

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 9575 Concept Proposal and Stage 1 works for the New Tweed Valley Hospital
Applicant	Health Administration Corporation
Consent Authority	Minister for Planning

Decision

The Minister for Planning 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 of Planning and Environment's Assessment Report is available [here](#).

Date of decision

11 June 2019

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

- the project and future development would provide a range of benefits for the region and the State as a whole, including providing a new hospital with additional beds, over \$471 million of capital investment, creation of 771 construction jobs per year and 208 new operational jobs (upon completion), providing modern facilities that meet current standards for healthcare for the State and providing further investment in public infrastructure in Northern NSW Local Health District;
- the project is permissible with development consent, and is consistent with NSW Government policies including the NSW State Priorities, *North Coast Regional Plan 2036* and the *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 as identified in the Department's Assessment Report. The consent authority has imposed conditions relating to built-form and urban design, biodiversity, noise and vibration, traffic and transport, contamination, stormwater, social impacts, waste generation and construction impacts of the Stage 1 works;
- the community views (in the submissions) have been considered and adequately addressed through the recommended conditions of approval; and
- 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 1 November 2018 until 13 December 2018 (43 days) and received 432 submissions, including 402 public objections (individual and organisations), one objection from Tweed Shire Council (Council), 27 submissions in support of the project, and two submissions raising comments about the project.

The Department received a total of six submissions including two additional individual and one additional community group submission objecting to the development, after closure of the exhibition period.

The Department also undertook the following consultation activities:

- media release and a separate landing page on the Department's website;
- conducted a site visit on 29 January 2019; and
- conducted a meeting with the representatives of Council on 29 January 2019.

The Department uploaded the Response to Submissions for the project on its website once it was received on 4 February 2019. The Department also uploaded the supplementary information received on 11 February 2019, 19 February 2019, 6 March 2019, 9 May 2019 and 21 May 2019. The Department has received one submission from Council, multiple (59) public submissions / responses from 15 individual submitters, one organisation and one community group objecting to the development, following receipt of the Response to Submissions and supplementary information.

The submissions raised concerns regarding the site selection process, adverse social impacts of the relocation of the existing hospital, loss of State significant farmland (SSF), inadequate ecological buffers and asset protection zones, visual impacts of the built-form, inconsistencies with the local planning directions, adverse biodiversity impacts, impacts of Stage 1 construction works due to noise and dust, traffic impacts, noise impacts, impacts of rezoning the site, intensification of use of surrounding land, impacts of drainage works, soil contamination, social impacts on Kingscliff locality and Tweed Heads town centre, inadequate community consultation and timing of approval.

