

COUNCIL ASSESSMENT REPORT

Panel Reference	PAN-311807
DA Number	RA23/1000
LGA	Shoalhaven City Council
Proposed Development	Staged expansion of the Nowra Private Hospital
Street Address	9 Weeroona Pl, NOWRA - Lot 32 DP 814820 14 McKenzie St, NOWRA - Lot 19 DP 241075 12 McKenzie St, NOWRA - Lot 20 DP 241075 10 McKenzie St, NOWRA - Lot 21 DP 241075 8 McKenzie St, NOWRA - Lot 22 DP 241075 6 McKenzie St, NOWRA - Lot 23 DP 241075 4 McKenzie St, NOWRA - Lot 24 DP 241075
Applicant/Owner	Applicant: Patch Planners Pty Ltd Owner: HCOA Operations (Australia) Pty Ltd
Date of DA lodgement	3 April 2023
Total number of Submissions Number of Unique Objections	3 submissions received.
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	5 Private infrastructure and community facilities over \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes— (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, <u>health services facilities</u> or places of public worship.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport & Infrastructure) 2021 • Shoalhaven Local Environmental Plan 2014 • Shoalhaven Development Control Plan 2014 • Environmental Planning & Assessment Act 1979
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Civil DA Report & Drawings • Landscape Plans • Statement of Environmental Effects • Traffic Impact Assessment • Biodiversity Development Assessment Report • Arboricultural Development Impact Assessment Report

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	<ul style="list-style-type: none"> • Geotechnical Investigation Report • BCA Assessment Report • Environmental Assessment Report • Preliminary Construction Traffic & Pedestrian Management Plan • Crime Risk Assessment Report • Noise & Vibration Impact Assessment Report • Waste Management Plan
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • Acoustic and lighting impacts from the development, including the driveway to adjoining residential properties. • Privacy impacts, including overlooking from the carpark to adjoining residences. • On street parking impacts. • Potential traffic calming measures. • Suitability of McKenzie Street for trucks and buses. • Stormwater disposal. • Location of the substation. • Tree removal. • Operational issues – waste management and security. • Boundary fencing.
Report prepared by	Andre Vernez, Senior Development Planner
Report date	8 September 2023
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

Executive Summary

The subject site comprises the existing hospital site, which is legally referred to as Lot 32 DP 814820, and contains the main hospital building with a range of services and associated parking at the south and east of the site; and six allotments adjoining the site with frontage to McKenzie Street, which are legally referred to as Lots 19-24 DP 241075. These allotments are undeveloped and comprise grassed areas and scattered trees.

It is noted that the applicant has indicated the site is intended to be consolidated in the near future, with the relevant documentation currently in the process of being prepared for submission to NSW Land Registry Services.

The site has a frontage to McKenzie Street at the west and Weeroona Place and McKinnon Street to the east. Current access to the hospital is from Weeroona Place and McKinnon Street.

The site is relatively flat, however, falls west to east. It has a total area of 1.819ha.

The site is zoned SP2 Infrastructure (Health Services Facility) and R2 Low Density Residential under the *Shoalhaven Local Environmental Plan 2014*.

The surrounding area is residential in character and the site is adjoined by single to two-storey dwellings.

The subject DA was lodged on the 3 April 2023. The application is described as staged expansion of the existing Nowra Private Hospital. The expansion includes works both within the site as well as on vacant land adjoining the existing hospital site fronting McKenzie Road.

As the capital investment value of the development is more than \$5 million and involves a health services facility, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application in accordance with section 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*.

The development application has been assessed against the following relevant environmental planning instruments:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014*

The application has also been assessed against the Shoalhaven Development Control Plan 2014 (SDCP 2014).

Council is satisfied that the proposed works comply with the relevant provisions of SDCP 2014, and no further assessment is required.

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2021* (the EP&A Reg) and Council's Community Consultation Policy for Development Applications from 12 April 2023 to 12 May 2023. Three submissions were received during the notification period.

The site is considered suitable for the proposed development as it will provide for the expansion of health services to the local community and Shoalhaven local government area.

Approval of the proposal is recommended, subject to conditions of consent.

This report recommends that the application is approved for the reasons outlined in this report.

1. Detailed Proposal

The proposal seeks staged consent to enable the expansion of the existing Nowra Private Hospital. The expansion includes works both within the existing hospital site and within adjoining vacant land fronting McKenzie Road.

In summary, the proposal comprises two stages and includes the following works:

- Stage 1:
 - Site preparation works and the removal of 72 trees across the site within the stage 1 footprint;
 - Internal and external demolition works across the existing development;
 - Establishment of a new western wing of the hospital campus., including:
 - New day of surgery admission (DOSA) unit comprising medical offices and interview rooms, discharge lounge, pre-operation bays and patient recovery bays;
 - 2 x operating theatres (OT), OT storage areas and anaesthetic administration areas;
 - New medical imaging area; and
 - Waste and goods storage areas including new medical records storage room.
 - Provision of a new car parking area providing for a total of 42 spaces;
 - Extensions and alterations to the existing hospital building including:
 - New rehabilitation dining and lounge room; and
 - Establishment of a new six (6) chair oncology area.
- Stage 2:
 - Minor demolition to allow for expansion of the new wing;
 - Cold shell expansion of the new western wing constructed in stage 1 to facilitate:
 - Expanded DOSA unit comprising recovery unit, recovery lounge and associated storage areas;
 - 2 x Occupational therapy (OT), OT storage areas and anaesthetic administration areas;
 - 1st floor extension comprising a 30-bed inpatient unit (IPU) and associated areas;
 - Expansion of the car park constructed under stage 1 to provide for a further 19 spaces.

The table below (excerpt from the submitted Statement of Environmental Effects by Patch Planning, dated 04/08/2023) provides a summary of the existing development and subsequent stages proposed.

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Aspect of Proposal	Existing Development	Existing Development + Stage 1	Existing Development + Stage 1 + Stage 2
Beds	49	60	90
Operating Theatres	4	6	8
Day Oncology	2	6	6
Doctors	10	14	14
Staff on site (at any one time)	80	95	120
Car parking spaces	87	129	148

