

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10353 Tweed Valley Hospital Stage 2
Applicant	Health Administration Corporation
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Infrastructure Assessments, of the Department of Planning, Industry and Environment (the Department) under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department's Assessment Report is available [here](#).

Date of decision

12/06/2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the project is consistent with the Concept Approval for the site, which established the strategic need for the development.
- the project would provide a range of benefits for the region and the State as a whole, including provision of a new hospital with additional beds, significant capital investment, creation of 771 construction jobs per year and up to 208 new operational jobs, providing modern facilities that meet current standards for healthcare in the State and providing further investment in public infrastructure in the Northern NSW Local Health District.
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - NSW State Priorities.
 - North Coast Regional Plan 2036.
 - State Infrastructure Strategy 2018-2038
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with built form and urban design, landscaping, visual impacts, traffic and transport, biodiversity and coastal wetlands impacts, impacts to agricultural land, noise impacts, infrastructure connections and parking management.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

- **Attachment 1 – Consideration of Community Views**

The Department exhibited the Environmental Impact Statement for the project from 10 October 2019 until 8 November 2019 (30 days). The Department received a total of 25 submissions, including ten comments from public authorities, one comment from Tweed Shire Council, 12 individual public submissions (including three objections) and two comments from community / special interest groups.

The Department uploaded the Response to Submissions (RTS) for the project on its website once it was received on 17 March 2020. The Department also uploaded the supplementary information (SRTS) received on 26 March 2020 and 23 April 2020. The Department has received one submission from Council, and two additional correspondence from public, following receipt of the RTS and SRTS.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include the design, scale and visual impacts of the Hospital buildings, traffic impacts, biodiversity impacts, noise impacts and parking impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Site suitability, design, scale and visual Impacts</i></p> <ul style="list-style-type: none"> • the scale and design of the buildings would adversely impact on the character of the area. • the overall height and scale of the building, its high visibility and lack of integration into its peri-agricultural context would result in adverse visual impacts. • recommendations by Council to incorporate landscaped roof terraces and green walls on the new hospital building and the multi-deck carpark. • inadequate visual impact assessment methodology. • site not suitable for the proposed development. • adequate clinical services have not been proposed. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant updated the visual impact assessment report with additional photomontages for key locations as well as night-time impacts. • The Applicant advised that landscaping cannot be integrated with the building in the form of rooftop gardens and green walls due to associated bushfire safety risks. No changes were made to the external design of the building. • The Department considers that the scale and siting of the proposed buildings are consistent with the building envelopes established by the Concept Approval. It also considers that the built form is highly modulated and incorporates wide range of materials and finishes that provide visual interest and are considered to be appropriate for an institutional building such as a hospital. • The Department considers that visual impact assessment methodology is adequate and provides sufficient detail to enable an assessment of the visual impacts of the proposal. • The Department agrees with Council and public submissions that the building would be very large in its context, and highly visible within the locality and regionally. However, the building mass is driven by its functional needs and therefore further reduction would not optimise the needs for the site and the region. • The Department accepts the Applicants justification for not including landscape elements into the building design but considers there is significant opportunity to reduce the visual impact of the development by incorporating large canopy trees on all sides of the building that would partially screen and soften the effects of the building massing. • The matters in relation to site suitability has been assessed under the Concept Proposal. • Provision of clinical services is a matter for the Applicant to consider. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include: <ul style="list-style-type: none"> ◦ submission of update landscape plans including canopy trees (25 metres high) on all sides of the new hospital building whilst maintaining compliance with <i>Planning for Bush Fire Protection</i>.
<p><i>Traffic Impacts</i></p> <ul style="list-style-type: none"> • general impacts of additional traffic on the nearby residences and intersections. • impacts of the development on farm vehicles using Cudgen Road. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal includes upgrades to the intersection of Tweed Coast Road / Cudgen Road and other road upgrades to accommodate the hospital traffic. • The upgraded external road network and intersections would cater for future background and development traffic satisfactorily. • This would be complemented by the planned road upgrades by Council. • There would be some potential traffic impacts arising from associated slow moving tractor movements, however, the extent of the impacts is not expected to be significant. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions are recommended to ensure the provision of the road upgrades prior to operation of the hospital.
<p><i>Biodiversity Impacts</i></p> <ul style="list-style-type: none"> • impacts of the proposal on the environmental land to the north of 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant provided a hydrology assessment report to assess impacts on the wetlands and revised landscaping details with provisions for koala

