

Response to Tweed Valley Hospital Stage 2

I do not wish to have my personal details such as my home address, IP address of our PC be published on your website as this was previously displayed on your department's website despite your Privacy Policy. This is a notifiable data breach under the new legislation from the Office of the Australian Information Commissioner.

I am a long term resident of Kingscliff having moved to this special coastal village from inner city Sydney 20 years ago. I will be directly affected by the proposed Tweed Valley Hospital(TVH) as I reside within 300 metres from the site. I will have my rural views severely compromised by the proposed nine storey Hospital and now the proposed even higher multi deck carpark. The associated increase in traffic will also have a negative impact on the entire town of Kingscliff and also the village of Cudgen.

I am therefore writing to object to the Tweed Valley Stage 2 proposal as outlined in the following points

1. RU1 State Significant Farmland

The re-zoning of Lot 771 Cudgen Road should never have been approved as the Tweed LEP Plan 2014 (NSW) has identified the purpose for RU1 zoning as follows:

Objectives:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect prime agricultural land from the economic pressure of competing land uses."
- The proposed re-zoning of this RU1 farmland is in direct breach of the objectives of the RU1 zoning

The re-zoning of this RU1 farmland is in direct breach of the objectives of the RU1 zoning and the Tweed LEP 2014 for numerous reasons as follows

- a) The proposed height of the hospital at nine stories plus helipad, is a direct breach of the Tweed Local Environmental Plan 2014 especially part 4 Clause 4.3 Height of Buildings and will set a precedent for heights of other buildings in the Kingscliff surrounds, against the wishes of the local community.
- b) It will fragment the RU1 &RU2 zoned farmland on the Cudgen plateau.
- c) It will create land conflict with other RU1 farms adjoining and adjacent to the proposed site.

In no way is this re-zoning protecting any prime agricultural land from economic pressures, in fact the compulsory acquisition of the site by Health Infrastructure will, without a doubt, allow further re-zonings and further loss of SSF lands on the Cudgen plateau

2. Lack of Transparency & Community Consultation (Requirement of the EP&A Act)

From the very beginning of this project, the local community (including the Tweed Shire Council), has not been consulted despite this being a requirement of the EP&A Act.

3. Section 2.23 Community participation plans – "The community has a right to be informed about planning matters that affect it". This and additional sections have all been breached as there was no community consultation about this significant development until the community organised the first consultation meeting.
4. 2.23 (g) " Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions." This section of the Act has also been breached, see 2.1 Paragraph 2 for Minister Hazzard's response to the community. Not nearly a good enough reason for this ill thought out proposal. How can the community have any confidence in the transparency and thorough assessment of this planning proposal?

Section 4 of the EIS Stage 2 reports that there has been “extensive and ongoing consultation “ but as a local resident directly impacted by this project I have not been aware of any consultation or information about this project, especially the sudden announcement of a proposed ten storey car park. I am aware the local South Sea Islanders did have to protest about the destruction of the stone walls that in the initial Heritage report were considered to be European construction thus indicating a lack of accurate investigation. There has been one pop-up at Kingscliff shopping centre and this only occurred last week. I have not received any fact sheets, or door knocking even though I am one of the directly affected residents. So to say that there has been extensive community consultation is inaccurate to say the least.

There has also been a lack of transparency over this whole project as despite numerous GIPA requests for the full site selection report by various members of the community, including the Tweed Shire Council, HI has never released this publicly, nor have they even defined the site selection criteria, for example one of the criteria was urban context, what does this mean & why is it relevant for a hospital. There is no urban context around Coffs Harbour hospital (built in an industrial area) or Byron Bay Hospital, several kilometres from town centre.

