



Proposed SEPP (Tweed Valley Hospital)

*State Environmental
Planning Policy (SEPP)
Submissions Summary
Report
February 2019*

February 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Council	Tweed Shire Council
Department	Department of Planning and Environment
DOI	Department of Industry
EIE	Explanation of Intended Effect
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LEP	Local Environmental Plan
Minister	Minister for Planning
NCRP	North Coast Regional Plan 2036
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
Site	That part of 771 Cudgen Road, Cudgen being rezoned
SSD	State Significant Development
TLEP	Tweed Local Environmental Plan 2014
TVH	Tweed Valley Hospital
THH	Tweed Heads Hospital



Executive Summary

Recent research by the NSW Health has found that rapid population growth and the demographic and socio-economic status in the Tweed and Byron Local Government Areas has led to a gap between the demand for health care services and the supply, accessibility and availability of these services. In response the Minister for Health announced in June 2017 \$534 million for a new major referral hospital to be built on a greenfield site in the Tweed-Byron area.

In 2018 the NSW Minister for Health announced the preferred site was located on land at 771 Cudgen Road, Cudgen. The preferred site is predominantly zoned RU1 Primary Production under the Tweed LEP 2014. It is also subject to development controls limiting the height of buildings, minimum lot size and floor space ratio permissible on the land. Hospitals are currently prohibited on this site.

NSW Health Infrastructure requested the Minister for Planning rezone the subject site to SP2 Infrastructure (Health Services Facility) to permit consideration of an application for a Health Services Facility. The Minister agreed to commence this process. An Explanation of Intended Effect advertising the proposed changes in planning controls to facilitate this hospital was exhibited from 1 November 2018 to 13 December 2018. The Department received a total of 388 submissions to the proposal of which 91.5% objected, 7.5% supported and 1% comment on the proposed SEPP.

The key issues raised in submissions have been considered by the Department and included: impacts on mapped State Significant Farmland, social and economic impacts, building height, infrastructure, land use conflicts and adequacy of community consultation. The review of submissions concludes that issues raised in the relation to the SEPP can be addressed during assessment of the State significant development application subject to appropriate conditions of approval and that community consultation was satisfactory. The establishment of a health and education precinct in Kingscliff will create opportunities for employment, training and research in a location central to the Tweed-Byron community. The precinct will encourage future investment in local business, housing choices and the development of new knowledge-based industries.

The proposed SEPP to amend the TLEP is considered necessary to enable the investment to address the health needs of the Tweed-Byron region. The impacts arising from future development of the site can be addressed during merit assessment of the staged SSD application and any determination will consider whether the proposed development should proceed.

Future planning for the Kingscliff locality will help balance urban growth whilst maintaining the local character of the area in consultation with the local community. The Department is separately considering legislative reforms to improve the sustainability of agriculture in NSW and will update mapping of important farmland to assist future decision-making.

An analysis of the issues raised in submissions and comments from government agencies do not identify issues that would preclude the amendment to the zoning to permit the consideration of the development of a health services facility on the site.

The Department recommends the Minister for Planning ask the Governor to make the proposed SEPP to enable this public investment in the future health needs of the Tweed-Byron region.



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1. Introduction

The NSW Government has acquired land at 771 Cudgen Road, Cudgen for the purpose of establishing a Health Services Facility, being the proposed Tweed Valley Hospital and ancillary uses. The land comprises 19.4ha, of which approximately 15ha is proposed to be rezoned, for clarity this 15ha proposed to be rezoned is hereon referred to as 'the Site'.

The *Tweed Local Environmental Plan 2014* (TLEP) provides the land use zoning and related planning controls for the site, which include; maximum height of building, minimum lot size and maximum floor space ratio controls. These current zone prohibits the use of the site for a 'health services facility'.

The proposed SEPP seeks to amend the TLEP by rezoning the site and removing planning controls to permit use of the site for Health Services Facility.

A 'Health Services Facility' is defined by the TLEP as:

A building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

Health Infrastructure NSW have submitted a State significant development (SSD) application to the Department, which will be determined on its merits following a decision on the amendment of the planning controls.

The SSD application proposes:

- a new 'level 5' major referral hospital including acute, sub-acute and primary health services;
- a Concept Proposal to inform future development of the site, including additional health, education, training and research facilities intended to support the operation of the proposed hospital; and
- infrastructure to support future health services facilities, including green space and other amenities, roads and car parking, external road upgrades and connections, utilities connections, and other supporting infrastructure.

The SSD process is assessed separately from the amendments to the planning controls. This report assesses the merits of amending the planning controls. The main components of the project, and their planning relationship are shown in **Table 1**.

Table 1 | Main Components of the Tweed Valley Hospital project

Aspect	Description
Planning Control Amendments	Proposed SEPP to amend planning controls for site under Tweed LEP 2014
Current SSD	Separate assessment process to the proposed SEPP.
Concept Proposal Stage 1	Concept Proposal for overall development of the site for Health Services Facility Stage 1 approval for site preparation, enabling and remediation works.
Future SSD Stage 2	Follows on from a determination of the SSD Concept and Stage 1 application. Stage 2 approval to construct hospital and ancillary development.



2. Site Overview

2.1 Site Description

The site is located at 771 Cudgen Road, Cudgen, described as part Lot 11 DP 1246853. Lot 11 has a total area of approximately 19.4ha. Approximately 15ha on the southern boundary of this land is proposed to be rezoned and is the site subject to this assessment. The site fronts Cudgen Road and Turnock Street, being located immediately west of the Kingscliff urban area, as shown in **Figure 1** and **Figure 2**.

