

Plans of the development as proposed are included in the Proponent's Environmental Assessment provided at **Appendix E**.

Figure 3 above indicates generally the proposed site layout of the Centre whilst **Figure 4** demonstrates the predominantly two storey elevations of the new buildings.

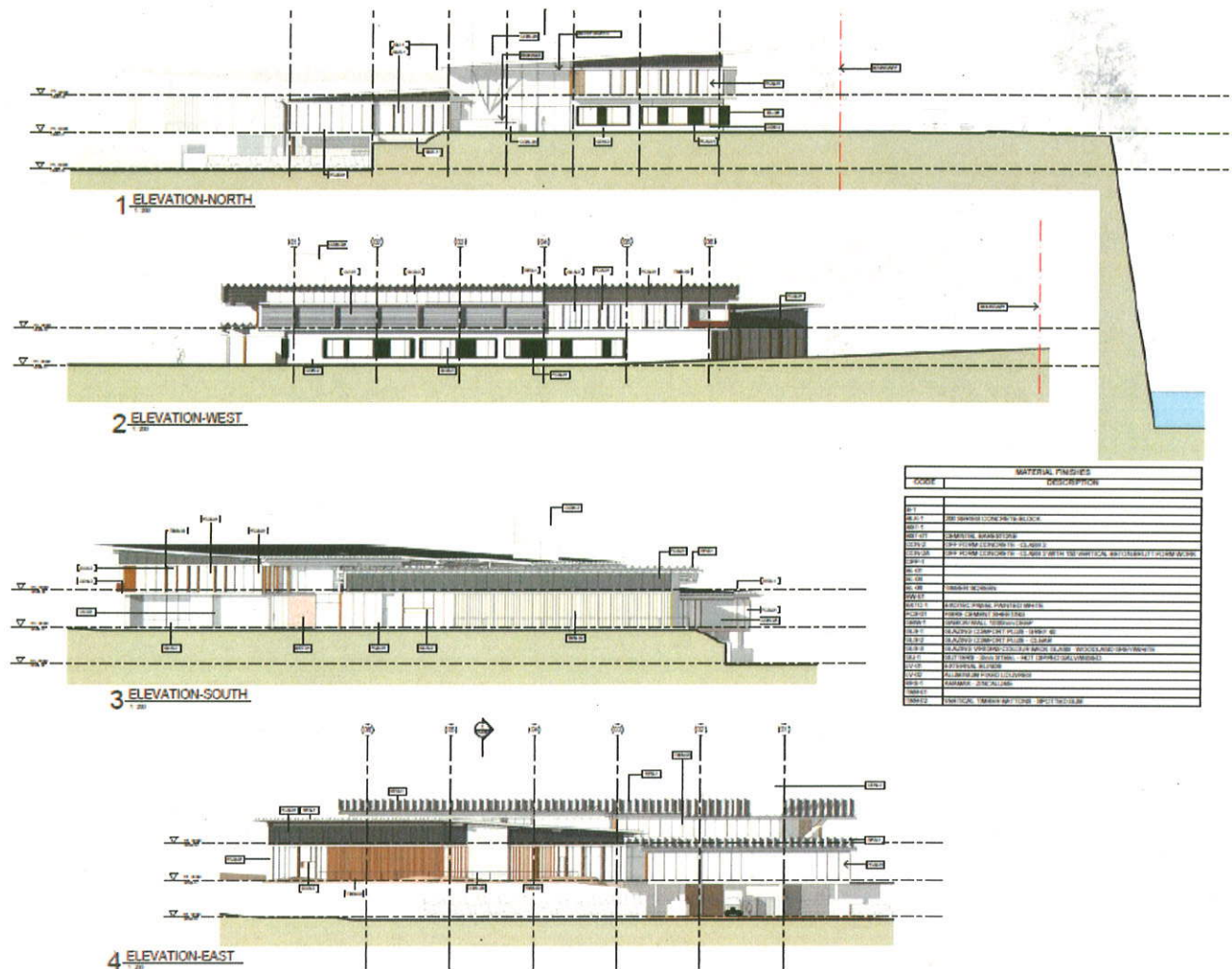


Figure 4: Proposed elevations

The redevelopment of the site will involve the erection of a purpose built two and part three storey hospital building. The building will be located in the southwest corner of the site immediately to the south of the existing Hospital complex. The main entrance to the building will be located on its southern elevation fronting North Street.

The building will be of framed concrete construction and zincalume roofing. Any excavated sandstone will be utilised for retaining walls on site. Internal construction will be dry walls and lightweight construction, capable of adaptation to accommodate future alterations and servicing.

2.2 Access and Parking

The existing road pattern surrounding the site will be maintained with the main public address of the Centre being off Scenic Drive leading to main entry/reception. The North Street entry will provide vehicular access to the carparking areas servicing both the centre and accommodation units. The proposal includes a new pedestrian only access and a dedicated ambulance access.

Existing on-street parking arrangements will be maintained in the surrounding area. Car parking at this site will predominantly service the requirements of the Centre.

Ambulance vehicles will access the site via an entrance on North Street positioned between the proposed Cancer Care Centre and the accommodation units.

Approximately 62 parking bays will be provided within the Centre complex and further formalised carparking for 44 vehicles is proposed along Scenic Drive to serve the needs of both the existing Hospital and the new Centre. The Applicant proposes the construction of these works in consultation with Council. Construction of these works in Scenic Drive will be undertaken in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007 as development not requiring consent.

2.3 Helipad

The helipad located in the northern portion of Nowra Park, and adjacent to the Shoalhaven Hospital, is to be retained as part of the medical complex. The two level construction of the Centre will not create any issues associated with the safe operation of the helipad.

3. STATUTORY CONTEXT

STATUTORY FRAMEWORK

3.1 State significant development

The proposal is State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) pursuant to Schedule 1, Part 14 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore the Minister for Planning & Infrastructure is the approval authority.

There have been 7 submissions on the proposed development including Shoalhaven City Council. Council has made a submission to recommend conditions and has not formally objected to the proposed development. There has been no political disclosure statement made for this application and no disclosures made by any persons who have lodged a submission on this application.

As the proposal has not generated greater than 10 submissions (noted that one submission contains a petition with 43 signatures) and has no objection from the council, the application is able to be determined by the Executive Director, Major Projects Assessment under delegation from the Minister.

3.2 Permissibility

On 23 September 2011, Shoalhaven Local Environmental Plan 1985 (Amendment 240) was gazetted which rezoned a portion of Nowra Park (to accommodate the Centre) from Open Space 6(a) to Special Uses 5(a) "*Health Services Facility*". The gazettal of this rezoning made the Cancer Care Centre a permissible development on the land.

3.3 Environmental Planning Instruments

Under Sections 79C of the EP&A Act, the assessment report for a proposal is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix A**.