The key issues raised by the community (including in submissions) considered in the Department's Assessment Report and by the decision maker include suitability of the site, built form and urban design, biodiversity impacts and coastal wetlands, traffic, transport and parking, noise impacts, social and economic impacts and contamination. Other issues are also addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Site suitability and need for the project</i> • The site is inappropriate for the development and would result in loss and fragmentation of SSF. • Alternative sites have not been explored including Kings Forest • the existing Tweed Heads Hospital should be refurbished. • The agricultural potential and the soil capability of the selected site has not been assessed. • Appropriate access to the site from all parts of the Shire would not be maintained during major flooding events. • The proposed land use would conflict with the surrounding agricultural uses, compromise farmer's rights and result in loss of farming jobs. A minimum of 300m buffer distance should be maintained between the site and the adjoining agricultural uses to the south and west. • The electrical substation compromises the vegetative buffers • The rezoning of the land and the proposed development would result in further intensification of use and urbanisation of surrounding land due to the hospital or related uses. • A pre-emptive decision-making process is being followed by pursuing proposals for a 'Regional Health Precinct' in the locality	<i>Assessment</i> • The Department notes that the Applicant has undertaken a comprehensive site selection process to choose the site for the development, prior to the lodgement of this development application. Alternate sites including Kings Forest have been assessed by the Applicant for this purpose and the details are published on the Applicant's website. The site selection process and any comparisons of the suitability of other sites are outside the scope of this assessment. • The Applicant has undertaken a comprehensive options analysis to demonstrate the need for a new hospital and the suitability of the greenfield site in lieu of refurbishment of the existing Tweed Heads Hospital. • The Applicant's assessment includes details of the agricultural potential of the site and its soil capability including cropping potential / financial loss etc. • The Department has reviewed the Applicant's assessment of the agricultural impacts and considers that the loss of SSF due to the siting of the proposed development, would not fragment the remaining arable land in Cudgen or result in substantial impact on food security in the region. • The Applicant proposes measures to offset the loss of SSF by proposing to reuse the topsoil on the site, increase the production of underutilised agricultural land by collaborating with other Government Agencies, including opportunities for edible produce within the land. • The Department notes that the 300m buffer distance is a guideline which applies to residential developments that adjoin agricultural sites. The Department considers that the distance between the hospital and the agricultural land is satisfactory. • The Applicant proposes vegetative buffers on the southern and the western boundaries to screen any risk on the future users of the land due to agricultural spray drift from adjoining sites. The Department is satisfied that the proposed buffers would minimise any risks of conflicts due to the adjoining agricultural uses. The buffers are not comprised due to the location of the substation. • The Department's assessment concludes that access to the site, for the population to the south of Tweed Shire, can be maintained during 1% and 5% Annual Exceedance Probability (AEP) events. In case of obstruction to the access routes, alternate access to the Robina Hospital would be

based on future rezoning of surrounding land. Further land would be rezoned in the locality to fit the future uses in relation to the hospital, that may not be accommodated on the site, due to environmental constraints.	