

City Development



To: Southern Regional Planning Panel

Copy:

From: Andre Vernez
Senior Development Planner
Shoalhaven City Council

Subject: PPSSTH-239 - Council Reference RA23/1000

Address

- 9 Weeroona PI, 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

Proposal Staged expansion of the Nowra Private Hospital

Date: 4 October 2023

File: RA23/1000/4

CONTACT: Andre Vernez - 02 4429 5210

Council provides the following addendum to the submitted assessment report following review of the draft conditions of consent by the applicant.

Applicant response to the draft conditions

Council issued draft conditions of consent to the applicant for comment on 21 September 2023.

Comments were provided by the applicant following the Council reporting timeframes for the submission of Council's report to the SRPP. The following table addresses each of these conditions.

It is noted that the changes predominantly relate to clarifying 'the relevant' construction certificate for being the trigger for required documentation to be prepared as asked for in the conditions. This will enable construction certificates to be staged accordingly (i.e., for below ground works, for aboveground works, for landscaping and public domain works, etc).

Condition	Issues raised by applicant	Council response
Condition 2 Staging of Development	Request amendment to just tree removal.	The documentation submitted by the applicant for assessment requested the removal of trees 'within the Stage 1 footprint'.

Condition	Issues raised by applicant	Council response
		<p>The wording of this condition reflects and clarifies this and ensures compliance with the approved staging plan.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 4 Shoalhaven Water - Certificate of Compliance	Request removal of reference to 'or Caravan Park Approval'.	<p>This is a standard condition.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 13 Design Standards – Works Within Road Reserve	This condition is not necessary as any works within the road reserve would require a section 138 approval. As such, we request removal of this condition.	<p>Council requests design of works within the road reserve prior to the issue of a Construction Certificate for Stage 1. Whereas s138 approval is only required prior to the commencement of works within the road reserve.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 17 Existing Infrastructure	Request amendment to reference 'the relevant' construction certificate.	<p>Council's Development Engineer has no objection to amending the wording of this condition as requested. However, it should refer to 'all infrastructure potentially impacted by the works is to be shown'.</p> <p><u>Council recommendation:</u> Condition 17 to be modified.</p>
Condition 18(d) Soil and Water Management Plans (SWMP)	Unclear what is meant by this. Can Council explain or otherwise reword to make more clear what the decommissioning point is?	<p>The decommissioning point is 70% of the disturbed areas within the site to be stabilised or revegetated.</p> <p>Council's Development Engineer has no objection to amending the wording of this condition to 'not be decommissioned until the disturbed areas within the site have been stabilised'.</p> <p><u>Council recommendation:</u> Condition 18(d) to be modified.</p>
Condition 19 Design Standards – Traffic Committee Referral	Request removal of this as it presents the potential for project delays. Traffic management controls and devices should be the responsibility of the Council staff to approve, and endorsement by the TC is overkill under the circumstances.	<p>This is a legislative requirement under the <i>Transport Administration Act 1988</i> as the carpark is considered a road-related area and there are prescribed traffic control devices proposed.</p> <p><u>Council recommendation:</u> No change.</p>

Condition	Issues raised by applicant	Council response
Condition 20 Access Driveway Design Standards - Urban	<p>Request stage 1 building works be the trigger to enable works on site prior.</p> <p>Note also works with the crossover on Council land would be subject to a s138 approval.</p>	<p>This is standard practice that the design needs to be finalised prior to the issue of a Construction Certificate. See earlier comments in relation to Condition 13.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 21 Cycleway and Footpath Design Standards	<p>Request amendment to reference 'the relevant' construction certificate.</p> <p>Note this should not be required to be designed at this stage. We request that this condition is amended to stage 1 landscaping/public domain works.</p> <p>We request that the extent of the footpath be limited to the extent of the property.</p>	<p>There is no need to insert 'the relevant' in relation to the Construction Certificate. The detailed design work should be completed prior to the issue of any Construction Certificate to ensure the compatibility of public domain works with the works proposed within the site. The design is required to be approved prior to the issue of the Stage 1 Construction Certificate.</p> <p>The requirement under (b)(iv) has been conditioned to provide connectivity to the existing path network due to the high demand for pedestrian access generated by the development.</p> <p>Justification would need to be provided and put to the Planning Panel for consideration.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 22 Car Parking and Access Design Standards	<p>Request change to 'relevant construction certificate'.</p> <p>This condition needs to stipulate that it relates to engineering plans related to car parking and access design only. As it reads currently, it requires all engineering design plans to be approved by Council, which cannot be agreed.</p>	<p>Refer to previous comments. The detailed design work should be completed prior to the issue of any Construction Certificate.</p> <p>Council's Development Engineer has no objection to amending the wording of this condition to 'certified engineering design plans and specifications for the car parking and access'.</p> <p><u>Council recommendation:</u> Condition 22 to be modified.</p>
Condition 23 On-Site Detention – Development	<p>Request change to 'relevant construction certificate'.</p>	<p>Refer to previous comments. The detailed design work should be completed prior to the issue of any Construction Certificate.</p> <p><u>Council recommendation:</u> No change.</p>