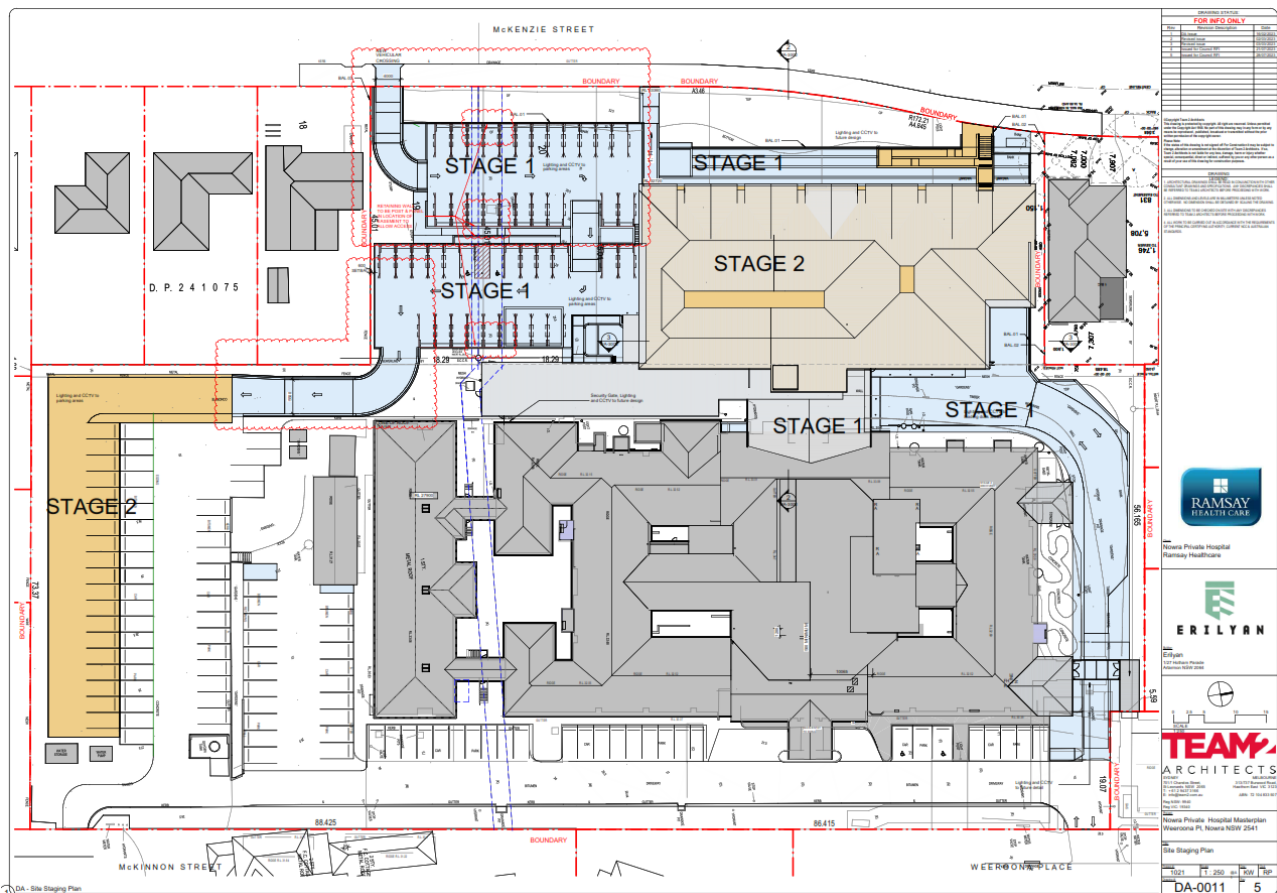


Figure 1: Proposed Site Staging Plan by Team 2 Architects (Revision 5, dated 28/07/2023)

2. Subject Site and Surrounds

Site Description

The subject site comprises:

- the existing hospital site which has frontage to Weeroona Street, which is legally referred to as Lot 32 DP 814820 and contains the main hospital building with a range of services and associated parking at the south and east of the site. This part of the site is zoned SP2 Infrastructure (Health Services Facility) under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), is generally flat and has access to McKinnon Street to the east; and
- six allotments adjoining the site with frontage to McKenzie Street, which are legally referred to as Lots 19-24 DP 241075. These allotments are zoned R2 Low Density Residential, have a steep gradient sloping from street to rear, are undeveloped and comprise grassed areas and scattered trees.

It is noted that the applicant has indicated the site is intended to be consolidated in the near future, with the relevant documentation currently in the process of being prepared for submission to NSW Land Registry Services. The site has a combined total area of 1.819ha.

The surrounding area is low-density residential in character and the site is adjoined by single and two-storey dwellings.

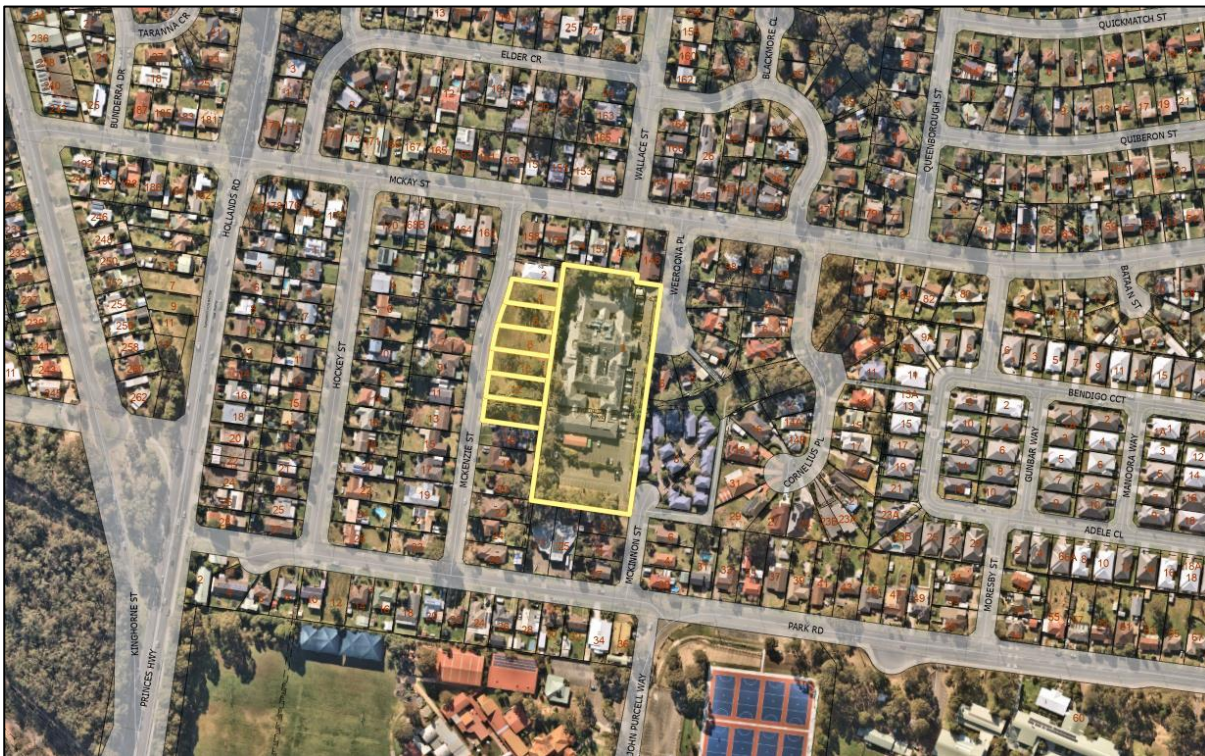


Figure 2: Aerial imagery of subject site



Figure 3: Photo of existing hospital from Weeroona Place (sourced from Statement of Environmental Effects by Patch Planning, dated 04/08/2023)



Figure 4: Photo of existing hospital entrance from Weeroona Place, showing the area where the oncology will be refurbished separate to this application (sourced from Statement of Environmental Effects by Patch Planning, dated 04/08/2023)

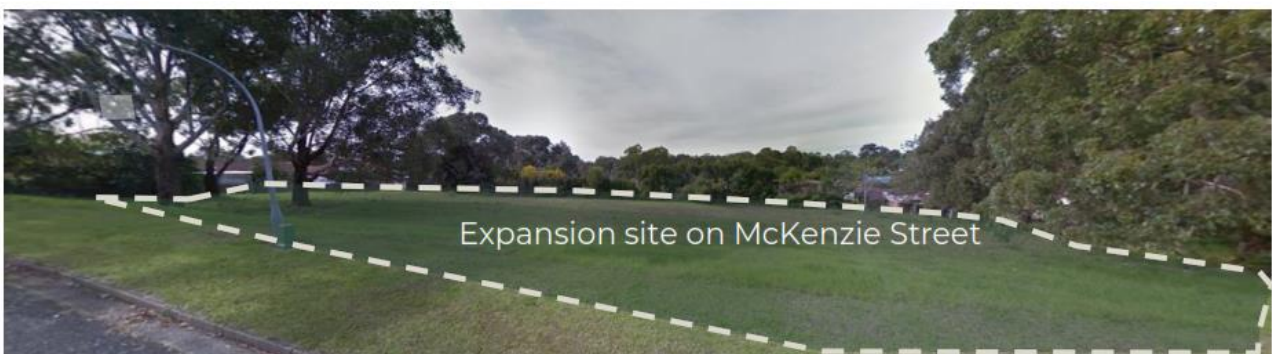


Figure 5: Photo of vacant lots for expansion fronting McKenzie Street, showing the future expansion of the hospital (sourced from Statement of Environmental Effects by Patch Planning, dated 04/08/2023)



Figure 6: Photo of existing car parking access from McKinnon Street (sourced from Statement of Environmental Effects by Patch Planning, dated 04/08/2023)

Deposited Plan and 88B Instrument

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

3. Background

Pre-Lodgement Information

Pre-lodgement advice was provided by Council on 14/11/2022 in relation to the proposed development. Matters raised in the advice were addressed by the applicant in the consultation summary table provided in Appendix 2 of the submitted Statement of Environmental Effects by Patch Planning, dated 04/08/2023. These matters included preliminary design feedback in relation to traffic and parking, stormwater drainage, public domain works, tree removal, lot consolidation, and Council's Shoalhaven Water requirements.

Post-Lodgement Information

The following outlines the timeline of the development application in the NSW Planning Portal.