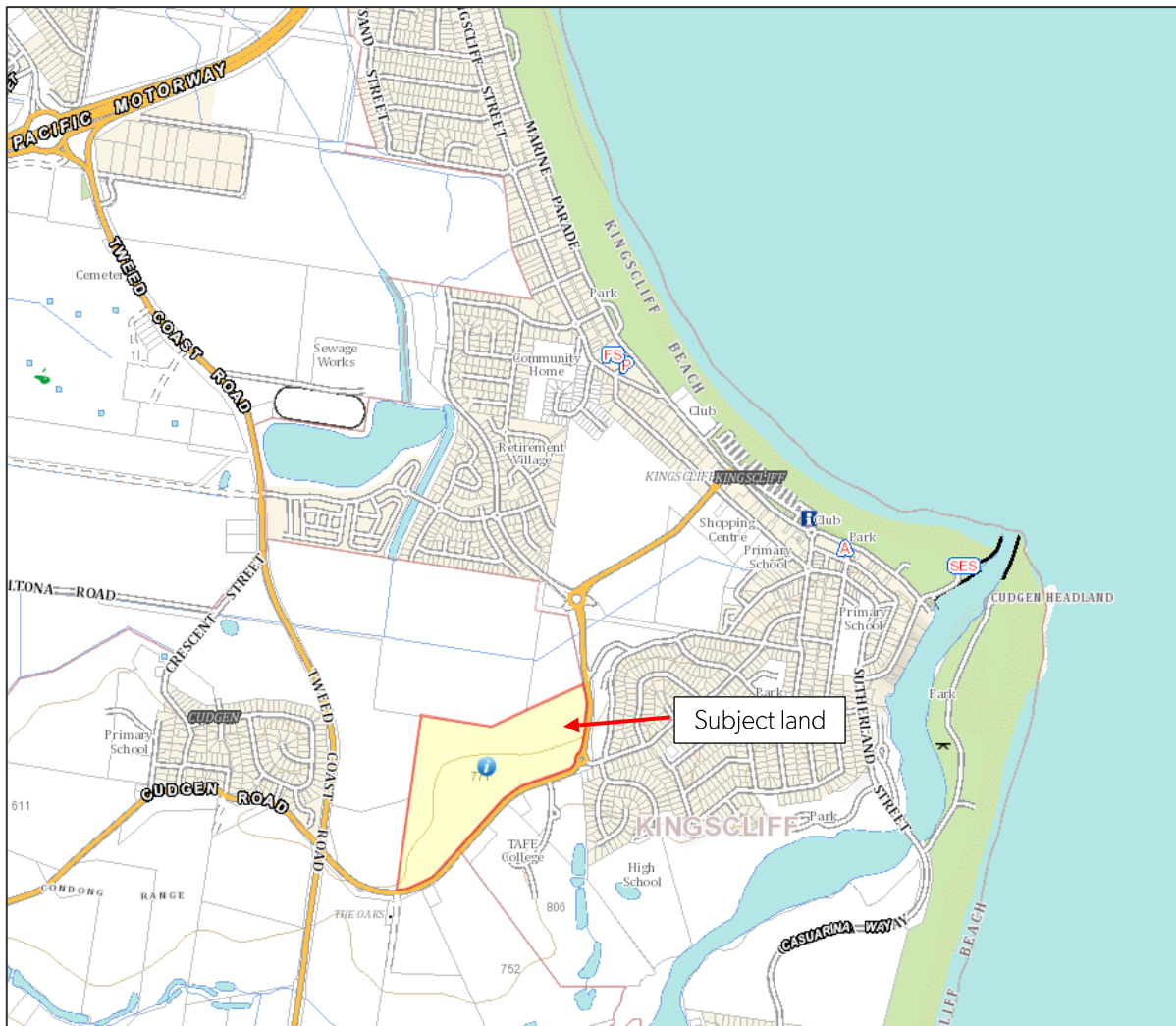


Figure 1. Locality Plan – Project site

The site comprises a plateau of cleared rural land, sloping north east towards a vegetated coastal wetland along the north of the site at around 1m AHD. Around 11.24ha of the site area has a history of cultivation for small-scale agricultural purposes, including cropping and horticulture predominantly producing sweet potatoes. This rural land is included in the 15ha subject to the proposed rezoning as shown in **Figure 3**.

2.2 Surrounding Area and Land Uses

The site is located on the urban edge of Kingscliff and fronts Cudgen Road and is approximately 13.5km south of Tweed Heads. Cudgen Road links to Tweed Coast Road to the west, which connects with the Pacific Motorway interchange at Chinderah.

To the north of the site is vegetated land, including environmental protection areas and mapped coastal wetlands. This vegetated area forms a green break to development further to the north comprising existing residential development as well as land identified for future development as a knowledge and business precinct.

To the east and south east of the site is the Kingscliff TAFE campus, Kingscliff High School, Kingscliff Swimming Centre, Kingscliff Community Health Centre, Kingscliff Library and existing residential area. Land to the west and south west is used for farming, further to the west is the village of Cudgen. The site context in relation to surrounding land uses is shown in **Figure 2**.



- | | |
|--|---|
| 1. Subject site | 5. Kingscliff residential area |
| 2. Kingscliff TAFE | 6. Kingscliff village centre |
| 3. Kingscliff Highschool | 7. Future knowledge & business Precinct |
| 4. Kingscliff Swimming Pool, Community Health, Library | 8. Cudgen plateau farmland |

Figure 2. Surrounding land uses

2.3 Existing and Proposed Planning Controls

The site is zoned under the TLEP as predominantly RU1 Primary Production with a small area of R1 General Residential zone along the eastern boundary. The RU1 land is subject to a 10-metre maximum building height

and a 10-hectare minimum lot size. The R1 land is subject to a 13.6m maximum building height, a 450 square metre minimum lot size and a maximum floor space ratio of 10:1. The rural land is also identified as important farmland under the North Coast Farmland Protection Project 2005 and the North Coast Regional Plan 2036.

The proposed planning controls include rezoning the entirety of the site to SP2 Infrastructure (Health Services Facility) (**Figure 3**), as well as removing the Height of Building (**Figure 4**), Floor Space Ratio (**Figure 5**) and Minimum Lot Size controls from the site (**Figure 6**).

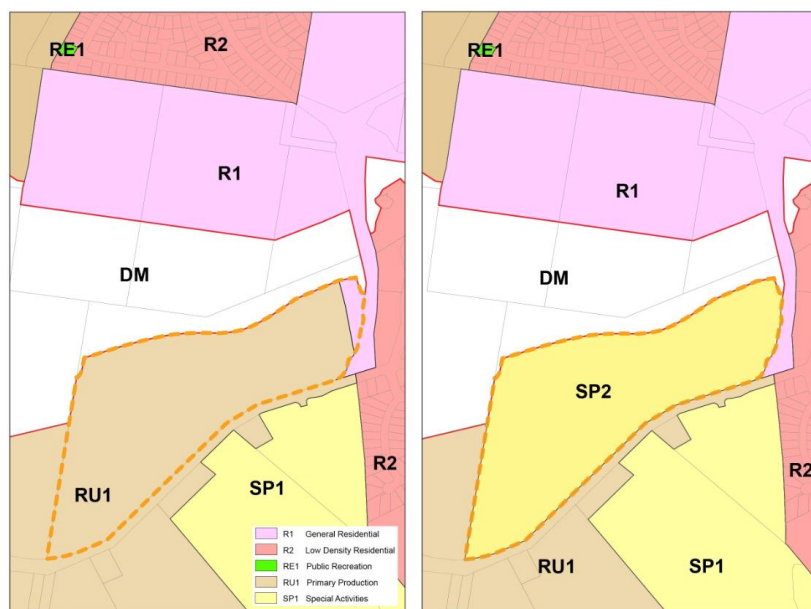


Figure 3. Existing and proposed planning controls for Land Use Zone.