3.4 Exhibition and Notification

The application was exhibited between 16 November 2011 and 16 December 2011 (31 days), in accordance with Section 83 of the *Environmental Planning and Assessment Regulations, 2000* which require a minimum public exhibition period of 30 days.

The Environmental Impact Statement (EIS) was placed on the Department's website, the Department's Information Centre and Shoalhaven City Council offices. The Department also placed notices in the South Coast Register on 16 November 2011. A wide area of adjoining landholders and relevant State and local government authorities were notified by the Department.

The Department received two public submissions, including a petition with 43 signatures, and submissions from NSW Transport (Roads & Maritime Services), Shoalhaven Water, Shoalhaven City Council, NSW Rural Fire Service and NSW Environment Protection Authority. These submissions are discussed in Section 4 of this report.

3.5 Objects of the EP&A Act

Decision-makers are required to consider the objects of the EP&A Act when making decisions under the Act. These objects are detailed in Section 5 of the Act, and include:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The objects of most relevance for consideration of the proposed development are 5(a)(i), 5(a)(ii) and 5(a)(vi). The Department has given due consideration to these objects in its assessment of the proposal (see Table 1 below).

Table 1: Objects of the EP&A Act and relevance to the development

Object	Consideration
5(a)(i)	The proposal provides for a necessary facility in close proximity to a regional base hospital and medical services precinct. The proposal is consistent with the NSW State Government policy of improving health services in NSW.
5(a)(ii)	The existing public open space provides a passive recreational backdrop to the existing base hospital. The Cancer Care Centre is considered to be an appropriate use of the land by providing a public facility which will also benefit from the passive recreational outlook of Nowra Park to the north and east whilst being within casual walking distance of the hospital. The on-going support of the Cancer Care Centre provides for a wider range of medical services in this locality.
5(a)(iv)	The proposal results in a small reduction in public open space land. This reduction in public passive recreational area is offset by the provision of an essential public regional medical facility in close proximity to existing medical services.
5(a)(v)	The proposal is consistent with this Object in that additional community services are to be provided through the establishment of the Cancer Care Centre in close proximity to other medical and health services.
5(a)(vi)	The proposal necessitates the removal of various trees from the site. The arborist report accompanying the application concluded that the tree removal is acceptable and the flora/fauna report indicates that the tree loss will not adversely impact any threatened species.
5(a)(vii)	The proposal is considered to be consistent with ESD principles as the proposal will be fully serviced and properly managed to ensure it is relatively non-polluting and unlikely to result in any long term amenity

	impacts for the local community or the general environment.
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3.6 Statement of Compliance

In accordance with Section 89h of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

CONSIDERATION OF RELEVANT LEGISLATION

Other relevant legislation and environmental planning instruments

Section 6 and **Appendix A** both set out the approval process, relevant consideration of legislation (including other Acts) and environmental planning instruments as required under the Act.

4. CONSULTATION AND ISSUES RAISED

4.1 Exhibition

Under Section 89F(1)(a) of the EP&A Act, the Director General is required to make the EIS of a State significant development application publicly available for at least 30 days. After accepting the EIS the Department publicly exhibited it from 16 November 2011 until 16 December 2011 (31 days) on the Department's website, and at the exhibition locations. The Department also advertised the public exhibition in the South Coast Register newspaper on 16 November 2011 and notified nearby landholders, local community groups and relevant State and local government authorities in writing.

The Department received 7 submissions during the exhibition of the EA - 5 submissions from public authorities and 2 submissions from the general public and special interest groups.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Five (5) submissions were received from public authorities, including Shoalhaven City Council, NSW Rural Fire Service, NSW Transport (Roads & Maritime Services), Shoalhaven Water and NSW Environment Protection Authority. These submissions were generally in support subject to conditions. Their submissions raised the following matters:

NSW Rural Fire Service does not object to the proposal and raised matters relating to:

- bush fire safety;
- materials for building construction;
- provision of safe access; and
- need for an evacuation plan.

Shoalhaven Water does not object to the proposal and raised matters relating to:

- operational works associated with construction of, and easements over, water and sewer connections.

NSW Transport (Roads & Maritime Services) does not object to the proposal.

Shoalhaven City Council does not object to the proposal and raised matters relating to:

- imposition of suitable conditions reflecting the commitments under the flora and fauna report; and
- additional carparking being provided on site along with a revision of the type of parking provided and internal circulation paths.

NSW Environment Protection Authority does not object to the proposal and raises the following matters:

- necessity for noise limit controls;
- necessity for flora/fauna report to be supplemented by additional survey work; and
- need for consultation with local aboriginal community linked to this site.

In addition to the above government agency comments, it is noted that the **Office of Environment and Heritage** comments were provided previously as part of the documentation for the Director General's requirements, and these related to:

- noise impacts on the surrounding area, which is addressed through the Applicants acoustic report and proposed conditions;
- need for aboriginal cultural heritage assessment, addressed via an "Aboriginal Stage 1 Assessment Report";
- air quality concerns;

- biodiversity considerations, addressed as part of *Flora and Fauna Report*;
- waste assessment, addressed as part of the waste management plan proposal; and
- water and soil contamination assessment; addressed as part of the "Stage 1 Preliminary Environmental Site Assessment" and the "Geotechnical Assessment".

4.3 Public Submissions

Two (2) submissions were received from the public. This included a petition submission (with 43 signatories) and the comments from the Nowra Local Aboriginal Land Council (see **Appendix D**). The Nowra LALC raised concerns at the lack of consultation with the local land council as a primary issue.

The key issues raised in public submissions are listed in Table 2.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Submission numbers
Contaminated waste concerns, from hospital and in general waste system	2
Traffic management and access concerns off North Street	1
Potential impacts on Riparian Corridor, within 40m of embankment	1
Aboriginal cultural heritage concerns requiring investigation	2
Loss of trees, particularly those related to Bicentennial Tree Plantings 1988	1
SEPP 71 – sensitive coastal location – considerations	1
State Heritage considerations for the Nowra Park precinct	1
Loss of a high value scenic asset for the community	1
Coastal zone management plan impacts under Coastal Protection Act, 1979	1

The Department has fully considered the issues raised in submissions in its assessment of the proposal in Section 5 of this report.