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5	Application lodged	03/04/2023
6	Additional Information was requested	03/04/2023
7	Additional Information was provided	03/04/2023
8	Concurrence and Referral requested	03/04/2023
9	Application lodged	03/04/2023
10	Additional Information was provided	04/04/2023
11	Planning Panel initiated	04/04/2023
12	Additional Information was requested	19/05/2023

Further to the above information, the following is particularly noted:

- The Additional information request issued to the applicant on 19 May 2023 (item 12 above) requested the applicant provide the following information:
 1. *The existing gravity sewer main from McKenzie Street will be significantly impacted by the proposed carpark and retaining walls (through existing Lots 19 and 20 DP 241075). You are required to prepare a concept sewer realignment plan (to Shoalhaven Water requirements) to ensure flows can be maintained, or alternatively redesign the proposal to accommodate the existing gravity sewer main.*
 2. *Documentation is required to address the comments in Council's Development Engineer referral (D23/127408), accessible via Council's DA Tracking system.*
 3. *Revised Traffic Impact Assessment and Statement of Environmental Effects are required to address the comments in Council's Principal Transport Engineer referral (D23/127696), accessible via Council's DA Tracking system.*
 4. *Justification/clarification is required as to current tree removal (Trees 69-87 and 92) proposed in relation to vegetation to the north of the current hospital building and whether there is the potential to retain this vegetation or any of it.*
 5. *The following matters are to be addressed as required by Council's Environmental Assessment Officer:*

Tree 105

Tree 105 is a large, native, mature street shade tree located on the Council verge. This tree is required to be retained and plans for tree protection to assure its survival are necessary.

Trees 102-104

Trees 102-104 are large, native, mature shade trees located close to the south-eastern boundary. It is requested the entrance to the proposed carpark from McKenzie Street be

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relocated further north on the other side of Tree 105 to permit their safe retention. Priority should be given to Trees 103 and 104.

Compensatory Street Tree Planting

*In the plans current form, 73 trees are proposed for removal. To help compensate for this loss of vegetation and habitat, compensatory street tree plantings of dwarfed Spotted Gums (*Corymbia maculata*) are requested along McKenzie Street. These street trees should be incorporated into the Landscape Plan.*

Revised Landscape Plan

A revised Landscape Plan is requested that incorporates only native species.

6. *Written response and consideration to the submissions received from the exhibition period is requested.*
- Following this, Council briefed the SRPP on 28 June 2023. There were a number of issues discussed, including:
 - (a) Tree removal.
 - (b) Requirement for biodiversity impact assessment in accordance with Chapter G5 of SDCP 2014.
 - (c) Consolidation of lots.
 - (d) Footpath location and pedestrian accessibility.
 - (e) Current and future traffic generation, impacts, and car parking demand.
 - (f) Existing and proposed car parking arrangements.
 - (g) Car park design and vehicular access including impact of site access points and car park design on extent of tree removal, justification for vehicular connections between two car parks, and provision of access arrangements for ambulances, waste collection, loading and service vehicles.
 - (h) Stormwater management and overland flow path.
 - (i) Protection of sewer main.

The SRPP:

- (a) Acknowledged the built form outcomes in general and its appropriate transition to surrounding residential development.
 - (b) Noted ongoing discussions with Council engineers regarding stormwater and sewage.
 - (c) Considered that the key issues relate to tree removal, access and car parking arrangements.
 - (d) Encouraged the applicant to continue to work with Council assessment staff to achieve an appropriate balance between the car park design and tree retention.
 - (e) Noted that a Biodiversity Impact Assessment is required in accordance with Chapter G5 of SDCP 2014.
 - (f) Suggested the applicant investigate 2-way access to and from McKenzie Street and the potential removal of the vehicular connection between the two car parking areas (noting pedestrian access should be retained).
 - (g) Requested confirmation that no dangerous goods are proposed to be stored onsite and Schedule 3 of SEPP (Hazards and Resilience) does not apply.
- The applicant consulted with Council in response to the issues raised and responded to the requirements of Council and the SRPP through additional information submitted on 4 August 2023 and 7 August 2023.
 - Following further consultation with Council's Development Engineer on 31 August 2023, the applicant responded to the requirements of Council by confirming there is agreement to facilitate

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Council's request in relation to the provision of two-way access from McKenzie Street. On this basis, it was requested that revision of the design be enforced via a condition of consent required to be satisfied prior to any construction certificate for building works being issued.

- The applicant submitted additional information on 8 September 2023 that confirmed the proposed development would not be considered potentially hazardous, and the provisions of Chapter 3 of SEPP (Resilience and Hazards) 2021 not applicable. A preliminary hazard analysis (PHA) is not required to be submitted with this application in accordance with Hazardous Industry Planning Advisory Paper No. 6 — Hazard Analysis.
- All outstanding matters, particularly tree removal, access and car parking arrangements have been investigated and satisfactorily addressed by the applicant for the application to be determined.

Site History and Previous Approvals

- *Existing Hospital Site (9 Weeroona Place)*

The following table outlines the extensive history of building and development approvals on the existing hospital site (9 Weeroona Place). Notably, the hospital was first approved under BA79/0134 in 1979 with Council records showing inspections of the hospital commencing in 16/11/1987.

Application	Appl. Date	Application Type	Proposal	Status	Determined
RA23/1000	03/04/2023	Regional Development	Commercial Additions - The proposal is for the staged expansion of the existing hospital campus.	Incomplete – subject application	
OC21/1110	11/02/2021	Final Occupation Certificate	Internal Alterations at Nowra Private Hospital	Approved	29/01/2021
OC20/2140	20/11/2020	Interim Occupation Certificate	Alterations & Additions to Private Hospital	Approved	05/11/2020
DS20/1467	24/09/2020	Section 96 Amendment	Alterations & Additions to Private Hospital - S4.55 Restamp Plans	Approved	11/11/2020
RW20/1411	16/09/2020	S138 Approval	Driveway Construction	Approved	29/09/2020
OC20/1748	11/08/2020	Interim Occupation Certificate	Alterations & Additions to Private Hospital	Approved	05/08/2020
CC20/1415	12/05/2020	Construction Certificate	Alterations & Additions to Private Hospital. CC for Remainder of Works	Approved	30/04/2020
OC20/1076	31/01/2020	Interim Occupation Certificate	Internal Alterations at Nowra Private Hospital	Approved	24/01/2020
OC20/1075	30/01/2020	Interim Occupation Certificate	Alterations & Additions to Private Hospital	Approved	24/01/2020
CD20/1026	30/01/2020	Section 87 Amendment	Internal Alterations at Nowra Private Hospital	Approved	23/01/2020
CC19/2062	23/12/2019	Construction Certificate	Alterations & Additions to Private Hospital	Approved	12/12/2019
CC19/2031	12/12/2019	Construction Certificate	Alterations & Additions to Private Hospital	Approved	06/12/2019
CD19/1525	29/10/2019	Complying Development	Internal Alterations at Nowra Private Hospital	Approved	21/10/2019

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Application	Appl. Date	Application Type	Proposal	Status	Determined
DR19/1837	21/10/2019	Sewer Connection (Amended)	Internal Alterations at Nowra Private Hospital	Approved	28/11/2019
DA19/1267	19/03/2019	Development Application	Alterations & Additions to Private Hospital	Approved	27/09/2019
OC15/1936	28/09/2015	Final Occupation Certificate	Commercial Additions - Enclose Existing Walkway	Approved	28/09/2015
OC15/1731	22/07/2015	Final Occupation Certificate	New Ensuite Bathrooms & Minor Internal Alterations to Hospital	Approved	20/07/2015
OC15/1415	04/05/2015	Interim Occupation Certificate	New Ensuite Bathrooms & Minor Internal Alterations to Hospital	Approved	30/04/2015
CC15/1462	29/04/2015	Construction Certificate	New Ensuite Bathrooms & Internal Alterations CC15/122859-2	Approved	22/04/2015
CC15/1325	30/03/2015	Construction Certificate	New Ensuite Bathrooms & Minor Internal Alterations to Hospital	Approved	25/03/2015
DR14/1730	26/08/2014	Sewer Connection (Amended)	New Ensuite Bathrooms & Minor Internal Alterations to Hospital	Approved	15/09/2014
DA14/2030	26/08/2014	Development Application	New Ensuite Bathrooms & Minor Internal Alterations to Hospital	Approved	15/09/2014
CC12/2177	17/12/2012	Construction Certificate	Commercial Additions - Enclose Existing Walkway	Approved	08/04/2013
DA12/2283	17/12/2012	Development Application	Commercial Additions - Enclose Existing Walkway	Approved	08/04/2013
DR12/1304	04/05/2012	Sewer Connection (Amended)	Commercial Additions - Change of Use to Inpatient Rehabilitation Gymnasium and associated Car Parking	Approved	31/07/2012
DS11/1153	21/04/2011	Section 96 Amendment	Gymnasium, Offices & Treatment Rooms - S96(1A)	Surrendered	30/10/2012
DR10/1009	04/01/2010	Sewer Connection (Amended)	Gymnasium, Offices & Treatment Rooms	Surrendered	30/10/2012
DA10/1004	04/01/2010	Development Application	Gymnasium, Offices & Treatment Rooms	Surrendered	30/10/2012
DA08/1936	03/07/2008	Development Application	Installation of Eleven (11) Water Tanks to Collect Roofwater for Garden Irrigation	Approved	28/07/2008
OC06/2038	11/09/2006	Final Occupation Certificate	Commercial Additions - Bulk BOC Oxygen Tank	Approved	11/09/2006
CC06/1424	28/03/2006	Construction Certificate	Commercial Additions - Bulk BOC Oxygen Tank	Approved	15/05/2006
DA06/1479	28/03/2006	Development Application	Commercial Additions - Bulk BOC Oxygen Tank	Approved	11/05/2006
BA96-2097	23/05/2003	Building Application	Commercial Additions	Approved	23/05/2003