Figure 4. Existing and proposed planning controls for Maximum Height of Buildings.



Figure 5. Existing and proposed controls for Maximum Floor Space Ratio.



Figure 6. Existing and proposed controls for Minimum Lot Size.

Small areas on the northern edge of the site are mapped as flood prone and bushfire prone; and the entirety of the site is mapped as Class 5 Acid Sulfate Soil as shown in **Figure 7**. These controls are not proposed to be changed as part of this amending instrument.

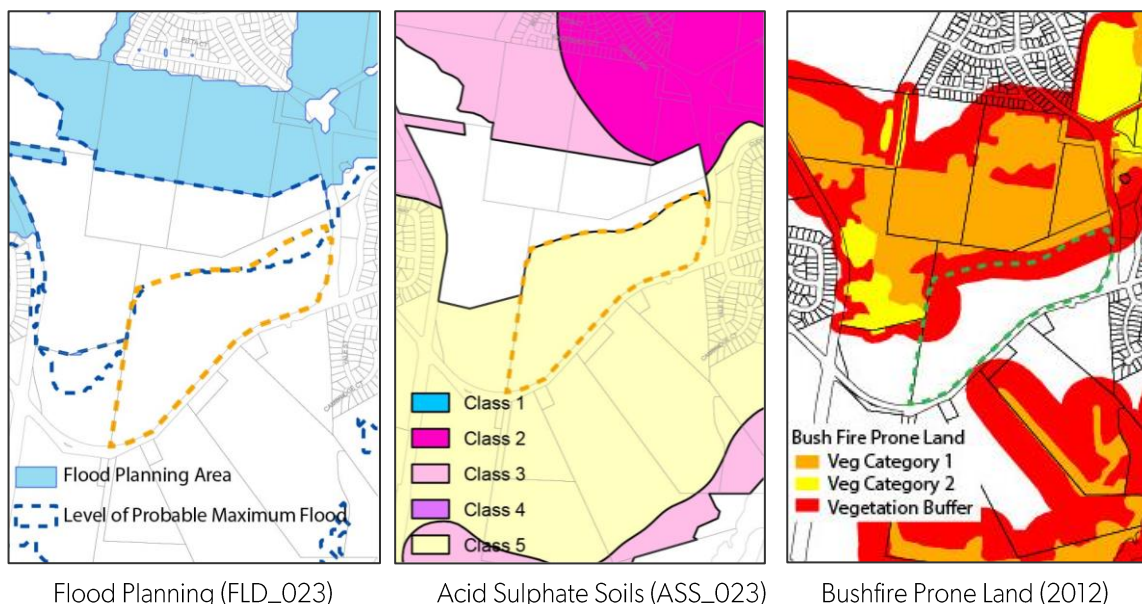


Figure 7. Existing planning controls to be retained for flooding, acid sulphate soils and bushfire.

The northern edges of the site are also within the proximity area mapped for coastal wetland under the provisions of the *State Environmental Planning Policy (Coastal Management) 2018* as shown in **Figure 8**. These controls will not change as part of this amending instrument and the buffer zones will be of relevance to the assessment of future development applications.

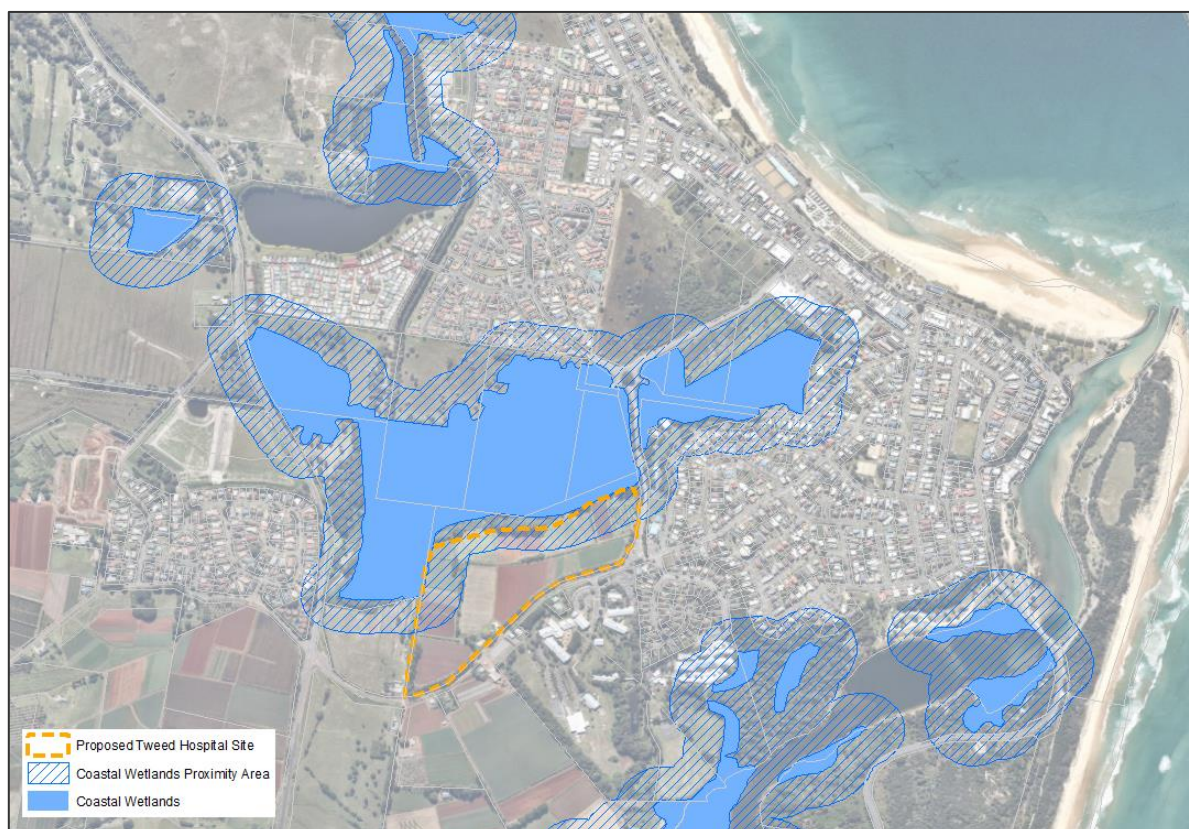


Figure 8. Mapped coastal wetland and proximity areas under Coastal Management SEPP.

