

2 March 2026

Mr David Gibson
 Team Leader
 Social Infrastructure
 NSW Department of Planning, Housing and Infrastructure
 Locked Bag 5022
 Parramatta NSW 2124

Attention: Thomas Dales

Dear Mr Gibson

**RE: SHOALHAVEN HOSPITAL REDEVELOPMENT (SSD 35999468 – MOD 5)
 SHOALHAVEN STREET, NOWRA
 RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION**

I act for the applicant (Health Infrastructure) in respect of the current Modification 5 to SSD 35999468 for the Shoalhaven Hospital Redevelopment at Shoalhaven Street, Nowra. This letter provides responses to requests for additional information as received from the Department by letter on 3 February 2026, as well as by email on 26 February 2026. The Department's requests for additional information stem from Shoalhaven City Council's letters dated 2 February 2026 and 25 February 2026, the commentary of which is set out below, as well as our response to those matters in the sequence set out in Council's letters.

Shoalhaven City Council letter dated 3 February 2026			
Cond.	Relevant matter / Proposed condition	Council's Response	HI Response
A2	Changed hospital / building identification signage with a rewording of the signage to apply the hospital's now preferred naming convention – 'Shoalhaven Memorial Hospital'.	No objections raised to the modified signage.	Noted.
A2	Changes to the hospital's new entry road design, with a new retaining wall proposed instead of the approved batter which will no longer be able to accommodate / support the adjacent pre-school car park. The new retaining wall also includes wayfinding and building identification signage.	No objections raised to the proposed modifications.	Noted.
B27	Refined wording to Condition B27 in relation to car parking to confirm existing parking spaces in their existing design and configuration do not require upgrade to current standards, as well as inclusion of all on-site and immediately adjacent car parks as counted by TTW and as previously approved as hospital car parking.	No objections are raised to the proposed modifications.	Noted.
D28	Refinements to the approved design (and any consequential related matters under the consent) as they relate to the delivery of footpaths and shared paths under Condition D28.	City staff are in ongoing negotiations with Health Infrastructure regarding the proposed changes. Shoalhaven Council requests an additional two weeks to provide a further response to this proposed modification.	We note this timespan has lapsed and has now been superseded by Council's second letter dated 25 February 2026. Relevantly, Council, HI and its team met on 16 February 2026 (at Council's request) to further assist Council in understanding HI's position and justification for

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			<p>the changes to the condition and to assist in Council's response to the Department. HI also resent Council previous meeting minutes and a detailed presentation on the public domain options under condition D28 from August 2025 in advance of that meeting.</p> <p>Unfortunately this material and any justification for the proposed changes to this condition were not discussed at any meaningful length. Page 2 of Council's second letter generally lists the matters presented by Council.</p> <p>See HI's response to Council's position in the table provided for the 25 February 2026 letter.</p>
D20	Correction of an administrative error in Condition D20 where reference has been made to the Sydney Water Act 1994, which does not apply to City of Shoalhaven LGA or to Shoalhaven Water.	No objections raised to the modified condition.	Noted.
Various	Minor administrative and editorial changes to Conditions B28, C19, D16, D18, D22, D23, E35, E37, E43 as they respectively relate to Public Domain Works, Tree Protection, Roadworks, Green Travel Plan, Signage, and Landscaping, including many replicating other already accepted changes to recent HI-related SSD consents, and in this instance serving as precedent decisions on contemporary wording. The changes propose consistency and uniformity across HI's SSD consents.	See detailed individual responses as set out below.	See below.
B28	Prior to the commencement of works in the road reserve, approval under section 138 of the Roads Act is to be obtained for that stage of work. A copy of the approval is to be provided to the Certifier.	No objection raised to the modified condition.	Noted.
C19	(d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, <i>must be carried out under the supervision of a qualified arborist</i> and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.	No objection raised to the proposed modification, subject to a condition (if not already imposed) requiring the project arborist to inspect all trees at the completion of all works to ensure trees have not been damaged or removed.	<p>As noted in the Modification Report, the intent with the refined wording was to seek to better manage timing of processes associated with completion of works by removing potential delay of the removal of tree protection measures. In the event the arborist is unavailable or is unable to supervise the process as per the construction program, delays will arise in relation to what is a relatively routine process.</p> <p>Council's suggestion will however still involve a role for the arborist,</p>