4.4 Response to Submissions

The Applicant has provided a formal response to issues raised by government agencies and the public submission. The Applicant has advised as follows:

1. Carparking and vehicular access arrangements have been reviewed and considered to be acceptable for the proposed development which is likely to have minimal impact on the local amenity. In addition, the Applicant proposes to provide 44 formal carparking spaces within the Scenic Drive road reserve;
2. The proposal is a two stage development, with Stage 1 being the hospital and facilities plus ten accommodation units whilst Stage 2 is for the additional eight accommodation units, subject to budget considerations. Any carparking requirements for Stage 2 can be adequately provided for on site as part of the application lodged for that stage;
3. Water and Sewer service connections can be adequately accommodated with Shoalhaven Water assistance;
4. Noise impacts are considered to be satisfactory considering separation between the facility and housing and with the implementation of mitigation measures proposed by the Applicant's acoustic report and the NSW EPA requirements;
5. Flora and fauna surveys have been completed which concluded that it is unlikely that a threatened species habitat would be significantly impacted by the proposal. The original recommendations of the Flora and Fauna Report are considered to be appropriate;

6. The Applicant has agreed to implement all the NSW Rural Fire Service recommended conditions;
7. The Nowra Local Aboriginal Lands Council has been consulted and has confirmed that an aboriginal presence as part of the excavation and construction works is acknowledged and that discussions are on-going with NSW Health Infrastructure;
8. The Applicant contends that the issue of toxic waste management can be adequately managed by the facility when in operation. In particular, it is contended that the diluted form of toxins passing through to the local sewer system by human excretions would not be sufficient to warrant a "closed" sewer system to service the facility. It was noted that the existing Hospital has been treating cancer patients for ten years with no evidence of high pollutant levels although this continues to be monitored and would also be monitored in the Centre proposal; and
9. Enquiries by the Applicant have confirmed that the Nowra Park site is not identified as being within a Riparian Corridor. This was confirmed as part of the assessment undertaken during the rezoning of the land under Local Environmental Plan Amendment No.240.

A copy of the Applicant's response to public submissions is provided at **Appendix C**.

5. ASSESSMENT

5.1 The Environmental Planning & Assessment Act, 1979 - Section 79C

The likely impacts of the development, the suitability of the site for the proposed development and the public interest have been considered in accordance with Section 79C as follows.

5.1.1 Section 79C(1)(a) the provisions of: (i) any environmental planning instrument, and

The Department has identified the following environmental planning instruments as being applicable to the assessment of the proposal:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.44 - Koala Habitat Protection
- State Environmental Planning Policy No.55 - Remediation of Land
- State Environmental Planning Policy No.71 - Coastal Protection
- Shoalhaven Local Environmental Plan 1985

The application has been assessed against the provisions of these environmental planning instruments and is considered to be consistent with the aims, objectives and provisions of the instruments. A detailed assessment of the application against the documents is available at **Appendix A**. On this basis the application is considered to be acceptable against the provisions of these documents subject to conditions of consent.

(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

No draft instrument applies.

(1)(a)(iii) any development control plan, and

The Department has not identified any development control plans which would directly apply to the subject proposal.

(1)(a)(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No Planning Agreement has been lodged by the Applicant and no agreement has been sought pursuant to section 93F.

(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

There are no specific provisions within the Regulations which require consideration as part of the subject application.

(1)(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

The subject site is not affected by any coastal zone management plan. The Shoalhaven Estuary Management Plan does apply to the land. The site, being located on an escarpment overlooking the Shoalhaven River does not generate any coastal erosion impact issues for the Shoalhaven River.

5.1.2 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The Department considers that the key issues are as follows:

- hazardous waste management;
- public safety;
- transport and traffic management;
- noise and acoustics;
- coastal protection;
- tree management;
- bush fire management;
- riparian corridors;
- heritage considerations; and
- aboriginal cultural heritage.

Hazardous Waste Management

Concerns have been raised by government agencies and the general public with regard to the management of hazardous wastes that may be generated by the Centre (SCCC), particularly with regard to radioactive and cytotoxic wastes. Cytotoxic Agents are substances used in the treatment of malignant tumours and other diseases and they are designed to destroy rapidly growing cancer cells.

It is noted that the Centre projects that it will treat 580 radiotherapy (7,900 annual visits) and only 220 chemotherapy (cytotoxic) patients annually (3,100 visits). The Applicant has advised of the following Operational Procedures to be adopted by the Centre in order to manage waste:

"Operation of the SCCC will generate a variety of solid and liquid waste materials including general waste, recyclable waste, clinical (including sharps), cytotoxic hazardous and non-hazardous waste. All operational waste will be managed in accordance with SESIAH Policy Clinical Waste – Management of – PD181, the NSW Health – Policy Directive 2005_132: Waste Management Guidelines for Health Care Facilities 2005 and the ISLHN Waste Management Policy (ISLHNPD/72) Revised March 2011.

Specifically, in accordance with the ISLHN Waste Management Policy (ISLHNPD/72) Revised March 2011 the waste management procedures for the SCCC will address waste minimisation strategies, waste segregation practices and procedures for handling, labelling, contaminant, transport and storage of waste.

Waste management will involve all SCCC staff, Hotel Services Staff and external waste disposal services as contracted to the ISLHN. Waste management will include segregation, disposal, transport and storage for a range of waste streams (as discussed below). Waste will be held in the dirty utility areas of clinical departments and collected on a regular daily basis by Hotel Services staff. Hotel Services Staff will aggregate waste within the Dirty Disposal Area on Level 0, from where it will be collected by contracted waste disposal services.

Collection occurs three times per week for general waste, twice per week for recyclable material and twice per week for clinical and cytotoxic waste. Cytotoxic waste is removed by certified contractors rather than hotel services staff. General waste bins will be

provided where appropriate for recycling and general waste around SCCC. Waste collection and transfer routes in the SCCC building will be separate from those routes used by the public and visitors.

With regard to radioactive waste the Applicant has specifically advised as follows:

The Linear Accelerator used in this facility produces X-ray radiation by accelerating electrons into a target material. When the device is not in operation, it no longer emits this radiation. It does not contain any radioactive material and there are no issues with disposal of any waste products. As such, there will be no radioactive materials involved in the radiation therapy delivered at this facility.

With regard to Cytotoxic waste the Applicant has advised as follows:

All cytotoxic waste generated by the Cancer Centre, as part of the treatment process, i.e. drugs preparation, storage, administration or spill management is contained within cytotoxic waste bins and disposal occurs off site at licensed facilities outlined within the NSW WorkCover Guidelines and through contracted services.

On this basis it is evident that all drugs, packaging and spills are controlled internally and are collected by private contractor to be incinerated.

Concerns were raised regarding the potential for patient personal waste, faeces, urine etc, to be disposed of in the Shoalhaven sewage system. Generally there are no controls evident which restrict patients from utilising the common sewage system, either within the Centre or from their own homes. Discussions with the Applicant and local waste services officers indicate that personal waste is generally acceptable in the standard sewage system as the quantities of contaminants are minor and it has been diluted as it has passed through that persons body, thus it is less likely to create a hazardous situation.