3. Breaches Long term strategic plans/ State Policies

This project breaches numerous long term plans and state government policies as follows:

North Coast Regional Plan 2036

This long term regional strategic plan calls for the expansion of the existing hospital after years of planning and was endorsed by the Health Minister (Minister Hazzard) only last year - 2017. The plan also is trying to protect existing agricultural businesses from encroachment of inappropriate land activities. **This proposal to build a hospital on State Significant Farmland is a direct breach of the North Coast Regional Plan 2036**, as it places the new hospital directly across the road from important farming activities and will consequently fragment/destroy the existing SSF farmlands on the Cudgen plateau.

There is also multiple other breaches of the NCRP which have conveniently been left out of the SEARs, such as Goal 2 – Direction 11 “protect and enhance productive agricultural lands.” (Rezoning SSF is a direct breach of this Direction). Also Goal 2 Direction 8 – “Promote tourism” (Who will want to drive past a nine storey hospital, into a town that will be busy, no parking and excessive traffic).

The NCR Plan 2036 also outlines the following:

“Kingscliff is renowned for its low-key coastal settlement atmosphere, proximity to the beaches, environmental qualities of Cudgen Creek and the expansive coastal foreshore. Agricultural and farming define the edge of the Kingscliff and Cudgen settlements and when combined with the green hinterland back drop forms the unique landscape and visual character of Tweed’s Green Caldera. Natural attributes and the coastal character make Kingscliff one of the Tweed’s most popular tourism destinations, attracting hundreds of thousands of visitors every year.

The future vision for the Kingscliff locality is for a vibrant coastal town servicing the needs of the local residents as well as the broader network of Tweed coastal villages and tourist alike. A coastal town which offers a prosperous and healthy community life, local economy and employment opportunities, appropriately scaled goods and service provision, diversity of housing choice nestled within a highly valued environmental context fringed with a working agricultural hinterland.”

Placing a 550 bed hospital right next to Kingscliff and on one of the main roads into Kingscliff will have a significant impact on coastal character of Kingscliff and will impact on tourism.

Tweed Shire Local Environment Plan

This Hospital proposal breaches the above strategic plan as the plan prohibits the use of RU1 land for hospital/health precinct use. It also has hard fought (by the community), restrictions on height limits (which this proposal breaches).

Kingscliff DCP

Tweed Shire Council has spent many years developing and consulting with the local community as to how we wish to see Kingscliff in the future. The community has chosen to have a three storey height limit to maintain the coastal village charm, as this is why many tourists come to Kingscliff. The TVH proposal blatantly breaches the Kingscliff DCP as it is proposed to be nine storeys. This will completely change Kingscliff and set the precedent for further high rise, destroying our town and our farms, therefore should be refused.

Tweed Coast Rural Land Strategy 2018-2036



Obviously this hospital relocation proposal also breaches the above Tweed Shire Council strategic plan.

The NSW Right to Farm Policy

This proposal to build a large hospital on SSF breaches the Department of Primary Industries Right to Farm policy which on page 4 states the aim of the policy is to allow farmers “to undertake lawful agricultural practices without conflict or interference.” And environmental planning instruments should be used to minimise land conflict. There are several farms in very close proximity to the proposed hospital and land conflict will escalate as a result of this proposal.

NSW Right to Farm Policy

In December 2015 the NSW Government published the New South Wales Right to Farm Policy. The concept of ‘right to farm’ relates to a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other landusers.

In addition to comments received from the Department of Primary Industries raising concerns about loss of access to potentially productive agricultural land, the State Government is implementing a planning approach for landuse adjoining and near agriculture or land capable of being used for agriculture that minimises conflict, and will support farmers’

4. Other breaches

In the Consolidated Consent on the planning portal under the section titled Limits of Consent, point A6 states that “This consent does not allow any components of the Concept Proposal, to be carried out without further approval or consent being obtained,” and yet from the photo I have taken two days ago, from the Tweed Coast/Cudgen Road intersection, it is very obvious that early earthworks have been completed for the proposed ten storey carpark without any community consultation or planning approval. Further there does appear to be any room for a vegetation buffer between the proposed carpark and the State Significant Farmland located next to the TVH as required in point B7 of the Consolidated Consent.