available for the population to the north of the Shire. The hospital is proposed above the PMF for the site and proposed drainage infrastructure in Stage 2 would ensure that the flooding risk is not increased. - Rezoning of the land has been determined by the then Minister for Planning in February 2019. The proposed use is a permissible development on the SP2 Infrastructure (Health Services Facility) zone. The Department notes the concerns in the public submissions regarding refusal of previous rezoning applications surrounding the site and the recent sale of a land which would lead to rezoning of surrounding land. However, the history of rezoning proposals, sale of adjoining land or impacts of the proposed rezoning of the site on future intensification of the surrounding land are outside the scope of this assessment. - The Department recognises that if the application is approved, then this needs to be incorporated into Council's wider planning process for the region. Future development of the draft Kingscliff Locality Plan by Council, in consultation with the local community, would assist in balancing demand for growth with the desire to retain the local character of Kingscliff. If approved, the next review of the North Coast Regional Plan 2036 would need to acknowledge the location of the hospital. - The Applicant has identified future uses that may be proposed on the site (in concept) and identified areas within the site to accommodate such uses. However, these uses would be subject to future development applications. <i>Conditions</i> - The Stage 2 development application to include an Agricultural Offset Plan with measures to offset the loss of SSF in the region. - The landscape plan for the Stage 2 development application to include details of the vegetative buffer on the southern and western boundaries, reused topsoil and the farm landscape with edible produce. - The Stage 2 application be supported with evidence of further consultation with adjoining farmers to ensure that any intensification of activities is identified, and farmer's rights to farm or access to the sites are not compromised. - The Stage 2 application to be supported by an Emergency Flood Evacuation and Management Plan for the users of the site in case of a major flood in the region. - Preparation of a flood emergency response sub-plan detailing the procedures for the construction workers to evacuate the site in case of a major flood event.
<i>Inconsistency with the North Coast Regional Plan 2036 (NCRP) and the Northern Rivers Farmland Protection Project 2005 (Farmland PP)</i> The proposal would result in loss of agricultural land which is inconsistent with the planning directions in the NCRP.	<i>Assessment</i> - The Department's assessment concludes that the proposed development complies with the Goal for "a thriving, interconnected economy" in the NCRP and the relevant directions in this regard as it is a significant investment in public infrastructure and would have a flow-on effect into the growth of the regional economy. - Directions 11 and 12 of the NCRP include an action to review the consistency, methodology and application of the Farmland PP to establish consistent standards for important farmlands in the North Coast. - The Farmland PP include considerations for the use of SSF for public infrastructure where no feasible alternative is available. - The consistency of the proposed use with the actions and directions of the NCRP and the need for further reviews have been considered by the Department during the rezoning of the site. <i>Conditions</i> - No conditions are recommended in relation to this issue.
<i>Social and Economic impacts</i> - Social impacts have not been appropriately quantified. - The relocation of the existing hospital would result in loss of accessibility health services for the elderly and vulnerable community due to lack of public transport between the two sites. - The relocation would impact on local businesses dependent on the current hospital, supply chains, loss of jobs, loss of health-related services and drop in housing value at the town centre. - The proposal would result in an increase in criminal activities in the town centre due to a vacant hospital building and in Kingscliff due to hospital related anti-social behaviour.	<i>Assessment</i> - The Department supports the Applicant's proposal mitigate the identified impacts of the proposed relocation by: developing a transport plan for the elderly and vulnerable community; including alternate uses within the existing hospital building; and co locating the excluded facilities within a proposed "HealthOne" facility in the Tweed Heads Central Business District. - The Department is satisfied that, given the distance between the two sites, loss of jobs due to the relocation is not anticipated to be significant. The Department notes that impacts on the local businesses within the Tweed Heads town centre, due to the relocation of the hospital from the locality. The Department is satisfied that proposed alternate uses of the vacant building would assist in reducing the impacts on the businesses or supply chains. - The alternate use of the vacant building within the town centre would result in reducing criminal activities due to a vacant site. - The Department recognises that the change in the future character of Kingscliff would be influenced by the hospital as well as the anticipated population increase considered in the draft Kingscliff Locality Plan and the NCRP.