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			<p>negating any benefits otherwise sought under the proposed modified condition.</p> <p>In this instance HI's position will be to retain the existing condition unchanged and forego this proposed rewording.</p>
D16	<p>Prior to Within 12 months of the commencement of operation, or other timeframe agreed in writing by the Planning Secretary, the Applicant must complete the public domain works required by this consent to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the Roads Act 1993.</p>	<p>Objection is raised to the delay in the delivery of public domain works. Council is not satisfied that sufficient triggers exist to ensure the works are completed by the developer post operation. Council strongly requests that the delivery of public domain works be completed prior to commencement of operation. At the very least, a bond should be secured to ensure the delivery of the works.</p>	<p>The HI position remains unchanged.</p> <p>As set out in the Modification Report, Council already provides its satisfaction of the public domain works by the issue of approval under the Roads Act 1993. Accordingly, the proposal is to simplify the wording of the condition.</p> <p>The proposed timing provides flexibility in the delivery of those works relative to the ability to operate the completed Acute Services Building.</p> <p>The timing does not remove any obligation to complete those works, and may in fact be shorter than the proposed 12 months period requested given the retention of <i>or other timeframe agreed in writing by the Planning Secretary</i>.</p>
D18	<p>Prior to the commencement of operation, or other timeframe agreed in writing by the Planning Secretary, a Green Travel Plan (GTP), must be submitted to the Certifier to promote the use of active and sustainable transport modes and a copy made available on the project's website provided to the Planning Secretary within seven days after the Certifier accepts it. The plan must:...</p>	<p>No objection raised to the modified condition, subject to part (e) being modified to make explicit reference to Council being included in travel surveys.</p>	<p>The HI position remains unchanged.</p> <p>Council's suggested new inclusion to part (e) of the condition is not supported. We understand Council previously had no concern with the pre-approval draft wording of the condition, particularly part (e). Note also that part (a) of the condition also requires the Green Travel Plan to <i>be prepared by a suitably qualified traffic consultant in consultation with Council and to the satisfaction of the Transport for NSW Travel Demand Management Team</i> (our emphasis).</p> <p>Further, the proposal seeks consistency with now-applied requirements in SSD consents and is to contemporise this consent with DPHI's current standard conditions of consent.</p>

Shoalhaven City Council letter dated 3 February 2026			
Cond.	Relevant matter / Proposed condition	Council's Response	HI Response
D22	Prior to the commencement of operation or at another time agreed in writing by the Planning Secretary , way-finding signage and signage identifying the location of car parking must be installed.	Council raises concerns with the proposed modifications, as insufficient and ineffective wayfinding signage during operation may adversely impact the safe and efficient flow of vehicular and pedestrian traffic within the hospital grounds and in the surrounding street network. If the Department is minded to support the modifications, a temporary wayfinding signage strategy should be in place to mitigate adverse impacts.	<p>The HI position remains unchanged.</p> <p>The intent of these changes are to variously to assist with compliance. Projects have experienced delay with signage installation owing to LHD concurrence with all final campus signage and wayfinding details. The proposal seeks flexibility in compliance.</p> <p>To impose a modified, or additional condition with an interim signage strategy would be counterproductive in the circumstances and in a practical sense duplicate requirements.</p> <p>The risk of adverse accessibility impacts or a general lack of wayfinding would be low in the circumstances.</p> <p>Again, there is no suggestion that signage will not be in place in a timely manner nor prior to commencement of operation. The proposed wording ensure compliance is achievable should flexibility be required or triggered.</p>
D23	Prior to the commencement of operation or at another time agreed in writing by the Planning Secretary , bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.		
E35	The Green Travel Plan required by condition D18 of this consent must be updated reviewed annually (and be updated if necessary) and be implemented unless otherwise agreed by the Planning Secretary. As part of updating the Green Travel Plan, consultation must be had with Council, Transport for NSW, hospital staff and visitors.	No objection raised to the modified condition subject to the proposed modification to condition D18(e) (as set out earlier) being supported.	<p>On the basis of the response to condition D18(e) we assume Council would object to this proposed wording.</p> <p>The HI position remains unchanged.</p> <p>As noted in the Modification Report, the proposal is to contemporise with DPHI's current standard conditions of consent and to remove the requirement to update the GTP, should any revision of the GTP not be required upon review.</p> <p>Also, the proposal removes the onerous requirement to liaise annually with stakeholders in perpetuity. The GTP already includes methods for monitoring and review, including travel surveys and the like. The proposed wording removes administrative burden on other authorities (such as TfNSW and Council) and the LHD.</p>

