



**Environment,
Climate Change
& Water**



Your reference: MP10_0173
Our reference: Part 3A, DOC10/54572,
FIL10/13188
Contact: Alan Bawden,
(02) 4908 6804

Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Peter McManus

Department of Planning
Received
10 JAN 2011
Scanning Room

Dear Sir

**PROPOSED CENTRAL COAST CANCER CENTRE, GOSFORD (MP10_0173)
ENVIRONMENTAL ASSESSMENT**

Reference is made to your letter dated 26 November 2010 and received on 2 December 2010 providing the Department of Environment, Climate Change and Water (DECCW) with an opportunity to make a written submission on the subject proposal. I also refer to the report provided to DECCW titled "Environmental Assessment, Central Coast Regional Cancer Centre, Holden Street Gosford" (EA) dated November 2010.

DECCW understands that this proposal relates to the refurbishment and expansion of an existing building within the Gosford Hospital grounds for the purpose of a public cancer treatment clinic and the construction of additional new car parking areas.

On 28 October 2010 DECCW provided to the Department of Planning (DoP) with its Director-General's Requirements (DGRs) for the preparation of the Environmental Assessment. It is noted that DECCW was not provided the opportunity to review and comment on the adequacy of the EA prior to its public exhibition.

DECCW has completed its review of the exhibited EA and determined that it is currently unable to support the proposal as presented for the following reasons.

Threatened Species Issues

The EA does not appear to meet section 14 of the DGR requirements for adequate assessment of the proposed development on '...threatened species, populations and endangered ecological communities and their habitats...'; particularly local threatened species able to use resources in a built environment, such as the Eastern Freetail-bat, the Eastern False Pipistrelle, and the Little Bentwing-bat. In addition the EA contains no details of the nature and extent of any vegetation to be removed for proposed new car parking spaces, and includes no assessment of its possible use by local threatened species. DECCW suggests that the proponent conduct a 7-part test, as per section 5A of the Environmental Planning and Assessment Act 1979 on threatened species, populations and communities known within a 5 km radius of the site to show it has followed due process as required by the DGRs. DECCW is unable to make any further comments on biodiversity issues based on the information presented in the EA.

DECCW would be prepared to review its assessment should the proponent address the recommended requirements and adequately mitigate any impacts the project may have on the environment.

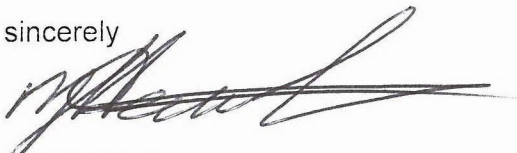
DECCW would appreciate receiving a copy of the submissions received by the DoP (or a report summarising these submissions) in response to the exhibition of the EA.

Should DoP decide to grant approval for the proposal, DECCW recommends that the conditions provided in Attachment 1 be incorporated into the project approval. However in view of the concerns detailed above, DECCW has not included recommended conditions of approval in Attachment 1 in respect of threatened species and biodiversity conservation.

The proponent should be advised that DECCW is the Appropriate Regulatory Authority (ARA) under the Protection of the Environment Operations Act 1997 for the purpose of development works on the subject land.

If you wish to discuss this advice further, please contact Alan Dawden on (02) 4000 6604.

Yours sincerely



6 JAN 2011

MARK HARTWELL
Head Regional Operations Unit
Hunter Region
Environment Protection and Regulation

Attachment 1

ATTACHMENT 1

DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER RECOMMENDED CONDITIONS OF APPROVAL CENTRAL COAST CANCER CENTRE - GOSFORD

MATTERS UNDER THE POEO ACT

1. ADMINISTRATIVE CONDITIONS

- 1.1 Except as provided by these conditions of approval terms of approval, the works and activities must be undertaken in accordance with the proposal contained in:
- a) "Environmental Assessment, Central Coast Regional Cancer Centre" (November 2010),
- Unless otherwise specified in these conditions of approval.

2. POLLUTION OF WATERS

- 2.2 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997*(POEO), which prohibits pollution of waters must be complied with in connection with the carrying out of the development.

3. WASTE MANAGEMENT

- 3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under POEO .
- 3.2 The above condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an Environment Protection Licence under POEO

4. NOISE AND VIBRATION

- 4.1 All construction (including demolition) activities must comply with "NSW Interim Construction Noise Guidelines, DECC 2009" and for operational noise "NSW Industrial Noise Policy, January 2000".
- 4.2 The proponent must prepare and implement a Construction Noise Management Plan (Protocol). The Protocol must particularly address potential noise impact associated with construction works, and must include but not necessarily be limited to:
- a) Compliance standards.
 - b) Community consultation / notification.
 - c) Complaints handling monitoring/system.
 - d) Site contact person to follow up complaints.
 - e) Feasible and reasonable mitigation measures.
 - f) The design/orientation of the proposed mitigation methods demonstrating best practice.
 - g) Construction times.
 - h) Contingency measures where noise complaints are received.

