

## Tweed Shire Council Reference Group – Terms of Reference

### Proposed Site Feedback and Alternative Site Nomination Process

#### 1. BACKGROUND

The proposed site for the Tweed Valley Hospital was announced by the Minister for Health on 4 April 2018.

The NSW Government has undertaken a comprehensive site selection process, which considered more than 35 potential sites across the region. The results of this process have been made publicly available via a Site Selection Summary Report on the project website.

Some members of the local community have raised some concerns about the location of the proposed site, the potential impact on the local farming community and Kingscliff itself. In recognition of these concerns, the NSW Government has directed Health Infrastructure to undertake a further consultation period of six weeks around the proposed site.

The consultation process outlined below will help ensure the construction of the new state-of-the-art major referral hospital occurs on the best available site.

#### **Call for feedback on the proposed site and opportunity to nominate alternative sites**

Feedback and nomination of any alternative sites is being sought through the Tweed Valley Hospital Site Feedback/Nomination Form (**Appendix 3**), which is available on the Tweed Valley Hospital project website ([www.tweedvalleyhospital.health.nsw.gov.au](http://www.tweedvalleyhospital.health.nsw.gov.au)) and The Tweed Hospital and Murwillumbah District Hospital receptions.

A Media Release was issued on 3 May 2018, to outline the process to be undertaken and advise how to receive a copy of the Form and where and when to lodge submissions. A further Media Release was issued on 11 May 2018 regarding community drop-in sessions at the project office to support the consultation process.

The Form refers to the key features and considerations for the proposed site. The Form includes Part A for feedback on the proposed site and Part B for nomination of any alternative to the proposed site for further consideration.

The Form is to be submitted to the Tweed Valley Hospital email address or in hard copy to The Tweed Hospital reception. A PO Box number is also being provided in a range of newspaper notifications.

To encourage and facilitate community participation, the person making the nomination is not required to be landowner of the site and their identity will not be published without their permission. Likewise, details of the sites nominated will not be published without the prior agreement of the landowner.

A summary report will be prepared and published on the project website. The report will provide an overview of the consultation and alternative site assessment process to a similar level of detail as the Site Selection Summary Report.

## 2. PURPOSE

**The purpose of the community consultation process is to identify if there are any potentially feasible alternative sites/s that warrant further consideration by the NSW Government.**

A Tweed Shire Council Reference Group (CRG) including nominated Councillors will be formed with appropriate probity and confidentiality declarations in place. Further, a number of Council senior staff and planning officers will be associate members of the CRG in a technical advisory capacity.

The CRG provides the opportunity for participants to be briefed on the consultation process submissions and, in return, provide feedback to the Tweed Valley Hospital Project Governance.

The CRG will be provided with access to the full list of alternative site nominations on a strictly confidential basis as well as relevant advice from the independent expert advisers appointed for the site selection process.

The CRG will consider and provide feedback to the Project Governance on the proposed site and alternative site nominations.

The Probity Adviser (ProcureGroup) will oversee the alternative site assessment process and provide an independent report on its integrity. This role includes overseeing the briefing of the CRG and provision of feedback and confirming that the feedback noted by the CRG has been provided to the Project Governance for consideration.

The CRG is a consultative forum and has no decision-making authority.

## 3. CRG PARTICIPANTS

### Tweed Shire Council – Councillors (*members*)

Council, via the General Manager (Troy Green), to advise the CRG Chairperson (Peter Lawless) of the nominated Councillors who will be appointed for the duration of the assessment process.

The objective of the nominations should be to provide the Project Governance with balanced and objective feedback from a range of points of view on the matters considered by the CRG (refer section 5). The number of nominations and the nominees will be at Council's discretion.

### Tweed Shire Council – Technical advisory (*associate members*)

- Troy Green, General Manager
- Vince Connell, Director Planning and Regulation
- Iain Lonsdale, Unit Coordinator, Strategic Planning and Urban Design
- Danny Rose, Manager Roads and Stormwater.

The CRG will be chaired, facilitated, supported and advised by the following personnel from the Tweed Valley Hospital Integrated Project Team and independent expert advisers, and the assessment process will be overseen by an independent Probity Adviser.