• The proposed New Tweed Valley Hospital would change in the character of Kingscliff locality, result in unreasonable resident migration to Kingscliff, adverse impacts on tourism industry. • The proposed development does not consider the need for affordable housing and carer accommodating within or near the hospital site, need for a police station and an ambulance station adjoining the site • the proposed parking fee structure would result in underutilised parking spaces within the site and use of on street parking spaces in the locality by the users of the hospital. • The Stage 1 construction works would result in adverse social / amenity impacts due to traffic, noise and dust for a prolonged period.	• Given the distance of the site from the beach and the tourist areas within the Tweed Heads Coolangatta Area, impacts on tourism are assessed as minor. • The Applicant proposes traffic improvements to accommodate the additional hospital traffic. This is turn would have a positive impact on the local tourist industry. The impacts on the surrounding built environment due to operational noise can be assessed in Stage 2. • The Department considers that the parking fee structure and its impacts would be assessed in detail in Stage 2. The Applicant has committed to Transport, Access and Parking working group (TAP) to investigate alternate transport strategies and impacts of paid parking within the TVH site. • The Department anticipates that the operational management plan for the future hospital would incorporate standard procedures regarding hospital related criminal and antisocial activities. These matters can be assessed in Stage 2. • The submissions regarding the distance between the TVH site and the police station or ambulance station, drop in the housing are not matters for consideration under the EP&A Act. • The Department considers that the social impacts of the Stage 1 works are acceptable based on the proposed management and mitigation measures. <i>Conditions</i> • The Stage 2 application to include details of a community transport plan between the two sites, in consultation with Transport for NSW, to assist the elderly and vulnerable community of the region • The Stage 2 application to include details of initiatives to improve the public transport system in the locality. • The Stage 2 application to include details of the traffic improvement and noise management measures. • The proposed site plan of the future hospital be guided by principles of crime prevention through environmental design. • A Community Communication Strategy be provided to the Department prior to the commencement of Stage 1 works, to assess the need for further consultation with the community during construction works.
<i>Built form and Urban Design</i> • The height and footprint of the building envelope is not compatible with the character of the locality. • The proposed built-form would result in adverse visual impacts on the locality and the wider region. • The building envelope is not capable of accommodating 900 beds. • The design would have adverse amenity impacts on the surrounding locality due to light spill. • The piling works cannot be approved without detailed design of the building. • The lack of development standards to guide the built form in the SP2 zone is not appropriate. • The proposed design of the development should incorporate the comments of the State Design Review Panel (SDRP).	<i>Assessment</i> • The EIS and RtS are supported by a detailed visual impact assessment report. The Department's assessment of the visual impacts concludes that although there would be visual impacts of the future hospital on sensitive receivers, the identified distant views would be maintained for majority of the affected receivers. • The Department has undertaken a comprehensive assessment of the built form and urban design principles and is satisfied that the building design envelope for the hospital and the health hub are appropriate to accommodate the functions of a critical infrastructure needed in the region. • The Applicant is currently undertaking extensive consultation with the SDRP and Government Architect NSW (GANSW), to develop the future design of the future hospital. The detailed design of the hospital building would need to identify opportunities to reduce the bulk and scale and the resultant visual impact by incorporating building articulation in consultation with GANSW. • The proposal does not seek approval for the maximum number of beds. Therefore, this matter would be assessed in the Stage 2 application for the detailed design and operational parameters of the future hospital. The approximate gross floor area of the buildings on the Site, as approved under this consent would guide the maximum capacity of the hospital. • The approval of the piling works in Stage 1, are based on the Department's assessment of the building footprint in discussion with GANSW's views on the overall design. Notwithstanding the piling works, the detailed building design in Stage 2 would be informed by the terms of the Concept Proposal and assess the building articulation and visual impacts. <i>Conditions</i> • The Stage 2 application be supported by a detailed visual impact assessment and solar access assessment to identify any adverse visual or overshadowing impacts and propose appropriate management and mitigation measures. • The building envelope for the hospital and the health hub to be consistent with the Concept Proposal and be guided by the recommendations of the Applicant's Built form and Urban Design Report with regard to the building design typology, built form articulation, visual privacy, wind impacts, light spill, reflectivity and other identified impacts. • The approximate gross floor area of the two proposed buildings on the site be restricted to 65,000 square metres. • The Stage 2 application have regard to a high standard of architectural design in consultation with the GANSW, its relationship with the site topography, integration of landscaped areas with the site, creation of a