Condition 24 Structural Design – Major Structures	Request change to 'relevant construction certificate'.	Refer to previous comments. The detailed design work should be completed prior to the issue of any Construction Certificate. <u>Council recommendation:</u> No change.
Condition 25 Structural Design – Zone of Influence	Request change to 'relevant construction certificate'.	Refer to previous comments. The detailed design work should be completed prior to the issue of any Construction Certificate. <u>Council recommendation:</u> No change.
Condition 26 Lighting Control Plan	Request change to 'relevant construction certificate'.	There is no objection to amending the wording of this condition as proposed given lighting would only apply to above ground works where lighting is to be installed. <u>Council recommendation:</u> Condition 26 to be modified.
Condition 27 Stormwater Drainage Design Standards (Urban)	Request change to 'relevant construction certificate'.	Refer to previous comments. The detailed design work should be completed prior to the issue of any Construction Certificate. <u>Council recommendation:</u> No change.
Condition 29 Waste Storage Room	Request change to 'relevant construction certificate'.	There is no objection to amending the wording of this condition to apply only to the aspect of the development relevant to the waste storage room. <u>Council recommendation:</u> Condition 29 to be modified.
Condition 30 Amended Landscape Design Plans	Request change to 'relevant construction certificate' to reduce the lead time in relation to works commencing.	There is no objection to amending the wording of this condition as proposed given the landscaping design would only apply to above ground works where landscaping is to be installed. <u>Council recommendation:</u> Condition 30 to be modified.
Condition 32 Timing of works – commencement of clearing	Request change to 'construction certificate for building works' given some civil/stormwater works may be undertaken in conjunction with early works.	Rewording not warranted. The intent of this condition is to ensure that credits are retired before any commencement of impact to native vegetation. The credit retirement is tied to the Construction Certificate.

		<p>It is noted that there is ability to retire all credits before issue of a Construction Certificate for civil works and then once the certificate is obtained, the vegetation approved for removal can be disturbed.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 35 Construction Certificate	Request change to 'relevant construction certificate'.	<p>This is a standard / prescribed condition. No amendment is warranted.</p> <p><u>Council recommendation:</u> No change.</p>
Condition 75 Land Consolidation	Request a condition be included that releases easement (A) on title. This easement is to drain sewerage. Refer to email dated 28 April 2023.	<p>Council's Shoalhaven Water has advised the release of the 'Easement to Drain Sewage 1.83 wide & Variable (DP 241075)' will be conditioned in the Water Development Notice / application for Certificate of Compliance.</p> <p>Condition 73 will cover this.</p> <p><u>Council recommendation:</u> No change.</p>

In summary, Conditions 17, 18, 22, 26, 29 and 30 in the draft determination are to be modified to read as follows:

Condition 17

Existing Infrastructure

Before the issue of **the relevant** construction certificate, **all infrastructure potentially impacted by the works is to be shown** accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer's expense.

Condition 18

Soil and Water Management Plans (SWMP)

Before the issue of a construction certificate for each stage, a Soil and Water Management Plan (or erosion control plan if proposed disturbed areas <2,500m²) must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.

All implemented measures must:

- not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- comply with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
- be maintained at all times.

- d) not be decommissioned until **the disturbed areas within the site have been stabilised**.

Condition 22

Car Parking and Access Design Standards

Before the issue of a construction certificate for each stage, certified engineering design plans and specifications **for the car parking and access** must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council and the Certifier.

The car parking and access design must comply with the following:

- a) The number of spaces and carpark layout must comply with the approved architectural and engineering plans unless otherwise approved by Council to address the conditions below.
- b) The manoeuvring aisle width of the western carpark modules inclusive of the ramps is to be increased to provide two-way access from McKenzie Street in accordance with AS2890.1 including demonstrating B85/B99 vehicle passing through all bends.
- c) The longitudinal grade of the access driveway from McKenzie Street must comply with Section 3.3 of AS2890.1 unless otherwise approved by Council.
- d) A site distance assessment pursuant to AS2890.1 is to be demonstrated where structures or obstructions are located adjacent to the carpark manoeuvring aisles.
- e) Constructed in accordance with the following:
 - i) for light vehicular loading, and
 - ii) with a concrete pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA, or
 - iii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA.
- f) Bordered in accordance with Council's Standard Drawings by:
 - i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.

Condition 26

Lighting Control Plan

Before the issue of **the relevant** construction certificate a lighting control plan must be prepared by a suitably qualified person and approved by Council's Director of City Development or their delegate. The lighting control plan must demonstrate:

- a) 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"; and
- b) that lighting will be provided to the internal driveway and car parking area in accordance with AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

Condition 29

Waste Storage Room

Before the issue of **the relevant** construction certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that:

- a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting.
- b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections.
- c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned.
- d) the room to be provided with artificial light controllable within the room and adequate ventilation.
- e) the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

Condition 30

Amended Landscape Design Plans

Before the issue of **the relevant** construction certificate amended landscape design plans and specifications must be prepared by a suitably qualified person and approved by Council's Director of City Development or their delegate.

The landscape design plans must include the following

- a) All species within the plant schedule must be selected from the native Plant Community Type (PCT) recorded onsite as specified in the approved Biodiversity Development Assessment Report or species indicated as "native" or "local" species from the Shoalhaven Species List For Nowra available on the Shoalhaven City Council website.
- b) A minimum two additional *Corymbia maculata* (Spotted Gum) are to be planted on the northern side of Tree 105 shown on the approved plans.
- c) Tree 91 (*Ligustrum lucidum*) shown on the approved plans is a weed species. This tree must be removed, and a minimum one suitable local native tree must be planted at the same location.



Andre Vernez
Senior Development Planner
Date: 4 October 2023