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NSW Department of Planning and Infrastructure
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9 January 2012

Dear Chris

**Shoalhaven Cancer Care Centre- State Significant Development (SSD) 4952-2011
Response to exhibition submissions**

This letter responds to the agency and public submissions received during the exhibition of State Significant Development 4952-2011 for the Shoalhaven Cancer Care Centre, which occurred in December 2011. It also outlines a minor modification to the submitted plans as a result of on-going consultation with Shoalhaven Council.

Response to submissions

During the exhibition four submissions were received from public agencies being Shoalhaven City Council, NSW Environmental Protection Authority (EPA), NSW Rural Fire Service and the Nowra Local Aboriginal Land Council (NLALC). One public submission was received which included a petition with 43 signatures.

The proponent has reviewed each issue raised and provided a response in the attached matrix. We are confident that each of the issues raised has been appropriately addressed and not additional changes to the plans are required.

In response to the submissions the proponent has agreed to undertake the following actions:

- _ Continue with consultation with the Nowra Local Aboriginal Land Council, this is currently underway and a summary report will be provided to DoPI at its conclusion in February.
- _ Undertake stagwatch surveys, this will occur in February and the results provided to DoPI.

Additional car parking works

As part of the on-going consultation with Shoalhaven Council it was agreed that additional car parking be provided within the Shoalhaven Hospital precinct to address existing car parking shortages at the Hospital. These car park works will occur concurrently with the construction of the SCCC and consist of:

- _ 26 new 90 degree car parking spaces within the kerb of the eastern side of Scenic Drive
- _ Reconfiguration of existing car park to the south of the Shoalhaven Hospital to increase the number of car parking spaces.
- _ Removal of Tree 76 within the existing car park to allow reconfiguration works

The above works are considered as exempt development as per the provisions of SEPP (Infrastructure) 2007 and works to Council land will be undertaken in conjunction with Council. As such the additional parking shown on the attached architectural plans are provided for information purposes only.

We trust that the response to the submissions made to the SCCC will assist the Department with its assessment of the proposal. Should you have any queries please do not hesitate to contact me on 9101 2113.

Regards

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Associate

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cc Troy Harvey, Health Infrastructure
Alex Belcastro, Johnstaff Projects

Response to Submissions

ISSUE		RESPONSE
1.0 Shoalhaven City Council		
1.1 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 swipe card or pin number system.
1.2 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 if Stage 2 goes ahead at a later date.
1.3 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.
1.4 Threatened Species Report Council supports the recommendations of the Flora and Fauna Assessment.		Noted.
1.5 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.
1.6 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 10KI 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

1.7	Waste Water Services	
	Proposal subject to Council's Tradewaste Policy. Sewerage is to be made available to proposal and Council's existing sewerage 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.	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. Sewer extension is currently being designed by Allen Price & Associates with consultation with Shoalhaven Water.
2.0	NSW EPA	
2.1	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 _A max noise limits in Condition L6.1 - there are no L _A max 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.
2.2	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.
2.3	Biodiversity Assessment Guidelines Flora and Fauna Report (Lesryk 2011) was not	Lesryk consider this comment relates to the lack of stag watch surveys as outlined below.

	prepared in accordance with the Biodiversity Survey and Assessment: Guidelines for Developments and Activities (Dec 2004).	
2.4	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.
2.5	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.
2.6	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.
3.0 NSW Rural Fire Service		
3.1	Asset Protection Zones Recommends condition of consent: <i>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'.</i>	Agree to condition.
3.2	Water and utilities Recommends condition of consent: <i>Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bushfire Protection 2006.</i>	Agree to condition.
3.3	Access Recommends condition of consent: <i>Internal roads shall comply with section 4.2.7 of Planning for Bushfire Protection 2006.</i>	Agree to condition.
3.4	Evacuation and Emergency Management Recommends condition of consent: <i>An Emergency/Evacuation Plan shall be prepared in accordance with section 4.2.7 of Planning for Bushfire Protection 2006.</i>	Agree to condition.
3.5	Design and construction Recommends condition of consent: <i>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.</i>	Agree to condition.
3.6	Landscaping Recommends condition of consent: <i>Landscaping to the site is to comply with Appendix 5 of "Planning for Bushfire Protection" 2006.</i>	Agree to condition.
4.0 Nowra Local Aboriginal Land Council		

4.1	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.
4.2	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.
5.0 Public Submission and Petition: Bill Hancock		
5.1	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.
5.2	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.
5.3	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.
5.4	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.
5.5	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.
5.6	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.
5.7	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.
5.8	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 <i>'planning proposal is consistent with the aims to ensure that the type, bulk, scale and</i>

		<i>size of development is appropriate for the location and protects and improves the scenic quality of the surrounding area.'</i>
5.9	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.
5.10	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.
5.11	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.
5.12	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.

Proposed additional Statement of Commitments:

Noise management

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

Type of Receiver	Noise Level dB re 20 μ Pa		
	Daytime 07:00 to 18:00	Evening 18:00 to 22:00	Night-time 22:00 to 07:00
Intrusiveness Assessment LAeq,15min			
Residential Premises	43	41	37
Amenity Assessment LAeq,Period			
Residential Premises	55	45	40

1.2 For the purpose of condition 1.1;

- 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.

1.3 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, 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.

1.4 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.

1.5 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.

1.6 The following activities may be carried out at the premises outside the hours specified in conditions 1.5:

- (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.
- 1.7** 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).
- 1.8** 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.