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Application	Appl. Date	Application Type	Proposal	Status	Determined
DA02-276704	04/07/2002	Development Application	Commercial Additions	Approved	23/07/2002
DR02-1956	04/07/2002	Sewer Application	Sewer connection (amended)	Approved	23/07/2002
BA96-2097	30/10/2001	Building Application	Commercial Additions	Approved	30/10/2001
DS01-1183	02/07/2001	Section 96 Amendment		Approved	30/10/2001
DA98-1538	10/08/1998	Development Application	Commercial Additions	Approved	27/08/1998
BA97/6100	04/07/1997	Building Application	Commercial Additions	Approved	31/07/1997
DR97-6100	04/07/1997	Sewer Application	Sewer connection (amended)	Approved	31/07/1997
BA96-2097	15/10/1996	Building Application	Commercial Additions	Approved	07/11/1996
DA90/3005	30/10/1990	Development Application	Hospitals	Approved	19/12/1990
DA87/1154	27/01/1987	Development Application	Hospitals	Approved	17/03/1987
BA79-1034		Building Application	New Community Hospital	Approved	
BA81-0961		Building Application	Incinerator	Approved	
BA82-1940		Building Application	Brick Radiology Building	Approved	
BA90/4364	15/11/1990	Building Application	Commercial Additions Comm Hospital Adds	Approved	28/02/1991
BA87/0946	14/04/1987	Building Application	COMMERCIAL Additions	Approved	27/04/1987
BA85/0784	18/04/1985	Building Application	Institutional Additions Hospital Additions	Approved	09/05/1985
BA84/1226	19/06/1985	Building Application	Urban Dwelling Additions	Approved	25/06/1984

- *Adjoining Residential Lots (4 – 14 McKenzie St)*

The lots facing McKenzie Street are all currently vacant properties. Council's records show that with the exception the properties mentioned below, these properties have no building or development approvals.

- 6 McKenzie Street:
 - DA20/1752 – Dual Occupancy Development – Approved 17/09/2020
 - SF 10816 – Strata Subdivision Application – Approved 17/09/2020
- 8 McKenzie Street:
 - BA85/0328 – New Urban Dwelling - Approved 11/03/1985

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Building Surveyor	No objection subject to recommended conditions.

	<p>Development consent (DA19/1267) was issued for additions and alterations to the existing hospital and Condition 18 of that consent required the existing building to be upgraded to partial conformity with parts of the Building Code of Australia.</p> <p>Construction Certificates and Occupation Certificates (e.g. Council reference OC20/1075) were subsequently issued by McKenzie Group. The fire safety schedule issued with those certificates identifies that a number of Performance Solutions have been accepted in the existing building (including but not limited to, fire hydrants, fire hose reels, wall wetting sprinklers).</p> <p>The current proposal includes minimal alterations to the existing building to connect to the proposed addition. As there has been recent fire safety upgrading in the existing building, it is considered unnecessary to utilise Clause 64 of the EP&A Regulation 2021 to require further upgrading at this time.</p> <p>The BCA report identifies several issues that require further investigation to determine the method of BCA compliance (that is, deemed-to-satisfy or Performance Solution). These matters can be resolved for the CC assessment. It appears that the proposed development will be capable of complying with the Performance Requirements of the BCA.</p> <p>It is recommended that the CC application is accompanied by a report that addresses the impact of the proposed addition on any of the Performance or Fire Engineered Solutions that were implemented in the existing building to ensure that the addition is not assessed in isolation by the Principal Certifier.</p> <p>The Accessibility Report concludes that the proposed development can comply with the BCA and Disability (Access to Premises – Buildings) Standards 2010.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> ▪ Building Work: Before Issue of a Construction Certificate: 'Section 68 Application'. ▪ Building Work: Before Building Work Commences: 'Construction Certificate', 'Appointment of Principal Certifier', 'Notice of Commencement', 'Toilet Facilities – Temporary'. ▪ Building Work: Before Issue of an Occupation Certificate: 'Section 68 of the Local Government Act', 'Fire Safety'. ▪ Building Work: Occupation and Ongoing Use: 'Occupation / Use', 'Fire Safety – Annual Statement'.
<p>Development Engineer</p>	<p>The following concerns were raised with the amended (current) design and submitted documentation:</p> <p><u>Stormwater Drainage</u></p> <ul style="list-style-type: none"> ▪ <i>The revised flowpath through the carpark and the return of the original flowpath under the hospital building is considered generally acceptable. However, Council requests a standard detail to be added to the engineering plans to demonstrate how this will be provided and to inform the future detailed design for the retaining wall and stormwater infrastructure. The flowpath through the site is demonstrated as safe when assessed against Council and national standards. Given the likelihood that landscaping will either affect the efficiency of the overland flowpath or be washed away within the</i>