	pedestrian network throughout the site, identify the public spaces and propose a boulevard connecting the various areas.
<i>Biodiversity and coastal wetlands</i> - The proposal would result in the loss of threatened flora and fauna on the site and surrounding areas. - The proposed drainage works, the existing sediment basins and the asset protection zones would have adverse impacts on the coastal wetlands. - The proposed drainage works are not lawful as the flow characteristics and impacts on the coastal wetlands would be altered due to the proposed development. - The proposal would result in impacts on species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), and a referral to Commonwealth is needed. - The proposal does not include appropriate ecological buffers from the environmentally sensitive areas of the site. - The site area would be unreasonably compromised if all of the required buffers are incorporated and therefore the remaining area of the site would be unsuitable to accommodate the proposed facilities and the future expansion opportunities identified for the site.	<i>Assessment</i> - The Applicant has provided a comprehensive Biodiversity Assessment Report (BDAR) assessing the direct and indirect impacts on the existing vegetation and threatened species. The BDAR includes details of credits to offset the direct impacts. Based on comments from OEH, the Department agrees with the Applicant's assessment of the impacts and considers that the proposal would not result in any serious and irreversible impacts on the surrounding biodiversity. - The Applicant has assessed the impacts of the proposed development on the species listed under the EPBC Act including (but not limited to) the Mitchell's rainforest snail and koala habitat. The Applicant's assessment concludes that the proposed impacts do not exceed the threshold in the Matters of National Environmental Significance (MNES) Significant Impact Guideline and referrals to the Commonwealth would not be needed. - The Department has considered the Applicant's assessment which identifies that the site is not a potential koala habitat pursuant to the provisions of State Environmental Planning Policy No. 44 (SEPP 44). The Department, in discussion with OEH, is satisfied that the proposal is not likely to impact on a core or potential koala habitat and complies with the provisions of SEPP 44. - The Department's assessment of bushfire safety measures concludes that the proposed asset protection zones (APZ)s would be located in cleared areas of the site and would not result in further loss of vegetation or compromise the integrity of the wetlands. The APZs within the site comply with RFS requirements. - Sections of the building footprint, sediment basins, internal roads and future bio-retention basins would be located within the mapped coastal proximity area which is not inconsistent with the State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) subject to appropriate water quality treatment strategies and retention of significant vegetation. The BDAR discusses the direct, indirect and prescribed impacts of the development on the vegetation and fauna within the coastal wetlands and the proximity area as well. The Department's assessment concludes that the proposed works within the proximity area would be consistent with the aims of the Coastal Management SEPP and the provisions of clause 11 of the Coastal Management SEPP. - The Department concludes that the proposed peak stormwater flows to the coastal wetlands, from the impervious areas of the site, would not increase, and the quality of the discharged water would achieve Council's load-based targets. However, a full assessment of the impact of the increased volume or nutrient loads (if any), and the altered flow characteristics would be undertaken in Stage 2. - The proposed ecological buffers are assessed as satisfactory and would not unreasonably compromise the development potential of the site. The relationship between the required buffer and any future developments on the site are not matters for consideration, under this development application <i>Conditions</i> - The credits generated by the direct impacts be retired prior to the commencement of the Stage 1 works on the site. - The Stage 1 works include a Biodiversity management plan (BMP). - The Stage 2 application include: a BMP, a Habitat Management Plan to manage the potential koala habitat on the site, a Vegetation Management Plan, details of habitat rehabilitation for Mitchell's rainforest snail and plant species within the bio-retention basins (compliant with APZ guidelines). - The Stage 2 application be supported by details of drainage works, stormwater volumes during peak flows and dry periods, flow duration analysis to demonstrate that the post-development flow would mimic the pre-development flow for stormwater discharged on to the wetlands. - The Stage 2 application to include stormwater treatment strategies, water sensitive urban design principles and a peer-review by an ecologist confirming that any increase in the nutrient loads and / volume would not have any significant impact on the coastal wetlands.
<i>Traffic, transport and parking</i> - The additional traffic generated due to the operation of the future hospital would impact on the local road network. - The proposed intersection upgrade works rely on the upgrades to be undertaken by Council, which are uncertain. - The proposed access on the south-western side of Cudgen Road does	<i>Assessment</i> - The Applicant's traffic assessment identified a number of potential traffic impacts due to the operation of the future hospital. To accommodate the additional hospital traffic (based on 430 beds and 1050 staff), the intersection of Tweed Coast Road / Cudgen Road is proposed to be upgraded (both capacity and performance) prior to 2023 (estimated year of opening of the hospital). Additionally, the Cudgen Road main entry is also proposed to be signalised for additional traffic and pedestrian safety. - In discussion with Roads and Maritime Service (RMS), the Department is satisfied that the proposed mitigation measures would result in acceptable levels of service at the impacted intersections, with no reliance on upgrade works proposed by Council (in 2023). Additional upgrades may be needed