NSW Health Infrastructure has advised as follows:

- Chemotherapy patients have been treated at the Base Hospital since 2001 using cytotoxic chemicals and no known issues have arisen;
- The Base Hospital has six cancer treatment spaces and this will be increased to 14 treatment spaces in the new centre;
- The Water Authority has previously provided an electronic monitor within the sewer access chamber to monitor waste discharge to the sewer and this situation will continue with the proposed centre development;
- DECCW has not been able to advise of any policies or guidelines which regulate the control of excretions from chemotherapy patients;
- No commercial quantities of chemical or radioactive wastes will be directly disposed of within the local sewer system; and
- Use of delayed release sewer tanks, as a form of "closed" system, is not considered appropriate for the centre as:
 - this is usually used for higher strength therapies than proposed at this Centre;
 - this creates a potential worker risk through site storage of waste on-site; and
 - this would not control waste from patients as they are generally outpatients undertaking the treatments and would be mostly in home environments.

These comments were referred to Shoalhaven Water for consideration and the comments were concurred with. The proposal is considered not an identified health hazard given the quantities of waste involved and the limited contaminants that would occur. On this basis Shoalhaven Water accepted the management and mitigation measures proposed by NSW Health Infrastructure to contain the contaminants and to treat the patients.

Public Safety

Generally this issue relates to the disposal of radioactive waste and cytotoxic chemicals as part of the treatment process in the centre. This has been addressed above and it is noted that the Centre has an Operations Management Plan and Waste Management Plan proposed which will mitigate any residential issues.

The general public will not be accessible to the site and its facilities, and thus does not raise any issues relating to public safety for the Centre operations. All staff and professionals will operate within the guidelines prepared under the Operations Management Plan.

Transport and Parking Report

A traffic and parking report (Taylor Thomson Whiting, 10 May 2011) accompanies the application which identified the following:

- the provision of 62 carparking spaces on site would adequately accommodate the demand generated by the centre;
- the traffic generation for the Centre will have a negligible impact on the operation of the local intersections and road network; and
- the Centre will be reasonably serviced by public transport (bus) services.

This matter has been raised as a concern by local objectors, particularly relating to access off North Street. The Report supporting the application, concluding that there is likely to be minimal impact on the road network and that the North Street crossing is to only operate as an exit from the facility. On this basis the Centre will not create an unreasonable impact on traffic flow.

The report has attempted to address local concerns through various controls identified in the attached traffic management overview and response to submissions. These include:

- provision on site of 62 carparking spaces;
- adequate manoeuvring onsite for all service vehicles with limited potential for vehicular conflict on site;
- carparking areas designed in accordance with accepted standards for public car parks;
- ingress/egress access off Scenic Drive and only egress off North Street;
- provision of 44 formalised carparking spaces along Scenic Drive;
- provision on site for additional carparking to accommodate stage 2 of the development, being eight (8) accommodation units; and
- provision for future vehicular links through to the existing carpark servicing the Hospital.

In conclusion the Department considers that the proposal is acceptable in relation to transport management.

Noise and Acoustics Management

The application is supported by an Acoustic Services Report prepared by Norman Disney & Young, dated 16 June 2011. The Report recommends various noise attenuation measures to be implemented which will ensure a satisfactory amenity outcome for the locality.

The principle measures recommended in the report to limit sound power levels are:

- *The air cooled chillers should be fully contained behind acoustic barriers which achieve a minimum weighted sound reduction index of 25 dB Rw and have a minimum height of 0.5 m above the highest point of the chiller assembly.*
- *The southern facade plant room walls should achieve a minimum weighted sound reduction index of 50 dB Rw. These plant rooms should not be accessible from outside the building. Louvres are not recommended in these plant rooms.*
- *All plant room walls and roofs should be internally lined with insulation which achieves a minimum NRC rating of 0.8. Insulation should include a perforated metal facing with more than 20 % perforated area, or woven cloth facing.*

- All plant room constructions should be fully sealed (air tight), fully closed and free of gaps.
- Install internally lined return air / outside air mixed boxes behind AHUs.
- Install acoustic louvers in the plant room external air intakes and outlets.
- Install silencers on external air inlets or outlets (especially for fans).
- Implement variable speed drive units whenever possible.
- External split air conditioning units for the over-night accommodation to be positioned such that they are installed on the opposite side of the building to the nearest residential receivers on North street. Typically, they should be positioned on the northern facade of the over-night accommodation buildings.

Conditions of consent are recommended (**Conditions B5 & D5**) which set out the required noise controls and monitoring methods.

Coastal Protection

The Centre is located within 100 metres of the tidal reaches of the Shoalhaven River and thus is within a coastal protection area as defined under *State Environmental Planning Policy No.71 – Coastal Protection*. It is noted however, that the Centre is located on the escarpment elevated some 28 metres above the Shoalhaven River and some 40 metres landward.

The assessment of the principles of SEPP 71 is at **Appendix A** of this Report. The Applicant has considered the provisions of SEPP 71 and determined that the proposal is acceptable as it does not significantly impact on coastal views, flora/fauna or cultural heritage values of the site. Further, the development is designed to be visually only two storey in scale and positioned to ensure stormwater is contained and that the site will be suitably serviced.

Subsequently, it is considered that the proposal is consistent with the provisions of SEPP 71 and is an acceptable form of development in this locality.

Tree Management

The Application is supported by an Arborist Development Assessment Report prepared by Moore Trees dated 5 April 2011. The Report concluded that where the environmental protection measures recommended by the Report are implemented then the proposal will be satisfactory. These measures included:

- all trees to be retained are to be protected by fencing;
- tree protection zones are recommended and should be implemented before the commencement of construction work;
- trees to be retained should be protected by Tree Protection Zones and Structural Root Zones;
- where protected trees are damaged an arborist should be engaged for remedial action;
- suitable signage should be placed on tree protection fencing;
- trees with roots within the driveway construction area shall be pruned where roots are 50mm in diameter or less;
- an arborist inspection/certification shall be undertaken three times during the construction; and
- a construction plan, incorporating the tree protection plan, shall be implemented as part of the project.

The measures proposed above are considered adequate to ensure the protection of the remaining trees on site both during construction and also after commencement of operations at the Centre.

Bush Fire Management

A Bushfire Protection Assessment report, prepared by Eco-Logical Australia Pty Ltd and dated 7 June 2011, has addressed the issues of bushfire affecting the subject land.

The site is located in a Low Bushfire Risk location. The report concluded that due to the narrow width of vegetation in the locality, high percentage of rock cover, reduced fuel loads and steepness of the Shoalhaven River cliff face, that the site has a relatively low risk of bushfire hazard.

The NSW Rural Fire Service has generally agreed with these conclusions and has raised no objection to the proposal subject to the imposition of standard conditions (**Condition C12**).

Riparian Corridors

Concern has been raised in public submissions that the Centre site is located within a riparian corridor for the Shoalhaven River and that development should not take place within 50 metres of the embankment, being a 40 metre riparian corridor plus a 10 metre vegetated buffer.

It is noted that this issue was considered as part of the rezoning application, Amendment No.240 gazetted 23 September 2011. The Department report on the rezoning stated as follows :

NSW Office of Water has advised that the rezoning site is not considered to be part of the Shoalhaven River riparian zone nor a riparian landscape.