3. Engagement

3.1 Site Selection

On 13 June 2017 the NSW Government announced the intention to develop a new Tweed Valley Hospital to provide health services to the growing population of the Tweed-Byron region, and the commencement of a site selection process to identify a suitable site for the new hospital.

The site selection process included the establishment of a project website, targeted community consultation and opportunities to provide feedback. A Site-Selection Summary Report outlining the site-selection process and detailing the reasons for selection of the preferred site was published online by Health Infrastructure NSW in July 2018, for further details see; <http://www.tweedvalleyhospital.health.nsw.gov.au/Projects/Site-Overview>

In August 2018, Health Infrastructure NSW formally sought the Minister for Planning's agreement to commence a process amend the zoning and planning controls to permit a hospital and associated health services facilities.

3.2 Exhibition – Explanation of Intended Effect (EIE)

The Department publicly notified the draft EIE online and in 3 newspapers concurrently with the SSD in accordance with the requirements of Section 3.40 of the Act. An Explanation of Intended Effect for the proposed SEPP was placed on public exhibition from 1 November 2018 until 13 December 2018.

The public exhibition was advertised on the Department's website on 31 October 2018 and then in 3 local newspapers, Tweed Daily News, The Tweed Valley Weekly and the Byron Shire Echo on 31 October and 1 November 2018. A further public notice was advertised in local newspapers on 21 and 22 November 2018 to advise of additional time for public submissions.

During exhibition relevant materials were made available for inspection at the Tweed Shire Council offices in Tweed Heads and Murwillumbah and at the Kingscliff Library. The Department's website provided links to frequently asked questions and information on how to make submissions at:

<https://www.planning.nsw.gov.au/TweedSEPP>

The following agencies, authorities and organisations were consulted; Air Services Australia; Civil Aviation Safety Authority; Gold Coast Airport; the Government Architect NSW; Heritage Council of NSW; NSW Department of Industry; NSW Environmental Protection Authority, NSW Office of Environment & Heritage; NSW Roads and Maritime Services; NSW Rural Fire Service; TAFE NSW; Transport for NSW; Tweed Shire Council; and Water NSW;

3.3 Summary of Submissions

During the exhibition period, the Department received 388 submissions, specifically relating to the EIE for the proposed SEPP, from 381 individuals, 5 special interest groups, one government agency and one from Tweed Shire Council. Of the submissions received, 91.5% objected, 7.5% supported and 1% made comment on the proposal. A summary of the submissions is provided in **Table 2**, and a full copy of the submissions is available at http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=9659.

Table 2 | Summary of Submissions

Submissions	Number	Position
Government Agencies / Public Authority	1	
• Department of Industry - Agriculture	✓	Comment
Council(s)	1	
• Tweed Shire Council	✓	Object
Special interest groups	5	
• Caldera Environment Centre	5	Object
• Kingscliff Residents	0	Support
• Tweed Residents	0	Support
• Caldera Environment Centre	0	Comment
• Leda Holdings	0	Comment
Community	381	
	349	Object
• Submissions by individuals	29	Support
	3	Comment
Totals	388	
	355	Object
	29	Support
	4	Comment

A breakdown of the location of public submissions relative to the distance from the subject site (not including submissions from government agencies or public authorities) is shown in **Table 3**.

Table 3 | Community and Special Interest Group Submissions in relation to Distance from the Site

Distance from the Site	Number of Submissions	Percentage of Submissions
< 1 km	42	11%
1 km – 5km	168	44%
5 km – 20km	132	34%
20 km – 50 km	20	5%
>50km	24	6%

A small number of submissions were directed to either the Minister for Planning or the Department prior to and following exhibition of the proposed SEPP. The issues raised in these submissions were consistent with the issues identified in public submissions received during public exhibition and are addressed in the following sections of this report. These submissions are posted on the Department's website.

3.4 Key Issues – Government Agencies

None of the government agencies consulted during the exhibition period raised objection to the proposed SEPP. The Department of Industry (DPI Agriculture) made the following comments of relevance to the proposed SEPP:

- *If approved, the proposal sets a precedent for development of land on a highly important agricultural resource that both the government and community have indicated should be protected for primary production purposes into the future.*
- *DPI Agriculture has previously advised it is concerned that the rezoning of this land to SP2 Infrastructure for the purposes of the hospital development may lead to further development into State Significant Farmland adjacent to the hospital for associated health and medical developments. Strong planning controls are required to prevent further erosion of this important resource. For example, currently under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 land adjoining the hospital could be rezoned and developed depending on interpretation of Clause 4 (1) and (2).*

Further issues were raised specific to the potential impacts of the SSD and the Department has requested that the proponent address agency submissions in a Response to Submissions (RTS) report. A discussion and assessment of the key issues raised by DPI Agriculture in regard to the proposed SEPP is provided under Section 4 of this report.

3.5 Key Issues – Council

One local government submission was received from Tweed Shire Council. The Council made a submission to the Department and the Mayor sent a separate letter to the NSW Parliament. The submission objected to both the SEPP and SSD application referring to a resolution of Council's Planning Committee at a meeting held on 6 December 2018, as follows;

- *That Council objects to the SEPP application and State Significant Development Application and opposes the destruction of State Significant Farmland for hospital purposes on the grounds including but not limited to, that such development is prohibited when other feasible options exist. Comments on the EIS by our professional staff are attached. Due to the very short exhibition period to examine such a complex 3000-page document, Council reserves the right to submit a supplementary report prior to the closing date for submissions should other issues subsequently emerge.*

The submission received by the Department included an annexure of matters for consideration by the determining authority. The key issues raised in the Council submission are summarised in **Table 4**. A discussion and assessment of the key issues raised in Council's submission is provided under Section 4 of this report.

Table 4 | Summary of key issues in Council submission

Issues	
Water and sewer infrastructure	Road connections
Urban design	Scenic landscape
Agricultural value	Sustainable agriculture
Community services	Ecology
Aboriginal Heritage	European Heritage
Site contamination	General engineering & miscellaneous matters

3.6 Key Issues – Community/Special Interest Groups

A total of 381 submissions were received from individuals and a further 5 from organisation and special interest groups. The key issues raised in submissions received from groups and individuals during the public exhibition is summarised in **Table 5**. A discussion and assessment of the key issues raised in submissions from groups and individuals is provided under Section 4 of this report.