	<p><i>flowpath, all vegetation should be removed within this area on the landscape plan.</i></p> <p><u>Roads / Access</u></p> <ul style="list-style-type: none"> ▪ <i>The proposal as it stands would require all egress from the development to be through the existing hospital site which is heavily constrained and has large numbers of conflict points and through to Weeroona Place which is proposed to be the main pedestrian access point for the development and is already heavily impacted by on-street parking and other road safety issues identified elsewhere in this referral.</i> <p><i>Council would also accept a small reduction in parking spaces through the widening of the carpark ramps within the parking module to ultimately provide a parking area which is more convenient for users and is safer for vehicular movements and pedestrians.</i></p> <ul style="list-style-type: none"> ▪ <i>A driveway long section has now been provided for the access point from McKenzie Street. The long section does not comply with AS2890.1 Section 3.3 and therefore needs to be further revised. The comment provided above in relation to two-way access for this parking area will also result in changes to the long section.</i> ▪ <i>This has not been provided as the applicant has argued the need for two-way access to/from McKenzie Street. As Council is not accepting this argument as outlined above, the turning path diagrams are still to be provided for assessment.</i> ▪ <i>A sight distance assessment at the bottom of the ramp from McKenzie Street adjacent to the retaining wall is also requested.</i> <p>However, following further consultation with Council's Development Engineer on 31 August 2023, the applicant responded to the above by confirming agreement to facilitate Council's request in relation to the provision of two-way access from McKenzie Street. On this basis, it was requested that revision of the design be enforced via a condition of consent required to be satisfied prior to any construction certificate for building works being issued.</p> <p>As such, there is no objection subject to recommended conditions.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> ▪ Building Work: Before Issue of a Construction Certificate: 'Design Standards – Works Within Road Reserve', 'Retaining Walls – Design', 'Existing Infrastructure', 'Soil and Water Management Plans (SWMP)', 'Design Standards – Traffic Committee Referral', 'Access Driveway Design Standards – Urban', 'Cycleway and Footpath Design Standards', 'Car Parking and Access Design Standards', 'On-Site Detention – Development', 'Structural Design – Major Structures', 'Structural Design – Zone of Influence', 'Lighting Design - Internal Driveway and Carparking', 'Stormwater Drainage Design Standards (Urban)'. ▪ Building Work: Before Building Work Commences: 'Works within the Road Reserve', 'CCTV Inspection of Stormwater Pipes', 'Construction Traffic Management Plan', 'Dilapidation Report – Minor'. ▪ Building Work: During Building Work: 'CCTV Inspection of Stormwater Pipes'. ▪ Building Work: Before Issue of an Occupation Certificate: 'Works in the Road Reserve - Evidence of Completion', 'Works as Executed
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	Plans – Works in the Road Reserve’, ‘Works as Executed Plans – Internal Works’, ‘Dilapidation Report (Minor) – Evidence’.
Environmental Health Officer / SMF Unit	<p>No objection subject to recommended conditions.</p> <p><u>Noise</u></p> <p>The submitted acoustic report demonstrates there will be no amenity issues for neighbouring premises that require attenuation measures. It is noted that there are no mechanical plant details. A condition is recommended as part of any consent granted regarding acoustic details to be submitted prior to any construction certificate for building works being issued.</p> <p><u>Contamination</u></p> <p>The submitted contamination report identifies minimal contamination with likely sources being uncontrolled fill materials used historically for landscaping purposes, potential ACM or hazardous building materials during demolition of old tiled roof, possible minor leaks/spills of oil/petrol from vehicle activity on or adjacent to the site, pesticides used historically to maintain the site.</p> <p>Acid sulphate soil sampling occurred onsite with inconclusive results. Council mapping does not indicate potential acid sulphate soils for the site therefore unexpected finds conditions are recommended as part of any consent granted. A hazardous materials survey is also recommended.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> ▪ General Conditions: ‘Outdoor Lighting’. ▪ Demolition Work: Before demolition work commences: ‘Asbestos and Hazardous Materials’. ▪ Building Work: Before Issue of a Construction Certificate: ‘Lighting Control Plan’. ▪ Building Work: During Building Work: ‘Acid Sulfate Soils - Unexpected Finds’, ‘Contamination - Unexpected Finds’. ▪ Building Work: Before Issue of an Occupation Certificate: ‘Mechanical Plant’. ▪ Building Work: Occupation and Ongoing use: ‘Noise’.
Environmental Assessment Officer	<p>No objection subject to recommended conditions.</p> <p><u>Tree retention</u></p> <p>Revised plans and an Arboricultural Development Impact Assessment Report have been submitted, illustrating the retention of Tree 105 as requested in previous referral comments.</p> <p>The remaining trees that were recommended for retention are still proposed for removal. However, justification for removal has been provided in a preliminary response from the applicant. The trees will be impacted by the proposed upgrades, and it appears there is no opportunity to revise the design to retain additional trees. No further comments regarding tree removal were provided in response to the preliminary response.</p> <p><u>Landscape plans</u></p> <p>Further information is required regarding the landscape plans:</p> <ul style="list-style-type: none"> ▪ As previously requested all species proposed for planting are recommended to be native only, from the native Plant Community

	<p>Type (PCT) recorded onsite or “native” or “local” species from the Shoalhaven Nowra list https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D14/151907</p> <ul style="list-style-type: none"> ▪ Exotic or ornamental species such as Magnolia “little gem”, <i>Murraya paniculata</i>, <i>Liriope mascari</i> are not suitable species. ▪ Additional <i>Corymbia maculata</i> (Spotted Gum) are recommended to be planted on the northern side of Tree 105 (Arboricultural Development Impact Assessment Report). ▪ Tree 91 (<i>Ligustrum lucidum</i>) is a weed species. It is recommended this tree be removed and replaced with a suitable local native, preferably a Eucalyptus species. <p>These changes can be provided post consent as a recommendation of a consent condition (if approved).</p> <p><u>Biodiversity Development Assessment Report (BDAR)</u></p> <p>The submitted Biodiversity Development Assessment Report (BDAR) was prepared using a streamlined assessment module (small area). The report meets the requirements for a streamlined assessment module.</p> <p>The BDAR requires an offset of 6 ecosystem credits for PCT 3269 Shoalhaven Lowland Spotted Gum-Paperback Forest.</p> <p>A review of the BDAR in accordance with the Guidance for Local Government on Undertaking a Critical Review of a BDAR checklist (DPE 2022) has been prepared. The review concluded that no further information is required to complete the assessment.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> ▪ General Conditions: ‘Native Vegetation and Habitat’. ▪ Building Work: Before Issue of a Construction Certificate: ‘Amended Landscape Design Plans’, ‘Timing of works – biodiversity credits’, ‘Timing of works – commencement of clearing’, ‘Ecosystem credit retirement’. ▪ Building Work: Before Building Work Commences: ‘Identification of Environmental Features’, ‘Clearing of Hollow Bearing Trees – Supervision’, ‘Tree and Vegetation Protection’, ‘Measures – Adequate Installation’, ‘Pre-clearance Survey’, ‘Erosion and Sediment Control’. ▪ Building Work: During Building Work: ‘Felling of Trees’, ‘Parking and Storing of Building Equipment and Materials’, ‘Hollow-bearing Tree Removal Protocol’, ‘Landscape Design Plans – During Works’. ▪ Building Work: Before Issue of an Occupation Certificate: ‘Completion of landscape and tree works’.
Shoalhaven Water Group	<p>No objection subject to recommended conditions.</p> <p>See the following conditions in the draft determination:</p> <ul style="list-style-type: none"> ▪ General Conditions: ‘Shoalhaven Water - Certificate of Compliance’. ▪ Building Work: Before Issue of a Construction Certificate: ‘Shoalhaven Water – Before the issue of a construction certificate’. ▪ Building Work: Before Issue of an Occupation Certificate: ‘Shoalhaven Water – Certificate of Compliance’.

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City Services – Roads Asset Manager, Drainage Engineer, Property and Landscape Architect	Key issues discussed and comments and recommended conditions provided within the Development Engineering referral.
City Futures – Principal Transport Engineer	Issues raised in relation to submitted traffic surveys, proposed parking, the Green Travel Plan and the McKinnon Street access. These have been addressed by the applicant and discussed and comments and recommended conditions provided within the Development Engineering referral.

External Referrals	
Referral	Comments
Endeavour Energy	No objection subject to recommended conditions. See the following condition in the draft determination: <ul style="list-style-type: none"> Building Work: Before Issue of a Construction Certificate: 'Utilities and services'.
NSW Police	No response provided.

5. Other Approvals

Integrated Development

Not applicable.

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – certain bush fire prone land

<i>Is the development site mapped as bush fire prone land?</i>	No
<i>Is there vegetation within 140m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?</i> <i>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</i>	No

Biodiversity Conservation Act 1979

<i>Does the application include works or vegetation removal within the Biodiversity Values mapped area?</i>	No
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<p><i>Does the application involve clearing of native vegetation above the area clearing threshold?</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>Area clearing threshold</p> <p>The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).</p> <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th> <th>Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <tr> <td>Less than 1 ha</td> <td>0.25 ha or more</td> </tr> <tr> <td>1 ha to less than 40 ha</td> <td>0.5 ha or more</td> </tr> <tr> <td>40 ha to less than 1000 ha</td> <td>1 ha or more</td> </tr> <tr> <td>1000 ha or more</td> <td>2 ha or more</td> </tr> </tbody> </table> <p>The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.</p> <p>If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.</p> </div>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	<p>Yes</p>
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
<p><i>Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')?</i></p> <p><i>Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i></p>	<p>No</p>										
<p><i>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to any of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</i></p>	<p>Yes</p>										

The submitted Streamlined Biodiversity Development Assessment Report (SBDAR) has assessed the biodiversity impacts of the proposed development in accordance with the requirements of the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017. The assessment has been completed as a streamlined assessment in accordance with Appendix L of the BAM (DPIE 2020a).

To achieve the demands of the proposed development and meet the needs for community health care, full avoidance of impacts was not feasible. However, the development has been located in an area containing historically disturbed vegetation and planted gardens, requiring the removal of 0.39ha of native vegetation.

Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

Local Government Act 1993

<p><i>Do the proposed works require approval under Section 68 of the Local Government Act 1993?</i></p>	<p>Yes</p>
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Does the application include an application under Section 68 of the Local Government Act 1993 for water supply, sewerage and stormwater drainage work? <i>Note: Section 68 applications are shown as a related case to the PAN in the NSW Planning Portal.</i>	Yes - S68 conditions to be imposed accordingly.
Does the application include an application under Section 68 of the Local Government Act 1993 to operate a system of sewage management (i.e. on-site sewage management system)?	No
Does the application include an application under Section 68 of the Local Government Act 1993 to install a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)?	No

7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental Planning Instrument

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*. The following planning instruments and controls apply to the proposed development:

Environmental Planning Instrument
Shoalhaven Local Environmental Plan 2014
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal is categorised as a Regional Significant Development under Schedule 6, section 5(b) of this SEPP.

Schedule 6 Regionally significant development

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

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(b) *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, **health services facilities** or places of public worship.*

The proposed development is best characterised as a 'health service facility' and has a capital investment value of more than \$5 million (\$29,026,000).

As such the proposal is required to be determined by the Regional Planning Panel in accordance with section 4.7 of the EP&A Act.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 Hazardous and Offensive Development

The applicant advised that the site would store the following:

- 5,000L oxygen tank (This is an existing oxygen tank stored within the at grade car park to the south of the hospital); and
- 6 x G sized new nitrous oxide cylinders understood to have a total capacity of 300L (proposed within a 20sqm room on the ground floor of the newly constructed Stage 1 western wing of the hospital).

In addition to the above, other hazardous substances such as alcohol sanitisers, detergents, commercial cleaning products, and other miscellaneous substances may be stored at the site, however these will be in very small quantities and are not required to be considered in this context. Overall, it is expected that the other substances will collectively amount to a quantity of less than 100 litres at any one time onsite.

Taking into consideration the pre-existing nature of the oxygen tank, this does not require further consideration in the circumstances as it does not form a part of this application. As such, only the new proposed nitrous oxide cylinder storage has been considered as to whether the development is required to be assessed as a potentially hazardous development.

According to the Australian Dangerous Goods Code (ADG Code), nitrous oxide is in dangerous goods class 2.2 and 5.1. It is noted that Class 2.2 does not present an offsite risk according to *Hazardous and Offensive Development Application Guidelines - Applying SEPP 33* (Applying SEPP 33). However, subsidiary Class 5.1 does, thus needing to be considered when determining whether dangerous goods exceed screening thresholds. Where screening thresholds are not exceeded, 'Applying SEPP 33' identifies that it can be assumed there is unlikely to be a significant off-site risk, in the absence of other risk factors.

Table 3 of 'Applying SEPP 33' identifies that the screening threshold for nitrous oxide is 5 tonnes.

As the quantity threshold test for Class 2.2/5.1 is not exceeded by the nitrous oxide, the proposed development would not be considered potentially hazardous, and the provisions of this SEPP not applicable. A preliminary hazard analysis (PHA) is not required to be submitted with this application in accordance with Hazardous Industry Planning Advisory Paper No. 6 — Hazard Analysis.

Chapter 4 Remediation of Land

Question	Yes		No	
1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land?	<input checked="" type="checkbox"/>	Proceed to Question 2	<input type="checkbox"/>	Assessment under SEPP and DCP not required.

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Question	Yes		No	
2. Are there any previous investigations about contamination on the land?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 3
3. Was the site previously used or is the site currently used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 4
4. Are there any land use restrictions on the land relating to possible contamination (e.g. notices issued by EPA or other regulatory authority)?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 5
5. Did the site inspection suggest that the site may have been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines or were any potential sources of contamination observed on site?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 6
6. Are there any identified sources of contamination on land immediately adjoining the subject site which could affect the subject land?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 7
7. Does Council have sufficient information to be satisfied that the proposed land use will not expose contaminants that might be present in soil or groundwater?	<input checked="" type="checkbox"/>	Proposal satisfactory with regard to SEPP and DCP requirements	<input type="checkbox"/>	Detailed investigation required.

The requirements of this SEPP apply to the subject site. In accordance with section 4.6(1), the consent authority must consider if the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The submitted contamination report identifies minimal contamination with likely sources being uncontrolled fill materials used historically for landscaping purposes, potential ACM or hazardous building materials during demolition of old tiled roof, possible minor leaks/spills of oil/petrol from vehicle activity on or adjacent to the site, pesticides used historically to maintain the site.

Acid sulphate soil sampling also occurred onsite with inconclusive results.

The contamination report considered that the site is, or can be made suitable for the proposal subject to the following recommendations:

- A hazardous building materials survey of the existing building/structures to be demolished must be undertaken prior to disturbance. The results will identify potential contaminants (e.g., asbestos and nickel) that may be present in surface soils post-demolition;

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- Clearance of the building/structures following the removal of identified hazardous materials, and upon demolition of the buildings by a qualified occupational hygienist / licensed asbestos assessor;
- Additional in situ/ex situ waste classification assessment following demolition to confirm the current preliminary waste classification;
- Development of a suitable remediation action plan (RAP) that covers, inter alia, remediation of asbestos contamination and any other contamination identified during the additional investigation, and management of fill identified at the site; and
- Reference should be made to Oz Geos Geotechnical Report (Ref.: GT1122-08) in relation to the geotechnical requirements for the site.

Council is satisfied that the site is suitable for the purposes for which the development is proposed.

A condition is recommended to be imposed requiring a hazardous building materials survey of the existing building/structures to be demolished before commencement of works. Should hazardous materials be identified in the survey a clearance certificate must be provided to Council upon demolition of the building. (See 'Asbestos and Hazardous Materials' condition in the draft determination)

Conditions are also recommended to be imposed in relation to unexpected finds of contaminated soil and/or groundwater or acid sulfate soils. (See 'Acid Sulfate Soils - Unexpected Finds' and 'Contamination - Unexpected Finds' conditions in the draft determination)

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure - Division 10 Health Services Facilities

Given the R2 Low Density Residential zoning of the subject lots along McKenzie Street, Division 10 of this SEPP is relied on for permissibility purposes.

Division 10, section 2.60(1) of this SEPP states the following:

'(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.'

The proposal is therefore permissible at the site as a 'prescribed zone' includes the R2 zone as well as the SP2 zone.

Chapter 2 Infrastructure - Division 5 Electricity transmission or distribution

Section 2.48 '*Determination of development applications—other development*' of Part 2.3 of the SEPP requires that for, (b) *development carried out*, (iii) *within 5m of an exposed overhead electricity power line*, that the electricity supply authority be provided with a written notice and comments about potential safety risks be taken into consideration in any response.

The proposal involves work within proximity to an overhead electricity power line. The application was referred to Endeavour Energy for comment with no objection being raised subject to advice. Referral comments have been taken into consideration.

(See 'Utilities and services' condition in the draft determination).

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned SP2 Infrastructure (Health Services Facility) and R2 Low Density Residential under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as a 'health services facility' under *Shoalhaven Local Environmental Plan 2014*.

'health services facility' means 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.

Although the proposal is prohibited within the R2 zone under this Plan, the proposal is permitted within each zone with the consent of Council, noting the proposal is permissible under section 2.60(1) of SEPP (Transport and Infrastructure) 2021 as addressed earlier.

SP2 Zone Objectives

Objective	Comment
<ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	The proposal is consistent with the objectives of the zone, as it is specifically for the purpose in which the site is zoned.

R2 Zone Objectives

Objective	Comment
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment. 	The proposal is consistent with the objectives of the zone, providing for a compatible development outcome which would meet the needs of residents and the broader community. The development facing McKenzie Street has been designed to respect the low density residential environment of the streetscape.

Applicable Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		

2.7 Demolition requires development consent	Consent is sought as part of this application for demolition works. (See 'Public Safety and Protection of Public Property – Hoarding', 'Asbestos – Notification of Neighbours' and 'Demolition' conditions in the draft determination).	Yes
Part 4 Principal development standards		
4.3 Height of buildings	The R2 zoned portion of the subject site has a maximum permitted building height of 8.5m as per sub-section (2) and the SP2 zoned portion has a maximum permitted building height of 11m as per sub-section (2A). The proposed development does not exceed the height limitations.	Yes
Part 7 Additional local provisions		
7.1 Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the water table. Accordingly, an acid sulfate soils management plan is not required.	Yes
7.2 Earthworks	The provisions of sub-section (3) have been considered. The proposed earthworks will have no detrimental effect on use of the subject site or the existing and likely amenity of adjoining properties, subject to recommended conditions of consent. (See 'Works as Executed Plans – Internal Works' condition in the draft determination).	Yes
7.11 Essential services	Essential services are available or adequate arrangements have been made to make them available when required.	Yes

ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [Draft Environmental Planning Instruments](#).

iii) Any Development Control Plan

Shoalhaven Development Control Plan 2014

Chapter 2 General and Environmental Considerations	
Potentially Contaminated Land	The subject site is not identified as potentially contaminated land.
European Heritage	The subject site is not identified as containing any items of historical significance and is not located within a Conservation Area.
Aboriginal Cultural Heritage	The subject site is not identified as containing any items of Aboriginal heritage and is not identified as Cultural Lands.