Agricultural Offset Plan

The SEARS requires that HI provide details of how they will offset the loss of state significant farmland as follows:

Agricultural Offset Plan B28. The Stage 2 application must include an Agricultural Offset Plan with a strategy of physical works and / or implementation plans and programmes addressing how the development will offset the adverse agricultural impacts on the State Significant Farmland (SSF) of Cudgen Plateau and the land use risks associated with the siting of the hospital adjoining the agricultural uses (as identified in the Land Use Conflict Assessment Report prepared by Tim Fitzroy and Associates dated 18 October 2018).

In the Agricultural Offset Plan, the first meeting of the Cross Coordination Committee was held in June 2019, there have been several more workshops, but there appears to be little evidence in regards to involving the local farmers as is required by the SEARS. Also the vague discussion about the establishment of a Community Garden at the TVH site does nothing to reassure the community that this is an adequate response to the loss of such a large portion of our SSF. Nor does there appear to be any progress or effort made to meet with local farmers and those land holders who are not currently farming their SSF with regards to assisting them to improve “the production capacity of underutilised land in the Cudgen Plateau,” as required by the Consolidated Consent document.

Also in regards to supplementary plantings mentioned in the above plan, on the western boundary, as you can clearly see in the above picture, there is very little vegetation left on this boundary and this has been identified as one of the major wildlife corridors. The local community will be watching and ensuring that a ten metre vegetative screen is planted in this area as we are all very concerned that a week after the Lot 771 was re-zoned by the previous planning minister, the block next door was purchased by a well known Gold Coast apartment developer. Can the Planning Department and the Planning Minister provide assurances that this block, also zoned RU1 State SSF, will not be re-zoned? It begs the question why would a property developer buy RU1 land?

Traffic concerns

The Agricultural Offset Plan must include Peak hour and construction movements which have been documented as occurring between 7-10am, this is also mentioned in the traffic submissions. There is no mention of the fact that the peak traffic for Kingscliff is from 0730-0930 with a multitude of cars and buses dropping school children off, staff and students entering the TAFE and workers leaving Kingscliff to travel to work. The Construction Traffic Management Plan does not address these issues at all and I have serious concerns about how emergency vehicles will access the site especially in these peak traffic conditions, if traffic is banked back down Cudgen Road as this is already happening now and with no mention of Cudgen Road being widened in any of the submissions, the traffic will only worsen when the Hospital is operational.

Also in the submissions, the movement of tractors between farms and deliveries to and from the working farm opposite the TVH is not considered to be an issue, but I have personally been stuck behind tractors going from one farm to another on several occasions and again as a health care worker, I am extremely concerned that this risk has not been mitigated in the event of an ambulance needing to enter the TVH in an emergency.

The above traffic plan is labelled preliminary and does not attempt to address the ongoing issue of traffic that will be generated when the TVH is actually operational. When will the community receive consultation on this as we have been led to believe would occur in the Stage 2 application. The community deserves to know how the increased traffic and parking congestion especially at the Kingscliff pool and TAFE will be managed.

To add further insult to the community, one of the 90 plus documents that make up Stage 2, advises that there will be an additional entrance to the TVH site off Cudgen Road and this will be located opposite the TAFE entrance. So that makes 4 exits off the single lane Cudgen Road, which is the main entrance into Kingscliff. It beggars belief that all these major changes are inserted into submissions without any consultation and there is planned upgrade of Cudgen Road to allow for these major traffic issues. It is obvious that the road will have to be widened but as HI has waived any Developer Contributions, the local ratepayers will have to bear this cost.

Construction Noise and Vibration

So far the early earth works noise has been quite unbearable and the reversing noise (which were supposed to be managed), can be heard from 100s of meters away from the site. I am a shift worker and I have been unable to sleep due to the noise. I also have a son in Year 12 at Kingscliff High School and I am very concerned about the noise that can be heard from the construction.