Table 5 | Summary of key issues raised by groups / individuals

Issue	Proportion of Submissions
Impact on State Significant Farmland (SSF)	86%
Social and economic impacts on business, industry tourism, residential, public safety	73%
Further rezoning and/or development on surrounding farmland	67%
Impact on local character, culture and/or amenity of Kingscliff	60%
Comment on proposed planning controls for zoning	59%
Consistency with existing height controls (as consulted with the community)	54%
Site-selection process (community consultation, alternatives site)	53%
Land use conflicts with adjoining agricultural land	48%
Impact on Tweed Heads CBD - Relocation of Tweed hospital	40%
Comment on proposed planning controls for height of buildings	40%
Impact on road access, traffic, congestion, parking, & public transport	37%
Adequacy of community consultation	35%
Built form not satisfactory – size of development not in keeping with surrounding area	27%
Consistency of proposal with the regional/local strategies, plans and policies	19%
Visual impacts	18%
Impact of flooding on the site, to adjacent land and to access during peak events	15%
Impact on environment & endangered ecological communities	10%
Impact of noise on sensitive receivers	9%
Comment on proposed planning controls for minimum lot size	9%
Comment on proposed planning controls for floor space ratio	9%
Impact of construction activities.	5%
Insufficient design detail in the development application	4%
Site works commenced prior to approval of the SEPP and/or SSD application	4%

Note: Community submissions demonstrated overlapping themes and concerns, many having correlations that are common across a range of the key issues presented in the above Table.



4. Key Issues

This section addresses relevant statutory considerations for the making of the proposed SEPP and provides a discussion of the key issues raised in submissions from individuals, organisations, agencies and public authorities received during the public exhibition.

4.1 The statutory requirements for a SEPP

Before the Governor can make a SEPP, the Minister and the Planning Secretary (as the relevant authority) must have regard to certain statutory considerations. This section addresses these statutory considerations.

4.1.1 Section 3.20 Standardisation of EPIs

Section 3.20 (9) provides that the Minister must determine the form and subject matter of an EPI where there are no applicable standard instruments of that type. The proposed instrument is a SEPP as defined by the Act and no standard instrument has been developed in relation to SEPP's.

As there is no standard template for SEPPs, a draft instrument has been prepared and referred to Parliamentary Counsel, who have formed the opinion that the instrument can be legally made. It is recommended that the Minister determine that the form and subject matter of the proposed SEPP is appropriate.

4.1.2 Section 3.25 Special consultation procedures concerning threatened species

Section 3.25 requires that before an EPI is made, the relevant authority must consult with the Chief Executive of the Office of Environment and Heritage, if in the opinion of the relevant authority, critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the proposed instrument.

The site adjoins land to the north of the site that is mapped as Coastal Wetland under the SEPP (Coastal Management) 2018 and the site contains vegetation within identified buffers to the environmental area. Accordingly, the Department consulted with OEH regarding the likely impacts of the proposed SEPP on habits or threatened species.

The Department requested comment from the OEH on 8 January 2019 and received a response on 30 January 2019 advising that the proposed rezoning could be undertaken in a manner which would not adversely impact on threatened species, populations or ecological communities, or their habitats. The advice further suggests that agreement should be sought from NSW Health to the application of an E2 zone, for the land outside the hospital development envelope, so that when a future planning proposal is submitted consolidating the matters deferred from the Tweed LEP, this land can proceed without further analysis. This matter is being considered separately by the Department and is not considered relevant to the making as the SEPP as the identified land is outside of the project site.

The Act provides that the consultation is completed when the relevant authority considers any comments made in response to this referral. The Department has considered the advice of OEH in the making of recommendations to the Minister.

4.1.3 Section 3.30 consultation requirements – Public Notice

Section 3.30 requires that the Minister is to take such steps as the Minister considers appropriate or necessary to publicise the intended effects of the proposed instrument and seek feedback from the public before recommending to the Governor that the instrument be made. The exhibition of an Explanation of Intended Effect and public notice of the proposed SEPP has satisfied the requirements of the EP&A and has provided the community the opportunity to comment on the proposed instrument to inform the Minister's decision.

4.2 Consideration of Key Issues raised in submissions

The following sections discuss and respond to the key issues identified in submissions regarding the proposed SEPP that were received by the Department during public exhibition.

4.2.1 Impacts on State Significant Farmland

Submissions

The impacts of the proposed SEPP on land identified as State Significant Farmland (SSF) was the most frequent issue raised in submissions. The key issues relating to impacts on SSF and rural land uses are summarised as follows:

- The loss of productive farmland resulting from the acquisition and rezoning of the subject site;
- The loss and fragmentation of further State significant farmland on the Cudgen plateau;
- Potential conflict between agricultural activities and the proposed health service facility;
- Impact on productivity, economic viability and investment in agriculture on the Cudgen plateau;
- Impact on road access and transport services supporting agricultural activities, and;
- Impact on food security and sustainability of agriculture from a wider social and economic perspective.

A significant number of submissions referred to plans to develop a 'Regional Health Precinct' over rural lands to the south and west of the site having frontage to Cudgen Road or Tweed Coast Road, stating that development of further farm land surrounding the site had been announced by the NSW Government.

The submission from DOI Agriculture, highlights that the proposed rezoning of the site from a rural to an infrastructure use may enable interpretation of adjoining sites for consideration of Site Compatibility Certificates (SCCs) under the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP).

Department's comments

The proposed rezoning and associated planning controls apply to the identified site and no further rezoning of adjacent rural lands is proposed. The amendments do not represent approval for development of the site and will enable the merit assessment of the SSD in accordance with the EP&A Act and relevant legislation, policies and guidelines.

The *Northern Rivers Farmland Protection Project* (2005) includes exemptions for use of State or regionally significant farmland for infrastructure purposes where no feasible alternative is available. The proposed hospital is a significant investment in public infrastructure and the site was selected as the most suitable location for the proposed facility, as announced by the Minister for Health on 30 June 2018. The site-selection process undertaken by Health Infrastructure considered the feasibility of alternative locations and confirmed the suitability of the site for the proposed facility.

Applications for SCCs under the Seniors SEPP are subject to merit assessment against relevant criteria, including consideration for the impacts of development, and are subject to the determination of an independent planning

panel. The subject land currently adjoins land zoned for urban purposes being opposite the Kingscliff TAFE, community facilities and adjacent to an existing residential area and could be considered for SCCs under the Seniors SEPP. The granting of SCCs over adjoining farmlands on the urban fringe is likely to be limited by the ability to achieve consistency with the applicable criteria, including the consideration of known significant environmental resources set out in clause 25(5) of the Seniors SEPP.

The Department has considered the forecast demand for complimentary and supporting uses likely to be associated with the proposed health services facility. To inform the Tweed Regional City Action Plan, the Department has considered the future growth of the Kingscliff locality, including the establishment of a future Knowledge Precinct in the area. This work identified already zoned land available in the surrounding area will be sufficient to support the future growth needs, noting other housing opportunities are available in other areas close the Kingscliff locality.