<p>the site, which includes mapped coastal wetlands.</p> <ul style="list-style-type: none"> stormwater discharge from the site may result in adverse impacts on the adjoining downstream properties and that owners' consent is not provided for increased rate of stormwater discharge on to the adjoining land. inadequate provision of Koala food trees on the site in accordance with the requirement of the Concept Approval. 	<p>food trees.</p> <ul style="list-style-type: none"> The Department considers the revised proposal incorporates appropriate measures to offset impacts of the proposal on potential koala habitat. The Department engaged its own consultant to review the impacts of stormwater discharge on the adjoining coastal wetland. The review confirmed that the proposal would not result in adverse impacts for water quality, nor would it result in unacceptable quantities of water discharge during major rain events. The review, however, concluded that additional flow of stormwater into the coastal wetlands during the dry seasons may have some impact on the biodiversity habitat and hydrology within the wetlands. Additionally, groundwater recharge of the site would be reduced due to the additional impervious areas. The Department has recommended conditions requiring the Applicant to conduct additional hydrology analysis for dry seasons and then introduce stormwater harvesting measures to mitigate any adverse impacts on the coastal wetlands. The Department also requires the stormwater measures to incorporate provisions for groundwater infiltration. Subject to the recommended conditions, the proposal would not result in unacceptable adverse outcomes for the adjoining land or affect the development potential of other adjacent land held by the same owner. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions include: <ul style="list-style-type: none"> submission of an updated Hydrology Assessment Report with additional analysis of changes to flows during the dry seasons. provision of additional stormwater harvesting measures with groundwater infiltration provisions, based on the results of this analysis.
<p><i>Noise Impacts</i></p> <ul style="list-style-type: none"> impacts of construction noise, including noise associated with the proposed roadworks. potential impacts of operational noise, noise from traffic and vehicle movements including helicopter and ambulance movements. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied that construction works associated with the hospital development within the site would not result in significant noise impacts to nearby residential receivers. While the road works outside the site would result in some adverse acoustic impacts to nearby residents, the proposed construction noise management and mitigation measures are appropriate and would assist with reducing noise impacts. Subject to mitigation measures, mechanical plant and generators would not result in any undue noise impacts to nearby sensitive receivers and would be well below the noise criterion established by the Concept Approval. Additional traffic movements would only increase overall traffic noise within the area by 0.6 – 1.2 dB, which is considered to be insignificant, having regard to the NSW Road Noise Policy. Noise from ambulances and helicopter movements would be audible at nearby residential premises, but the Department considers that these short-term noise disturbances would be acceptable noting: <ul style="list-style-type: none"> the very low expected frequency of helicopter movements (six – ten a month). no noise control regulations which applying to ambulance sirens. the emergency health benefits outweighing any short-term noise disturbance caused by ambulance and helicopter. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions include: <ul style="list-style-type: none"> preparation of a Construction Noise and Vibration Management Plan. noise monitoring during construction works. incorporation of noise mitigation measures for mechanical plants. short term noise monitoring following operation.
<p><i>Parking</i></p> <ul style="list-style-type: none"> impacts of the paid parking scheme on the nearby streets and public car parks. recommendations for availability of car parking spaces within the site for the community. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges that a paid parking scheme may encourage some visitors and staff to utilise free alternate parking areas in the locality. But it would also encourage the use of public transport instead. The Department considers that impacts of a paid parking scheme could be managed by ensuring parking rates cater for varied needs including concessions. Off-site impacts could be managed by Council imposed restrictions on nearby streets with special provisions for residents. Sharing of hospital parking with the community is not within the scope of this application. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions include: <ul style="list-style-type: none"> paid parking scheme be implemented in consultation with Council.