On the basis of this advice it is considered that the proposal is acceptable as it does not impact a riparian corridor. It is noted that the Centre is approximately 40 metres from the cliff edge and that this 40 metre zone currently accommodates the Scenic Drive roadway. The Centre would have been sited within the 10 metre vegetated buffer zone had the riparian corridor applied to the site.

Heritage Considerations

A "Heritage Impact Statement" dated June 2011, has been prepared by Godden Mackay Logan Pty Ltd, which notes that the site is not identified as an item of environmental heritage significance in any heritage register. The Statement, however, notes that the existing parkland setting would contribute to the historical and social significance for the surrounding heritage items.

The Statement concluded that the proposal is acceptable considering :

"The character of the proposed Cancer Centre is contemporary and comprises materials that will be sympathetic in form colour texture to the immediate environment and be as closely aligned to the setting and nature as possible. The scale of the proposed Cancer Centre is compatible with the scale of the adjacent hospital buildings....."

On this basis it is the Departments view that the proposal will be an acceptable form of development when assessed against its setting and nearby heritage items.

Aboriginal Cultural Heritage

An "Aboriginal Heritage Stage 1 Report" dated June 2011 prepared by Godden Mackay Logan Pty Ltd was also prepared to accompany the application. This Report concluded that the site does not contain any previously recorded Aboriginal sites.

On the basis of this conclusion the Report recommended standard management conditions for works during construction and the requirement that the Local Aboriginal Land Council be consulted on the development.

At the time of lodgement of the EIS accompanying the application, the Nowra LALC had not been consulted on the project. The Nowra LALC made an official submission on the proposal requiring the applicant to consult with the LALC. These consultations took place during February 2012 and the following actions were recommended:

- that an Aboriginal Officer be present on site during the excavation and construction stages of the development;
- that a secondary settlement tank be installed for the sewage system in response to issues with cytotoxic waste; and
- that suitable employment options be made available for the aboriginal community as part of the project.

In response to these comments the Applicant has agreed that an Aboriginal Officer may be present on site, has disagreed with the need for a settlement tank on site for the reasons discussed in the body of this report and agrees that an Aboriginal Participation Plan for employment will be in place once the final construction tenders have been determined.

5.1.3 Section 79C(1)(c) the suitability of the site for the development,

The Department considers that the proposed use is suitable for the site considering the site's position, orientation, proximity to the existing hospital and its satisfactory transport services.

The site is adequately serviced with electricity, sewer and telephone services. The land currently is an active parkland adjacent to the Shoalhaven Hospital, which is also adequately serviced in this locality.

The Department is satisfied that, considering the suitable location adjacent to the existing hospital, it's tranquil location (within the park and overlooking Shoalhaven River), reasonable access to the Nowra town centre and general accessibility, that the site is most suitable for the Cancer Care Centre.

5.1.4 Section 79C(1)(d) any submissions made in accordance with this Act or the regulations,

This matter has been addressed in detail in Section 4 and the issues raised in the submissions have been adequately addressed in Section 5.1.7 of this report.

5.1.5 Section 79C(1)(e) the public interest

The proposal is considered to be in the public interest for the following reasons:

- the proposal does not raise any significant or adverse traffic or parking considerations that have not been adequately addressed in the submitted Traffic and Parking Report;
- the principles of ecologically sustainable development have been considered against the proposed development and are considered to be acceptable for this particular proposal;
- the Cancer Care Centre facility will provide for a demand which has been identified as deficient for the south coast locality; and
- the proposal will not have any long term negative impacts on surrounding residential development or the local environment.

CONCLUSION

The proposed development of the Shoalhaven Cancer Care Centre will ensure the provision of a quality cancer treatment facility for the south coast region. The facility will compliment the services offered by the Shoalhaven Hospital.

The south coast region has been identified as having a demand for services in the treatment of cancer. The region requires a facility of this nature to appropriately respond to cancer patients needs through minimal time separation from their home/families and reducing the distance travelled to attain suitable treatments.

The Department has reviewed the environmental assessment and duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 79C of the *Environmental Planning & Assessment Act, 1979*. All the relevant environmental issues associated with the proposal have been assessed. These issues primarily focus on landscaping/tree loss, local amenity impacts, local traffic and parking management and operational noise stemming from the expanded and reconfigured hospital and centre functions.

The Applicant has committed (through Statements of Commitments and operational management plans) measures to ensure the development proceeds smoothly and does not adversely impact on local amenity and landscapes. The Department (with Council's assistance) is recommending appropriate conditions of approval to augment commitments made by the Applicant.

The Department is of the view that the proposal satisfactorily mitigates the environmental impacts arising from the development and adequately maintains the amenity of the local area. In assessing the proposal, the Department considers it has resolved any outstanding environmental issues through conditions of approval that require mitigation measures.

The Department has worked closely with Shoalhaven City Council to ensure an effective and efficient approval process.

Recommended conditions of approval are provided in the development consent schedule at **Appendix F**. The reasons for the imposition of conditions are to encourage a high quality finished development, maintain the amenity of the locality and protect the public interest.

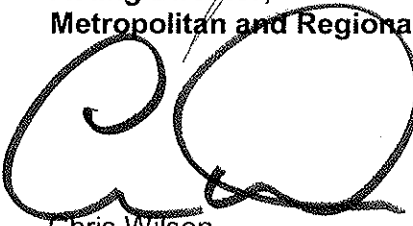
RECOMMENDATION

It is recommended that the Executive Director, Major Projects Assessment, as delegate of the Minister for Planning and Infrastructure, pursuant to Section 89E of the *Environmental Planning and Assessment Act, 1979* (as amended):

- (A) consider the recommendations of this Report;
- (B) **Approve** the State significant development application, as outlined in the Environmental Impact Statement prepared by HASSELL Limited and subject to the conditions of approval set out in the attached instrument at **Appendix F**, under Section 89E of the *Environmental Planning and Assessment Act, 1979*; and
- (C) **Sign** the attached Development Consent (**Appendix F**).



Alan Bright
Acting Director,
Metropolitan and Regional Projects South



Chris Wilson
Executive Director
Major Projects Assessment

18.3.12

APPENDIX A. ENVIRONMENTAL PLANNING INSTRUMENTS AND OTHER CONSIDERATION

Part 4, Divisions 4.1 of the Environmental Planning and Assessment Act 1979

Part 4 Division 4.1 of the EP & A Act commenced operation on 1 October 2011. Division 4.1 consolidates the assessment and approval regime of all State Significant Development (SSD).

Under the provisions of Section 89C of the Act, the subject development is determined to be an SSD by virtue of Schedule 1, Clause 14 of *State Environmental Planning Policy (State and Regional Development) 2011* as it is for a hospital or medical facility with a value exceeding \$30 million.