not comply with Council's specifications. • The proposal lacks the details of continuous external pedestrian connections to / from the site to public transport. • No improvements to public transport or community transport plan are proposed. • The Stage 1 construction works would result in adverse amenity impacts due to construction traffic. • The construction and operational traffic would have conflicts with the slow-moving agricultural vehicles.	to further improve the intersection performance in the future. These matters would be assessed in detail in Stage 2 in consultation with Council and RMS. The potential impacts, including conflicts with agricultural vehicles would be addressed in more detail in Stage 2, for the design and construction of the new hospital. • The Applicant proposes improvements to the public transport infrastructure on Cudgen Road near the site. A Transport Access and Parking group is proposed to be created to investigate the public transport improvements and parking management plans for the hospital. • The Department notes Council's concerns regarding the design of one of the access points to the site, proposed as part of the Stage 1 works. The Department considers that the detailed design of this access should be finalised in consultation with Council during the Stage 1 works. • The Applicant has provided details to demonstrate that the peak construction traffic volume can be accommodated within the local road network, acknowledging the temporary disruptions in the locality. <i>Conditions</i> • The Stage 2 application to be accompanied by a detailed assessment of the traffic and transport impacts based on a capacity of 430 beds and 1050 staff members (as proposed). Additional traffic impact assessment should be undertaken in case of any proposed increase in the bed capacity. • The Stage 2 application be supported by comprehensive details and drawings for the intersection upgrade to Tweed Coast Road / Cudgen Road including any additional works required by Council as a result of further consultation. • The Stage 2 application to include details of the signalised intersection on Cudgen Road at the main entry to the hospital. • The Stage 2 application to include a Construction Pedestrian and Traffic Management Plan. • The Stage 2 application to include a Sustainable Transport Plan and a Green Travel Plan. • The proposed design of the access from the south-western boundary of Cudgen Road should be finalised in consultation with Council.
<i>Noise</i> • The proposed development would result in noise impacts due to 24-hours operation of the hospital and the associated helicopter landing site. • The hospital users would be impacted upon by the aircraft noise from Gold Coast Airport. • The construction works in Stage 1 would compromise the amenity of the surrounding users.	<i>Assessment</i> • The Applicant has provided details of noise contours to demonstrate that the proposed hospital site would not be affected by aircraft noise. • The impacts due to operation of the hospital would relate to traffic, plans and equipment and helicopter operations. In the absence of a detailed design, the full assessment of the noise impacts cannot be undertaken. The Applicant's noise assessment includes specific Project Noise Trigger Levels and recommends that these be maintained in the future. • The Applicant has confirmed that helicopter operations would be infrequent (less than 10 a month) and comprise pre-planned patient transfers. The siting of the helicopter landing site (HLS) on the rooftop and flight paths above forests and farmlands, where possible, would reduce the associated impacts on the amenity of the surrounding residents. The Department considers that this can be assessed in detail in Stage 2. • The Applicant has included a comprehensive list of management and mitigation measures to reduce adverse impacts on noise during construction activities in Stage 1, specifically the activities that would exceed the established noise management levels at the sensitive receivers. The Department is satisfied that the mitigation measures are acceptable. The residual impacts can be managed via recommended conditions of consent. <i>Conditions</i> • The Stage 1 works to exclude any rock blasting activities. • A Construction Noise and Vibration Management Plan be developed for the Stage 1 works requiring intra-day respite periods, use of less noise intrusive equipment, restricting demolition hours, use of alarms and careful location of the rock crusher, for all works that exceed the highly affected noise level of 75dB(A). • The Stage 2 application be supported by a Noise and Vibration Impact Assessment Report with details of siting, planning and acoustic screening of service areas, noise generating areas, plant and equipment areas, details of the helicopter operations.
<i>Soil contamination</i> • The soil has potential for arsenic contamination due to presence of a potential cattle dip. • A detailed assessment of soil contamination has not been undertaken the remediation works are being undertaken without development consent, not complying	<i>Assessment</i> • The application includes a detailed soil investigation report (DSI) which concludes the presence of asbestos contamination in certain sections of the soil. A Remedial Action Plan (RAP) would be implemented prior to the commencement of Stage 1 works to remediate the site. • The Applicant's assessment does not identify a cattle dip on the site. • In discussion with Environment Protection Authority (EPA), the Department notes that additional investigations are required to ascertain heavy metal contamination under the slabs of the previously existing buildings (if any remaining), the farm dump areas and the farm dam within the coastal