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E37	The Applicant must maintain the landscaping and vegetation on the site generally in accordance with the approved Landscape Management Plan required by condition D26 for the duration of occupation of the development.	The proposed modification is unnecessary, as in practice reasonable deviations from approved landscaping plans are permitted.	The HI position remains unchanged. Again, as noted by the Modification Report, the proposal is to assist in allowing for a practical compliance over time. In the event it is construed that the consent does not provide reasonable deviation from the approved landscape plan, the proposed wording will enable long-term maintenance by the LHD to be achievable with suitable clarity and flexibility.
E43	All Signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development .	No objection raised to the modified condition.	Noted.

Shoalhaven City Council letter dated 25 February 2026 – in relation to its deferred response to Cond D28	
Council's response / commentary	HI's response / commentary
-	<p>To reiterate the proposed wording of Condition D28, see below:</p> <p><i>D28. The following public domain works are to be completed in accordance with condition B28 and in accordance with relevant Council Guidelines prior to the commencement of operation (or at another time agreed in writing by the Planning Secretary):</i></p> <p><i>d) construction of footpath Hyam Street (Osborne Street to Bridge Road) – south side.</i></p> <p><i>a) construction of shared user footpath North Street (West Street to Scenic Drive) – south side.</i></p> <p><i>b) construction of shared user path North Street (Scenic Drive to Shoalhaven Street) – north side.</i></p> <p><i>c) construction of footpath North Street (West Street to Shoalhaven Street) – south side.</i></p> <p><i>d) construction of connecting shared user footpath as may be required Shoalhaven Street (North Street from internal Blackbutt tree paving (south of Ambulance entry driveway to Scenic Drive) – west side.</i></p> <p><i>e) construction of footpath Shoalhaven Street (Junction Street Westhaven Avenue to North Street) – west side.</i></p> <p><i>f) construction of raised threshold with pedestrian refuge North Street (immediately west of West Street).</i></p> <p><i>g) construction of raised pedestrian crossing Shoalhaven Street (frontage of development, location to suit new building).</i></p>

	<p><i>h) construction of a pedestrian refuge incorporated at the main entry driveway on North Street.</i></p> <p>We note, and emphasise, the changes are not significant in impact.</p> <p>Of the nine (9) locations and works, only one is requested for deletion given its distance from the hospital, noting in the meeting with Council on 16 February 2026 that Council officers expressed a preference for public domain works at the perimeter of the hospital as a priority.</p> <p>Five (5) are maintained unchanged.</p> <p>Two (2) seek to refine the scopes of works from a shared path response to a footpath response for technical reasons, whilst one (1) location seeks a refined extent of works. Implementation constraints (tree protection, grades and levels, road width, structures and the like) form the basis of the justification, as discussed with Council from 2024 and during 2025.</p> <p>The proposed timing refinement is intended to provide flexibility. It is possible one or more of these works may be delivered prior to the commencement of operation, however in the event they cannot the proposed wording allows for ongoing compliance with and for the delivery of the works.</p>
<p>SCC staff met with Health Infrastructure (HI) in an online meeting on Monday 16 February and raised concerns with the proposed modification, primarily that insufficient information had been provided to justify the significant reduction in the delivery of public domain upgrades.</p> <p>The following matters were raised with HI in that meeting (as itemised below):</p>	<p>We believe this to be incorrect. Council and HI has been in ongoing discussion on this matter. Council has been part of the development of information related directly to this matter. This includes Minutes of a second meeting on this matter held 21 August 2025 where a detailed presentation of design options and justifications was presented to Council. This material was resent to Council ahead of the 16 February 2026 meeting. This was intended to assist discussion at that meeting and in assisting formulate Council's response letter to Condition D28. All prior information related to the evolution and formulation of this condition remains either on Council's file and/or on the public record on the Major Project's portal.</p> <p>The following summarises shared information and/or communications in relation to Condition D28 since consent was granted:</p> <ul style="list-style-type: none"> • 08/08/24 - Presentation to Council on the public domain. • 27/05/25 - Site walk was conducted with Council staff, including Council's arborist. • July 25 - Council comments received. • 21/08/25 - Presentation to Council on the public domain and minutes issued <p>The material related to the August 2025 meeting and presentation can also be provided to the Department separately, if required.</p>
<p>HI have not made substantive efforts to engage SCC staff and progress the design and construction of the public domain upgrades since an onsite meeting was held in August 2025.</p>	<p>Based on the Minutes of the meeting held 21 August 2025, all actions to resolve matters resided with Council staff. HI received no response and subsequently proceeded with Modification 5 in late 2025 / early 2026.</p>
<p>In SCC's opinion the current condition goes some way to manage the externalised demand for car parking on on-street parking, and the significant modal shift toward active transport, identified in Health Infrastructure's Transport and</p>	<p>The condition relates directly to public domain upgrade works and has no direct nexus to car parking demand and modal shift matters which are separately conditioned by the consent and are also to be complied with.</p>