### Tweed Valley Hospital Integrated Project Team (*chairperson, secretariat and invitees*)

- Peter Lawless, Senior Project Director, Health Infrastructure (HI) (*Chairperson*)
- Alyssa Muche, Project Manager, TSA Management (*secretariat*)
- Bernadette Loughnane, Director Tweed Valley Hospital Development, Northern NSW Local Health District
- Jackie Hawkins, Project Director, HI
- Rebecca Wark, Executive Director, Rural & Regional, HI (*HI Executive - subject to availability*).

#### Independent Expert Advisers (*invitees*)

The CWG will be advised, as required, by the independent expert advisers appointed by HI for the site selection process.

#### Independent Probity Adviser (*observer*)

- Tiffany Blackett *or delegate*, ProcureGroup.

#### Attendance at meetings

CRG meetings will be held in person at the Tweed Valley Hospital Integrated Project Office. The meetings will be convened by the Chairperson and scheduled to suit the availability of the majority of participants, with the aim of maximising attendance at meetings and the opportunity to be briefed and provide feedback.

The Probity Adviser will be present in person or by telephone for all meetings.

## 4. CRG's ROLE AND RESPONSIBILITIES

The CRG will:

1. Consider all alternative site nominations (**Part B – Appendix 3**) and provide feedback to the Project Governance as to which ones could be carried forward to further assessment (i.e. whether they meet the following submission requirements) and the scope of that assessment.

*Nomination of an alternative site will only be considered if the submission meets the following requirements:*

- *The site is within the 'site selection area', which is consistent with the original request for expressions of interest (EOI) process.*
  - *The site contains a development area of 8 to 16 hectares, with larger sites preferred and >16 hectares considered.*
  - *The site is easily accessible and proximate to a main arterial road link.*
  - *The site is likely to provide a reasonable comparison against the proposed site.*
  - *The application includes confirmation that the person submitting the Form has read and considered the Site Selection Summary Report.*
  - *The application includes a short commentary explaining how the nominated alternative site provides a better solution than the preferred site.*
2. Consider community feedback (**Part A – Appendix 3**) and further information and advice on the proposed site and provide feedback to the Project Governance on any material points of contention and/or additional matters for consideration.
  3. Consider advice across relevant disciplines for alternative sites carried forward and provide feedback to the Project Governance on the key pros and cons compared to the proposed site.
  4. Consider the draft *Alternative Site Assessment Summary Report* and provide feedback to the Project Team on this information, in the context of protecting the privacy of nominators and landowners.
  5. Consider the Probity Adviser's report on the alternative site assessment process.

CRG feedback will be noted, including the extent that there is consensus between members and/or associate members on the feedback given and any dissenting views will be noted. Feedback will be summarised at the end of each meeting and the CRG asked to confirm its agreement that the feedback noted is an accurate record.

The meeting notes from each CRG meeting will record those in attendance and will reference the information presented and summarise the feedback provided. The meeting notes will be distributed to all participants on a confidential basis.

## 5. PROBITY ARRANGEMENTS

**Probity** means honesty, integrity and uprightness. In this context it means a defensible process which is able to withstand internal and external scrutiny – one which achieves both accountability and transparency.

The probity of, and CRG's involvement in, the alternative site assessment process will be managed as follows:

- The Chairperson will be responsible for the management of probity.
- An independent Probity Adviser has been appointed to monitor the process and support the Chairperson. The Probity Adviser will attend CRG meetings either in person or by telephone.
- Participants in the process are required to inform the Chairperson and Probity Adviser if they become aware of any probity related issues arising during the process.
- The Chairperson, through the Project Manager, will document all CRG meetings.
- Members of the CRG are responsible for maintaining the security of any documents relating to the process, including community feedback, nominations, adviser reports and other information. This includes secure storage and accessibility for all such information while ensuring that the contents are not disclosed during or after their performance on the CRG.
- All participants in the process, including CRG members and advisers, will be required to have read and signed the Confidentiality Deed Poll as shown in **Appendix 1**.

## 6. TIMETABLE

The proposed CRG meeting timetable for the consultation and alternative site assessment process is outlined in **Appendix 2**. This timetable may be changed with agreement of the Chairperson and Council's General Manager.