EIS Construction Noise & Vibration – Page 9 – how will they communicate with project neighbours on a regular basis, providing advanced notification of noisy works. As I am 240 metres from site & have yet to have any regular communications.

Page 12 why hasn't a Noise & Vibration Impact & Monitoring plan been completed before approval of Stage 2?

Night time noise impacts

Other specific activities will require out of hours work due to specific constraints, e.g., crane erections, special deliveries (due to road rules) and others. How will community be notified, what are the strategies to manage out of hours disruption?

Do the authors of the Social and Economic Impact Assessment document not understand what type of patients are transferred via helicopter? I guess not, helicopter transfers are only used for emergencies such as trauma

victims, where urgent transfer is required. These emergencies can happen at any time of the day or night. Planned transfers “for patients that require specialist care” occur via road, ie booked ambulance transfer. So it is absolutely incorrect to state the “social impact of night time movements from these helicopters is therefore assessed as negligible,” yet another flaw in this assessment document.

Probable Maximum Flood Level

HI has made much of the selection criteria that any site must be above the PMF flood level. HI ‘s Peter Lawless, at a community meeting displayed a distinct lack of knowledge when he advised the community that people living north of the Tweed River, in a flood such as we experienced in 2017, could access the Robina Hospital if required. The fact is that the M1 was cut off during this flood and the Robina Hospital carpark also closed due to flooding. He further compounded his lack of knowledge by advising the community meeting that the proposed Tweed Valley Hospital at Kingscliff could be accessed via the Tweed Coast roads. **However Kingscliff and Salt/Casuarina were completely cut off by floodwaters for three days**, during this flood, which meant that no-one from Byron Bay or Murwillumbah and no-one from north of the Tweed River could access the townships. So with the vast majority of the elderly population located in aged care facilities or living near the current Tweed Hospital, HI do not seem to have a plan on how anyone other than Kingscliff and Casuarina/Salt townships will access the new Tweed Valley Hospital during a significant flood. So the Social and Economic Impact Assessment document is flawed when it states that the TVH will improve safety from flooding as they have not taken into account recent flood information.

Tweed Hospital at it’s current site was accessible to people on the north side of the river, and in the 50 plus years it has been at Tweed Heads it has never flooded.

Impact on local tourism industry in Kingscliff

Has the authors of the Social and Economic Impact Assessment document actually been to see the location of the TVH, it is a seven minute walk to the Kingscliff foreshore and is located along the main road into Kingscliff which is only single lane. Large public hospitals always result in loss of amenities for the local living nearby. Significant increased traffic, staff and visitors parking as close to the hospital as they can to avoid paying for car parking. Kingscliff consists on narrow and steep streets and couple this with parking on both sides of our streets, will have a significant effect of putting tourists off from wanting to stay in our town, currently renowned for its “village like feel.”

Can the planner reviewing my submission actually say they would be happy to live nearby a large public hospital? I suspect the answer is No.

Original BDAR

The original BDAR was undertaken over only two nights late last year (see below) and therefor there was no seasonal review of the below locally endangered species. This indicates that the original BDAR and the associated peer review was superficial at best as it is commonly accepted practice to ensure endangered species are reviewed in the correct season to ensure accurate results.

2.4.9 Other Threatened Species

Several species that were not identified by the BAM calculator as predicted or candidate species but have been recorded within the 1,500m assessment area (Ecosure 2018) and in other areas proximal to the Site (TSC, 2018), namely: pale-vented bush-hen *Amaurornis moluccana*, bush stone-curlew *Burhinus grallarius*; common blossom-bat *Syconycteris australis*; and yellow-bellied sheath-tail-bat *Saccolaimus flaviventris*. In order to determine presence of these species on the Site a fauna ecologist, David Milledge, was consulted and advised that it was not the ideal time to survey for these species during August and September when targeted surveys were being undertaken. Although these species are not species credit species they are locally significant threatened species and therefore any potential indirect impacts which may affect these species will be addressed accordingly in Stage 2.