with the State Environmental Planning Policy 55 (SEPP 55).	wetlands. Based on the results of the investigation. The RAP would require updating. - The EPA and Department are satisfied, that subject to implementation of the RAP, the site can be made suitable for a hospital in accordance with SEPP 55. <i>Conditions</i> - Further investigations regarding heavy metals and the potential presence of a cattle dip on the site be undertaken prior to commencement of Stage 1 works for specific sections of the site. - The RAP be updated based on the additional soil investigations. - A Site Auditor be engaged throughout the duration of the remediation works, which are to be undertaken prior to the commencement of the Stage 1 works. - A Site Audit Statement confirming the suitability of the site, be submitted after completion of the remediation works.
<i>Ecologically sustainable development</i> The proposal does not incorporate the principles of ecologically sustainable development, and specifically the precautionary principle.	<i>Assessment</i> - The proposed development has considered the principles of ESD in the context of the EP&A Regulation including intergenerational equity. The loss of SSF on the urban fringe is deemed acceptable on the basis of the proposed offsets. It would not impact on the ability of the future generations to meet their needs. <i>Conditions</i> - The Stage 2 application be supported by an Agricultural Offset Plan. - The Stage 2 application to include a framework for how the future development will be designed to consider and reflect national best practice sustainable building principles.
<i>Aviation / Helicopter operations</i> The hospital would be located within the Gold Coast Airport flightpath.	<i>Assessment</i> - In discussion with the relevant public authorities, the Department is satisfied that the proposed hospital would not be located under any designated flight path or the Obstacle Limitation Surface (OLS) for Gold Coast Airport. <i>Conditions</i> - The Stage 2 application includes details of the proposed HLS and the proposed operations in accordance with the relevant Aviation Guidelines.
<i>Stage 1 amenity impacts – dust</i> The Stage 1 works would result in dust impacts on the surrounding receivers.	<i>Assessment</i> - The Department is satisfied that the dust impacts related to the Stage 1 works can be adequately managed by the proposed mitigation measures, such as temporary dust screening, suitable location of the rock crusher, unattended dust monitors at key surrounding sensitive receptors. <i>Conditions</i> - An Air Quality Management Sub Plan be prepared for Stage 1 works identifying the site-specific dust management measures and incorporating air quality targets to be achieved and monitoring techniques to demonstrate compliance.
<i>Heritage Impacts</i> - The submitted Aboriginal Cultural Heritage Assessment Report (ACHAR) is not adequate and does not consider registered sites within 1 kilometre of the site. - The identified significant walls within the site should be retained and an assessment regarding the heritage listing of the site should be undertaken. - A Conservation Management Plan should be prepared for the retention of the historically significant walls on the site.	<i>Assessment</i> - The Applicant's assessment includes detailed assessment of Aboriginal cultural heritage and historical heritage on the site. The Heritage Division of the Office of Environment and Heritage have raised no concerns regarding ACHAR or the historical heritage assessment subject the implementation of conditions. - The Department considers that the heritage values (both Aboriginal and historical heritage) of the site have been adequately addressed. The impacts of the proposal on the existing sandstone walls can be mitigated via conditions of consent. <i>Conditions</i> - The Applicant to develop procedures to retain the identified historically significant walls prior to the commencement of Stage 1 works. - In the event that the walls cannot be retained (in part or full), interpretation of the demolished walls should be included in the Stage 2 application. - Unexpected finds protocol should be developed, both for the Aboriginal and archaeological heritage, prior to the commencement of Stage 1 works.
<i>Infrastructure connections, other environmental impacts, groundwater and dewatering</i> - The Applicant should undertake consultation with Council prior to sewer and portable water connections including an agreed approach regarding the financial contributions. - The Application should be supported by a dewatering management plan.	<i>Assessment</i> - The Department is satisfied that infrastructure connections can be completed during the Stage 1 works, subject to approval from the relevant public authorities. - The Applicant has advised that dewatering would not be needed as water table would not be encountered except for deep piles. - The Department is satisfied that other environmental impacts related to the Stage 1 works, including erosion and sediment control, water and wastewater, and waste management can be adequately managed by the proposed mitigation measures, and recommended conditions. <i>Conditions</i>