State Environmental Planning Policy (State and Regional Development) 2011

SEPP (SRD) 2011 outlines the types of development declared an SSD for the purposes of Part 4 of the Act. Under Schedule 1, Part 14 of the SEPP the proposal is considered to be an SSD and thus shall be assessed under those provisions.

14 Hospitals, medical centres and health research facilities

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) hospitals,*
- (b) medical centres,*
- (c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).*

As the capital investment value of the project exceeds the \$30 million threshold (CIV of \$33.8 million) and the proposal is defined as a medical centre, the development is considered to be an SSD.

No other provisions of the SEPP directly relate to this proposal.

State Environmental Planning Policy No.71 (Coastal Protection)

SEPP 71 Coastal protection applies to the land as the site is located within the coastal zone and is mapped as a sensitive location, being within 100 metres of the mean high water mark.

The proposal is considered to be generally consistent with aims of the Policy as the type, bulk, scale and size of the proposed development, appearing as a two storey building, is appropriate for the location and would be sympathetic to the scenic quality of the surrounding area.

State Environmental Planning Policy No.55 (Remediation of Land)

SEPP 55 Remediation of Land aims to promote the remediation of contaminated land by specifying under what circumstances consent is required to remediate land.

Based upon the results of the preliminary environmental site assessment discussed in the Report and lodged with the application there are no remediation works required.

Shoalhaven Local Environmental Plan 1985

The subject land is zoned 5(a) Special Uses under the provisions of Shoalhaven Local Environmental Plan (LEP) 1985, as amended by Amendment No.240 on the 23 September, 2011. This amendment specifically permitted "Health Services Facility" on the land.

Shoalhaven LEP 1985 contains the following definitions:

health services facility has the same meaning as in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.

Under the Standard Instrument Order (Local Environmental Plans) 2006 the following is defined:

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.

On this basis the proposed development is a permissible land use on the subject land.

Other relevant provisions of the Shoalhaven LEP 1985 are:

Division 4A – Heritage Conservation:

The site does not accommodate any heritage items and will not adversely impact the amenity of any nearby heritage items. The showground items are sufficiently removed from the subject site so that will not be adversely impacted by the development.

Clause 28 – Danger of Bush Fire:

The land is identified as being bush fire prone under the Plan and requires that development on bush fire prone land must comply with the requirements of 'Planning for Bushfire Protection 2006' for Special Fire Protection Purpose development and consideration given to the following:

- (a) the siting of the development, and

The proposed centre is to be constructed in a wooded area on the fringe of the open passive recreational area of Nowra Park. This location provides for a shaded and protected environment for the patients which adjoins a cleared area in case of fire emergency.

- (b) the design of, and the materials used in, any structures involved in the development, and

The proposed structure is to be constructed predominantly of concrete panels aluminium framed glazing and zincalume roofing with decorative finishes. These materials are appropriate materials for construction within a bush fire prone location as they are less combustible than other building materials, including timber, weatherboard, tile.

- (c) the clearing of vegetation, and

The siting of the Centre at the southwest corner of Nowra Park will require the clearing of existing tree stands in this location and thus would result in a reduction in ground fuel for bushfires.

- (d) *the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies).*

Scenic Drive to the west and North Street to the south act as asset protection zones for the proposed centre, whilst to the north and east the open playing fields of Nowra Park are an appropriate fire break.

The Proponent further contends as follows :

Ecological Australia has prepared a Bushfire Protection Assessment which found that the proposal is located on a low bushfire risk site, refer Appendix J. It also identified that an APZ of 25m was required.

On the basis of the above comments it is considered that the proposed building design, siting and material finish will adequately address any concerns relating to bush fire hazard.

No other provisions of the Shoalhaven LEP 1958 directly relate to the subject proposal.

State Environmental Planning Policy No.11 (Traffic Generating Developments)

SEPP 11 Traffic Generating Developments aims at ensuring that the Roads and Traffic Authority (now known as Roads and Maritime Services) is aware of major traffic generating developments.

Developments of the types listed in Schedule 1 of SEPP 11 require referral to the Roads and Maritime Services (RMS). Schedule 1 includes:

Areas exclusively for parking or any other development having ancillary accommodation for 200 or more motor vehicles, or the enlargement or extension of a parking area where the enlargement or extension accommodates 200 or more vehicles.

The parking requirements of the Centre are less than 200 carspaces and hence referral under SEPP 11 was not required. The RMS was nevertheless consulted and raised no issues with the proposal

OTHER ACTS AND APPROVALS

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

- Matters of National Environmental Significance (NES); and
- The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places;
3. RAMSAR wetlands of international significance;
4. Nationally listed threatened species and ecological communities;
5. Listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions.

No NES matters or Commonwealth land are likely to be impacted by the proposal.

APPENDIX B. STATEMENT OF COMMITMENTS AND ENVIRONMENTAL IMPACT STATEMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4952

APPENDIX C. PROPONENT'S RESPONSE TO SUBMISSIONS

SHOALHAVEN CANCER CARE CENTRE SUMMARY OF ISSUES RAISED IN SUBMISSION

ISSUE RAISED	NSW HEALTH RESPONSE
SHOALHAVEN CITY COUNCIL & WATER	
Boom gate system Notes that the Traffic Assessment does not consider the boom gate and requests a review of the practicality of a boom gate given use of entry by delivery vehicles and ambulances	The proponent has reviewed the issue of deliveries and ambulance access. This issue is an operational issue for the hospital and the boom gates were requested as part of the consultation process with the relevant user groups. An intercom system connecting to the hospital security office, with remote opening from security is to be provided to allow access for delivery vehicles. Deliveries will be limited to less than one per day (the predicted deliveries are 3 per week), hence there are not likely to be any issues with queuing. Regular users of the boomgate (ambulances/staff etc) will access through a swipecard or pin number system.
Stage 2 Parking Requests confirmation on 'stage 2 parking' as shown on proposed site plans	Stage 2 car parking is an additional 4 spaces that will be constructed in conjunction with Stage 2 carers accommodation should Stage 2 goes ahead at a later date.
Additional Accommodation Parking Review need for additional accommodation parking plus a small bus parking facility.	The traffic report provides details for the calculation of parking numbers, and this has been developed for the accommodation facility in conjunction with the hospital user groups, with parking numbers provided in accordance with their requirements. The parking provided on site is in accordance with the traffic report. We understand that currently a small bus is not planned or required for the new facility, but should this be a requirement in the future, drop off can be accommodated in front of the building. There is also a potential space within the dock area for short term parking and manoeuvring, but any future bus transfer between the SRCCC and the main hospital would be for drop off only and the parking for the bus would occur on the main site.
Threatened Species Report Council supports the recommendations of the Flora and Fauna Assessment.	Noted
Water and Sewage Conditions of Consent Require applicant to apply for a Certificate of Compliance from Shoalhaven Water in accordance with the Water Management Act 2000 and comply with the relevant conditions (including monetary contributions).	Noted. An application for Certificate of Compliance will be lodged to Shoalhaven Council.
Reticulated Water Supply and Metering Advises that Shoalhaven Water does not permit direct pumping of water from its reticulated mains and requires additional water infrastructure of fire fighting purposes. Metered services to be located in accordance with Council's Water Availability and Connection Policy and be located within site boundary. Provision of metered service will be undertaken by Shoalhaven Water at developer's expense. Any proposed metered services is subject to Shoalhaven Council's Backflow Prevention Policy and Council's Water Availability and Connection Policy.	Noted. A 10,000 litre combined domestic/fire hydrant storage tank will be provided at Level 0. Application for meters will be in accordance to Council policy. Construction documentation indicates the contractor to make application for meters at the position indicated on drawings. Council will provide meter at property boundary. Backflow prevention devices have been included in construction
Waste Water Services Proposal subject to Council's Tradewaste Policy. Sewerage is to be made available to proposal and Council's existing sewerage	A Tradewaste Application will be submitted to Shoalhaven Water. An easement will not be required within Lot 103. Connection will be made to new sewer junction provided at South East corner of Lot 103 as per Allen Price & Associates design drawings.