Accessibility Impact Assessment submitted with the EIS. The condition was required to support the development.	The condition does not arise from any recommendations tied to the project's approved Transport and Accessibility Impact Assessment.
The additional demand for pedestrian and cycling infrastructure and parking caused by the hospital by 2031 is significant and extends beyond the immediate boundary of the site.	The original and proposed condition addresses foot and bicycle access to and past the hospital.
HI previously agreed with, and took responsibility for, these impacts by consenting to the imposition of the condition. However, HI now believes that the condition is unreasonable.	The condition was accepted, after debate, in acknowledgement that details would still need to be later resolved in implementation. The resolution of those details is the basis of the 21 August 2025 meeting and the presentation of technical implementation constraints at that time. Those technical implementation constraints remain valid.
SCC does not believe that HI, in seeking to amend the condition, has demonstrated how it expects to manage the impacts it previously acknowledged were real and for which it is responsible.	As above, the original and proposed condition addresses foot and bicycle access to and past the hospital. HI has no sole responsibility for public domain works in and around Nowra.
SCC is seeking to restart discussions with HI to try and resolve any constraints HI has identified and to ensure delivery of the upgrades as currently conditioned. SCC is willing to compromise previously held positions and support street tree removal, variations to the widths of shared paths to navigate constraints, and work to resolve any topographical challenges where necessary.	The resolution of the actions from the Minutes of the 21 August 2025 meeting remained the relevant juncture to resolve the public domain scope of works. Modification 5 and the current proposed wording of Condition D28 remains HI's position. Given the impending completion of the Acute Services Building the additional time to restart discussions, in relative terms, is not in the best interests of the project and the delivery of new and improved health services for the region.
SCC acknowledges the public domain upgrades will not occur prior to the operation of the hospital extension, either as currently conditioned or as proposed by HI. SCC would like input to ensure that an appropriate trigger is embedded to deliver the works in a timely manner.	HI is of the view that appropriately flexible triggers and timing are able to be put in place with the proposed wording.
SCC requested a follow up meeting in one week to begin developing a timeline towards resolving the public domain design and delivery. HI will discuss internally and respond to SCC about whether they will agree to continue discussions. SCC has not yet heard back from HI.	Council was advised in the meeting that a further meeting would not be in the interests of enabling the Acute Services Building to commence operation on time. As expressed above, given the impending completion of the Acute Services Building the additional time to restart discussions, in relative terms, is not in the best interests of the project and the delivery of new and improved health services for the region.
HI is anticipating a significant modal shift to active transport, with a 10-fold increase in cycling between now and 2031 (from roughly 4 to 57 staff cycling). The staff survey shows that improved crossing and footpaths would be required to encourage them to walk and cycle to the site more. TfNSW in its submission to the EIS in 2022 stated that further discussions with Council should be undertaken to ensure that cycling infrastructure is in place on opening of the new facility.	As noted, the condition does not arise from any recommendations tied to the project's approved Transport and Accessibility Impact Assessment. The original and proposed condition addresses foot and bicycle access to and past the hospital.
SCC staff estimate (using data from the TIA) that there will be a shortfall of up to 204 car spaces, including on-street within a 400m radius of the site, to meet demand at shift changeover times by 2031, even if the hospital is able to achieve the ambitious modal shift identified. The impacts of this will be compounded by the cumulative impacts of the Nowra Riverfront Precinct, announced following approval of the hospital.	The approved development provides for its parking demand, as assessed by the Department, and as conditioned by the consent. The provision of car parking on site remains fully compliant with the existing SSD consent.
Current condition (I) requires "construction of a pedestrian refuge incorporated at the main entry driveway on North Street". SCC would like this condition modified to read "construction of a pedestrian crossing on North Street immediately to the west of Shoalhaven Street (at the location of the redundant vehicle crossover)".	If this option or matter had been requested in August 2025 HI would have been able to more fully consider this, however, unfortunately time has now run out to further evaluate options and a timely decision is needed to allow completion and operation of the Acute Services Building as planned and announced.