The Department sought public feedback on a package of reforms to update and improve the planning framework for primary production and rural development, including the retention of a mechanism to identify and protect agricultural lands of State significance. An option exists to utilize this mechanism to protect the Cudgen plateau from further development.

The Department considers that the rezoning of the subject site will not significantly detract or fragment important farmland. The rezoning of the land and approval, if granted, and subsequent construction of the Tweed Heads Hospital (THH) will result in the removal of the important farmland at this Site. However, considering the Site location on the edge of the mapped important farmland, located between Cudgen village and the Kingscliff urban area, and opposite the Kingscliff TAFE and High School the impact of this loss will be geographically limited. This loss of farmland is not considered to be a precedent for future loss or fragmentation of important farmland for agricultural purposes due to sites location and the need to provide improved health services.

Any conflict between existing and proposed uses can be addressed by merit assessment of the proposed facility.

4.2.2 Social and economic impacts

The impacts of the proposed SEPP on the social and economic aspects of the local and regional community was a key issue raised in submissions and is summarised as follows;

- Impacts of population growth and changing demographics in the Kingscliff locality;
- Increased demand for housing, employment, services and infrastructure in the Kingscliff Locality;
- Impacts on local business, industry, and tourism in the Kingscliff locality;
- Need for supporting services and related public safety considerations in the Kingscliff locality; and
- Impacts on business and the need for health-related services in Tweed Heads.

The submissions highlighted a range of positive and negative impacts arising from the proposed relocation of the existing hospital and the establishment of the proposed health services precinct.

A significant proportion of submissions primarily focused the social and economic impacts on both the Tweed Heads and Kingscliff localities arising from either the removal or introduction of such a significant social and economic driver. A predominant point raised in submissions was that the public generally recognise and support the need for an upgraded hospital and improved health services within the Tweed Region to accommodate the future needs of the community.

Department's comments

The Department has considered the forecast demand for complimentary and supporting uses likely to be associated with the proposed health services facility. Consideration of future growth scenarios suggests that sufficient zoned land is available for urban purposes within the surrounding area to support future growth arising from the proposed facility. In addition, the available transport connections support access to housing stock outside of the immediate Kingscliff locality, including further along the Tweed Coast and in the surrounding hinterland.

The EIS prepared by Health Infrastructure identifies the impacts arising from the proposed facility and proposes mitigation measures to address impacts on the Tweed city centre and the Kingscliff area. These measures include consideration for the provision of community health and other out-of-hospital services at or near the existing THH site, and the improvement of public transport access between Tweed city centre and the proposed facility.

The proposed SEPP will introduce planning controls to permit the determination of the SSD application for the proposed THH and any determination will consider appropriate measures to mitigate the impacts specific to the proposed THH. The wider social and economic impacts on both Tweed Heads and the Kingscliff localities will be subject to future strategic planning and associated community consultation.

The Department will continue to work with Tweed Shire Council to develop a Regional City Action Plan as identified in the North Coast Regional Plan, which will set a future vision for Tweed Heads and the existing hospital site.

4.2.3 Local character, culture and amenity

The impacts of the proposed SEPP on the local character, culture and amenity of the Kingscliff locality and other surrounding villages was a key issue raised in submissions. The key issues relating to impacts on local character, culture or amenity are summarised as follows;

- That the built-form and urban design of the proposed TVH will not be in keeping with the scale of existing development in Kingscliff and create demand to intensify urban development in the area;
- The proposed TVH will change the local character and 'coastal-village atmosphere' of Kingscliff;
- That proposed TVH will change the scenic landscape and existing visual character of Kingscliff;
- That proposed TVH will detract from existing cultural heritage values in Kingscliff and surrounding areas;
- That construction of the proposed TVH will have temporary impacts on the amenity of Kingscliff, and
- That operation of the proposed TVH will have long-term impacts on the amenity of Kingscliff.

Department's comments

Any development of this scale will generate opportunities for employment both in the construction phase and during its operation for training and health-related services. With this employment growth comes demand for housing, services and associated infrastructure. A study undertaken by the Department indicates that predicted demand can be accommodated within the existing urban growth area of Kingscliff. Nevertheless, the available transport connections support access to housing stock outside of the immediate Kingscliff locality, including further along the Tweed Coast and in the surrounding hinterland.

The SSD application prepared by Health Infrastructure includes a Concept Proposal to guide the future built-form of the facility having regard for integration of future building with the site topography to mitigate impacts on scenic views and the coastal character of the area. The topography of the site and surrounding landscape separate the site from the main urban areas of Kingscliff village. While noting the proposed heights are greater than in the adjoining area they are typical of hospital development and the final design will be considered as part of

the detailed development assessment. The urban fringe location as well as topographical change from the coastal foreshore to the hinterland provides a varied landscape within which to provide for the variety of building heights.

It is noted that the scale of the proposed development is not in character with the existing development across the Kingscliff locality. However, the location of the site adjoining both a TAFE and secondary school clearly define a new health and education precinct in which buildings of the scale proposed would be located.

The proposed SEPP is not identified as having an impact on matters of Aboriginal Cultural Heritage or Historic Heritage significance to the surrounding area.

4.2.4 Consistency with existing Height of Building controls

The consistency of the proposed SEPP amendments with existing height of buildings (HOB) controls established through previous community consultation was a key issue raised in submissions and is summarised as follows;

- In August and September 2018 Council exhibited the Draft Kingscliff Locality Plan (DKLP). Community consultation on the DKLP identified support for maintaining controls to limit the height of buildings in Kingscliff to three storeys.
- The SEPP amendment to the current HOB controls over part of the subject site is not in keeping with community views expressed during consultation for the Draft Kingscliff Locality Plan and/or past consultation on building heights in Kingscliff;
- The SEPP will permit consideration of the Concept Proposal for a hospital facility up to 9 storeys, which will lead to further high-rise development in the surrounding area; and,
- The proposed Concept Proposal for the Tweed Valley Hospital will directly impact on views and visual amenity of residential properties in the surrounding area; in particular views of Mount Warning and the coastal hinterland and ranges.

This existing height of buildings issue was most frequently raised in connection with comments regarding the impact of the proposed controls on the local character and amenity of Kingscliff and surrounding areas.

Department's comments

The proposed removal of controls for building height, floor space ratio and minimum lot size are consistent with the SP2 Infrastructure zoning and will enable merit assessment of future development of the site.

The scale of the State significant hospital as proposed is such that it cannot be constructed within the 3-storey limit provided under current controls. Building height changes outside of the project site remain subject to the existing controls, and a precedent will not be established as these controls remain unchanged.