## APPENDIX 1

### CONFIDENTIALITY DEED POLL

# Confidentiality Deed Poll

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Deed Poll made at \_\_\_\_\_ on \_\_\_\_\_

**In favour of** **Health Administration Corporation ABN 45 100 538 161** a corporation sole constituted under section 9 of the Health Administration Act 1982 (NSW) (through its Health Infrastructure division ABN 89 600 377 397) (**HAC**)

**Given by** \_\_\_\_\_ **(Recipient)**  
(Full Name)  
\_\_\_\_\_  
(Position / Title)  
\_\_\_\_\_  
(Organisation)  
\_\_\_\_\_  
(Phone)  
\_\_\_\_\_  
(Email)  
\_\_\_\_\_

## Background

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- A. In the course of being involved with HAC in relation to the Project, the Recipient will have access to, or may become acquainted with, Confidential Information.
- B. Improper use or disclosure of the Confidential Information could damage HAC's ability to perform its governmental/statutory functions and could result in irreparable harm to HAC.
- C. The Recipient acknowledges the desire and right of HAC to protect Confidential Information. The Recipient gives the undertakings contained in this Deed Poll to, and for the benefit of HAC on the terms and conditions contained herein.

## Agreed Covenants

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### 1. Definitions and Interpretation

1.1. In this Deed Poll, unless the context otherwise requires:

**Confidential Information** means any information and all other knowledge at any time disclosed (whether in writing or orally) to the Recipient by or on behalf of HAC, or acquired by the Recipient in performing services in any way relating or pertaining to, or connected or associated with, or incidental to, HAC or the Project, including Information which:

- (a) is by its nature confidential;
- (b) is designated, or marked, or stipulated as confidential; or
- (c) the Recipient knows or ought to know is confidential.

**Project** means the Tweed Valley Hospital Development.

1.2. Except where the context otherwise requires:

- (a) the clause and clause headings are for reference only and have no effect in limiting or extending the language of the provisions to which they refer;
- (b) words in the singular include the plural and vice versa;
- (c) words importing a gender include any other gender;
- (d) a reference to a person includes a partnership and a body whether corporate or otherwise;
- (e) a reference to a clause or a clause heading is a reference to a clause or clauses in this deed poll; and
- (f) whether a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

1.3. The Recipient warrants that:

- (a) as at the date of this deed poll, no conflict of interest exists or is likely to arise in relation to the subject matter of this deed poll or the Project;
- (b) it will use its best endeavours to ensure that no such conflict of interest exists or is likely to arise; and

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(c) if any such conflict of interest or a risk of such conflict of interest arises, the Recipient shall promptly:

(i) notify HAC in writing of that conflict or risk; and

(ii) take all steps required by HAC to avoid or minimise the conflict of interest or risk of conflict of interest.

## **2. Disclosure and Use of Confidential Information**

2.1. The Recipient must keep the Confidential Information in confidence and must not disclose the Confidential Information to any person, except in accordance with this deed poll.

2.2. The Recipient must not disclose the Confidential Information to any person other than:

(a) a person within HAC who is directly involved with the Project; or

(b) if required by a binding order of a government agency, by law or by court order;

without the prior written consent of HAC.

2.3. HAC may grant or withhold its consent in its absolute and unfettered discretion and may impose conditions on that consent, as HAC sees fit. If HAC grants consent subject to conditions, the Recipient must comply with those conditions.

2.4. The Recipient:

(a) may only access and use the Confidential Information for the Express Purpose and must not use the Confidential Information for any other purpose;

(b) must take all necessary precautions to prevent unauthorised access to or copying of the Confidential Information;

(c) not use or appropriate any of the Confidential Information for the Recipient's own benefit or gain for any purpose or in any manner which is, or may prove to be, detrimental to HAC or which will or may give rise to a conflict of the Recipient's

obligation to HAC; and

(d) must comply with any direction of HAC regarding the safekeeping and storage of the Confidential Information.

## **3. Return of Confidential Information**

3.1. If HAC requests it, the Recipient must:

(a) promptly destroy or return to HAC all documents and other physical records of Confidential Information in its possession, custody, power or control; and

(b) provide a statutory declaration to HAC confirming that all those records and any copies have been returned, destroyed or erased, as appropriate.