<p>Crime Prevention Through Environmental Design</p>	<p>The proposed development is considered to create a 'medium' risk of crime within the locale, noting the conclusion of the submitted Crime Risk Assessment.</p> <p>The measures that have been recommended are specifically designed to enhance the safety and security of the residents, staff, and visitors at the site. CPTED treatments for the site include natural measures, organised (low) measures and technical/mechanical (low) measures.</p> <p>The key recommendations are summarised below:</p> <ul style="list-style-type: none"> ▪ Comprehensive and continuous CCTV surveillance of the hospital is maintained; ▪ Appropriate lighting be installed; ▪ Perimeter fencing should be permeable for clear vision into and out the site; ▪ The placement of a pedestrian gate to regulate access into the area between medical imaging and HBU area; and ▪ The placement of pedestrian gate to regulate access into the alley way and the Staff Alfresco area. <p>A referral was issued to NSW Police Local Area Command, however, no response was provided.</p>
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Generic SDCP 2014 Chapters	
G1: Site Analysis, Sustainable Design and Building Materials	
<p>A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.</p> <p>The colour and tone of the retaining walls material must blend in with the environment and maintain amenity to adjoining properties.</p> <p>(See 'Colours and Materials' condition in the draft determination).</p>	
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
<p>Has the application been supported by appropriate erosion and sediment control details?</p>	<p>No - Recommended conditions of consent will require erosion and sediment control measures be provided.</p>
<p>Has the application been supported appropriate stormwater drainage details?</p>	<p>Yes - Complete table below</p>

Question	Yes		No	
1. Is the application for alterations and additions attached to an existing building?	<input checked="" type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	<input type="checkbox"/>	Proceed to Question 2

The provisions of this chapter have been considered and Council's Development Engineer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

G3: Landscaping Design Guidelines

71 trees are proposed to be removed across the site in order to facilitate the hospital expansion (refer Figure 7). It is acknowledged that the removal of these trees is generally unavoidable as they encroach on areas where earthworks and building construction are proposed. Other trees proposed to be removed are of poor health or dead.

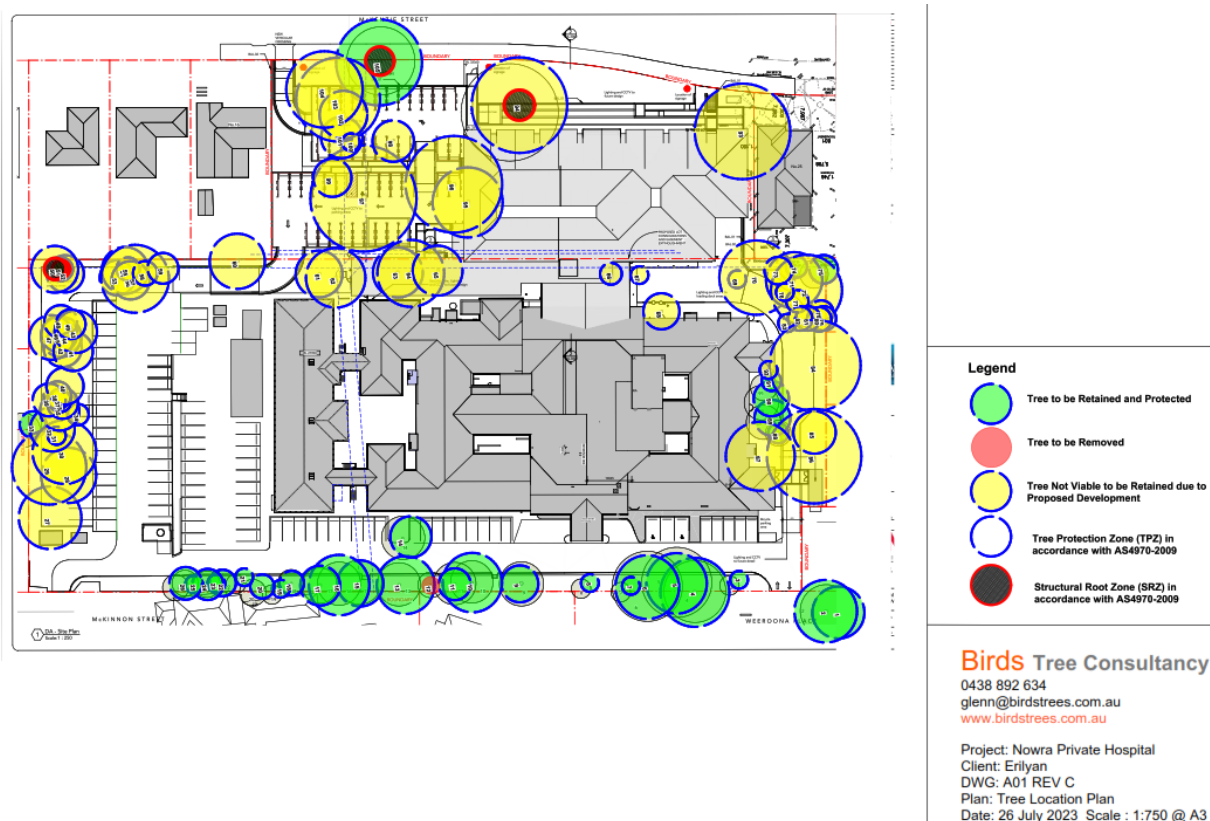


Figure 7: Tree Location Plan (sourced from Arboricultural Development Impact Assessment by Birds Trees, Revision C, dated 26 July 2023)

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Notwithstanding the above, it is noted that a number of trees will be retained at the site primarily along Weeroona Place. Furthermore, new replacement landscaping is proposed throughout to offset any impact associated with the tree removal.

The assessment of proposed tree removal across the site, considering the submitted Arboricultural Report and the applicant's response, is considered satisfactory. The proposed landscaping is appropriate, subject to Council's Environmental Assessment Officer recommended amendments being made, as detailed earlier in this report.

These amendments include:

- All species proposed for planting to be native only, from the native Plant Community Type (PCT) recorded onsite or "native" or "local" species from the Shoalhaven Nowra list <https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D14/151907>
- Exotic or ornamental species such as Magnolia "little gem", *Murraya paniculata*, *Liriope mascari* are not suitable species.
- Additional *Corymbia maculata* (Spotted Gum) are recommended to be planted on the northern side of Tree 105 (Arboricultural Development Impact Assessment Report).
- Tree 91 (*Ligustrum lucidum*) is a weed species. It is recommended this tree be removed and replaced with a suitable local native, preferably a Eucalyptus species.

These changes are suggested to be made via conditions of consent which have been included on the draft development consent (See 'Amended Landscape Design Plans' condition in the draft determination).

G4: Tree and Vegetation Management

Have any trees proposed to be removed been clearly shown on the site plan (where required)?

Yes

G5: Biodiversity Impact Assessment

Is the proposal biodiversity compliant development?

No

Has the application been supported by a Biodiversity Development Assessment Report (where required)?

Yes

G7: Waste Minimisation and Management Controls

Has the application been supported by an appropriate waste minimisation and management plan?

Yes

The submitted waste management plan (WMP) has assessed the impacts associated with demolition, construction and operational waste resulting from the proposed development.

The WMP is compliant with all relevant Council codes and with other statutory requirements.

G21: Car Parking and Traffic

The provisions of this chapter have been considered and Council's Development Engineer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).