9	Providing structures to enable species and genetic material to move across barriers or hostile gaps	Where possible structures will be provided to enable connectivity for species	<ul style="list-style-type: none"> It is recommended that a wildlife crossing is established to the north-east of the Site where the Turnock Street roadway passes through the remnant vegetation. Fauna management guidelines will be detailed in the Biodiversity Management Plan.
10	Making provision for the demarcation, ecological restoration, rehabilitation and/or ongoing maintenance of retained native vegetation habitat on the development site	All remnant native vegetation outside of the development footprint will be protected and maintained	<ul style="list-style-type: none"> All areas of intact remnant native vegetation on Site and remaining areas of planted or self-sown windrow vegetation at the Site will be retained and managed in accordance with the vegetation management performance criteria to be set out in the Biodiversity Management Plan in order to preserve and enhance current biodiversity values.

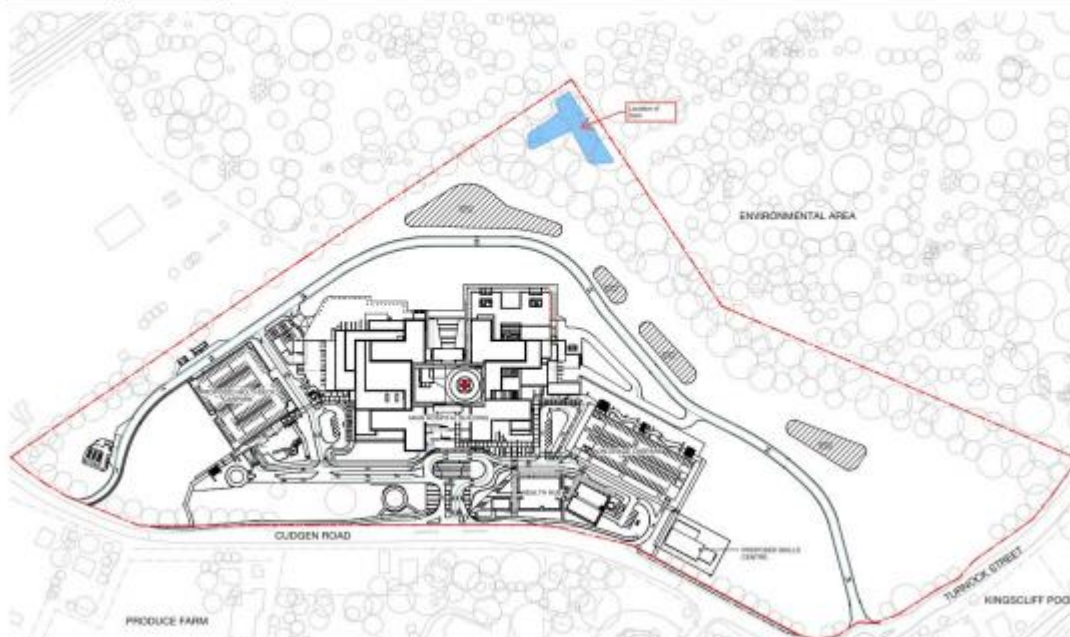
9	Impacts of vehicle strikes on threatened species or animals that are part of a TEC	<ul style="list-style-type: none"> Impacts will be minimised by locating the main site entrances on alternative routes than those adjacent to TECs Where possible impacts will be minimised by providing structures to enable connectivity for species that prevent or avoid crossing roads. 	<ul style="list-style-type: none"> Main site entrances provided off Cudgen Road It is recommended that a wildlife crossing is established to the north-east of the Site where the Turnock Street roadway passes through the remnant vegetation. Fauna management guidelines will be detailed in the Biodiversity Management Plan.
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Also of concern from all the BDAR submissions that there is no mention of the endangered Calyptorhynchus – Yellow-tailed Black Cockatoo. Be assured that in season, hundreds of these birds fly past my house from Cudgen Creek and right over the proposed TVH site, as do the flying foxes in their hundreds. Whilst the flying foxes have been mentioned and any helicopter impact risks dismissed, I have grave concerns for these native wildlife.