The exhibited EIS includes a Concept Proposal and supporting information to address the built form, urban design and visual amenity of the facility within the context of the surrounding area. The Concept Proposal proposes a building envelope intended to balance the clinical and functional needs of the hospital with the local character and amenity of the surrounding area. This envelope will provide maximum height parameters for future buildings to inform stages development under the SSD application.

The proposed changes to HOB controls are considered in keeping with the proposed SP2 Infrastructure zone and the proposed use of the site for health service facilities. The proposed SEPP will permit assessment of the SSD application, which will subsequently determine the Concept Proposal and future built-form of development to ensure a high-quality architectural design that is sensitive to the topography and visual amenity of both the site and the surrounding area.

4.2.5 Site-selection process

The process for selection of the preferred site was raised in submissions and is summarised as follows;

- The timing, approach and/or adequacy of community consultation undertaken by the NSW Government.
- The methodology and criteria used to assess feasibility of the preferred site and considered alternatives.

Over 50% of submissions received by the Department from individuals in the community raised concerns regarding the timing, approach or perceived adequacy of community consultation undertaken by the proponent to inform the site-selection process for the Tweed Valley Hospital.

Approximately 35% of all public submissions received by the Department raised concerns that community consultation was undertaken after the preferred site had been announced by the Minister for Health.

A submission received from Leda Holdings, the proponent for the Kings Forest site, has questioned the adequacy of ecological buffers for the site and the reasons for discounting of the Kings Forest as an alternative to the preferred site. The submission challenges the use of the proposed SEPP to permit a determination of the SSD on the basis that the proposed SEPP is inconsistent with strategic planning for the area, including that no alternative feasible location is available.

Department's comments

The site-selection process was subject to community consultation and public feedback was considered by Health Infrastructure in selection of the preferred site. The site-selection report and EIS prepared by Health Infrastructure identifies that alternative sites were discounted as not suitable for a range of reasons. Health Infrastructure obtained expert advice to inform the selection of the site and are the relevant authority for determining the suitability or otherwise of sites shortlisted for the proposed use.

In regard to the Kings Forest site Health Infrastructure advised that as the Kings Forest development has not yet commenced and has undergone a number of planning iterations over the last 8 years. The proposed development of residential lots and the new town centre that is required to ensure the hospital is not an isolated development, are also subject to market forces that will ultimately dictate the pace of development. State and Commonwealth approvals are required to develop Kings Forest, specifically in relation to the protection of Koala habitat.

The risk of the hospital being delayed through complex multi-level approvals or becoming an isolated development for an extended period due to approvals and/or the uncertainty of the housing market were key considerations in the merit and risk review of this site.

Both phases of the site selection process have been overseen by an independent Probity Advisor who has stated that the process has been conducted in a fair and equitable manner with due regard to probity.

The purpose of the proposed SEPP is to determine at a strategic level if the site is suitable for the future use as a health services facility. No issues have been identified that would preclude the amendment to the planning controls under the Tweed LEP. The assessment of the site specific matters under the SSD application will determine if the site is suitable for the detailed development as proposed.

4.2.6 Road access, traffic, transport and parking

The capacity of the existing road network and public transport services to accommodate increased demand for travel and access was a key issue raised in submissions and is summarised as follows;

- Existing road infrastructure will not be capable of accommodating increases in traffic, particularly during network peak periods resulting in congestion on local roads;
- Proposed road upgrades will not accommodate forecast increases in traffic conditions and further funding for road infrastructure will be required;
- Concerns for traffic management and road safety due to interaction of urban and rural land uses;
- Concerns for traffic management, car parking and road safety during construction phases of development;
- Adequacy of on-site car parking provision and management, including use of local streets for any shortfall in on-site capacity. Impacts of off-site parking on residents and active transport users;
- Adequacy of public transport connections and servicing between Kingscliff and Tweed Heads;
- Road network access to health services during significant flooding events; and,
- Adequacy of infrastructure for pedestrians, cyclists, and vulnerable road users.

The submission received from TAFE NSW included a Traffic Impact Assessment Review prepared by Cardno, which concludes that further consideration be given to future intersection performance, the adequacy of proposed road upgrades and details of the car parking management and enforcement.

The submission received from Roads and Maritime Services in response to the exhibited EIS concluded that; the traffic impact assessment is reasonable and the predictions are robust and conservative with suitable sensitivity testing; and, that the proposal includes all reasonably feasible mitigation options subject to relevant approvals under the *Roads Act 1993* for road works and traffic signals; and, highlighting the need for provision of appropriate wayfinding signage between the site and the Pacific Highway.

The submission received from Transport for NSW in response to the exhibited EIS made comment in relation to public transport services, the Green Travel Plan, facility design, parking provision, traffic modelling and active transport. The submission recommended conditioning of a detailed Green Travel Plan to ensure sustainable transport outcomes in alignment with relevant strategies and transport plans.

Department's comments

Health Infrastructure will work with Council and relevant State agencies towards consideration of future investments in transport-related infrastructure in the Kingscliff area. The EIS proposes access, road upgrades and public transport facilities to address the impacts of the proposed hospital and the determination of the SSD will consider appropriate conditions for the timely delivery of infrastructure and services.

The merit assessment and determination of the staged SSD application if approved will consider conditions to manage the traffic, road safety, transport and parking impacts of the proposed during construction and operational phases of the project. The design of future transport-related improvements will be required in accordance with relevant guidelines and standards to ensure adequate safety for road users.

The proposed facility will be located opposite the TAFE NSW campus, which has been used as an evacuation centre during previous flooding events and would offer additional services to communities south of the Tweed River during future flood events. The availability of alternative access routes connecting to the site will assist in maintaining connections to the region during flood events. Flood immunity of key arterial roads in the region is a matter for the relevant road authorities and will be considered in planning future improvements to the state and regional road network.

4.2.7 Consistency with Regional and Local Plans

The consistency of the proposed SEPP with regional and local plans was a key issue raised in submissions and is summarised as follows;

- The proposed location of the proposed hospital is inconsistent with the North Coast Regional Plan.
- The proposed the proposed hospital is inconsistent with local strategic planning and past community consultation.

Department's comments

The North Coast Regional Plan 2036 (NCRP) provides a blue print for development on the North Coast for a 20-year planning horizon. The NCRP is intended to be an adaptive document being responsive and flexible to changing needs of the regional community over time. While it does not provide site specific information to support planning decisions it does set goals and directions to guide land use planning, development proposals and infrastructure funding decisions. The NCRP is subject to annual review and, where necessary, updates to appendices, including urban growth area maps.

