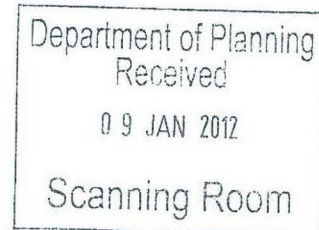




ENVIRONMENT PROTECTION AUTHORITY

Your reference: SSD 4952
Our reference: DOC11/52910
Contact: Julian Thompson, (02) 6229 7002



Mr Anthony Witherdin
A/Director Metropolitan & Regional Projects - South
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Chris King

21 December 2011

Dear Mr Witherdin

RE: PROPOSED SHOALHAVEN CANCER CARE CENTRE – SSD 4952

I refer to your letter dated 14 November 2011 and received on 17 November 2011 by the Environment Protection Authority (EPA) advising that NSW Health Infrastructure submitted a Development Application and an Environmental Impact Statement (EIS) for the above proposal.

The EPA notes the proposal is being considered under section 89C of the *Environmental Planning and Assessment Act 1979* as State Significant Development. Your letter invited the EPA to comment on the proposal and provide advice on recommended conditions of consent.

The EPA has considered the details of the project contained in the EIS and provides the following comments and advice in **Attachment 1**. Recommendations for project approval conditions appear in bold in Attachment 1.

Based on the information provided in the project documentation and EIS, it appears unlikely that an Environment Protection Licence will be required for the project. The proponent should confirm whether this is still the case before construction commences.

Should you have any queries on this matter, please do not hesitate to contact me on 6229 7002.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Thompson', with a long horizontal stroke extending to the right.

JULIAN THOMPSON
Unit Head – South East Region
NSW Environment Protection Authority

Att.



ENVIRONMENT PROTECTION AUTHORITY

Attachment 1

Environment Protection Authority Comments and Recommended Approval Conditions

Proposed Shoalhaven Cancer Care Centre

December 2011

1 Noise Impacts

The EPA has reviewed the Acoustics Assessment for the project prepared by Norman Disney & Young and dated 16 June 2011.

The EPA recommends the following project specific noise limits be included in any project approval:

L6.1 Noise generated at the Shoalhaven Cancer Care Centre premises must not exceed the noise limits presented in the table below.

Locality	Day	Evening	Night
	L _{Aeq} , (15 minute)	L _{Aeq} , (15 minute)	L _{Aeq} , (15 minute)
Residential Receivers in North St	43dB(A)	41dB(A)	37dB(A)
Residential Receivers in Shoalhaven St	43dB(A)	41dB(A)	37dB(A)

* **Note:** localities referred to above are represented in Figure 2 – “Noise sensitive locations” of the Acoustics Assessment prepared by Norman Disney & Young and dated 16 June 2011.

L6.2 For the purpose of condition L6.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L6.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for:

- (a) wind speeds greater than 3 metres/second measured at 10 metres above ground level, and
- (b) temperature inversion conditions greater than 3°C /100m and wind speeds up to 2 metres/second at 10 metres above ground level.

L6.4 For the purpose of condition L6.3:

- a) The data to be used for determining meteorological conditions is the data recorded by the nearest Bureau of Meteorology weather station.
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L6.5 For the purposes of determining the noise generated at the premises:

- a) Class 1 or 2 noise monitoring equipment that is calibrated in accordance with the manufacturer's specifications must be used according to AS IEC61672.1-2004 and AS IEC61672.2-2004;
- b) The noise monitoring equipment used at a location must be placed in a position that is:
 - i. that is, where applicable:
 - approximately on a location's property boundary that is closest to the premises, where any dwelling at the location is within 30 metres of the location's property boundary that is closest to the premises; or
 - within 30 metre of a dwelling façade where any dwelling at a location is situated more than 30 metres from the location's property boundary that is closest to the premises; or
 - ii. that is within 1 metre of a dwelling façade at a location to determine compliance with the L_{Amax} noise limits in condition L6.1; and

L6.6 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the monitoring equipment.

L6.7 All construction work at the premises must only be conducted between Monday to Friday 7am to 6pm; Saturday 8am to 1pm; no work on Sundays or Public Holidays.

L6.8 The following activities may be carried out at the premises outside the hours specified in conditions L6.7:

- (a) the delivery of materials as requested by Police or other authorities for safety reasons;
- (b) emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

L6.9 The proponent shall prepare and implement a Construction Noise and Vibration Management Plan with reference to the guidelines contained in the Interim Construction Noise Guideline (DECCW, 2009).

L6.10 Vibration resulting from construction and operations at the premises must not exceed the preferred values in the document *Assessing Vibration: A Technical Guideline* DEC 2006.

The EPA agrees that the project can be carried out to meet the proposed noise limits, but only with the inclusion of the acoustic treatments specified in section 6 of the report. These treatments will need to be taken into account at the detailed design stage of the project. **It is therefore recommended that their incorporation into the design of any approved project be included in the Statement of Commitments in the response to submissions of the proponent and/or as a condition of approval of the project.**

2 Biodiversity

The EPA recognises this project is likely to be of low consequence to threatened species based on the proposed disturbance footprint and the existing disturbance on site. However it is also recognised the site is connected to larger areas of native vegetation and therefore the potential habitat value requires a more detailed assessment than currently provided in the Flora and Fauna Report prepared by Lesryk Environmental Consultants and dated August 2011.

The flora and fauna survey conducted on 5 August 2011 was not done in accordance with the *Biodiversity Survey and Assessment: Guidelines for Developments and Activities* (DEC 2004). The survey makes assumptions about how a range of threatened species utilise the site, particularly for microchiropteran bat species without any evidence. The lack of spring/summer

survey for threatened species is considered to be a weakness in the assessment of flora and fauna at or utilising the site.

The flora and fauna assessment report provides only limited hollow bearing tree data to conclude the project will not have an adverse impact on hollow dependent fauna species. Information such as hollow size and type should be included in the assessment as this indicates what species may be utilising hollow bearing trees on the site. Stag watch surveys are also of significant benefit, as they provide stronger foundations to the conclusions in any assessment about hollow dependent species and their use of the hollow bearing trees on the site. Without stagwatch surveys during the appropriate season, impacts on species are difficult to determine.

The EPA recommends the proponent undertake stagwatch surveys prior to any vegetation clearance for species that could potentially utilise site hollows. These surveys are important to determine the significance of hollow bearing trees on site for threatened fauna species, and should inform the vegetation clearing program (seasonality, relocation of fauna etc.)

The site provides habitat for the Squirrel Glider which is known to occur within the Shoalhaven LGA, however this species is not considered in the Flora and Fauna Report. **The EPA recommends further survey and assessment of this species is required prior to any clearing associated with the project.**

3 Aboriginal Cultural Heritage

The EPA notes that the "Aboriginal Heritage Stage 1 Report" by Godden Mackay Logan Pty Ltd and dated June 2011 notes the low potential for surface or subsurface archaeological material of Aboriginal cultural significance on the project site. The report does indicate however, that no consultation with the local Aboriginal community has been undertaken in relation to the cultural values of the site, and the potential impact of the project on those values.

The EPA therefore supports recommendations 1 – 4 of the Aboriginal Heritage Stage 1 Report which require consultation with the local Aboriginal community being incorporated into any project approval.