- 4.3 Construction vibration must comply with acceptable vibration levels recommended in the DECCW document "Assessing Vibration: a technical guideline" dated February 2006 and released under the Environmental Noise Management Series by DEC.

5. AIR QUALITY (DUST MANAGEMENT)

- 5.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- 5.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust on the premises.
- 5.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.
- 5.4 Trucks on the premises or entering or leaving the premises must have no visible dust emissions from the vehicle.

6. PROCESS AND MANAGEMENT

- 6.1 All above ground storage vessels containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in-place.

7. STORMWATER/SEDIMENT CONTROL

- 7.1 Soil and sediment controls must be implemented before construction (including demolition) works commence and maintained for the duration of the construction works and if necessary operations of the premises. All works or activities must comply at all times with section 120 of POEO. As a guide soil and sediment controls may be designed and constructed in accordance with "NSW Managing Urban Stormwater: Soils and Construction guidelines" however before any discharge of waters occurs from the site the nature and quality of the receiving environment and the wastewater must be assessed to ensure compliance with section 120 of POEO.

8. ABORIGINAL CULTURAL HERITAGE

- 8.1 In the event that any activity identifies a new Aboriginal site or object(s) (*Note: for the purposes of any condition under this section object has the same meaning as "Aboriginal object" as defined by the National Parks and Wildlife Act 1974 (NPW act)*), all works must stop in the immediate area (a minimum of 100 metre radius) to prevent any further impacts to the site or object(s). The proponent must engage a suitably qualified archaeologist and contact representatives of the local Aboriginal community to determine the significance (both cultural and scientific) of the object(s) within 24 hours of discovery of any object(s). The proponent must register in the Aboriginal Heritage Information Management System (AHIMS) (managed by DECCW) the site within 2 weeks on discovery of any object(s). The proponent must consult with local Aboriginal community representatives, an archaeologist and DECCW to develop and implement management strategies for all object(s). Prior to recommencing any works in that area, the proponent must ensure they have the necessary approvals required by the Director General of DoP and/or under NPW Act.
- 8.2 If human remains are located all works must stop in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be

undertaken unless the NSW Police provide written notification to the proponent stating otherwise. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW's Enviroline on 131555 within 24 hours of discovery of any object. No works are to continue until DECCW provide written notification to the proponent.

- 8.3** An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.

Department of Environment, Climate Change and Water (DECCW)
January 2011

MANDATORY CONDITIONS FOR ENVIRONMENT PROTECTION LICENCES

If an Environment Protection Licence is granted the following mandatory conditions will apply:

ADMINISTRATIVE CONDITIONS

Other activities

This licence applies to all activities carried on at the premises.

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Testing methods - concentration limits

Monitoring for the concentration of a pollutant emitted to the air required to be conducted must be done in accordance with:

- (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- (b) if no such requirement is imposed by or under the Act, any methodology which a condition of an Environment Protection Licence requires to be used for that testing; or
- (c) if no such requirement is imposed by or under the Act or by an Environment Protection Licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

Subject to any express provision to the contrary in an Environment Protection Licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

Results Recorded and Maintained

The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

Results kept by this licence

All records required to be kept by this licence must be:

- (a) in a legible form, or in a form that can readily be reduced to a legible form;
- (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- (c) produced in a legible form to any authorised officer of the EPA who asks to see them.

Records on samples

The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- (a) the date(s) on which the sample was taken;
- (b) the time(s) at which the sample was collected;
- (c) the point at which the sample was taken; and
- (d) the name of the person who collected the sample.

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the DECCW who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after the licence takes effect.

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the DECCW an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

Before the end of each reporting period, the DECCW will provide to the licensee a copy of the form that must be completed and returned to the DECCW.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee:

- (a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- (b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where a licence is surrendered by the licensee or revoked by the DECCW or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- (b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the DECCW by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the DECCW in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- (a) the assessable pollutants for which the actual load could not be calculated; and
- (b) the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the DECCW for a period of at least 4 years after the annual return was due to be supplied to the DECCW.

Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the DECCW to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

The licensee or its employees must notify the DECCW of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the DECCW's Environment Line service on 131 555.

The licensee must provide written details of the notification to the DECCW within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the DECCW suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the DECCW within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (b) the type, volume and concentration of every pollutant discharged as a result of the event;
- (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- (g) any other relevant matters.

The DECC may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the DECC within the time specified in the request.

GENERAL CONDITIONS

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the DECCW who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Department of Environment, Climate Change and Water (DECCW)
JANUARY 2011