## **4. HAC May Enforce Deed**

4.1. The Recipient agrees that the obligations in this deed poll are for the benefit of HAC, and that HAC may enforce the obligations herein.

## **5. No Exclusion of Law or Equity**

5.1. This deed poll must not be construed to exclude the operation of any principle of law or equity intended to protect and preserve the confidentiality of the Confidential Information

## **6. Waiver**

6.1. No waiver by HAC of one breach of any obligation or provision herein contained or implied shall operate as a waiver of another breach of the same or of any other obligation or provision herein contained or implied.

6.2. None of the provisions hereof shall be taken either at law or in equity to have been varied, waived, discharged or released by HAC unless by its express consent in writing.

## **7. Governing Law**

7.1. The laws of the New South Wales apply to the construction and interpretation of this deed poll.

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**EXECUTED AS A DEED POLL**

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**Signed, sealed and delivered by**

\_\_\_\_\_

in the presence of:

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Full name of witness

\_\_\_\_\_  
Signature of authorised signatory

\_\_\_\_\_  
Full name of authorised signatory



**APPENDIX 2****CRG MEETING TIMETABLE**

Activity	Target Date	Proposed Meeting Times
CRG Meeting #1	Monday, 28 May 2018	4.00pm - 5.30pm
CRG Meeting #2	Tuesday, 19 June 2018	4.00pm – 5.30pm
CRG Meeting #3	Tuesday, 26 June 2018	4.00pm – 5.30pm
CRG Meeting #4 (if required)	Monday, 2 July 2018	4.00pm – 5.30pm



## APPENDIX 3

### FEEDBACK AND ALTERNATIVE SITE NOMINATION FORM

## Call for community feedback on the proposed site and process for nomination of an alternative site

### Information Document

There are two Parts to the Form and you may complete Part A or Part B, or both.

- Part A - Feedback on the Proposed Site
- Part B - Nomination of an Alternative Site

This Information Document provides background information and guidance notes that will assist you in completing the Form correctly.

### Background

Selecting the right site for the Tweed Valley Hospital is vital to building the future of healthcare and servicing the health needs of the Tweed Valley community now and into the future. Following a comprehensive site selection process, including a publicly advertised call for *expressions of interest (EOIs)*, a proposed site for the hospital has been identified on land to the west of Kingscliff.

The “**Site Selection Summary Report**” provides an overview of the process undertaken.

The report provides information about the key considerations for the proposed site, including its location in servicing the health catchment; the size of the site and its potential to be a health and education campus in the long term; the impact of flood levels; the accessibility from major roads; the ability to create a healing environment; the utilities and planned infrastructure and impact on agricultural land.

The report is available at the following website link, and hard copies are available at the main entrance of The Tweed Hospital and Murwillumbah District Hospital:

[http://tweedvalleyhospital.health.nsw.gov.au/www\\_tweed/media/tweedvalley/20180424\\_tweed-valley-hospital\\_site-selection\\_summary-report\\_final.pdf](http://tweedvalleyhospital.health.nsw.gov.au/www_tweed/media/tweedvalley/20180424_tweed-valley-hospital_site-selection_summary-report_final.pdf)



### Completing Part A - Feedback on the Proposed Site

On Wednesday 4 April 2018 the Member for Tweed, Geoff Provest, was joined by Health Minister, Brad Hazzard, to announce the proposed site for the \$534M Tweed Valley Hospital. The site is located in the Kingscliff area, on Cudgen Road opposite Kingscliff TAFE. More information on to the proposed site is provided within the **Site Selection Summary Report** (refer Page 1 of this Information Document).

Feedback on the proposed site will be collected and used to inform the ongoing planning process for the new hospital. The proposed site will be used to compare against any alternative sites put forward through the nomination process.

**Part A** of this form allows you to provide thoughts on the *pros* and *cons* of the proposed site.

You are asked to provide a summary of your key points in the space that has been allocated in the Form. You may also attach additional information if you wish to include extra material that supports your key points.

### Completing Part B - Nomination of an Alternative Site

Information in relation to the proposed site, and other sites considered as part of the site selection process is provided within the **Site Selection Summary Report** (refer Page 1 of this Information Document).