Biodiversity requirements of the Consolidated Consent

Point B21 in the above document requests that HI indicates their “proposed measures of rehabilitation the existing dam.” Instead of rehabilitating, the plan is to fill the dam. Has there been any ecological studies of what might be living in or near the dam? This filling of the dam should not occur until further studies have been undertaken and it is also particularly concerning that the dam is also located in the coastal wetlands (see below) and how will trucking in dirt to fill the dam be managed?

Upon completion of the works, vegetation restoration, maintenance, weed management act monitoring and reporting will be undertaken around the decommissioned dam



Increased ambulance transport and police response times

The current Tweed Hospital site has an ambulance station onsite. Kingscliff currently has two only ambulances located at Kingscliff and no ambulances located at Cudgen. The vast majority of Aged Care Facilities are located at Tweed Heads and the surrounds. There only two located at Kingscliff. As it is the elderly who are most likely to require public hospital services and the ambulance service north of the Tweed River will have to transport sometimes critically ill people another 15-20 minutes to Kingscliff. The EIS makes no mention of how they will manage this. We have all seen the Northern Beaches hospital debacle and this does not inspire community confidence.

Security of community & Hospital staff

After many years in the planning, a regional police station has been built at Tweed Heads, within 2 minutes of the existing Tweed Hospital site. It is well documented that public hospital Emergency departments have frequent security events for a variety of reasons including alcohol related violence mental health patients, homeless people etc. In fact there have recently been media articles about the increasing violent attacked on Tweed Hospital staff. My point being that there is no manned police station at Kingscliff and by moving the hospital away from police support, will endanger the hospital staff who will are on the frontline of the aggression. But again this issue is not raised in any of the Stage 2 submission submissions.

Also it was announced by a member of the Board for Northern NSW Local Health District, the at a recent Kingscliff Rate payers meeting that the new site of the Kingscliff Fire Station would be on the site of the TVH. Nowhere is this mentioned in any of the Stage 2 submissions. When will the community be advised of this and where will the fire station be located?

Visual impact

The Geolink consultant's report subjectively assess the visual environment of the area as being at the rural/urban interface as being of Medium value. This is despite their reference to the "Visual Management System for NSW Coast, Tweed Pilot 2004" where it actually describes the Tweed Valley as "high visual quality Rural landscape with low capacity for change." However this did not deter the NSW DP&E to approve this, completely out of character hospital on State Significant Farmland.

All the visual impact reports in the TVH Stage 2 proposal, fail to mention that the Hospital and the accompanying ten storey carpark are located in the middle of significant agricultural land in a valley with no other high rise buildings in sight, with the exception of those at Tweed Heads. The TVH and carpark, will be seen from all aspects of the Valley, not just those of us located in Kingscliff or Cudgen. Thus impacting on the rural and mountain views of many hundreds of locals.



In summary, the controversial project has been overwhelmingly rejected by the community and the Tweed Shire Council itself. There has been over 400 submissions to Stage 1 with over 90% of these objections to the location of the TVH. There has also been a petition of over 8,000 signatures tabled in parliament. There has been little community consultation (except after Minister Hazzard's announcement in April 2018). The TVH will set the precedent for the overdevelopment of our beautiful rural area and this has already been evidenced by the purchase of the block next to the TVH by a property developer. HI has not been transparent throughout this entire process and continues not to consult and listen to the community's concerns. I implore the planners reviewing our submissions to hold HI to account for its misleading and inaccurate submissions and help save our beautiful location.