<p>Finally, SCC staff acknowledge that it is now impossible for HI to deliver the required public domain upgrades prior to the opening of the new hospital building. So as not to delay the opening, but to ensure that the works are delivered as timely as possible, SCC would like to explore entering into a bond with HI. This will require detailed engineering drawings and an estimated cost of works, supported by a quantity surveyor's report, to be prepared and submitted to SCC as soon as practicable.</p>	<p>HI is satisfied with the existing approach and proposed conditions. Council's proposal is akin to the request to restart discussions which for timing reasons is not accepted by HI.</p>
<p>In summary, the proposed modification would result in a significant reduction in public domain upgrades previously acknowledged as required to meet the transport demands of the hospital.</p>	<p>This is incorrect and an unreasonable statement. As set out earlier, we note, and emphasise, the changes are not significant in impact.</p> <p>Of the nine (9) locations and works, only one is requested for deletion given its distance from the hospital, noting in the meeting with Council on 16 February 2026 that Council officers expressed a preference for public domain works at the perimeter of the hospital as a priority.</p> <p>Five (5) are maintained unchanged.</p> <p>Two (2) seek to refine the scopes of works from a shared path response to a footpath response for technical reasons, whilst one (1) location seeks a refined extent of works. Implementation constraints (tree protection, grades and levels, road width, structures and the like) form the basis of the justification, as discussed with Council from 2024 and during 2025.</p> <p>The works also have no direct nexus to meeting the transport demands of the hospital.</p>
<p>There is no corresponding reduction in impact, nor has an alternative approach to meet these demands been proposed. As such, the proposed modification would have a significant adverse impact on access to the development and place an undue burden on existing local infrastructure. We encourage HI to accept SCC's offer to continue discussions and find a way to deliver the infrastructure previously agreed as necessary to facilitate the proposed hospital.</p>	<p>Please refer to commentary throughout this letter.</p>

Conclusion in relation to Condition D28 and public domain works

Modification 5 was lodged with the Department on 19 January 2026, with the aim of providing certainty for all parties in relation to the extent of public domain works required to be constructed around the hospital site and nearby streets under Condition D28 of the consent, amongst other things.

The proposed modified Condition D28 responds to feasibility issues noting that the ability to deliver a small portion of the scope is impacted by existing site constraints including in relation to trees and other existing structures, topography issues and the width of Council's road reserve; and where alternative approaches result in unreasonable and detrimental impacts on significant mature trees in Council's road reserve (and particularly along Shoalhaven Street).

The project team has been in consultation with Council for approximately eight (8) months, with consultation efforts including a site walk and three subsequent meetings to discuss public domain constraints resulting in amendments to planned public domain works where feasible, and where site conditions allow.

Whilst the points provided in Council's second letter (also previously issued to HI as minutes of the meeting of 16 February 2026) are useful in understanding Council's revised position, HI would take this opportunity to raise that these comments do not represent agreed minutes of that meeting.

Accordingly, HI takes this opportunity to reiterate the following as was raised in that meeting:

- The public domain works to be undertaken by HI are aligned with Shoalhaven City Council's Transport Strategy, which provides for increased availability of shared paths for active transport.
- The modifications to Condition D28 are in direct response to implementation constraints e.g. impacts on mature and significant trees, topographical level changes and insufficient existing width within Council's road reserve and between existing buildings and the roadway.
- The provision of car parking on site remains fully compliant with the existing SSD consent.
- Extensive tree removal along Shoalhaven Street is not an action that HI currently supports owing initially to detrimental impacts on local amenity and tree canopy loss.

The scope of work within the public domain has now become time critical for the project and requires immediate resolution to ensure the new Acute Services Building can open at the time promised to the community. HI thanks Council for their input and will continue to liaise with the Department with the aim of reaching an agreeable outcome.

We look forward to the Department's resolution of this matter, with HI and its team available to clarify any responses provided.

Should you have any questions or seek further information please do not hesitate to contact me on 0437 259 581.

Yours Sincerely



Oliver Klein
Director
_planning Pty Ltd