	- The Applicant should consult with Council for an agreed approach regarding sewer and water connection with any related financial contributions prior to the commencement of relevant works in Stage 1. - Approvals from all relevant utility provider be obtained prior to installation of services on the site. - No gas tanks be installed as part of the Stage 1 works. - The Applicant to obtain relevant licenses, if dewatering be required during piling works in Stage 1.
<i>Community consultation</i> The Applicant has not undertaken sufficient consultation with the community during the site selection and the State significant development application process.	<i>Assessment</i> - The Applicant has provided a community consultation report highlighting consultation methods undertaken prior to the lodgement of the SSD. - Assessment of the appropriateness of community consultation during the site selection process is outside the scope of this application. - The Department has undertaken consultation with the community and public authorities as outlined in the assessment report. <i>Condition</i> - A Community Communications Strategy be provided to the Department for approval, prior to the commencement of any works on the site. - Majority of the reports required for the Stage 2 application be prepared in consultation with the relevant stakeholders and the public authorities including Council. - The intra-day respite periods required for noisy Stage 1 works be decided in consultation with the nearby educational and residential receivers.
<i>Timeframe for determination</i> The proposal is determined within a short period of time.	<i>Assessment</i> The assessment of the application is being undertaken in accordance with the statutory timeframes applicable to State significant development applications.
<i>Submissions handling</i> The submissions have not been up-loaded on the Department's website following correct procedures.	<i>Assessment</i> The Department notes the concerns regarding administrative procedures in relation to community submissions. The matter has been referred to the relevant branch within the Department for appropriate action.
<i>Determining Authority</i> The Application should be determined by the Independent Planning Commission.	<i>Assessment</i> The application is lodged by a public authority. Pursuant to the provisions of the EP & A Act, the Minister for Planning is the consent authority.
<i>Preliminary works</i> Works have been undertaken on the site prior to the granting of consent.	<i>Assessment</i> - The Department notes that preliminary works have been undertaken by the Applicant prior to Stage 1 works, including construction of sediment basins, establishment of a site compound and fence, demolition works and geotechnical investigation. The Applicant has advised the Department that these works do not require development consent or SSD consent. - The Department notes that some of the works, initially included as preliminary works, were later included in the scope of the SSD application. These include the intersection upgrade works, site remediation works and site access. <i>Conditions of consent</i> - The development consent for SSD 9575 does not include the approval of the demolition of the existing structures on the site and the existing sediment basins.
<i>Inadequate documentation</i> The submitted Environmental Impact Statement (EIS) comprises inadequate documentation.	<i>Assessment</i> The Department is satisfied that the EIS, Response to submissions and the supplementary information include a comprehensive documentation of all perceived environmental impacts of the proposal.
<i>Incorrect Capital Investment Value (CIV)</i> The proposed CIV appears to be incorrect.	<i>Assessment</i> The application is supported by a Quantity Surveyor's Report (QS report) confirming the CIV of the proposed development. The Department is satisfied that the QS report is reliable.
<i>Combining health services</i> The proposal erroneously refers to combined population in Tweed Shire and Byron Local Government Area.	<i>Assessment</i> - The EIS states that the proposed TVH would serve the population of Tweed Shire and Byron Shire. It did not indicate that the services to both these regions would be combined as a result of this development. The Department considers that no assessment is needed in this regard. - The proposal would not impact on the Byron Hospital.