**Part B** of this form allows for you to suggest an alternative site, which you believe may be an option for the location of the new Tweed Valley Hospital, and has key features that may be more suitable than the proposed site.

Please complete a separate Part B form for each site nominated. An individual or group may submit more than one Part B form if more than one site is to be put forward for consideration. Sites previously considered in the site selection process may also be nominated as part of this process.

You are not required to own the land that you put forward and sites will be investigated for their suitability, regardless of whether they are put forward by the owner or not.

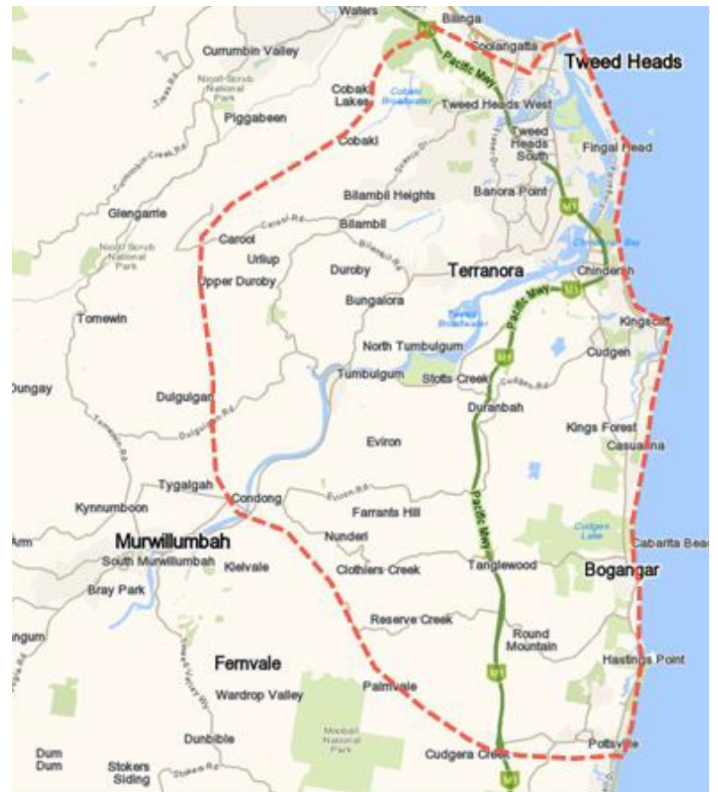
There are some minimum requirements for a site for the Tweed Valley Hospital, and any site put forward must meet these requirements. These are outlined on the following page.



### Completing Part B - Nomination of an Alternative Site...cont.

Nomination of an alternative site will be considered if the submission meets the following requirements:

- The site is within the 'site selection area' (refer map), which is consistent with the original request for expressions of interest (EOI) process and is also outlined within the Site Selection Summary Report.
- The site contains a development area of 8 to 16 hectares, with larger sites considered.
- The site is easily accessible and proximate to a main arterial road link.
- The site is likely to provide a reasonable comparison against the proposed site.
- The application includes confirmation that the person submitting the Form has read and considered the **Site Selection Summary Report** (refer page 1 of this Information Document).
- The application includes a short commentary explaining how the nominated alternative site provides a better solution than the preferred site.



In the form you are asked to provide a summary of the key features of the nominated alternative site. Please use this to consider how the pros and cons of the nominated site compare to the proposed site.

Please ensure that you provide a list of summary points as requested. You may also attach additional information to support your summary points.



### What happens to the information that you provide?

The project team will receive your submission, which is to be submitted by 5pm on Thursday 14 June 2018 either by:

1. **Email** to [tweedvalleyhospital@health.nsw.gov.au](mailto:tweedvalleyhospital@health.nsw.gov.au); or
2. **Hand it in** to reception at The Tweed Hospital or Murwillumbah District Hospital; or
3. **Mail** to Manager, Communications and Engagement, PO Box 904, Tweed Heads NSW 2485.

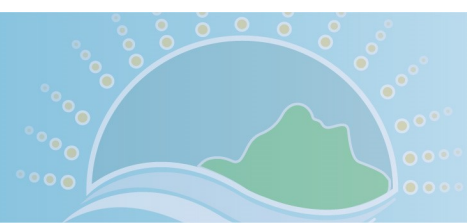
**Feedback on the proposed site (Part A)** will be collected and used to further inform the planning process and relevant information will be provided to the consultant team to inform their studies.