Area Specific SDCP 2014 Chapters
<u>N10: Worrigee Residential Area</u>
Commentary
<p>While the site is physically located within the applicable area of this DCP, the provisions of this chapter are not relevant to the proposed development.</p> <p>It is noted their purpose is to guide the development of the Worrigee area and to provide for a range of housing types and compatible developments within the residential environment. The objectives of the Chapter are to:</p> <ul style="list-style-type: none"> i. <i>Identify community and recreational facilities to meet the needs of the local community.</i> ii. <i>Ensure residential amenity is maintained at a high level.</i> <p>The proposed development design satisfies the relevant objectives, in meeting the needs of the local community and ensuring that residential amenity will be maintained at a high level.</p>

iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation 2021

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

Illawarra Shoalhaven Regional Plan 2041

The proposed development is consistent with the Illawarra Shoalhaven Regional Plan 2041.

Nowra Bomaderry Structure Plan 2008

The proposed development is located within the Living Area identified area of the plan.

The proposed development is considered to meet the goals and principles of the NBSP.

Shoalhaven Contribution Plan 2019 & Section 64 Contributions

Is the development site an “ old subdivision property ” identified in Shoalhaven Contributions Plan 2019?	No
Is the proposed development considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 ?	Yes - s7.11 contributions are applicable.
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	May apply - Shoalhaven Water Development Application Notice yet to be issued.

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The development is most aptly characterised as a 'Commercial Office' development for the purpose of calculating contributions under the Plan.

As confirmed by the applicant, the gross floor area of the existing hospital and proposed areas of the subsequent stages is summarised as follows:

- Existing hospital = 4,186sqm
- Existing hospital + Stage 1 = 5,630sqm (being an increase of 1,444sqm)
- Existing hospital + Stage 1 + Stage 2 = 7,448sqm (being an increase of 1,818sqm from Stage 1)

6 x equivalent tenements (ETs) would be applied as credit for the existing vacant residential allotments under Stage 1.

1 x ET is 100sqm of gross floor area based on the development type.

The following outlines the contributions that would be reflected in the consent should the development application be determined by way of approval.

Stage 1

Non Residential

Note: enter area in m2 and calculator will convert area to ETs.

	Existing	Proposed
Retail (Gross Floor Area m2)	0	0
Commercial Office (Gross Floor Area m2)	600	1444
Hotel / Restaurant(Gross Floor Area m2)	0	0
Bulky Goods (Gross Floor Area m2)	0	0
Industrial (Gross m2, include parking/landscape)	0	0
Total ET		8.44
Management Project ETs		4.22

Project	Description	Rate	Qty	Total	GST	GST Incl
CWFIRE2001	Citywide Fire & Emergency services	\$156.12	4.22	\$658.83	\$0.00	\$658.83
CWFIRE2002	Shoalhaven Fire Control Centre	\$228.40	4.22	\$963.85	\$0.00	\$963.85
CWMGMT3001	Contributions Management & Administration	\$649.23	4.22	\$162.27	\$0.00	\$162.27

Sub Total: \$1,784.94

GST Total: \$0.00

Estimate Total: \$1,784.94

Stage 2**Non Residential**

Note: enter area in m2 and calculator will convert area to ETs.

	Existing	Proposed
Retail (Gross Floor Area m2)	0	0
Commercial Office (Gross Floor Area m2)	0	1818
Hotel / Restaurant(Gross Floor Area m2)	0	0
Bulky Goods (Gross Floor Area m2)	0	0
Industrial (Gross m2, include parking/landscape)	0	0
Total ET		18.18
Management Project ETs		9.09

Project	Description	Rate	Qty	Total	GST	GST Incl
CW FIRE 2001	Citywide Fire & Emergency services	\$156.12	9.09	\$1,419.13	\$0.00	\$1,419.13
CW FIRE 2002	Shoalhaven Fire Control Centre	\$228.40	9.09	\$2,076.16	\$0.00	\$2,076.16
CW MGMT 3001	Contributions Management & Administration	\$649.23	9.09	\$349.53	\$0.00	\$349.53

Sub Total: \$3,844.82

GST Total: \$0.00

Estimate Total: \$3,844.82

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment.
Built Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the built environment. The proposal presents a compatible design facing the residential streetscape of McKenzie Street and is considered to have no significant impacts to the built environment.
Social Impacts	Subject to recommended conditions of consent as detailed in this report, the proposed development will not have a negative social impact in the locality. It is considered that there will be net positive social impacts.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

Head of Consideration	Comment
	<p>The development and the expansion of health services would provide economic benefits to the Shoalhaven local government area through the creation of jobs during the construction phase of the development and once operational.</p> <p>In addition, the expansion would facilitate approximately 40 additional full-time jobs within the hospital.</p>

(c) Suitability of the site for the development

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone under the *SEPP (Transport and Infrastructure) 2021*.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- The intended use is compatible with surrounding/adjoining land uses.

(d) Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. Three (3) submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Comment
Acoustic and lighting impacts from the development, including the driveway to adjoining residential properties.	<p>The potential for impact on adjoining properties would be negligible following consideration by Council's Environmental Health Officer. However, in order to ensure the potential for obtrusive effects of acoustic and lighting impacts are appropriately managed, it is recommended that conditions of consent are imposed as part of any consent.</p> <p>Any lighting control plan must demonstrate there are no obtrusive impacts from the proposed development to nearest sensitive receivers and ensure compliance with AS4282 "Control of the obtrusive effects of outdoor lighting".</p>
Privacy impacts, including overlooking from the carpark to adjoining residences.	<p>Whilst these concerns are acknowledged, it is considered that the matters raised have been adequately considered by the applicant and in the development design. Privacy will be maintained to adjoining properties.</p>
On street parking impacts. Potential traffic calming measures.	<p>The revised traffic impact assessment submitted with this application provides a detailed analysis of the proposal and demonstrates that associated impacts are acceptable from both a traffic and car parking perspective. Additional car</p>

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Suitability of McKenzie Street for trucks and buses.	<p>parking proposed sufficiently caters for the intensification of the campus, while the traffic generation arising from the development demonstrates no change in the level of service at three critical intersections during morning and evening peak hours.</p> <p>Council's Development Engineer has raised no objections subject to conditions of consent being imposed as part of any consent.</p>
Stormwater disposal.	<p>Council's Development Engineer has raised no objections subject to conditions of consent being imposed as part of any consent.</p> <p>The stormwater drainage design is to generally comply with the submitted concept stormwater drainage plan.</p> <p>The existing stormwater drainage system is to be adjusted to suit the new works, being upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04.</p>
Location of the substation.	<p>The location of the proposed substation adjacent to McKenzie Street is subject to the requirements of the electricity service provider, Endeavour Energy.</p> <p>Satisfactory arrangements would need to be demonstrated for the installation and supply of electricity before the issue of the construction certificate for the proposed development.</p>
Tree removal.	<p>It is acknowledged that tree removal proposed is unavoidable in order to cater for the expansion of the hospital campus and supporting car parking areas.</p> <p>However, the application proposes to offset impacts associated with tree removal through compensatory street tree planting along McKenzie Street and replacement landscaping onsite.</p> <p>Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed as part of any consent.</p>
Operational issues – waste management and security.	<p>The submitted waste management plan (WMP) has adequately assessed the impacts associated with operational waste resulting from the proposed development.</p> <p>The WMP is compliant with all relevant Council codes and with other statutory requirements.</p> <p>In relation to security, the proposed development is considered to create a 'medium' risk of crime within the locale, noting the conclusion of the submitted Crime Risk Assessment.</p> <p>The measures that have been recommended are specifically designed to enhance the safety and security of the residents, staff, and visitors at the site. CPTED treatments for the site include natural measures, organised (low) measures and technical/mechanical (low) measures.</p>

Boundary fencing.	No new fencing is proposed as a part of this application. Any new fencing proposed would require a further DA to be submitted unless able to be undertaken as exempt development.
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(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

Delegations

Are any clause 4.6 exceptions proposed?	No
Are any DCP performance-based solutions proposed?	No

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the proposal is regionally significant development under Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Southern Regional Planning Panel.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that RA23/1000 be approved subject to appropriate conditions of consent.

Recommendation for approval includes the following reasons (as per section 4.15 of the Act):

1. The application is compliant with the respective environmental planning instruments applying to the site.
2. The proposed development complies with development standards of SLEP 2014.
3. The proposed development is not inconsistent with the zone objectives of the SLEP 2014 SP2 Infrastructure and R2 Low Density Residential zones.
4. The proposed development is generally consistent with SDCP 2014.
5. The proposed development is not expected to have any additional significant impact on the surrounding developments, including residential developments.
6. The site is suitable for the development as proposed.
7. The development is in the public interest.