noise and Vibration Assessment Report supporting the Stage 2 application, as a guide to assess the additional construction traffic noise, due to the Stage 1 truck movements. That report concludes that the noise generated by the Stage 2 construction traffic for the hospital would comply with the relevant noise criteria. The additional truck movements in Stage 1 would not exceed the Stage 2 construction traffic volume on the road. Therefore, the Department is satisfied that the truck movements would not result in unreasonable noise impacts on the nearby residents. No additional noise assessment is therefore considered necessary. The modified bulk earthworks in Stage 1 would not generate significant noise above that assessed for the approved Stage 1 works in SSD-9575. Consequently, the Department is satisfied that the implementation of the recommendations in the Construction Noise and Vibration Management Sub-Plan approved by SSD-9575 would apply to the modified development and effectively manage any noise impact due to the additional truck movements or the earthworks within the site.
Agricultural impacts	<ul style="list-style-type: none"> The location of the multi-deck carpark building envelope would retain the approved 10m vegetated buffer along the western boundary. The buffer is required to screen the dust and agricultural spray drift from the adjoining land to the west. 	<ul style="list-style-type: none"> The Department has reviewed the impact of the proposed carpark envelope on the vegetative buffer to the west and concurs with the Applicant that there are opportunities for increasing the width of this buffer in the future, despite the location of the proposed carpark envelope.

	<ul style="list-style-type: none"> During the EIS exhibition, DPI raised concerns that the location of the carpark would compromise the ability to expand this buffer to 30m, in case of future intensification of agricultural activities on the adjoining land. DPI also recommended that additional screens should be added to the façade of the carpark to reduce impacts of agricultural spray drifts on the carpark users. In response, the Applicant's RtS advised that the proposed location of the carpark would still allow an increase in the width of the buffer between 14m – 30m. As such, dense vegetative buffer adjoining the western façade of the multi-deck carpark would not be feasible due to the location of the service ring road. The RtS also advised that additional screens would restrict the carpark from being naturally ventilated. Thus, it is not considered to be a desirable design solution for the building. The western boundary of the site is steep and would allow for effective screening through the proposed vegetation as well as the level difference between the site and the adjoining land. DPI raised no further concerns. 	<ul style="list-style-type: none"> The Department also considers that the multi-deck carpark itself would act as a buffer between the hospital and adjacent agricultural land, thus reducing the adverse impacts due to dust and odour from agricultural sprays. The requests in relation to additional screens to the carpark can be assessed in detail in the Stage 2 application.
Waste	<ul style="list-style-type: none"> The proposed modification to the approved cut and fill would result in excess spoil that would be disposed off-site. The construction waste management plan approved by SSD-9575 requires the Applicant to provide information regarding all off-site disposal locations and details. 	<ul style="list-style-type: none"> The Department is satisfied that subject to the implementation of the construction waste management plan, appropriate disposal of the construction waste would occur.
Heritage	<ul style="list-style-type: none"> The additional and modified building envelopes would have no impact on the existing dry-stone walls on the site, that have local historical, aesthetic and social significance. 	<ul style="list-style-type: none"> The Department is satisfied that the modification application would have no additional impact on the historic dry-stone walls on the site.
Overshadowing	<ul style="list-style-type: none"> The Modification Report and RtS include shadow diagrams that demonstrate that the proposed multi-deck carpark 	<ul style="list-style-type: none"> The Department's assessment concludes that the future overshadowing is satisfactory. The multi-deck carpark would cast shadows on the vegetative

	<p>envelope and the modified envelopes on the site would not overshadow any of the surrounding developments / residences.</p>	<p>buffer and lawn areas on the southern section within the site. Consequently, no adverse overshadowing impacts are envisaged on the surrounding residential development due to the building envelopes.</p>
Other issues raised in submissions	<ul style="list-style-type: none"> • Council and community submissions raised a number of concerns regarding the detailed design of the sewerage system, proposed discharge rate to the Council's sewerage system in the future and monetary contributions to Council for the infrastructure connections. • Council, in its submission recommended that a holistic site master plan be developed for the site considering future expansion possibilities for the site. • Council also indicated that service plants should be relocated on ground floor for additional north light access to the IPU's. • Community submissions objected to the development on the basis that works pursuant to the multi-deck carpark have commenced on the site and that inadequate contamination assessment has been undertaken on the site. 	<ul style="list-style-type: none"> • The modification does not require additional connections to water and sewer or upgrades to the sewerage system. The modification also does not propose any expansion to the hospital facilities or an amended site masterplan. The contamination assessment remediation works are to be completed as part of the Stage 1 works. Consequently, no further assessment is required as part of this modification. • The Department notes the submission from Council and community. However, these matters relate to the Stage 2 application and are not relevant to the modification application. • The Department's Compliance Team has investigated the community complaints in relation to the works undertaken on the site and provided an appropriate response to the relevant community members. This matter is outside the scope of the modification application. • Consequently, no further assessment regarding these aspects of the submissions is necessary.
CIV	<ul style="list-style-type: none"> • The community submissions indicated that the CIV for the development should increase due to the inclusion of the carpark. 	<ul style="list-style-type: none"> • No works are proposed as part of the modification application. Thus, the CIV has not been amended under this application. This matter would be considered in detail in the Stage 2 application.

7. Evaluation

The Department has reviewed the Applicant's Modification Report, RtS, and assessed the merits of the modified proposal, taking into consideration advice from the public authorities, including Council and the community submissions.

The Department is satisfied that the environmental impacts associated with the proposed modification have been thoroughly addressed. The modification would result in the addition of a multi-deck carpark envelope at a location which was previously approved as a carpark. The visual impacts of the multi-deck carpark would not be significant considering the overall scale of the development on the site and its broader impact on the region. The location of this envelope, the Skills Centre as well as the modified hospital / health hub envelopes would have no significant adverse impacts on the environmental constraints of the site.

The approved Concept Proposal and the Stage 1 early and enabling works would not significantly change due to the proposed modification. The modified proposal would not impact on the environmental amenity of the surrounding areas.

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.

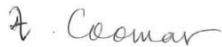
The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interests and the application should be approved, subject to the recommended amendments to the conditions.

8. Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-9575-MOD-2 falls within the scope of section 4.55(2) of the EP&A Act.
- **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.
- **accepts and adopts** all of the findings and recommendations in this report and the Notice of Decision as the reasons for making the decision to grant approval to the application.
- **modify** the consent SSD-9575.
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Aditi Coomar
Principal Planner
Social and Infrastructure Assessments

Recommended by:



David Gibson
Team Leader
Social Infrastructure

9. Determination

The recommendation is **Adopted** by:



28 April 2020

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

1. Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/project/25461>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25461>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25461>

Appendix B – Environmental Assessment

<https://www.planningportal.nsw.gov.au/major-projects/project/25461>

Appendix C – Instrument of Approval of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/25461>