In parallel with the nomination of alternative sites process, the project team will continue a range of due diligence and planning activities for the proposed site. This will provide further information on, and confirmation of, the risks, opportunities, and timeframes associated with the proposed site for comparison against any alternative sites that emerge through the above process. This may include some investigations at, or close to, the site location.

**Nominations for alternative sites (Part B)** will be reviewed by the project team and if the submission meets the submission requirements (refer Page 3 of this Information Document) then it will be submitted to the independent experts for further review and consideration.

All alternative sites that meet the submission requirements will be compared against the proposed site. If a site genuinely provides a more suitable site for the Tweed Valley Hospital then this will be put forward to the NSW Government for consideration. At the conclusion of the comparison process, an **Alternative Site Summary Report** will be produced by the project team and released on the project website.

For privacy reasons the details of individuals or groups nominating sites, as well as details of individual sites may not be included, unless it is with permission of the individuals, groups and land owner, as relevant.



## Contact Details

### For Individuals

If you are submitting as an individual please complete this section.

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Suburb: \_\_\_\_\_

Have you read the Site Selection Summary Report available on the project website? **Yes** / **No**

### For Groups

If you are submitting on behalf of a group please complete this section.

Group Name: \_\_\_\_\_

Key Contact: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Suburb: \_\_\_\_\_

Please provide details of the members of the group, either below or by attachment of an additional supporting document.

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Have you read the Site Selection Summary Report available on the project website? **Yes** / **No**

Has your submission been formally approved by group members? **Yes** / **No**

If Yes, please provide details of this approval. For example, if it was approved at a meeting please provide meeting notes or minutes.

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Contact Details Page 1 of 1



## Part A - Feedback on the Proposed Site

### Declaration

Do you, or does anyone in your group, have any interest or involvement in the proposed site, or any other sites submitted as part of the site selection process? **Yes** / **No**

If Yes, please provide details below

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### Feedback key points

Please provide your feedback in relation to the *pros* and *cons* of the proposed site.

Please summarise the key points of your feedback into numbered points and limit to this page and the following page only. If you wish to provide further detailed information to support your key points, you may attach it to your submission.

**END OF PART A**

*Part A - Page 1 of 2*





## Part A - Feedback on the Proposed Site

### Feedback key points...*cont.*

**END OF PART A**

*Part A - Page 2 of 2*



## Part B - Nomination of an Alternative Site

### Site Information

Describe the location of the alternative site (include the Lot and Deposited Plan information, if available)

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Please attach a map or plan of the location, if available.

### Declaration

Are you the landowner of the site? **Yes** / **No**

Do you have a relationship with the landowner, or have any other interest in the land? **Yes** / **No**

If Yes, please provide details below

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Are there any leases, licences or other interests as it relates to this alternative site? **Yes** / **No**

If Yes, please provide details below

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### Key Features of the Alternative Site

Please provide a summary of the key features of the nominated alternative site. Summarise this into numbered points and limit to this page and the following page only. Please use these points to consider how the pros and cons of the nominated alternative site compare to the proposed site. If you wish to provide further detailed information to support your key points, you may attach it to your submission.



## Part B - Nomination of an Alternative Site

### Key Features of the Alternative Site...*cont.*

**END OF PART B**

*Part B: Page 2 of 2*



**Thank you for completing this form. We appreciate your support as we progress this important project.**

To submit your form you can:

1. **Scan and email** it to [tweedvalleyhospital@health.nsw.gov.au](mailto:tweedvalleyhospital@health.nsw.gov.au)
2. **Mail** it to Manager, Communications and Engagement, Tweed Valley Hospital Integrated Project Office, Level 2, Suite B, 21 Brett St, Tweed Heads NSW 2485

**The closing time for submissions is 5pm on Thursday 14 June 2018.**

### Further community participation

The project will undertake a number of consultation processes in the coming months, to inform the development of the new Tweed Valley Hospital. There will be many opportunities for community input and participation. This Form relates specifically to the selection of the new site only, and other opportunities will be promoted separately. Latest information will always be available on the project website.