system is to be extended to the lot. All plans/specifications are to be approved by Shoalhaven Water.

Sewer junction is to be provided to subject lot.

An 'Easement for Drainage of Sewage' shall be created over all lots which have the gravity sewer running through them. Easement widths should comply with Council requirements.

Sewer extension is currently being designed by Allen Price & Associates with consultation with Shoalhaven Water.

NSW RURAL FIRE SERVICE

Asset Protection Zones

Recommends condition of consent:

At the commencement of building works the entire site is to be maintained as an inner protection area (IPA) as set out in clause 4.1.2 "APZ Maintenance Requirements" of the Bush Fire Protection Assessment prepared by Ecological Australia dated 7th June 2011 and consistent with section 4.2 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Agree to Condition

Water and utilities

Recommends condition of consent:

Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bushfire Protection 2006.

Agree to Condition

Access

Recommends condition of consent:

Internal roads shall comply with section 4.2.7 of Planning for Bushfire Protection 2006.

Agree to Condition

Evacuation and Emergency Management

Recommends condition of consent:

An Emergency/Evacuation Plan shall be prepared in accordance with section 4.2.7 of Planning for Bushfire Protection 2006.

Agree to Condition

Design and construction

Recommends condition of consent:

The proposed new buildings associated with the 'proposed SCC treatment area' as identified on drawing number SK-01_D dated 23/03/2011 (HASSELL) shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire prone areas" and Section A3.7 Addendum Appendix 3 of "Planning for Bushfire Protection" 2006.

Agree to Condition

Landscaping

Recommends condition of consent:

Landscaping to the site is to comply with Appendix 5 of "Planning for Bushfire Protection" 2006.

Agree to Condition

NSW ENVIRONMENT PROTECTION AUTHORITY

Noise Impacts

EPA outlines recommended conditions of consent L6.1 to L6.10.

Comments on the proposed conditions are detailed below and a final set of agreed conditions are attached.

L6.1

Noise generated at the Shoalhaven Cancer Care Centre premises must not exceed the noise limits presented in the table (in EPA submission and NDY acoustic report)

The noise limits are consistent with those detailed in the Acoustic Report (16 June 2011).

Agree to condition L6.1 however; it is proposed that the exact table from the NDY acoustic report is used as it details amenity criteria assist with

the measurement of noise. Refer to the additional Statement of Commitments attached.

L6.2

Defines measurement terms for day, evening and night.

Agree to condition L6.2.

L6.3 and L6.4

Outlines the metrological conditions in which the noise limits apply.

Conditions L6.3 and L6.4 refers to the enhancement/carrying of noise by certain adverse meteorological conditions such as wind blowing from source to receiver and temperature inversions. These conditions are not considered relevant to the SCCC site as they only apply to much larger source to receiver distances (say 500m and greater) than those that exist between the most affected receivers and the proposed noise sources. Accordingly, and correctly, adverse meteorological conditions were also not considered in the DA Acoustic Report. For reference, this Condition would more commonly apply to large industrial facilities such as mine sites in rural areas with large source to receiver distances - where the enhancing effects apply. It is therefore requested that conditions L6.3 and L6.4 are omitted from the consent.

L6.5

Outlines methodology to determine noise generated on premises.

Agree to condition with exception of b)ii which references L_{Amax} noise limits in Condition L6.1 - there are no L_{Amax} noise limits presented in L6.1, therefore it is requested that this part be omitted from condition L6.5.

L6.6 to L6.10

Outlines conditions for hours of works, Construction Noise and Vibration Management Plans.

Agree to conditions L6.6 to L6.10.

Incorporation of acoustic treatments

Recommends that acoustic treatments outlined in Section 6 of the EIS being incorporated as a Statement of Commitment.

Proponent accepts additional statement of commitments which incorporates conditions L6.1(amended), L6.2, L6.5 (amended), L6.6, L6.7, L6.8, L6.9 and L6.10.

Biodiversity Assessment Guidelines

Flora and Fauna Report (Lesryk 2011) was not prepared in accordance with the Biodiversity Survey and Assessment: Guidelines for Developments and Activities (Dec 2004).

Lesryk consider this comment relates to the lack of stag watch surveys as outlined below

Hollow bearing trees

Requests further detail on hollow size and type on hollowing bearing trees. Requests 'Stag Watch' survey prior to vegetation clearance.

Stag watch survey can be conducted (1 week) however the application took the precautionary approach and outlines management response/conditions to follow if bats are found on site. The stagwatch survey will be undertaken in late January and the results forwarded to DoPI

Squirrel Glider

Recommends further survey and assessment of Squirrel Glider species prior to any clearing associated with this project.

The Flora and Fauna Assessment was based on the Office of Environment and Heritage's database and reviewed fauna species identified within a 10km radius of the site. Whilst the squirrel glider is known in the Shoalhaven LGA, it has not been identified within 10km of the site.

Aboriginal Cultural Heritage

Recommends that consultations with local Aboriginal Community be incorporated into project approval.

Consultation with the Nowra LALC is currently being organised and will commence in February. The outcomes will be forwarded to DoPI

NOWRA LALC

Aboriginal Community Consultation

Notes that consultation with the local Aboriginal Community has not yet occurred. The consultation is recommended by the Aboriginal Heritage Report.

Consultation with the Nowra LALC is currently being organised and will commence in February. The outcomes will be forwarded to DoPI.

Toxic waste management

Concerned that some cytotoxic waste will enter the sewerage system, potentially impacting the environment

Shoalhaven Hospital currently uses cytotoxic drugs to treat chemotherapy patients and has been doing so since 2001. There has been no issue previously identified by the applicable authorities or the hospital in relation to patient wastes in the sewerage system. There are currently 6 treatment spaces in use at the present. The proposed development increases the number of spaces from 6 to 14 spaces.