The NCRP includes directions to develop successful centres of employment, recognising that health and education sectors will continue to deliver important services and sustain employment growth, particularly with the ageing population. The proposed SEPP is consistent with Actions 6.1 and 6.2 of the NCRP as it will introduce planning controls to meet new infrastructure needs by co-locating anchors for health and education, encouraging the clustering related industries and generating economic activity as a catalyst for the planned future knowledge precinct.

The Tweed Regional City Action Plan identified under Action 7.1 of the NCRP will consider opportunities to encourage investment in renewal of the Tweed city centre to generate employment opportunities and housing diversity in proximity to existing business, community services and infrastructure. This process will be further complimented by the development of a Local Strategic Planning Statement for the Tweed area and both processes will seek engagement with the Tweed community.

The proposed SEPP will change planning controls over an area of land zoned RU1 Primary Production that is outside of the mapped urban growth area and mapped as important farmland. Direction 11 and 12 of the NCRP contain actions to protect and enhance productive agricultural land and grow agribusiness across the region. These directions include an action to review of the consistency, methodology and application of the Northern Rivers Farmland Protection Project 2005 and the Mid North Coast Farmland Mapping Project (2008) to establish consistent standards and their application for important farmlands across the North Coast. These projects include considerations for the use of important farmland for public infrastructure where no feasible alternative is available. The site selection process undertaken by NSW Health considered the needs of the proposed infrastructure investment and determined that this site was the most suitable.

Tweed Council's draft Kingscliff Locality Plan (DKLP) acknowledges that this site has been selected for a new regional hospital, and that a wider planning process is underway. Future development of the DKLP in consultation with the local community will assist in balancing demand for growth with the desire to retain the local character of Kingscliff. If supported, the next review of the NCRP will acknowledge the location of the new hospital.

4.2.8 Environment and Endangered Ecological Communities

The impact of the proposed SEPP on the environment and endangered ecological communities (EECs) was raised in submissions and is summarised as follows;

- Consideration for impacts of the proposal on flora and fauna within the adjacent coastal wetland.
- Impacts on endangered species and endangered ecological communities.
- Need for environmental buffers between development and environmentally sensitive land.
- Cumulative consideration of interaction between buffers required to agricultural uses and bushfire hazards.

Department's comments

The proposed SEPP does not approve the location or built form of development within the site. The Concept Proposal included in the SSD identifies building envelopes for the proposed hospital and ancillary uses within the site having consideration for required buffers to environmentally sensitive areas.

The Department has consulted with OEH in accordance with Section 3.25 of the EP&A Act as the site is located adjacent to land mapped as Coastal Wetland under the SEPP (Coastal Management) 2018 and as containing vegetation within mapped buffer areas. Accordingly, the Department consulted with OEH regarding the likely impacts of the proposed SEPP on habitats or threatened species. The response from OEH raised no objection to the proposed SEPP noting that impacts arising from development of the site can be addressed by determination of the SSD application subject to conditions of project approval. The OEH response requested landowner's agreement to the application of an E2 zone to the land which is currently deferred from the Tweed LEP 2014. As this land sits outside the Site subject to this proposed SEPP this matter will be considered as part of any future planning process.

4.3 Other Issues

4.3.1 Issues relating to the State significant development application

Submissions received in relation to the SEPP included comments or concerns relating to issues of relevance to the SSD application. The following points are addressed for clarity;

A small number of submissions raised concerns that the duration of the public exhibition was insufficient for individuals to consider the volume and complexity of information contained in the exhibited EIS.

- A number of submissions opposed the staged nature of the SSD application and the deferral of information regarding the later stages of development, such as detailed design and related impacts.
- A number of submissions questioned the commencement of on-site works prior to making of the SEPP and determination of the SSD application.
- A late submission received from LEDA Holdings included an addendum to the bushfire report included in the annexure of their submission to the SEPP. This addendum included an updated report providing a preliminary bushfire assessment of likely asset protection zones applicable to the site pursuant to Planning for Bushfire Protection 2006 and the Draft Planning for Bushfire Protection 2018, which seeks to highlight constraints to the developable area of the site.

Department's comments

The SEPP was jointly exhibited with the EIS for the SSD application in accordance with the requirements of the EP&A Act. The EIE and EIS were exhibited between 1 November and 13 December 2018. The Department considers that requirements for notification of the proposed SEPP have been satisfied.

Issues identified in SEPP submissions that are of relevance to the SSD application will be considered during merit assessment of the Concept Proposal and Stage 1 works. Some preliminary site work undertaken by HI NSW was subject to the provisions of Part 5 of the EP&A Act, the *State Environmental Planning Policy (Infrastructure) 2007* and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. These works were identified in the exhibited EIS and do not form part of the SSD or proposed SEPP.

There are no issues raised in the above that would preclude the amendment to the zoning to permit the consideration of the development of a health services facility on the site.



5. Conclusion

In accordance with the requirements of the EP&A Act the EIE was notified to the public and jointly exhibited with the Environmental Impact Statement for the SSD (Concept Proposal and Stage 1 works) for the Tweed Valley Hospital project.

Consultation on the proposed SEPP attracted 388 submissions, comprising 355 objections, 29 supporting and 4 comments. Of the submissions received, 89% were from individuals or organisations located within 20km of the subject site. The submissions raised a number of issues of relevance to the SEPP and further issues of relevance to determination of the SSD application.

The Department has consulted the Office of Environment and Heritage (OEH) and considered comments received in relation to the likely environmental impacts of the proposed SEPP amendments. OEH raised no objection to the making of the proposed SEPP and identified issues for determination under the SSD.

The proposed amendments to the TLEP are considered necessary to permit assessment of the significant public investment in a new hospital to address the health needs of the Tweed-Byron region.

The proposed controls will support the establishment of a health services facility in proximity to an existing educational establishment to create a health and education precinct that will generate opportunities for employment, training, and research in a location central to the Tweed-Byron community.

The impacts arising from future development of the site can be appropriately considered by merit assessment of the staged SSD application and any determination of approval would include appropriate conditions.

The precinct will encourage future investment in local business, housing choices and the development of new knowledge-based industries in the area in a manner consistent with the goals of the North Coast Regional Plan.

Future planning for the Kingscliff locality will help balance urban growth whilst maintaining the local character of the area in consultation with the local community. The Tweed Regional City Action Plan will inform future planning for the Tweed Regional City to revitalise local business, services and housing diversity in the city centre.

The Department is separately considering legislative reforms to improve the sustainability of agriculture in NSW and will update mapping of important farmland to assist future decision-making.

An analysis of the issues raised in submissions and comments from government agencies do not identify issues that would preclude the amendment to the zoning to permit the consideration of the development of a health services facility on the site.

The Department recommends the Minister for Planning ask the Governor to make the proposed SEPP to enable this public investment in the future health needs of the Tweed-Byron region.