

# Notice of decision

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

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	SSD-9575-Mod-2 Modification 2 for multi-deck carpark and temporary skills centre building envelopes, modifications to existing building envelopes, increase in hospital capacity and additional bulk earthworks.
<b>Applicant</b>	Health Infrastructure
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director Social and Infrastructure Assessments, under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/25461>.

A copy of the Department of Planning, Industry & Environment's (The Department) assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/25461>.

### Date of decision

28.04.2020

### 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 reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Modification Assessment Report;
- the findings and recommendations in the Department's Modification Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see **Attachment 1**).

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

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification is permissible with consent and is consistent with NSW Government policies.
- 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.
- 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 modification is in the public interest.

### Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 10 October 2019 to 8 November 2019 (30 days) and received 14 submissions, including 10 submission from public authorities (with comments from Tweed Shire Council), two objections from the members of the community, one comment and one letter of support. One additional correspondence from a member of the community, objecting to the proposal was received after close of exhibition period.

The key issues raised by the community and Tweed Shire Council (Council) considered in the Department's Modification Assessment Report and by the decision maker include traffic and transport, built form and visual impacts. Other issues are addressed in detail in the Department's Modification Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic and transport</i></p> <ul style="list-style-type: none"> <li>The application includes inadequate traffic assessment.</li> <li>The modified development would result in additional traffic on Tweed Coast Road due to emergency vehicles and increased hospital capacity.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Stage 2 traffic assessment report (for SSD-10353), currently under assessment by the Department, includes a detailed assessed of the impacts of additional traffic due to increase in hospital capacity. The modification application relies on the Stage 2 traffic assessment report for recommended traffic mitigation measures to accommodate the traffic in addition to that assessed under the Concept Proposal.</li> <li>The Stage 2 traffic assessment report recommends additional upgrade works to the Tweed Coast Road / Cudgen Road intersection to cater for the additional traffic due to increase in the hospital capacity. The traffic modelling results indicate that subject to the implementation of the upgrade works, the identified intersection would have an acceptable level of service in the future. All other nearby intersections have been modelled and the results indicate that the intersections would perform at an acceptable level of service in the future.</li> <li>The upgrade works have been proposed in consultation with Council and Transport for NSW (Roads and Maritime Services).</li> <li>Based on the comments from Council and the Applicant's assessment, the Department considers that the proposed increase in the hospital capacity would be accommodated within the surrounding road network, subject to implementation of the proposed intersection upgrade and necessary traffic mitigation measures in Stage 2. The appropriateness of the mitigation measures would be assessed in detail in the Stage 2 application.</li> <li>Given that the hospital would not be operational until the completion of Stage 2, the Department is satisfied that the modification application itself would not result in any adverse traffic impacts on the surrounding road network due to emergency vehicles or hospital beds.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>The Stage 2 application detail all additional intersection upgrade works to mitigate the impacts in the following scenarios: <ul style="list-style-type: none"> <li>391 beds and 1120 staff by 2023.</li> <li>443 beds and 1300 staff by 2033.</li> <li>499 beds post 2033, including the additional 56 in patient unit beds.</li> </ul> </li> </ul>
<p><i>Visual Impact</i></p> <ul style="list-style-type: none"> <li>The modification results in 20% increase of the approved building envelope.</li> <li>The visual impact on the surroundings is unacceptable.</li> <li>Additional articulation should be introduced along with green walls to reduce the overall visual impacts.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department has reviewed the visual impact assessment report submitted the Applicant and is satisfied that the additional building envelopes proposed as part of the modification application would not be highly visible from the identified viewpoints surrounding the site.</li> <li>The multi-deck carpark does not significantly increase the adverse visual impacts on the surrounding agricultural landscape when compared to the overall scale of the development.</li> <li>The recommendations regarding additional articulation and green walls are not relevant to the modification application and would be assessed in the Stage 2 application.</li> </ul>
<p><i>Other matters</i></p> <ul style="list-style-type: none"> <li>The Applicant should pay monetary contributions to Council for the infrastructure connections.</li> <li>A holistic site master plan be developed for the site considering future expansion possibilities for the</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The modification does not involve 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, the Department considers that no further assessment is included as part of this modification.</li> </ul>

<p>site.</p> <ul style="list-style-type: none"> <li>• Service plants should be relocated on ground floor for additional north light access to the inpatient units.</li> <li>• Works pursuant to the multi-deck carpark have commenced on the site.</li> <li>• Inadequate contamination assessment has been undertaken on the site.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The Department's Compliance Team has investigated the community complaints in relation to the works undertaken on the site and provided appropriate response to the relevant community members. This matter is outside the scope of the modification application.</li> </ul>
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