Advice was sought from the NSW Department of Environment Climate Change and Water on whether there are any regulations or guidelines that might impact upon discharge of excretions into the sewer system

from patients undergoing chemotherapy. The advice was that discharge of pollutants into the environment is covered in general by the Protection of the Environment Act, however this Act is silent on the point of chemotherapy patient excretions. Therefore the DECWW did not indicate that there are any regulations in force relating to excretions from chemotherapy patients. Radioactive iodine will not be used at the cancer centre.

The Illawarra Cancer Care Centre (IRCCC), located at the Wollongong Hospital, currently has 11 chemotherapy treatment spaces. At this site Sydney Water record the cytotoxic waste levels within the hospital sewer at 3 monthly intervals. Sydney Water provides staff with a small electronic detector to be placed in a sewer access chamber at the hospital to monitor the waste discharge to sewer. The risk of contamination is managed by this procedure. Since the monitoring began there has not been any instance of higher than acceptable levels of radioactive waste within the sewer.

A similar management policy may be established at the SCCC in consultation with Shoalhaven Council, the local water authority as required by a trade waste agreement.

An alternate management option is delay tanks, in which all fluids used in cleansing their units are discharged into normal sewage system with no monitoring. However, the use of delay tanks is not considered appropriate for the SCCC for the following reasons:

Delays tanks are usually for higher strength therapy doses than what will be used at the SCCC.

The use of delay tanks in nuclear medicine facilities are currently being questioned, as there is opinion that there is a greater OH&S risk involved in storing large quantities on hospital sites rather than releasing isolated amounts in diluted quantities, given the high volume of water being expelled from hospital sites, which leads to increased dilution rates.

All people who receive treatment at the SCCC are outpatients and most waste is discharged to the sewage system from their homes. The accommodation on site will only be used by radiotherapy patients.

If on-site testing at the SCCC identifies any concerns with the level of cytotoxins, the proponent would further consider this issue, in consultation with relevant authorities.

GENERAL PUBLIC

Cytotoxic Waste Disposal

Concern that cytotoxic waste will enter local sewerage system and recommends a closed sewerage system.

As noted in 4.2, a closed sewerage system in the form of delay tanks is not considered appropriate for the SCCC.

Management of disposal of cytotoxic waste

Considers that Department of Health should be responsible for the disposal of cytotoxic waste rather than Shoalhaven Council and rate payers

As noted in 4.2, SCCC will work with Shoalhaven Council to manage waste discharge to the sewer.

Use of North Street from West Street to Scenic Drive

Concerned that North Street, from West Street to Scenic Drive, is actually an extinguished road, managed by the Nowra Park Generic Plan of Management.

North Street, from West Street to Scenic Drive, currently operates as a public road. Council has confirmed that the land parcel on which this section of road is located is crown land and the road is currently maintained by Council.

Further it is noted that the two proposed exits from the site enter on to actual road reserve, not the above mentioned land parcel.

Shoalhaven River Riparian Zone

Concern that the proposal intrudes on the Category 1 Riparian Zone along Shoalhaven River, in accordance with the Water Management Act 2000.

NSW Office of Water confirmed during the rezoning assessment that the subject site is not considered to be part of the Shoalhaven River riparian zone nor a riparian landscape.

Aboriginal occupation and scarred trees

Concern that the proposal impacts an aboriginal cultural heritage site, particularly in regards to scarred trees.

Consultation with the Nowra LALC will consider the issue of potential scarred trees. No scarred trees have been identified by heritage and/or arborist investigations.

Bicentennial tree plantings

Concern that the proposal results in removal of trees planted as part of the Bicentennial commemorations in 1988.

The Heritage Impact Statement reviewed Council's heritage listings on and surrounding the site. The Bicentennial Trees are not recorded in Council's heritage/cultural listings nor did the site visit, undertaken as part of the Heritage Impact Statement, identify evidence to suggest trees on site had heritage/cultural significance relating to the bicentenary

State Heritage Register nominations

Concern that the proposal does not consider the following State Heritage Register Nominations:

- Aboriginal occupation and relics of Paringa, Nowra Park and Nowra Creek
- Catholic Quarter and associations since 1811
- The oldest Park in Nowra and linked to with the establishment of the first Dedicated Public Park in Australia
- Nowra Park as a place of Aboriginal occupation and recreation.

The Heritage Impact Statement reviewed listings and any nominated listings identified through Council/State heritage documents. The listings nominated by the proponent were not found nor are they contained on the NSW Heritage Branch's

'Nominations for the State Heritage Register' website.

SEPP 71 Sensitive Coastal Location

Notes that the site is subject to the provisions of SEPP 71 Sensitive Coastal Location

The EIS addresses SEPP 71 at Appendix B and found that the *'planning proposal is consistent with the aims to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the scenic quality of the surrounding area.'*

Scenic value of site

Concern that the site, as part of Nowra Park has high scenic value (trees to west are a backdrop to the town) and community value.

The EIS identified that the site had scenic value when viewed from across Shoalhaven River. The EIS assessed potential visual impact from this aspect and concluded that it would be minimal (Refer Appendix Vol 2 Part 3).

It is noted that Council has previously identified visual value of the Nowra Park site as a vegetated western backdrop to the Nowra township. Whilst the proposal will remove a number of trees from the former south-western portion of Nowra Park, it is considered that they remaining trees will maintain a visual vegetated backdrop for the Township.

Impact on Coastal Zone Management Plans

Concern that the proposal impacts land subject to a Coastal Zone Management Plan as per the Coastal Protection Act 1979.

Shoalhaven Council is currently in the process of preparing the Shoalhaven Coastal Zone Management Plan (SCZMP), a draft has not yet been released. Shoalhaven Council reviewed the application and provided no comment in terms of the draft SCZMP.

The proposal has been assessed against SEPP 71- Coastal Protection and is considered to be consistent with the objectives for coastal protection

Development orders on Shoalhaven Hospital

Concern with the ability of the proponent to meet conditions of consent as the submitter is concerned that the proponent did not fully satisfy landscaping conditions relating to DA01/1780 for Shoalhaven Hospital.

This submission does not relate to directly to the proposal under SSD 4952-2011

Petition

The petition supports the issues 5.1 to 5.11 outlined in this submission. It has 47 signatories which includes the Nowra LALC and local residents.

The petition relates to the matters raised in Bill Hancock's submission. Each of these matters are addressed in detail through this letter.

APPENDIX D. SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4952

APPENDIX E. ENVIRONMENTAL ASSESSMENT

See the Department's website at

<https://majorprojects.affinitylive.com/public/f6af774ab45bd443eef1b853b2b23035/EIS%20Report.pdf>

APPENDIX F. CONDITIONS OF APPROVAL
